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planning.lacity.org

Decision Date: March 11, 2025

Appeal Period Ends: March 26, 2025

Pranesh Barua (A)
2632 E Cesar Chavez
Los Angeles, CA 90033

Luxor Properties (O)
4751 Wilshire Boulevard, Unit 203
Los Angeles, CA 90010

Alex Woo (R)
Genesis Consulting Inc
3435 Wilshire Boulevard, Unit 1030
Los Angeles, CA 90010

CASE NO. ZA-2024-4122-CUB
CONDITIONAL USE - ALCOHOL
2630-2632 East Cesar E Chavez Ave
Boyle Heights Community Plan
Zone: C2-1-CUGU
C.D: 14 – Jurado
D.M.: 127-5A225
CEQA: ENV-2024-4123-CE
Legal Description: Lots: 2, Block: None,
Tract: H.J. Woolacott's Subdivision of Lot 6
of the Matthews and Fickett Tract

Pursuant to California Environmental Quality Act (CEQA), I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects based on unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies; and

Pursuant to Los Angeles Municipal Code (LMAC) Section 12.24 W.1, I hereby APPROVE:

a Class 2 Conditional Use to allow the sale of a full line of alcohol for off-site consumption in conjunction with an existing convenience store in the C2-1-CUGU Zone; and

Pursuant to Los Angeles Municipal Code Section 12.24 W.27, I hereby APPROVE:

a Class 2 Conditional Use to allow a market with hours of operation from 7:00 a.m. to 12:00 a.m., Sunday through Thursday, and 7:00 a.m. to 1:00 a.m., Friday and Saturday, in lieu of the 7:00 a.m. to 11:00 p.m. maximum hours of operation otherwise allowed within a commercial corner development in the C2-1-CUGU Zone;

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard covenant and agreement form CP 6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. **Authorization.** Approved herein is the sale of a full line of alcohol for off-site consumption in conjunction with an existing 1,493 square-foot convenience store, subject to the following limitations:
 - a. The hours of operation are limited to 7:00 a.m. to 12:00 a.m., Sunday through Thursday, and 7:00 a.m. to 1:00 a.m., Friday and Saturday.

- b. After hour use shall be prohibited, except for routine clean-up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.
- 8. **Good Neighbor Program.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

- 9. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
- 10. An electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
- 11. Upon receipt of any violations issued by any City department or other public jurisdictions relating to such operation's alcohol service, the applicant shall submit a copy of the violation, within five business days, to the Development Services Center, Department of City Planning, for inclusion in the administrative case file.
- 12. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits, and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
- 13. The exterior windows and glass doors of the commercial building shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height so as to permit surveillance into the commercial building by Police and any private security.
- 14. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.

15. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public alleys abutting the site, free of debris or litter.
16. Loitering is prohibited on or around these premises or the area under the control of the applicant. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility in the same language(s).
17. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
18. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses. The applicant/business operator/manager shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal, criminal, and nuisance activity.
19. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, the Department of Building and Safety, the Department of City Planning, or any other agency responsible for the enforcement of conditions. The on-site Manager and employees shall be knowledgeable of the conditions herein.
20. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area, including accessory parking areas, over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

ADMINISTRATIVE CONDITIONS

21. **MVIP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01 E.3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance

with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.

- b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
22. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of their new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement, or number of seats of the new operation.
23. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of City Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
24. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19.01 E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius

of the property, the Council Office, and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add, or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

25. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans." A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
26. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
27. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
28. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
29. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
30. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning through the enforcement of the Department of Building and Safety.
31. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent

continuation of, construction activity shall constitute utilization for the purposes of this grant.

32. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the

applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. Unless otherwise provided in Chapter 1A, Chapter 1 (General Provisions and Zoning), or in a project’s conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 13A.2.7.G of Chapter 1A of the Los Angeles Municipal Code provides:

“A Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission, or City Council in connection with the granting of any action taken pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning), shall constitute a violation of this Chapter or Chapter 1 (General Provisions and Zoning) and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on February 6, 2025, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a Class 2 Conditional Use under the provisions of Section 12.24 W have been established by the following facts:

BACKGROUND

The subject property consists of two rectangular lots, approximately 9,000 square feet in size with a frontage of approximately 90 feet along Cesar E Chavez Avenue, and a frontage of approximately 100 feet along Mott Street. The subject site is developed with a one- and two-story 10,758 square-foot building with the subject 1,493 square-foot market (Sakura Market), a café shop, a smoke shop, a barber shop, and residential uses.

