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Decision Date: August 1, 2024

Appeal Period Ends: August 16, 2024

Kimberly Johnsen (A)
Potluck Local
1560 Hazelwood Avenue
Los Angeles, CA 90041

Nighthawk Projects LLC (O)
333 Grant Avenue, Unit #709
San Francisco, CA 94108

Manny Diaz (R)
FE Designing & Consulting
327 East Second Street, Unit #222
Los Angeles, CA 90012

CASE NO. ZA-2024-1834-CUB
CONDITIONAL USE
4701- 4705 1-4 East York Boulevard;
1506 North Munson Avenue, Unit #102
Northeast Los Angeles Community Plan
Area
Zone : [Q]C4-1XL
C.D. : 14 – de León
D.M. : 156A223
CEQA : ENV-2024-1835-CE
Legal Description: Lots FR 12 and 13,
Block A, Tract 635

Pursuant to California Environmental Quality Act, 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 or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

a Class 2 Conditional Use to allow the sale of beer and wine for off-site consumption in conjunction with a new retail food market in the [Q]C4-1XL 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 master 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. Authorized herein is the sale of beer and wine for off-site consumption in conjunction with a 626 square-foot retail food market. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 9:00 a.m. to 9:00 a.m., daily.
8. No after-hours use is permitted, except 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.
9. 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.

10. 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.
11. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
12. Parking shall be provided in compliance with the code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
13. **Complaint Log.** 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 cash registers.

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.

14. 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 behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
15. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
16. **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.
17. 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, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.

18. 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 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.
19. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris and litter.
20. Pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
21. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
23. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
24. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
25. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.

26. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, performers or fashion shows.
27. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
28. Operator shall attend periodic meetings with the LAPD, The Council Office, and community members to discuss ongoing operations, recent complaints, and shall revise operational procedures in order to address issues to the satisfaction of the LAPD.

ADMINISTRATIVE CONDITIONS

29. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
30. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E, 3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations 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.
31. 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 his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

32. 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.
33. 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 his/her 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.
34. **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. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become 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 12.29 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 July 24, 2024 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 conditional use approval under the provisions of Sections 12.24 W.1 have been established by the following facts:

Background

The project site is comprised of two flat parcels encompassing a total of 16,501 square feet in the Highland Park neighborhood. The project site fronts East York Boulevard and North Munson Avenue with a frontage of approximately 170 feet and 100 feet, respectively. The project site is developed with three one-story commercial buildings with multiple tenant spaces occupied by restaurant and retail uses. In addition, fronting the commercial uses is an associated surface parking lot.

The property is zoned [Q]C4-1XL with a land use designation of Neighborhood Commercial within the Northeast Los Angeles Community Plan. The subject project is also located within a Preliminary Fault Rupture Study Area, State Enterprise Zone, Alquist-Priolo Earthquake Fault Zone, Urban Agriculture Incentive Zone, Special Grading Area, Liquefaction Zone, and is within the Raymond Fault Zone.

The proposed retail food market will occupy one of three tenant spaces located within a one-story commercial building. The retail food market will encompass 626 square feet. Shared parking will be provided for the project and the site's commercial tenants through an associated surface parking lot. Vehicular and pedestrian access will be located along East York Boulevard.

The applicant requests a Conditional Use to allow the sale and dispensing of beer and wine for off-site consumption in conjunction with the a new retail grocery market with hours of operation from 9:00 a.m. to 9:00 p.m., daily.

Surrounding Properties

Properties surrounding the project site are zoned [Q]C4-1XL and R1-1. These properties are developed with single- and multi-family residential buildings and low-rise commercial structures utilized for retail, restaurant, and other commercial use. The project site fronts East York Boulevard which serves as a commercial corridor connecting residents, works, and visitors to retail businesses, jobs, nearby housing in the vicinity.

Properties located east and west of the project site are zoned [Q]C4-1XL and R1-1 and are developed with low-rise residential and commercial buildings. Properties located north of the project site are zoned R1-1, and are developed with a single- and multi-family residential buildings. Properties located south of the project site across East York Boulevard are zoned [Q]C4-1XL and R1-1 and are developed with low-rise residential and commercial buildings.

