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June 30, 2021

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3033 West 6th Street, Unit 102  
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CASE NO. ZA-2020-7883-CUB-CU  
CONDITIONAL USE  
3033 West 6th Street #102 (3029-3033  
West 6th Street and 534-538  
South Westmoreland Avenue)  
Wilshire Community Plan  
Zone : C2-1  
C. D. : 13 - O'Farrell  
D. M. : 135B197  
CEQA : ENV-2020-7887-CE  
Legal Description: Lot FR 13-15, Block 22,  
Tract South Half of the West End  
University Addition

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

based on the whole of the administrative record that the Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301, Class 1 (Existing Facilities) and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, of the State CEQA Guidelines regarding location, cumulative impacts, significant effects and scenic highways, hazardous waste sites or historical resources applies; and,

Pursuant to Los Angeles Municipal Code (LAMC) Sections 12.24-W,1 and 12.24-W,27, I hereby APPROVE:

a Conditional Use to permit the sale and dispensing of beer and wine for off-site consumption in conjunction with the operation of an existing market in the C2-1 Zone with hours of operation from 7:00 a.m. to 2:00 a.m., daily, in a commercial corner development/mini-shopping center,

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. 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 prior to the final clearance of this condition.
7. Approved herein is the sale and dispensing of beer and wine for off-site consumption in an existing 1,380 square-foot mini-market located within a commercial corner development/mini-shopping center with hours of operation limited to 7 a.m. to 2 a.m. daily. No after-hour 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.
8. The establishment shall always maintain a mode and character of a market or convenience store. At no time the market is permitted to morph into a liquor store or selling alcoholic beverage as its primary business.

9. 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.
10. A camera surveillance system shall be maintained at all times to monitor the common areas of the business, high-risk areas, sidewalk areas, and entrances or exits. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
11. The applicant shall fully comply with all California State Department of Alcoholic Beverage Control (ABC) regulations governing the sale of alcoholic beverages for the business.
12. **STAR/LEAD Training.** Within the first six months of already selling alcohol, 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. Upon completion of such training, the applicant shall request the LAPD to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2014-7883-CUB-CU from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
13. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products, and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
14. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. 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 State Department of ABC and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, including parking lot commonly used by patrons, 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.
15. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all the ABC conditions as well as all the conditions of this grant. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.

16. No employee or agent shall be permitted to solicit or accept any alcoholic, non-alcoholic beverage, accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
17. Staff will monitor the immediate vicinity in order to ensure that no public consumption of alcoholic beverages occurs. Staff will also be responsible to constantly monitor and ensure patrons do not take open alcoholic beverages for on-site and off-site consumption beyond the entrance doors onto the sidewalk.
18. The applicant, owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.
19. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
20. Operator and its personnel shall, at all times maintain a policy of not serving obviously intoxicated patrons and taking preventative measure to help avert intoxication-related problems.
21. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and no such sales will be made.
22. These conditions of approval as well as a copy of any Business permit, insurance information, security and any emergency contact phone numbers shall be maintained in the office at all times and produced immediately upon request of the Police Department, the Zoning Administrator, the Department of Building and Safety or other enforcement agency.
23. A copy of the conditions of this letter of determination shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety, the Department of City Planning, or the State Department of ABC.
24. The owner/business operator shall at all times maintain the abutting public access ways free of obstruction as well as maintaining the premises and adjoining sidewalk free of debris or litter.
25. The establishment shall make an effort to control any unnecessary noise made by store staff or any employees contracted by the store, or any noise associated with the operation of the establishment.

26. The Project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
27. 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 outside of the subject facility. The applicant shall be responsible for ensuring persons are dissuaded from loitering on or immediately around the subject premises.
28. Waster vendors servicing the building, and deliveries to the business, shall occur between the hours of 8:00 a.m. and 10:00 p.m. to minimize noise impacts to the surrounding neighbors, with deliveries at any other time to occur in the front of the building. Trash and recycling bins are locked. Trash deposit in dumpsters will be carried out quietly and the business will be respectful to neighbors.
29. Prior to the utilization of this grant, 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 entry, customer service desk, and front desk or near the hostess station visible to the public.
30. 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. This log shall be made available to LAPD, law enforcement, and ABC personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning.
31. **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.
32. 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 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-l (Miscellaneous Plan Approval), 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.

33. Should there be a change in the ownership and/or the operator of the business, the property owner, 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.
34. 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 documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the 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 this public hearing for nuisance abatement/revocation purposes.