The property is located within the Boyle Heights Community Plan Area, which designates the subject property as a Community Commercial land use with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5. The subject property is zoned C2-1-CUGU. The property is also located within the Boyle Heights Clean Up Green Up Supplemental Use District (ZI-2458), the East Los Angeles State Enterprise Zone (ZI-2129), the Adelante Eastside Redevelopment Project Area (ZI-2488), an Urban Agriculture Incentive Zone, and is located 1.76 km from the Upper Elysian Park Fault. There are no exterior changes proposed.

According to the California Department of Alcoholic Beverage Control's publicly accessible License Lookup database, the establishment is in possession of License No. 616172, a Type 20 license, for off-sale beer and wine in conjunction with a market. There are no noted operating restrictions, disciplinary actions, or history associated with the license. The subject establishment has been in possession of an alcohol license for off-sale beer and wine since 2020.

The applicant seeks a Class 2 Conditional Use authorization to allow the sale of a full line of alcohol for off-site consumption in conjunction with the operation of an existing, approximately 1,493 square-foot convenience store, with hours of operation limited to 7:00

a.m. to 12:00 a.m., Sunday through Thursday, and 7:00 a.m. to 1:00 a.m., Friday and Saturday.

Surrounding Properties

The northern, eastern, and western adjoining properties are zoned C2-1CUGU and developed with one-story commercial uses. The southern adjoining properties are zoned RD1.5-1-CUGU and developed with one- and two-story residential buildings.

Streets

Cesar E Chavez Avenue, adjoining the subject property to the north, is a designated Modified Avenue II, dedicated to a right-of-way width of 82.5 feet and improved with asphalt roadway, concrete curb, and sidewalk.

Mott Street, adjoining the subject property to the east, is a designated Collector Street, dedicated to a right-of-way width of 66 feet and improved with asphalt roadway, concrete curb, and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Subject Property (since 2000):

There were no previous cases, affidavits, permits or orders found on the subject property.

Previous Cases, Affidavits, Permits, and Orders on the Surrounding Properties:

Staff utilized a 1,000-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. The following relevant cases were filed within the last 10 years and identified as being within 1,000 feet of the project site:

There were no previous cases, affidavits, permits or orders found on the surrounding properties.

PUBLIC HEARING

A Notice of Public Hearing was sent to property owners and occupants residing within 300 feet of the subject site, for which an application was filed with the Department of City Planning. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions, and present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The hearing was held on February 6, 2025 at approximately 9:00 a.m. The hearing was conducted by Zoom and telephonically. The following testimony was received at the hearing:

Alex Woo, representative:

- Sakura Market

- Neighborhood Market serving the community since the 1970s
- Have had Type 20 license for Beer and Wine since 1978
- People come to shop for daily items
- Family atmosphere
- Previous owner not able to run the store any longer
- In the last four and a half years under new ownership
- Improvements have been made
- Provides items upon request for various items for community members
- Gifts small items to children on their birthdays
- Customers have asked for a full line of alcohol
- Awarded Type 21 license
- Brothers have other locations with alcohol sales
- 280 signatures have been gathered in support of request
- Have complied with all regulations in the last five years and will continue to comply

Tim Fargo, Associate Zoning Administrator:

- Have LAPD, the Neighborhood Council, or the Council Office been in communication regarding this request?

Alex Woo, representative:

- Reached out to LAPD and did not hear back
- If they have no issues, often do not hear back from them
- Have not reached out to the new council office
- Had been in communication with de Leon though
- De Leon's Council Office said they would attend hearing
- Hearing was previously scheduled for December 6, 2025 but had logistical issues and had to reschedule
- Had heard from Council Office that they would support the project depending on the level of community support
- Did not meet with Neighborhood Council since they were not meeting at the time

Tim Fargo, Associate Zoning Administrator:

- Has the site ever had full alcohol sales in the past?

Alex Woo, representative:

- No, just beer and wine

Tim Fargo, Associate Zoning Administrator:

- Are you aware of any loitering or public drinking or nuisance activity around the store?