Streets and Public Transit

East York Boulevard, adjoining the subject property to the south, is a designated Avenue II, dedicated to a Right-of-Way width of 86 feet and a Roadway width of 56 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

North Munson Avenue, adjoining the subject property to the west, is a designated Local Street – Standard, dedicated to a Right-of-Way width of 60 feet and a Roadway width of 36 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Alley, adjoining the subject property to the east is an alley with a width of 20 feet and is improved with asphalt, landscaping, and utility poles. The alley provides access to back-of-house services and parking for residential properties located along North Armadale Avenue and North Munson Avenue.

The project site is located approximately 200 feet from the intersection of North Armadale Avenue and East York Boulevard which includes a bus stop for Metro Local Line 182 and provides westbound/eastbound service between East Hollywood and Rose Hill.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

Case No. ZA-2021-8188-CUB – On January 21, 2022, a Conditional Use Permit was filed for the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant in the [Q]C4-1-1XL, located at 4701 East York Boulevard.

Cases on Surrounding Properties:

Staff utilized a 600-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 in the past 10 years. No determinations with identified.

Public Correspondence

On July 15, 2024, the Eagle Rock Neighborhood Council (ERNC) issued a letter stating that the ERNC fully supports the requested CUB for this project after the motion was passed unanimously at their meeting on June 4, 2024.

On April 17, 2024, the Los Angeles Police Department issued a letter opposing the issuance of an alcohol license for this project. If a license is granted, the Department recommended operating conditions be imposed.

PUBLIC HEARING

A public hearing was held virtually over Zoom Webinar on Wednesday, July 24, 2024 at 10:00 a.m. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

Matthew Mello, the project representative, presented a presentation and responded to questions raised by the Zoning Administrator with the following:

- The project is located in the Eagle Rock neighborhood
- Potluck Local
- Site is in a commercial zone in a commercial stretch in Northeast Los Angeles
- The site was part of a large automobile mechanic complex that was converted to multiple restaurants/retail spaces
- The floor plan show that this is a small local market
- Standard retail space with display area
- Photos of the site on how the space will look and will emulate
- Neighborhood centric; focused
- Walking distance to neighbors
- Informal discussion with LAPD and they are not opposed
- Need to find out where the alcohol will be displayed

Daniel Johnsen, the project applicant, stated the following:

- The alcohol was be located along the back wall; three-door refrigerator
- Located furthest away from the door to make sure space
- There are no doors at the rear
- Meet parking requirements
- This is an appropriate for use; located in the Enterprise Zone
- We looked into "Q", but the Development Services Center stated it didn't warrant for the case
- The Council Office did not provide input

No members of the public provided testimony during the hearing.

The Zoning Administrator closed the public hearing and indicated that findings can be made in the affirmative after review of the administrative record and intends to conditionally grant approval of the case, subject to the submittal of revised plans depicting the location of the alcohol sales.

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.

- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- 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.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- 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.
- The single unit sales of malt liquors and/or malt based products shall be prohibited.
- 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.
- Beer and malt liquor regardless of container size, shall not be sold in units of less than a four-pack. No single sales are permitted.
- Wine shall not be sold in bottles or container smaller than 375ml. Wine coolers shall not be sold in units of less than four-packs.
- Wines shall be sold in bottles of 750ml or larger.
- There shall be no service, sales or open containers of alcoholic beverages on any sidewalk or parking lot. The business shall post a prominent, permanent sign stating, "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES" in a place that is clearly visible to patrons of the licensed 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 and dispensing of a beer and wine for on-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 (highlighted) 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 project site is comprised of two flat parcels encompassing a total of 16,501 square feet in the Highland Park neighborhood. The project site fronts East York Boulevard and North Munson Avenue with a frontage of approximately 170 feet and 100 feet, respectively. The project site is developed with three one-story commercial buildings with multiple tenant spaces occupied by restaurant and retail uses.