**35. 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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes 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 variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter 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 valid 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, shall constitute a violation of this chapter 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.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **JULY 15, 2021**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

**Downtown**  
 Figueroa Plaza  
 201 North Figueroa Street,  
 4th Floor  
 Los Angeles, CA 90012  
(213) 482-7077

**San Fernando Valley**  
 Marvin Braude  
 Constituent Service Center  
 6262 Van Nuys Boulevard,  
 Room 251  
 Van Nuys, CA 91401  
(818) 374-5050

**West Los Angeles**  
 Development Services Center  
 1828 Sawtelle Boulevard,  
 2nd Floor  
 Los Angeles, CA 90025  
(310) 231-25159

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.

**NOTICE**

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. 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 June 29, 2021, 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 and prerequisites for granting a Conditional Use as enumerated in Sections 12.24-W,1 and 12.24-W,27, respectively of the LAMC have been established by the following facts:

## **BACKGROUND**

The property is a level irregular-shaped parcel of land consisting of three lots having approximately 21,053 square feet, having a frontage of approximately 120 feet along the north side of 6th Street and 150 feet along the eastern side of Westmoreland Avenue. The property is located within the Wilshire Community Plan. The property is currently developed with an approximately 4,458 square-foot one-story mini-shopping center building inclusive of multiple tenant spaces.

The applicant is seeking a Conditional Use Permit authorizing the sale and dispensing of beer and wine for off-site consumption in conjunction with the continued operation of an existing 1,380 square-foot market in a mini-shopping center. The project also involves a request to extend the existing hours of operation of 7:00 a.m. to 8:00 p.m., daily to allow for new hours of operation from 7:00 a.m. to 2:00 a.m., daily. The proposed project does not involve the expansion of the building footprint.

The following sensitive uses were observed within a 0 to 600-foot radius of the subject property:

1. Young Oak Kim Academy- 615 Shatto Place
2. Servant Church - 2975 Wilshire Boulevard #A

The following sensitive uses were observed within a 600 to 1,000-foot radius of the subject property:

1. First Congregational Church of LA - 540 Commonwealth Avenue
2. LA Open Door Presbyterian Church - 515 Shatto Place
3. Central Los Angeles Middle School - 615 Shatto Place
4. Pilgrim School - 540 Commonwealth Avenue
5. Southwestern Law School - 3050 Wilshire Boulevard

The surrounding neighborhood is zoned for commercial, multi-residential, and automobile parking uses in the C1-2, C2, R4, R4P, and RAS4 Zones. The adjacent property to the north of the subject site is zoned R4P-1 and is developed automobile retailers and body shop. The adjacent properties to the south of the subject site, across 6th Street is zoned C2-2 and C4-2 and are improved with office buildings. The adjacent properties to the east of the subject site, are zoned (T)(Q)RAS4-1 and are developed with retail/office buildings and a fast food establishment. The adjacent property to the west of the subject site, across Westmoreland Avenue, is zoned C2-1 and R4-1 and is developed with retail shops and apartment buildings.

6th Street, adjoins the property to the south, is a designated Avenue II, with a width of 83 feet at the site's frontage and is improved with curb, gutter and sidewalk.

Westmoreland Avenue, adjoins the property to the west, is a designated Local Street - Standard, with a width of 80 feet and is improved with curb, gutter, and sidewalk.

Previous cases on the subject site and in the surrounding properties include:

Subject site:

Case No. ZA 2018-0230-CUB: On June 18, 2018, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, known as Yuk Dae Jang, located at 3033 West 5th Street #104-105 (3029- 3033 West 5th Street and 534-538 South Westmoreland Avenue).

Building Permit No. 1993H022141 - On April 20, 1993, the Department of Building and Safety issued a building permit for a change of use of a portion of retail to market with tenant improvements on 999 square-feet.

Certificate of Occupancy No. 92H015602 - On January 17, 1992, the Department of Building and Safety issued a Certificate of Occupancy to convert south 38' x 125', portion of 80' x 170', type 111-N, brick building, H-4 Auto Repair Shop, to B-2, Retail stores, market, and take out market. D.A.D requirements completed, 17 parking spaces required, 25 parking spaces provided, 15 standard, 9 compact, 1 handicapped, 25 non-conforming parking.

Building Permit No. 1992HO15602 - On January 17, 1992, the Department of Building and Safety issued a building permit for a change of use to convert south 38' x 125' portion of an existing 80' x 170' auto repair shop to retail, market, and takeout market.