Alex Woo, representative:

- No citations or violations with LAPD or ABC since under new ownership
- Other locations also have a spotless record

During the Public Comment period, there were 26 speakers. The speakers made similar points in support of the request, including that the store is clean, conveniently located, and that the people who run the store are very professional and provide good service. Other comments included that coworkers of one speaker must drive downtown to get alcohol. Another speaker said they must go far away to purchase any alcohol other than beer and wine. One speaker said that the owners do not allow vagrancy or loitering around the business. No one spoke against the proposal.

Tim Fargo, Associate Zoning Administrator:

- Is there any known opposition to the proposed conditional use?

Alex Woo, representative:

- There is no known opposition from the public
- Project planner did not indicate that they had received anything negative
- The owners have a personal relationship with clients

PUBLIC WRITTEN CORRESPONDENCE

No public written correspondence has been received.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator:

- There shall be no exterior advertising of any kind or type, including advertising directly to the

exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

- Alcoholic beverages shall not be displayed in an ice tub.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- No alcohol shall be allowed to be consumed onsite nor on any adjacent property under the control of the applicant.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the Zoning Administrator are located within Section 12.24 W of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

Following (in bold) is a delineation of the findings and the application of the relevant facts to same:

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject property consists of two rectangular lots, approximately 9,000 square feet in size with a frontage of approximately 90 feet along Cesar E Chavez Avenue, and a frontage of approximately 100 feet along Mott Street. The subject site is developed with a one- and two-story 10,758 square-foot building with the subject 1,493 square-foot market (Sakura Market), a café shop, a smoke shop, a barber shop, and residential uses.

The applicant is approved for a Class 2 Conditional Use authorization to allow the sale of a full line of alcohol for off-site consumption in conjunction with the operation of an existing, approximately 1,493 square-foot convenience store, with hours of

operation limited to 7:00 a.m. to 12:00 a.m., Sunday through Thursday, and 7:00 a.m. to 1:00 a.m., Friday and Saturday.

Sakura Market will continue to enhance the built environment in the surrounding neighborhood as a market selling prepackaged goods and household items, providing a service that is essential and beneficial to the community. Public testimony has established that the market is clean, conveniently located, and that the operators are professional and provide good service. The Conditional Use Permit allows for Sakura Market to offer a wider selection of alcoholic beverages, providing for a more convenient shopping experience for the community by eliminating the need for additional shopping trips.

The grant to allow off-site sales of a full line of alcohol at this location has been conditioned to ensure that the use will not adversely impact the built environment or neighboring residents and will be compatible with other uses in the surrounding community. As such, the project will enhance the surrounding neighborhood and provide a service that is beneficial to the community.

2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

The property is located within the Boyle Heights Community Plan Area, which designates the subject property as a Community Commercial land use with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5. The subject property is zoned C2-1-CUGU.

The subject property consists of two rectangular lots, approximately 9,000 square feet in size with a frontage of approximately 90 feet along Cesar E Chavez Avenue, and a frontage of approximately 100 feet along Mott Street. The subject site is developed with a one- and two-story 10,758 square-foot building with the subject 1,493 square-foot market (Sakura Market), a café shop, a smoke shop, a barber shop, and residential uses.

The northern, eastern, and western adjoining properties are zoned C2-1CUGU and developed with one-story commercial uses. The southern adjoining properties are zoned RD1.5-1-CUGU and developed with one- and two-story residential buildings. The project will not adversely affect or degrade these properties, and the use will remain compatible with the surrounding uses, since the project does not detract from the primary operation of being a neighborhood market.

According to the California Department of Alcoholic Beverage Control's publicly accessible License Lookup database, the establishment is in possession of License No. 616172, a Type 20 license, for off-sale beer and wine in conjunction with a market. There are no noted operating restrictions, disciplinary actions, or history associated with the license. A market has been at this location since at least the

1970s. The subject establishment under current ownership has been in possession of an alcohol license for off-sale beer and wine sales since 2020.

The applicant is approved for a Class 2 Conditional Use authorization to allow the sale of a full line of alcohol for off-site consumption in conjunction with the operation of an existing, approximately 1,493 square-foot convenience store, with hours of operation limited to 7:00 a.m. to 12:00 a.m., Sunday through Thursday, and 7:00 a.m. to 1:00 a.m., Friday and Saturday.