The proposed retail food market will occupy one of three tenant spaces located within a one-story commercial building. The retail food market will encompass 626 square feet. Shared parking will be provided for the project and the site's commercial tenants through an associated surface parking lot. The applicant requests a Conditional Use to allow the sale and dispensing of beer and wine for off-site consumption in conjunction with the a new retail grocery market with hours of operation from 9:00 a.m. to 9:00 p.m., daily.

Alcohol service is an ancillary service commonly requested by patrons and provided by convenience stores and grocery markets. The grant to allow the sale of beer and wine for off-site consumption will be ancillary to the retail sales and services provided by the store. General retail and grocery stores such as this project provide a convenient service in mixed-use neighborhoods that provide more diverse commercial businesses, job centers, and residential living options. In addition, the project will provide new opportunities for employment within the community, as well as provide tax revenue to the City. A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The proposed retail food market will cater to the local community, local employees, patrons of adjacent commercial uses, and the residents in the neighborhood.

Moreover, the subject site and surrounding properties were planned, zoned, and subsequently developed for commercial uses such as the subject retail store. Said use will continue to be a convenience to the general public including a wide variety of commercial uses along and around York Boulevard, a well-travelled thoroughfare for residents and passers-by alike. The subject property is also developed in a manner similar to surrounding properties and commercial areas involve similar uses, including retail and restaurant uses that serve a diverse population within the Northeast Los Angeles Community Plan area. As such, the retail grocery market with beer and wine will offer a convenient location and amenity for local residents and visitors and will perform a function and provide a service that is beneficial to the surrounding community.

Interior tenant improvements will be performed to accommodate the new retail food market and the requested Conditional Use does not include live entertainment. Furthermore, the grant to allow the alcohol service has been well conditioned to ensure that that use will not adversely impact neighboring residents or other sensitive uses. As such, the project will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community, city and region.

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 project site is comprised of two flat parcels encompassing a total of 16,501 square feet in the Highland Park neighborhood. The project site fronts East York Boulevard and North Munson Avenue with a frontage of approximately 170 feet and 100 feet, respectively. The project site is developed with three one-story commercial buildings with multiple tenant spaces occupied by restaurant and retail uses. In addition, fronting the commercial uses is an associated surface parking lot.

The applicant is requesting a Conditional Use to allow the sale and dispensing of beer and wine for off-site consumption in conjunction with the a new retail grocery market with hours of operation from 9:00 a.m. to 9:00 p.m., daily.

Properties surrounding the project site are zoned [Q]C4-1XL and R1-1. These properties are developed with single- and multi-family residential buildings and low-rise commercial structures utilized for retail, restaurant, and other commercial use. The project site fronts East York Boulevard which serves as a commercial corridor connecting residents, works, and visitors to retail businesses, jobs, nearby housing in the vicinity.

The proposed operation will be compatible with the surrounding properties as it will enhance economic activity within the Highland Park neighborhood with a new market offering food, beverages, and other goods with ancillary alcohol service for off-site consumption. The sale of alcohol for off-site consumption is a desired service commonly offered by similar establishments in the neighborhood. The convenience store will occupy one of several tenant spaces within a commercial strip mall with pedestrian access along East York Boulevard. The project will maintain a square footage of 626 square feet with hours of operation of 9:00 a.m. to 9:00 p.m., daily. Market operations and activities will take place within the tenant space and primary access to the project site will be located from East York Boulevard, therefore the project will not result in any significant noise impacts or nuisances onto nearby residential properties. As such, the convenience store's location, size, and height will conform with the design and layout of the subject tenant space of the commercial strip mall and will be compatible with the adjacent tenants and properties.