Surrounding Properties (within 500 feet):

Case No. ZA-2019-7161-CUB: On June 9, 2020, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, known as Oh My Crab, located at 3000 West 6th Street #100 (3000-3012 West 6th Street & 605-607 South Virgil Avenue).

Case No. ZA-2017-2337-CUB: On November 8, 2017, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a new retail store (Target) in the C2-2 and C4-2 Zones, located at 620 South Virgil Avenue (2968 West 5th Street, 601 South Commonwealth Avenue).

Case No. ZA-2011-0390-CUB: On May 8, 2015, the Zoning Administrator approved a Conditional Use to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing market, located at 612 South Shatto Place.

Case No. ZA-2008-4333-CUB-ZV: On April 8, 2010, the Zoning Administrator denied a request for a Conditional Use to permit the on-site sale and consumption of a full line of alcoholic beverages in conjunction with the construction, use and maintenance of a proposed approximately 4,200 square-foot market with bar with a total of approximately 290 seats and an additional approximately 220 square-foot outdoor

patio and outdoor deck totaling approximately 3,460 square feet, operating seven days a week from 11 a.m. to 2 a.m.; and, a request for a Zone Variance from the provisions of Section 12.21 -A,4(g) to permit the 60 proposed off-site parking spaces to be guaranteed by lease in lieu of the required covenant and agreement, on an approximately 9,350 square-foot site in the C1-2 Zone, located at 609 South Westmoreland Avenue.

Case No. ZA-2007-3462-CUB-PA1: On April 30, 2013, the Zoning Administrator determined that compliance has been attained with the conditions of the prior action imposed by the Zoning Administrator in conjunction with the approval of a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing basement market/karaoke studio, located at 2999 West 6th Street.

Case No. ZA-2007-1950-VCU-CUB: On January 30, 2009, the Zoning Administrator approved a Vesting Conditional Use Permit to allow the construction, use, and maintenance of a hotel within 500 feet of an R Zone; a Conditional Use Permit to allow: 1) the sale of beer and wine for off-site consumption in conjunction with a gift shop; 2) to permit the sale of beer and wine for on-site consumption in conjunction with a cafe; 3) to permit the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with a market; and 4) to permit the on-site consumption of a full line of alcoholic beverages in conjunction with banquet rooms; a Conditional Use Permit to allow dancing in the C2-2 Zone in conjunction with hotel banquet rooms; and site plan review for the proposed project, located at 2968 West 6th Street.

Case No. ZA-2007-3462-CUB-ZV: On January 18, 2008, the Zoning Administrator approved a conditional use to permit the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 6,270 square-foot existing basement market/karaoke studio with 139 seats and also for a 1,920 square-foot ground floor market to be reconfigured with 32 seats plus a 20-seat fixed bar area; and a deviation from Section 12.22-A,23 of the Code to permit an existing 16,770 square-foot second and third floor health spa to operate 24 hours daily in lieu of no later than 11 p.m. or earlier than 7 a.m. for a mini-shopping center commercial use not otherwise subject to conditional use approval, located 2999 West 6th Street.

Case No. ZA-2006-3523-CUB: On September 13, 2006, the Zoning Administrator approved a conditional use to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with an existing 4,837 square-foot market and additional 360 square-foot outdoor patio, located at 612 South Shatto Place.

Case No. ZA 2002-9989-CUB-CU-ZV-A1: On May 15, 2003, the Central Area Planning Commission approved the appeal and overturned the action of the Zoning Administrator's decision (see Case No. ZA-2002-9989-CUB-CU-ZV below), located at 2999 West 6th Street.

Case No. ZA 2002-9989-CUB-CU-ZV: On February 7, 2003, the Zoning Administrator denied a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a ground floor market and karaoke music studio within the basement level (6,453 square feet) with hours of

operation for the market, health spa, karaoke music studio from 8 a.m. to 2 a.m. daily. Hours of alcohol sales are from 11 a.m. to 2 a.m. daily. Occupancy load of basement and ground floor is 139 and 266 patrons, respectively, with a total of 804 patrons for three floors and basement; a request for a Conditional Use Permit, to permit deviations from Section 12.22- A,23(a) of the Code relating to hours of operation, and to permit the conversion, use and maintenance of a 38,620 square- foot vacant office building into a health club facility, medical office and general retail sales uses; and a request for a Variance from Section 12.21-A,4(c)(3)(2) of the Code to allow a total of 137 parking spaces (on- and off- site) in lieu of the required 286; and from Section 12.26-E,5 of the Code to provide 57 of the 137 parking spaces off- site by lease agreement in lieu of a recorded covenant, located at 2999 West 6th Street.

