

# Notice of Public Hearing

Aviso de Audiencia Pública • 공청회통지  
Abiso ng Pagdinig sa Publiko • 公開聽證會通知  
Հանրային լսումների մասին ծանուցագիր



Traducción  
번역 • 翻译  
Pagsasalin  
Թարգմանություն



The meeting's agenda will be provided no later than 72 hours before the meeting at [planning4la.org/hearings](https://planning4la.org/hearings). Please note that virtual meeting instructions will be provided on the meeting agenda.

*In conformity with the Governor's Executive Order N-29-20 (3/17/20) and as a result of COVID-19, this public hearing will be conducted telephonically and will allow for remote public comment.*

## Options to Participate:

By phone:

When prompted, enter the Meeting ID:

With a PC, MAC, iPad, iPhone, or Android, click on this URL:

Enter Meeting ID:

and Passcode:

You will be auto-muted when entering the meeting. To comment on an agenda item, click the raise hand icon (Webinar) or press \*9 (Phone) to "raise your hand" virtually following staff calling the item.

## Project Address

Sitio de Proyecto  
프로젝트 주소 • 項目地址  
Address ng Proyekto  
ծրագրի Հասցե

## Proposed Project

Proyecto Propuesto  
프로젝트 제안 • 擬議項目  
Iminungkahing Proyekto  
Առաջարկվող ծրագիր

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## Actions Requested

Acciones solicitadas • 요청 된 작업 • 所要求の事項 • Humiling ng Mga Pagkilos • Հայցվող գործողությունները

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## Case Information

Información del caso • 케이스 정보 • 案例資訊 • Impormasyon sa Kaso • Տեղեկություններ գործի վերաբերյալ

**Case Number(s):**

**Appellant:**

**Related Case Number:**

**Appellant Representative:**

**Zone:**

**Land Use Designation:**

**Overlays:**

**Council District:**

**Environmental Case Number(s):**

**Applicant:**

**Community Plan Area:**

**Applicant Representative:**

**Assigned Staff Contact Information:**

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## Who's Receiving This Notice

Quién recibe este aviso • 본통지를받은사람들 • 誰會收到此通知

Sino ang Tumatanggap ng Paunawang Ito • Սույն ծանուցագիրը ստացող կողմը

You are receiving this notice either because you live on or own property that is on a site where a project application has been filed with the Department of City Planning, or because you requested to be added to the interested parties list. You are invited to attend this hearing to learn more about the proposed project and offer feedback. If unable to attend, you may contact the planner to provide written comment, obtain additional information, and/or review the project file.

**General Information** - Visit our website at [planning4la.org/hearings](http://planning4la.org/hearings) for general information about public hearings and the exhaustion of administrative remedies.

**File Review** - The complete file will be available for public inspection by appointment only. Please email the staff identified on the front page, at least three (3) days in advance, to arrange for an appointment. Files are not available for review the day of or day before the hearing.

**Agendas And Reports** - Commission Agendas are accessible online at [planning.lacity.org](http://planning.lacity.org), by selecting "Commissions & Hearings", the specific Area or City Planning Commission and "Agendas". Appeal Recommendation Reports are available on-line seven (7) days prior to the Commission meeting and are hyperlinked to the case numbers on the agenda. **Please note that Appeal Recommendation Reports are not prepared for appeals related to Zoning Administrator decisions.**

Be advised that the Commission may RECONSIDER and alter its action taken on items listed on the meeting agenda at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case. **If a Commission meeting is cancelled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting or beyond, as long as the continuance is within the legal time limits of the case or cases.**

**Testimony And Correspondence** - Your attendance is optional; oral testimony can only be given at the Commission meeting and may be limited due to time constraints. Written testimony or evidentiary documentation may be submitted prior to, or at the meeting in accordance to the Commission's submittal requirements. Commissions function in a quasi-judicial capacity and therefore, cannot be contacted directly. Any materials submitted to the Commission become City property and will not be returned. This includes any correspondence or exhibits used as part of your testimony.