Furthermore, the Zoning Administrator has imposed numerous conditions to prevent adverse impacts and integrate the use into the neighborhood. Conditions address responsible management, addressing of nuisance, and surveillance and training. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to. 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.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Northeast Los Angeles Community Plan Area and designates the land use as Neighborhood Commercial with the corresponding zones C1, C1.5, P, C2, C4, and RAS3. The subject site is located in the [Q]C4-1XL Zone and is in conformance with the land use designation. The Plan encourages strong and competitive commercial areas that serves the needs of the community. The proposed retail food market and the sale and dispensing of alcoholic beverages addresses this by providing nearby residents and patrons access to a convenient and beneficial service. The subject market will serve beer and wine for off-site consumption, thereby contributing to the commercial character of the vicinity and attracting local investment and employment opportunities. The project is consistent with the following goals and objectives of the Community Plan:

- **Goal 2:** *A strong and competitive commercial areas that suitably serve the needs of the community and attracts customers from outside the plan area by satisfying market demand and maximizing convenience and accessibility while preserving unique historic and cultural identities of each commercial area.*
 - **Objective 2-1:** *To conserve and strengthen viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.*
 - **Policy 2-1.1.** *Consolidate commercial areas through appropriate planning and zoning actions to strengthen the economic base and expand market opportunities.*

- **Objective 2-2:** *To enhance the identity of distinctive commercial districts.*
 - **Policy 2-2.2.** *Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.*

The project supports the Community Plan's Objectives and Policies by providing a desirable and beneficial service to the community. The project will occupy one of several tenant spaces within a commercial strip mall comprised of restaurants and retail stores. The subject market will contribute to the economic vitality and commercial character of the Highland Park neighborhood through the sale of beer and wine for off-site consumption. The required findings in support have been made and the operation has been imposed with conditions of approval to minimize potential impacts on the surrounding neighborhood. Therefore, the project conforms to the purpose, intent, and provisions of the General Plan and the Northeast Los Angeles Community Plan.

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

The subject property is located in the [Q]C4-1XL Zone where conditional authorization for the sale of alcoholic beverages is allowed through the approval of the Zoning Administrator subject to certain findings. The proposed convenient store use is permitted by-right and is appropriate given the surrounding context and General Plan land use designation. The retail food market will occupy one of several tenant spaces within a commercial strip mall and will contribute to the commercial character of the community. The project proposes the sale and dispensing of beer and wine for off-site consumption. Alcohol service will be ancillary to the sale of other food, beverage, and goods offered by the retail food market.

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 responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program.

In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. The applicant is proposing a convenient store that is modest in nature with minimal potential for noise impacts and other nuisance-type activity. All activity occurring on the subject premises will be required to adhere to the imposed conditions. Additional conditions have been included to ensure the operation provides adequate security measures, including a surveillance system, adherence to the City's

Noise Ordinance, and responsible management practices. The City's conditions of approval and any conditions by the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale and dispensing of beer and wine for off-site consumption in conjunction with the proposed convenience store 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 Department of Alcoholic Beverage Control (ABC) licensing criteria, two (2) on-sale and one (1) off-sale are allocated to the subject census tract (Census Tract 1834.01). Currently there are 12 active alcohol licenses held by 10 establishments in the census tract.

The project site is located in a census tract where the number of active on- and off-site licenses exceeds ABC guidelines. The project is located within a commercial strip mall that includes several restaurants and retail stores. The project site also fronts East York Boulevard which is developed with additional retail shops, restaurants, and residential buildings. Concentration can be undue when the addition of licenses will negatively impact a neighborhood. Concentration is not undue, however, when a determination is made that the ABC license(s) will not negatively impact an area, but rather such license benefits the public welfare and convenience. The subject retail food market will provide customers a one-stop shop for all their grocery, snacks, beverages, and other goods. The project will sell beer and wine for off-site consumption only. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by significant employee population, in addition to the increasing resident population base in the area. The ABC has 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. The project will enable the continued provision of a valuable neighborhood serving amenity and provide a desirable service on a major commercial corridor within the area.