The Zoning Administrator has imposed conditions to prevent adverse impacts and integrate the use into the neighborhood. Conditions address the mode and character of the store, responsible management, addressing of nuisance, surveillance, adequate lighting, and training. In addition, the Alcoholic Beverage Control will impose their own set of conditions, to which the applicant will also be subject. Therefore, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety of the community.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Policy 7.3.2 of the Framework Element encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The property is located within the Boyle Heights Community Plan Area, which designates the subject property as Community Commercial land use with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5. The subject property is zoned C2-1-CUGU and is thus consistent with the General Plan's land use designation for the site.

The Boyle Heights Community Plan text is silent regarding the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. The project is consistent with the following objective and policies of the Community Plan:

Objective 1: *To conserve and strengthen viable commercial development in the Community and to provide additional opportunities for new commercial development and services.*

Policy 1: *That commercial facilities be located primarily on east-west traffic arteries to reinforce existing development and to minimize negative impact on residential neighborhoods.*

Policy 2: *That community and neighborhood commercial centers be consolidated and deepened to stimulate existing businesses, create opportunities for development and off-street parking, expand the variety of goods and services, and improve shopping convenience.*

Policy 3: *That the pedestrian-oriented commercial centers of Avenida Cesar Chavez and Soto Street and the Mercado area on East First Street be preserved and continue to serve as focal points for shopping, social, and entertainment activities.*

Policy 5: *That neighborhood markets and retail and service establishments oriented to the residents be retained throughout the Community, within walking distance of residents.*

This approval will bolster the economic viability of the existing market, thereby strengthening the vibrancy and longevity of the commercial corridor along Cesar E Chavez Avenue and the surrounding neighborhood. The existing market will continue to provide neighboring residents and the local workforce with a convenient grocery option that will support pedestrian activity in the neighborhood, thus increasing public safety.

A variety of commercial uses, including neighborhood markets, are an intrinsic part of the diversity of commercial uses necessary for the conservation, development, and success of a vibrant commercial area. The development in the area caters to a variety of needs and serves a mixture of residential, office and commercial uses, as well as visitors. The sale of a full line of alcohol for off-site consumption in conjunction with a market is not an uncommon request, and as conditioned, the project is not anticipated to impact the neighborhood in a negative manner.

The project site is not located in a specific plan area. Given the foregoing discussion, the project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any specific plan.

4. **The proposed use will not adversely affect the welfare of the pertinent community.**

As discussed in Finding Nos. 1 and 2 and given the scope of the conditions and limitations established herein, the surrounding land uses are not expected to be adversely affected by the sale of a full line of alcohol for off-site consumption at the subject market. A variety of commercial uses are an intrinsic part of service amenities

necessary for the conservation, development, and success of a vibrant neighborhood. A market is a permitted use in the C2-1-CUGU Zone and is a use that is consistent with the existing neighborhood and other commercial centers in the surrounding area.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and promoting responsible management. Employees will undergo training on the sale of alcohol including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter, and noise prevention will safeguard the nearby uses. With compliance with the imposed conditions, the sale of a full line of alcohol for off-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, or safety.

The State of California's Department of Alcoholic Beverage Control will impose conditions as deemed necessary for alcohol sale, as the City has no jurisdiction to otherwise mandate said conditions. Additionally, should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if, at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. Thus, as conditioned, it can be found that the proposed use, including the sale and dispensing of alcohol, will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-site and two off-site licenses are allocated to the subject Census Tract 2042. Currently there are two active on-site licenses and three active off-site licenses in this Census Tract. The establishment is in possession of License No. 616172, a Type 20 license, for off-sale beer and wine in conjunction with a market. There are no noted operating restrictions, disciplinary actions, or history

associated with the license. The subject establishment has been granted a Type 21 license by the California ABC. The approval authorizes an upgrade from the sale of beer and wine only to the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing market. This license will replace the previous Type 20 and would not result in an increase in the number of licenses, as this supersedes the existing alcohol sales license associated with the market.

Additionally, concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license provides a public service and benefits the community, public welfare, and convenience. The subject site is in a commercial corridor and the proposed project generated extensive support from the community, as discussed in previous Findings. Furthermore, ABC has the discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. Thus, as conditioned, the granting of this application will not negatively impact the area, will provide a public service, and will not result in undue concentration.