### **PUBLIC HEARING**

A Notice of Public Hearing was sent to nearby property owners and/or occupants residing near the subject site for which an application as detailed below 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 or 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 June 29, 2021 at approximately 9:30 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the hearing was conducted entirely telephonically.

#### **The applicant representative commented as follows:**

- The applicant is requesting a conditional use for the sale of beer and wine for off-site consumptions. The existing market has been operating in the neighborhood for a little over 5 years.
- The market is located in a shopping mall with a nail salon, restaurants and other retail business, at the intersection of 6th Street and Westmoreland Avenue.
- The market is about 1,400 square feet, the applicant does not propose to expand.
- Beer and wine will be stocked in the cooler at the rear of the store.
- No grocery items will be removed, only to rearrange for the beer and wine space.
- The applicant has performed outreach to the Neighborhood Council, Thirteenth Council District, and gathered support signatures from the neighbors.
- The Neighborhood Council has issued a support letter for the project while CD 13 offered a verbal support.
- A grant of the conditional use will allow a small business to thrive as well as providing convenience to the local neighborhood area especially in this pandemic.
- The proposed project will not be detrimental to the neighborhood.
- The applicant only plans to stock beer and wine in a small space in the cooler, no more than a space behind two cooler doors.
- The plan is to keep the business as a market, not a liquor store.
- The applicant will agree to the City's conditions.
- The next-door restaurant has a conditional use approval allowing a 2 a.m. closing time. A 2 a.m. closing time will provide more lighting and people to the shopping mall for the security at late night.

No other interested party attended the hearing.

The Zoning Administrator approved the project as requested based on the merit of the project as the subject market with no prior complaints from the community, and that the project received the approval from the Neighborhood Council with no interested party submitted any opposition comment.

### **Communication**

The Rampart Village Neighborhood Council submitted a support letter on the sales of beer and wine, dated April 20, 2021, for the proposed project. The Neighborhood Council is silent on the hours of operation as well as providing any recommended condition to the project.

### **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 service, sales or possession of an alcoholic beverage in an open container or glass on any sidewalk or parking lot. There shall be no on-site consumption of alcoholic beverages.
- The applicant shall ensure that no alcoholic beverage which are purchased within the applicant's establishment area consumed on any property adjacent to the licensed premise that is 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 person under 21 years of age shall sell or deliver alcoholic beverages.

- There shall be no “fortified” wine or soju greater than 16% alcohol content served.
- No sales of keg beer is permitted.
- No single cans or bottles sales of alcohol apart from premium beer with a price point of more than ten dollars (\$10). Wine sales are also limited to a minimum of 750 milliliter bottles with a price point of more than eight dollars (\$8).
- There shall not be any sale of single cans or bottles of beer, wine coolers, or malt liquor from pre-packaged 6- or 4- packs. The sales of beer or malt beverages in quantities of 12-ounce, 16-ounce, 22-ounce, 32-ounce, 40-ounce, or similar size containers are prohibited. (With the exception of \$10 and above premium beer selections.)
- The cold case coolers for alcohol are restricted to a maximum of t cooler two doors. The cooler doors may be locked by electronic device or lock and key.
- There shall be no cups, glasses, or similar receptacles commonly used for the drinking of beverages, sold, furnished, or given away at the petition’s premises in quantities of less than twenty-four in their original multi-container package.
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverages from any customer while in the premises.
- The subject alcoholic beverage license shall not be exchanged for a public premise type license.
- All off-site sales of alcoholic beverages shall be conducted at a checkout station directly attended by a manager/checkout clerk assigned to that station.

### **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 beer and wine 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**

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 property is a level irregular-shaped parcel of land consisting of three lots totaling approximately 21,053 square feet, with a frontage of approximately 120 feet along the northerly side of 6th Street and 150 feet along the easterly side of

Westmoreland Avenue. The property is located within the Wilshire Community Plan and it is zoned C2-1. The property is currently developed with an approximately 4,458 square-foot one-story commercial corner development/mini-shopping center building inclusive of multiple tenant spaces.

The subject mini-market currently exists in the mini-shopping center building and is seeking authorization to allow the sales of beer and wine for off-site consumption. The mini-market will operate from 7:00 a.m. to 2:00 a.m., daily. The project will enhance the built environment in the surrounding neighborhood and will perform a function and provide a service that is essential or beneficial to the community, city, or region. The subject Conditional Use is being requested for an approval for off-site consumption of beer and wine in conjunction with the operation of the existing mini-market.