According to statistics provided by the Los Angeles Police Department's Van Nuys Division Vice Unit, within Crime Reporting District No. 1125, which has jurisdiction over the subject property, a total of 58 crimes and arrests were reported in 2023 (41 Part I - Crimes and 17 Part II - Arrests), compared to the total area average of 162 offenses, and a High Crime Reporting District of 194 offenses, for the same reporting period. In 2023, there were Narcotics (1), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (2), Disorderly Conduct (0), Gambling (0), DUI related (2), Moving Traffic Violations (0), Miscellaneous Other Violations (1) and other offenses (0). Of the 58 total crimes and arrests reported for the Reporting District, two arrests were made for driving under the influence. 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 statistics indicate that the crime rate in the reporting district where the subject site is located is lower than the citywide average and no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. The project will not adversely affect public welfare because it is a desirable use and convenient amenity in an area designated for such neighborhood- and regional-serving commercial uses. The project received a letter from LAPD, Northeast Area Vice Unit, dated April 17, 2024, with recommended conditions for the Zoning Administrator to consider. The incorporation of conditions relative to the specific operation of the establishment will address and minimize any possible adverse impact on the welfare of the surrounding area, including restrictions on noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Nevertheless, conditions such as those related to the STAR/LEAD/RBS Program, age verification, and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to minimize nuisance and criminal activities have been incorporated into the grant to assure better oversight. Further conditions may be imposed by the California Department of Alcoholic Beverage Control as conditions on the alcohol license. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing alcoholic beverages.

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 project site is zoned for commercial uses and will be utilized as such with the operation of a retail food market. The following sensitive uses are located within a 1,000-foot radius of the site:

- Single- and Multi-Family Residential Uses

- Occidental College

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive use. The grant has been well-conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to the Highland Park community and will serve the neighboring residents, local employees, and visitors. Therefore, as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

FLOOD HAZARD FINDING

7. 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 outside a flood zone.

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.org/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.org/development-services/forms>. Public offices are located at:

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012
planning.figcounter@lacity.org

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401
planning.mbc2@lacity.org

West Los Angeles DSC
(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025
planning.westla@lacity.org

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](http://BuildLA.appointments.lacity.org) portal (appointments.lacity.org). 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 this matter shall be directed to David Woon, Planning Staff for the Department of City Planning at (213) 978-1368.

A handwritten signature in blue ink, appearing to read 'Christina Toy Lee', written over a horizontal line.

CHRISTINA TOY LEE
Associate Zoning Administrator

CL:EA:DW:nm

cc: Councilmember Kevin de León
Fourteenth Council District
Neighborhood Council
Adjoining Property Owners



1077 FIRST AVE. LOS ANGELES, CALIFORNIA 90012

PROJECT INFORMATION

LEGAL DESCRIPTION

SITE ADDRESS : 4705 E. YORK BLVD.
LOS ANGELES, CA.
ZIP CODE : 90042
PIN NUMBER : 156A223 126
LOT/PARCEL AREA (CALCULATED) : 8,505.7 (SQ FT)
THOMAS BROTHERS GRID : PAGE 595 - GRID A1
ASSESSOR PARCEL NO. (APN) : 5474016011
TRACT : TR 635
MAP REFERENCE : M B 16-54/55 (SHT 1)
BLOCK : NONE
LOT : LOTS 26 AND LOT 27
ARB (LOT CUT REFERENCE) : A
MAP SHEET : 156A223

JURISDICTIONAL

COMMUNITY PLAN AREA : NORTHEAST LOS ANGELES
AREA PLANNING COMMISSION : EAST LOS ANGELES
NEIGHBORHOOD COUNCIL : EAGLE ROCK
COUNCIL DISTRICT : CD 14-KEVIN DE LEON
CENSUS TRACT # : 1834.01
LADBS DISTRICT OFFICE : LOS ANGELES METRO

PLANNING & ZONING

SPECIAL NOTES : NONE
ZONING : [O] C4-1XL
ZONING INFORMATION (Z1) : Z1-2442 PRELIMINARY FAULT RUPTURE STUDY AREA
ZONING INFORMATION (Z1) : Z1-2441 ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE
ZONING INFORMATION (Z1) : Z1-2129 STATE ENTERPRISE ZONE: EAST LOS ANGELES
ZONING INFORMATION (Z1) : Z1-2498 LOCAL EMERGENCY TEMPORARY REGULATIONS-TIME LIMITS AND PARKING RELIEF-LAMC 16.02.1