**Requirements For Submission Of Materials** - Written materials may be submitted prior to or at the meeting in accordance with the submittal requirements below. The case number must be written on all communications, plans and exhibits.

Please see revised submission guidelines below which have been modified in order to accommodate the conduct of the public hearing telephonically in conformity with the Governor's Executive Order N-29-20 (March 17, 2020).

- **Regular Submissions** – Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to the staff and commission email identified on the front of this page.
- **Secondary Submissions** - All written materials in response to an Appeal Recommendation Report and/or additional comments must be submitted no later than **48 hours before to the Commission meeting (for Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting)**. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on the front of this notice.
- **Day of Hearing Submissions** - Submissions less than 48 hours prior to, and including the day of the Commission meeting, must not exceed two (2) written pages, including exhibits. Photographs do not count toward the page limitation. These must be submitted electronically to the Commission email identified on the front of this page.
- **Non-Complying Submissions** - Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission". Non-complying submissions will be placed into the official case file, but they will not be delivered to, or considered by the Commission. The Commission Rules and Operating Procedures are available online at [planning.lacity.org](http://planning.lacity.org) by selecting "Commissions & Hearings" and selecting the specific Commission.

**Exhaustion Of Administrative Remedies And Judicial Review** - If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenzized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. 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.

**Accommodations** - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. To request a reasonable accommodation, such as translation or interpretation, please contact the Commission Executive Assistant at \_\_\_\_\_, the Commission Office Main Line at (213) 978-1300 or by email at \_\_\_\_\_@lacity.org a minimum of 3 days (72 hours) prior to the public hearing. Be sure to identify the language you need English to be translated into and indicate if the request is for oral interpretation or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.

# **MASTER APPEAL FORM**

**WITH ATTACHMENTS**



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission, City Planning Commission, City Council, Director of Planning, Zoning Administrator

Regarding Case Number: ZA-2021-1634-CUB

Project Address: 2894 West Rowena Avenue Los Angeles CA 90039

Final Date to Appeal: 07/27/2021 07/28/21

2. APPELLANT

- Appellant Identity: Representative, Property Owner, Operator of the Use/Site, Person, other than the Applicant, Owner or Operator claiming to be aggrieved

- Person affected by the determination made by the Department of Building and Safety: Representative, Owner, Aggrieved Party, Applicant, Operator

3. APPELLANT INFORMATION

Appellant's Name: David Wheatley

Company/Organization:

Mailing Address: 2988 Avenel Terrace

City: Los Angeles State: CA Zip: 90039

Telephone: (323) 821-0203 E-mail: freshwater@prodigy.net

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self, Other:

b. Is the appeal being filed to support the original applicant's position? Yes No

**4. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**5. JUSTIFICATION/REASON FOR APPEAL**

a. Is the entire decision, or only parts of it being appealed?  Entire  Part

b. Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: All

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**6. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: David Whately Date: 07/27/21

**GENERAL APPEAL FILING REQUIREMENTS**

**B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES**

**1. Appeal Documents**

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

**b. Electronic Copy**

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

**c. Appeal Fee**

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

**d. Notice Requirement**

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**

**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

**NOTE:**

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING**

**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

**1. Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.**

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

**2. Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.**

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

**G. NUISANCE ABATEMENT**

**1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4**

**NOTE:**

- Nuisance Abatement is only appealable to the City Council.

**a. Appeal Fee**

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

**2. Plan Approval/Compliance Review**

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

**a. Appeal Fee**

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

**NOTES**

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

<b>This Section for City Planning Staff Use Only</b>		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

To Whom It May Concern:

July 27, 2021

Reasons for Appeal of ZA-2021-1634-CUB

3. The Zoning Administrator References “Due regard for the character of the surrounding district.”

This project does not show sufficient regard for the surrounding district. The surrounding district includes Ivanhoe Elementary School which is directly across this very busy street. The Street is two lanes plus 2 bike paths. Each direction of flow has one lane and one bike path. There is no crosswalk.