The proposed location is in a prime area that represents a neighborhood commercial corridor within the Wilshire area. A mix of commercial, offices, and automobile body shop/retail uses, including other market uses and retail stores are located in the vicinity. As proposed, the request for the sales of beer and wine does not represent the introduction of a new liquor but rather is a continuation of the same use for a bona fide mini-market with added amenity of beer and wine offerings within a retail building. The use will serve as a public convenience and welfare and as sited, the location is compatible with the character of the surrounding uses.

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 is located in the C2-1 Zone, in the Wilshire Community Plan. The subject use is located in an established commercial corridor along 6th Street. The surrounding neighborhood is zoned for commercial, multi-residential, and automobile parking uses in the C1-2, C2, R4, R4P, and RAS4 Zones. The adjacent property to the north of the subject site is zoned R4P-1 and is developed automobile retailers and body shop. The adjacent properties to the south of the subject site, across 6th Street is zoned C2-2 and C4-2 and are improved with office buildings. The adjacent properties to the east of the subject site, are zoned (T)(Q)RAS4-1 and are developed with retail/office buildings and a fast food establishment. The adjacent property to the west of the subject site, across Westmoreland Avenue, is zoned C2-1 and R4-1 and is developed with retail shops and apartment buildings.

The grant authorized herein incorporates a number of conditions that have been imposed upon the use. These conditions will continue to make the use more compatible with other uses in the surrounding community. Employees are required to undergo training regarding the sale of alcohol conducted by the Los Angeles Police Department. Conditions on compliance to State ABC, sales of beer and

wine, business management, security, noise, loitering and nuisance control, site maintenance, mode and character, compliant reporting and resolution, as well as a Plan Approval action requirement if evidence of nuisance is documented are all incorporated into the grant to ensure that the operator will conduct the mini-market operation with the sale of beer and wine for off-site consumption in a good standing.

Further, at the June 29, 2021, public hearing, no interested party attended the hearing to speak against the project, nor did anyone submit any opposition comment prior to or after the public hearing. The local Neighborhood Council also support the proposal of beer and wine sales for the mini-market. It is anticipated that with the community's support the project will not adversely affect the immediate neighborhood. As it was determined, the project's location, size, height, operations and significant features will be compatible with and will not adversely affect or further degrade adjacent properties. The existing site is subject to uses in the C2 Zone and compatible with the surrounding uses on 5th Street and the abutting properties and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The project is located in the C2-1 Zone, in the Wilshire Community Plan. The subject use is located in an established commercial corridor along 6th Street. The property is not subject to any specific plans or overlays that would otherwise impact the requested action. The Wilshire Community Plan Map designates the property as a C2-1 Zone for "Community Commercial" land uses. The subject property is planned and zoned for commercial uses.

The existing mini-market is located within an one-story commercial retail building that contains multiple tenant spaces and will occupy one tenant space located on the far west of the building, at 3033 West 6th Street, Suite 102. The Conditional authorization for the sale of full line of alcoholic beverages for on-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale of beer and wine for off-site consumption. The project is consistent with the following components of the Wilshire Community Plan:

GOAL 2 ENCOURAGEES STRONG AND COMPETITIVE COMMERCIAL SECTORS WHICH PROMOTE ECONOMIC VITALITY AND SERVE THE NEEDS OF THE WILSHIRE COMMUNITY THROUGH WELL-DESIGNED, SAFE AND ACCESSIBLE AREAS, WHILE PRESERVING HISTORIC AND CULTURAL CHARACTER.

Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and within existing commercial areas.

Policy 2-1.1 New commercial uses should be located in existing establish commercial areas or shopping centers.

Policy 2-1.3 Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

Objective 2-2: Promote distinctive commercial districts and pedestrian-oriented areas.

Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed used projects located in Neighborhood Districts.