GENERAL PLAN LAND USE : NEIGHBORHOOD OFFICE COMMERCIAL
GENERAL PLAN FOOTNOTE(S) : YES
HILLSIDE AREA (ZONING CODE) : NO
SPECIFIC PLAN AREA : NO
HISTORIC PRESERVATION REVIEW : NO
CDO: COMMUNITY DESIGN OVERLAY : NONE
CPIO: COMMUNITY PLAN IMPRO. OVERLAY : NONE
CUGU: CLEAN UP-GREEN UP : NONE
NSO: NEIGHBORHOOD STABILIZATION OVERLAY : NO
POD: PEDESTRIAN ORIENTED DISTRICTS : NONE
SN: SIGN DISTRICT : NO
STREETSCAPE : NO
ADAPTIVE REUSE INCENTIVE AREA : NONE
ELLIS ACT PROPERTY : NO
RENT STABILIZATION ORDINANCE (RSO) : NO
CRA - COMMUNITY REDEVELOPMENT AGENCY : NONE
CENTRAL CITY PARKING : NO
DOWNTOWN PARKING : NO
BUILDING LINE : NONE

PROJECT DETAILS

TYPE OF USE : RETAIL MARKET
TYPE OF ALCOHOL : TYPE 20 (BEER AND WINE)
HOURS OF OPERATION : 10 AM TO 8 PM (MON.-SUN.)
INTERIOR AREA : 626 S.F.
INTERIOR SEATING : 0
EXTERIOR SEATING : 0
ALCOHOL TASTING : NONE
LIVE ENTERTAINMENT : NONE
DANCING : NONE
PARKING : NO ADDITIONAL PARKING