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 466, which has jurisdiction over the subject property, a total of 154 crimes were reported in 2023 (127 Part I Crimes and 27 Part II Arrests), compared to the Citywide Average of 162 crimes and the High Crime Reporting District Average of 194 crimes. Part II Arrests reported include (2) Narcotics, (1) Disorderly Conduct, (2) DUI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years. The above crime statistics indicate that the crime rate in the reporting district where the subject site is located is lower than the citywide average. Additionally, no evidence has been submitted to the record establishing any nexus between the subject site or use and the area's crime rate.

Negative impacts commonly associated with the sale and dispensing of a full line of alcohol such as criminal activity, public drunkenness, and loitering are minimized by the conditions of approval that are imposed in this grant. The project is not expected to adversely affect public welfare and is in an area that is appropriate for its use. Operational conditions in the grant address public drinking, loitering, noise, security, STAR/LEAD/RBS Training, and age verification to ensure that the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. These imposed conditions are an integral component of this approval and require diligent compliance on the part of the applicant for effectiveness. Therefore, given the above, and as conditioned, the granting of the application will not result in an undue concentration of premises for the sale or dispensing of alcoholic beverages in the area of the City involved.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the**

distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The subject establishment is located along East Cesar E Chavez Ave, a heavily urbanized commercial corridor. The project site is zoned for commercial uses and will continue to be utilized as such with the continuing market use. The northern, eastern, and western adjoining properties are zoned C2-1CUGU and developed with one-story commercial uses. The southern adjoining properties are zoned RD1.5-1-CUGU and developed with one- and two-story residential buildings.

According to information submitted by the applicant, within 1,000 feet of the subject site, there are five establishments that have an ABC license, including the following:

Alcohol Establishment	License Type	Address
The Paramount	On-site – Full Line	2708 East Cesar E Chavez Avenue
Brooklyn Avenue Pizza	On-site – Full Line	2706 East Cesar E Chavez Avenue
El 7 Mares	On-site – Beer & Wine	2747 East Cesar E Chavez Avenue

According to information submitted by the applicant, in addition to residential uses, the following sensitive uses are located within a 1,000-foot radius of the site:

Schools/Day Care	
N/A	N/A
Religious Institutions	
N/A	N/A
Hospitals	
N/A	N/A
Recreation and Parks	
Variety Boys & Girls Club	2530 Cincinnati Street

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. No communication has been received by any residents or representative expressing concern or opposition to the request. In contrast, there was considerable public support for the request. The grant has been conditioned to protect the health, safety, and welfare of the surrounding neighbors. The potential effects of public drinking, excessive noise, and disruptive behavior have been considered and addressed by imposing conditions related to loitering, noise, and the monitoring of the site by responsible management during hours of operation and with a security camera system. The project is consistent with the zoning and the existing uses adjacent to the development. This project will continue to contribute to the neighborhood and will serve neighboring residents, local employees, and others.

Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

COMMERCIAL CORNER / MINI-SHOPPING CENTER FINDINGS

7. **Based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking on the project will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The approved hours of operation from 7:00 a.m. to 12:00 a.m., Sunday through Thursday, and 7:00 a.m. to 1:00 a.m., Friday and Saturday, exceed the otherwise permitted hours of operation from 7:00 a.m. to 11:00 p.m. daily within an existing Commercial Corner Development/Mini-Shopping Center. However, the approved hours of operation will have no significant increase in traffic congestion or disruption of vehicular circulation on adjacent streets as this represents an extension of hours outside of peak traffic periods and no new access is proposed to adjacent public rights-of-way. As such, the project will not create a traffic hazard or cause significant congestion or disruption of vehicular traffic.

8. **Project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

The applicant is approved for hours of operation that extend beyond the 7:00 a.m. to 11:00 p.m. limitation for uses located within a Commercial Corner Development/Mini-Shopping Center. The project is located within an existing Commercial Corner Development/Mini-Shopping Center on property zoned for commercial use. No new construction is proposed. The approved hours of operation do not result in an increase in the concentration of Commercial Corner Developments or Mini-Shopping Centers in the vicinity of the project.