Given the scope and limitations established by the conditions herein, the surrounding land uses will not be significantly impacted by the proposed operation of the restaurant. The proposed project supports the Community Plan's Land Use objectives by offering a convenient neighborhood mini-market supporting community experiences is a quality of life-enhancing option within their neighborhood rather than driving to distant locations. Authorizing the use furthers the intent of the Plan by helping to maintain a dynamic commercial area providing economic development opportunities and supporting a quality neighborhood venue in the Plan Area. Therefore, the project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

### **ALCOHOLIC BEVERAGES FINDINGS**

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

The predominant immediately surrounding land use pattern within the Wilshire Community Plan Area is mainly strip commercial uses. The Community Plan lists issues expressed from the community such as the desire for quality and vitality of commercial area as well as planned land use and zoning that permits the appropriate type of development and mix of uses desirable for and characteristic of the Plan area's neighborhoods. Efforts to maintaining and expanding existing

commercial amenities are intrinsic to the conservation, development, and success of a vibrant neighborhood. As conditioned, the continued sale of beer and wine for on-site consumption will not adversely affect the welfare of the pertinent community. 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 responsible management. Employees will undergo training on the sale of beer and wine 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 surrounding residential and sensitive uses.

Further, at the June 29, 2021, public hearing, no interested party attended the hearing to speak against the project, nor did anyone submit any opposition comment prior to or after the public hearing. The local Neighborhood Council also support the proposal of beer and wine sales for the mini-market. The subject mini-market has operated for over 5 years without any complaints, it is anticipated that the business owner will continue a good operation and will not adversely affect the immediate neighborhood. Therefore, with the imposition of such conditions, the sale of beer and wine for off-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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, five on-site and three off-site consumption licenses are allocated to the subject census tract (Census Tract 2111.20). Currently there are five on-site licenses and three off-site licenses in this census tract, for a total of eight licenses in the 2111.20 census tract.

According to statistics provided by the Los Angeles Police Department's West Olympic Division Vice Unit, within Crime Reporting District No. 2029, which has jurisdiction over the subject property, a total of 381 crimes were reported in 2020 (298 Part I and 83 Part II crimes), compared to the total citywide average of 141 crimes for the same reporting period.

Alcohol related Part II Crimes reported include Narcotics (20), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI related (4), and other offenses (57). 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.

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 benefits the public welfare and convenience. The subject census tract currently contains five issued on-site alcohol licenses and three off-site licenses including the current ABC license on the subject site, consistent with what has been allocated for the corresponding census tract. The applicant seeks to allow the sales of beer and wine in an existing market. The Applicant's request is for the sale of beer and wine will result in an increase in overall license counts as it involves the addition of a new ABC license. However, no evidence was submitted for the record, by the LAPD or by adjacent residents, indicating or suggesting any link between the subject site and neighborhood crime.

As conditioned, allowing the sale of beer and wine for off-site consumption at the subject location will benefit the public welfare and convenience because it would add an amenity and convenience to nearby residences.

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 site is not immediately adjacent to a single-family neighborhood. There following sensitive uses were observed within a 0 to 600-foot radius of the subject property:

1. Young Oak Kim Academy-615 Shatto Place
2. Servant Church -2975 Wilshire Boulevard #A

The following sensitive uses were observed within a 600 to 1,000-foot radius of the subject property:

1. First Congregational Church of LA -540 Commonwealth Avenue
2. LA Open Door Presbyterian Church -515 Shatto Place
3. Central Los Angeles Middle School -615 Shatto Place
4. Pilgrim School-540 Commonwealth Avenue
5. Southwestern Law School -3050 Wilshire Boulevard

Consideration has been given to the distance of the subject establishment from the above referenced sensitive uses. 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 continue to contribute to a neighborhood and will continue to serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

### **COMMERICAL CORNER DEVELOPMENT/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 of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The proposed 7:00 a.m. opening time and 2:00 a.m. closing time will not constitute, a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets as those hours are beyond any peak traffic hour. The proposed project involves the continued operation of a market within an existing commercial building. There will be no added impact on traffic as a result of the proposed project. There will be no addition of floor space or exterior construction in connection with the project.

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 proposed project seeks an approval for sales and dispensation of beer and wine for off-site consumption. There will be no patron dancing or entertainment of any kind in the existing market. The existing market is within an existing structure and no new construction is proposed. The instant grant does not add to a detrimental concentration of mini-shopping center development as no exterior construction will occur as a result of this grant.

### **ADDITIONAL MANDATORY FINDINGS**

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 outside of a flood zone.

10. Based on the whole of the administrative record that the Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301, Class 1 (Existing Facilities) and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, of the State CEQA Guidelines regarding location, cumulative impacts, significant effects and scenic highways, hazardous waste sites or historical resources applies.

Inquiries regarding this matter shall be directed to Chi Dang, Planning Staff for the Department of City Planning at (213) 978-1307.



JACK CHIANG  
Associate Zoning Administrator

JC:DK:GG:CD:MR

cc: Councilmember Mitch O'Farrell  
Thirteenth Council District  
Adjoining Property Owners