PROJECT INFORMATION

POTLUCK LOCAL

4705 E. YORK BLVD. #102
LOS ANGELES, CA. 90042

SUBMITTALS

DATE	DESCRIPTION
03/20/24	PLANNING SUBMITTAL
02/23/24	DESIGN DEVELOPMENT
02/13/24	AS-BUILT

SHEET NAME

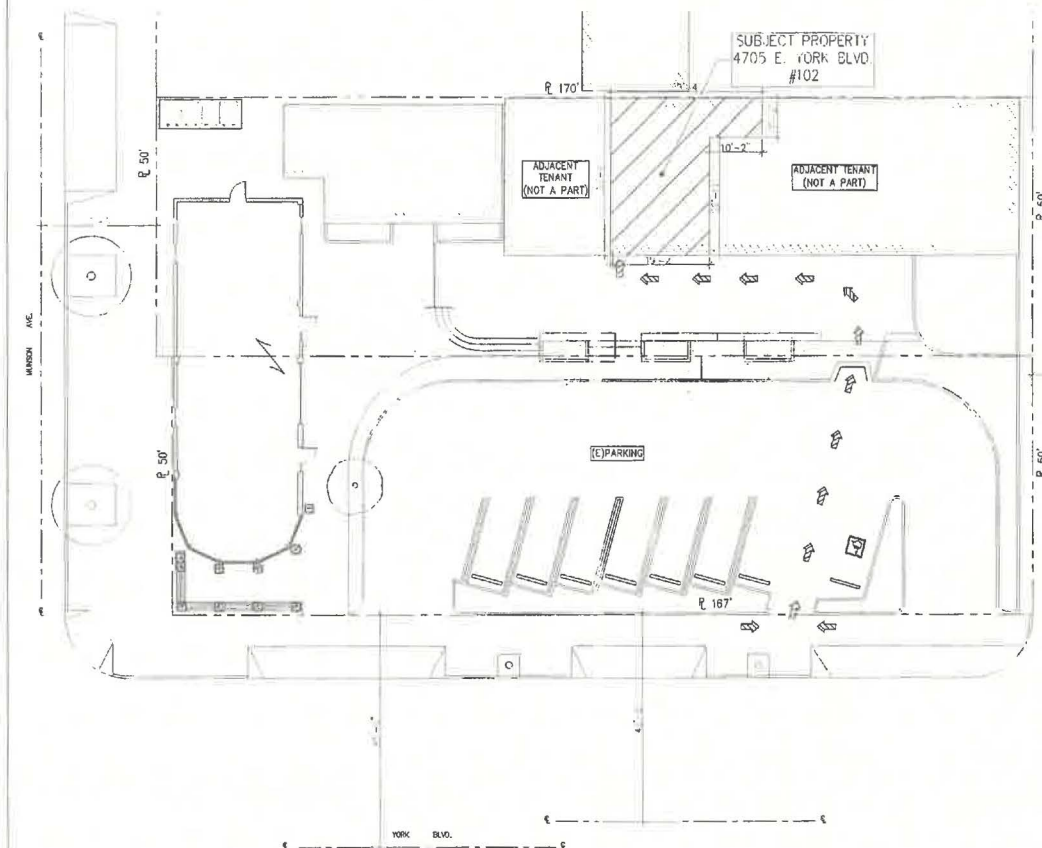
COVER
REVISED

Date:

SHEET NUMBER

EXHIBIT "A"
A-0.0
Page No. 1 of 2

Case No. 24-2024-1934



SITE PLAN
SCALE 3/32" = 1'-0"
GRAPHIC SCALE 3/32" = 1'-0"



FE DESIGN & CONSULTING

3175 186TH ST #102 LOS ANGELES, CALIFORNIA 90044

PROJECT INFORMATION

POTLUCK
LOCAL

4705 E. YORK BLVD. #102
LOS ANGELES, CA. 90042

SUBMITTALS

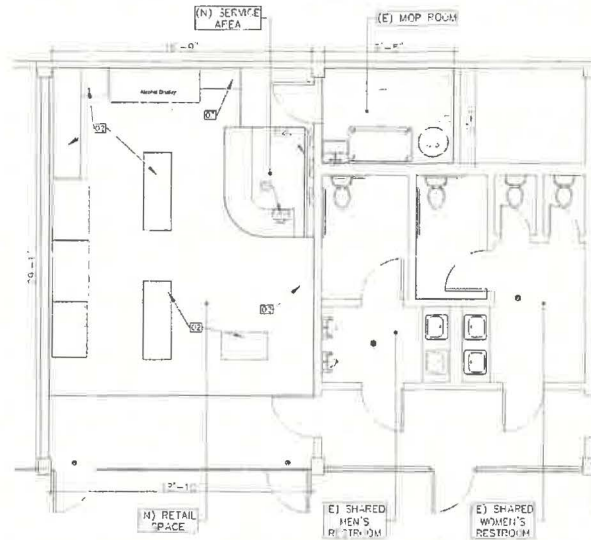
03/20/24	PLANNING SUBMITTAL
02/23/24	DESIGN DEVELOPMENT
02/13/24	AS-BUILT
DATE	DESCRIPTION

SHEET NAME

PROPOSED
FLOOR PLAN

SHEET NUMBER

A-1.0



PROPOSED FLOOR PLAN

SCALE 1/4" = 1'-0"

GROUND FLOOR AREA: 626 SQ.FT.



GRAPHIC SCALE 1/4" = 1'-0"

KEYNOTES

- POS
- DISPLAY MILLWORK
- LIQUOR STORAGE

SQUARE FOOTAGE ANALYSIS

AREA	SQUARE FOOTAGE	NUMBER OF SEATS
SERVICE AREA	44	-
RETAIL AREA	383	-
MOP ROOM	66	-
OTHERS	133	-
TOTAL INTERIOR	626	1

LEGEND

- (E) EXTERIOR WALL
- (E) WALL
- EXIT SIGN (BATTERY BACK-UP)

EXHIBIT "A"
Page No. 2 of 2
Case No. 24-2024-1834