ADDITIONAL MANDATORY FINDING

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas of minimal flood hazard.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.gov/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.gov/development-services/forms>. Public offices are located at:

Metro DSC	Van Nuys DSC
201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org (213) 482-7077	6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org (818) 374-5050
South LA DSC	West LA DSC
(In person appointments available on Tuesdays and Thursdays 8am-4pm only) 8475 S. Vermont Avenue 1st Floor Los Angeles, CA 90044 planning.southla@lacity.org	(CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org (310) 231-2901

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](https://appointments.lacity.gov) portal (appointments.lacity.gov). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal Filing



QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

Inquiries regarding the matter shall be directed to Jaime Espinoza, Planning Staff for the Department of City Planning at (213) 978-1357 or jaime.espinoza@lacity.org.

A handwritten signature in blue ink, reading "Tim Fargo", with a long, sweeping horizontal line extending to the right.

TIM FARGO
Associate Zoning Administrator

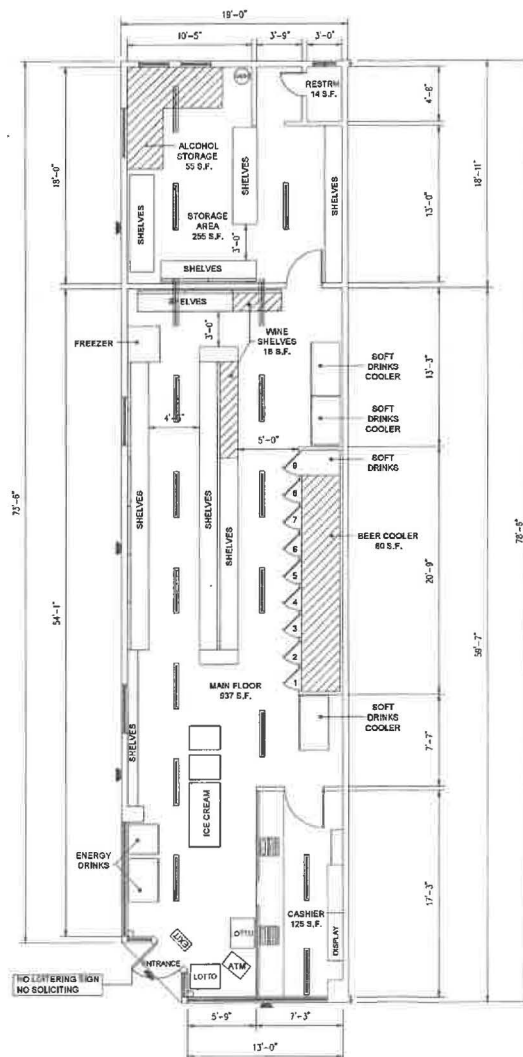
TF:AC:JE:mc

cc: Councilmember Ysabel Jurado
Fourteenth District
Adjacent Property Owners
Interested Parties

EXHIBIT "A"
Page No. 2 of 2
Case No. ZA-2024-4122-CUB

Page No. 2 of 2

Case No. ZA-2024-4122-CUB



FLOOR AREA: (1,493 S.F.)

MAIN AREA:	937 S.F.
CASHIER :	125 S.F.
RESTROOM:	14 S.F.
STORAGE:	255 S.F.
BEER COOLER :	60 S.F.
ALCOHOL STORAGE :	55 S.F.
WINE SHELVES:	18 S.F.
OTHERS:	29 S.F.
TOTAL:	1,493 S.F.

PARKING PROVIDED:

PARKING SPACE: 4 PARKING SPACE

EXISTING 1ST FLOOR PLAN (1,493 SQ.FT.)

SCALES: 1/4" = 1'-0"

1'	2'	3'	4'	5'	10'
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 EXISTING WALLS
 INTERIOR FLUORESCENT LIGHTS
 EXTERIOR BUILDING LIGHTS

REVISIONS

GENESIS CONSULTING INC.
3435 WILSHIRE BLVD. STE. 1030
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LOS ANGELES CA 90033

AKURA MARKET
6632 E CESAR E CHAVEZ AVE
LOS ANGELES CA 90033

DATE	06-14-2024
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SCALE 3/8" = 1'-0"

DRAWN G.C.

JOB
 SUBJECT

SHEET
A 2

A-2