7. Patrons consuming alcohol at this establishment can become impaired and while walking or driving could hurt young children and others. Children can dart out into traffic and impaired drivers could run into them.

The district also includes Camelot Kids on the same side of the street. Camelot Kids is an after school program for elementary school children. Patrons consuming alcohol at this establishment can become impaired and while walking or driving can hurt young children and others. Children can dart out into traffic and impaired drivers could run into them.

The School has requested no serving of alcohol during school hours. Alcohol service needs to be reduced to grant the school’s requests. They are experts in student safety.

In addition alcohol service needs to be stopped from drop off at 7am and pickup hours at 5pm on school days. Adults who abuse alcohol could start drinking at 7am and then immediately drop off their children at the School.

9. More parking must be provided to not add to the traffic congestion already evident at Rowena and Herkimer especially at school drop off and pickup times.

12. STAR. This training must be required prior to the service of any alcohol. 6 months is far too long.

20. Smoking. Even though the LAMC requires 10 feet this Approval should require no smoking at all on the sidewalk in front of the establishment. Children from the school could end up standing there at length with their possibly intoxicated parents.

Thank you for your consideration.

Please feel free to contact me with any questions.

Sincerely,

David Wheatley

323-821-0203

**DETERMINATION  
LETTER**

OFFICE OF ZONING ADMINISTRATION  
200 N. SPRING STREET, ROOM 763  
LOS ANGELES, CA 90012-4801  
(213) 978-1318

ESTINEH MAILIAN  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
JONATHAN A. HERSHEY, AICP  
THEODORE L. IRVING, AICP  
CHARLES J. RAUSCH JR.  
CHRISTINA TOY LEE

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

LOS ANGELES DEPARTMENT  
OF CITY PLANNING  
EXECUTIVE OFFICES

VINCENT P. BERTONI, AICP  
DIRECTOR

KEVIN J. KELLER, AICP

EXECUTIVE OFFICER

SHANA M.M. BONSTIN

DEPUTY DIRECTOR

ARTHI L. VARMA, AICP

DEPUTY DIRECTOR

LISA M. WEBBER, AICP

DEPUTY DIRECTOR

planning.lacity.org

July 13, 2021

Makisupa LA, LLC (A)  
2894 West Rowena Avenue  
Los Angeles, CA 90039

Richard Ottaviano (O)  
2222 Nottingham Avenue  
Los Angeles, CA 90027

Eddie Navarrette (R)  
FE Design & Consulting  
327 East 2<sup>nd</sup> Street, Unit 222  
Los Angeles, CA 90012

CASE NO. ZA-2021-1634-CUB  
CONDITIONAL USE  
2894 West Rowena Avenue  
(2894-289 West Rowena Avenue)  
Silver Lake-Echo Park-Elysian Valley  
Community Plan  
Zone : [Q]C2-1VL  
C.D. : 4  
D.M. : 151-5A205  
CEQA: ENV-2021-1635-CE  
Legal Description: Lot 3, Supplemental  
Map of Lots 1 to 18 Inclusive of Block  
16 Ivanhoe Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole administrative record, that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, 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 site, or historical resources applies.

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a Conditional Use to allow the sale and dispensing of beer only for on-site and off-site consumption in conjunction with a proposed coffee shop in the [Q]C2-1VL Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the LAMC 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 and dispensing of beer only for on-site and off-site consumption in conjunction with a proposed 920 square-foot coffee shop. The grant shall be subject to the following limitations:
  - a. The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., Sunday through Wednesday, and from 7:00 a.m. to 12:00 a.m., Thursday through Saturday.
  - b. Indoor seating shall be limited to a maximum total of 40 seats provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
8. After hour use shall be prohibited, 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. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.

10. 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.
11. **Complaint Log.** 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 following locations:
  - a. Entry, visible to pedestrians
  - b. Customer service desk, front desk or near the hostess station

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

12. **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.
13. 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.
14. 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.
15. 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 Department of Alcoholic Beverage Control (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, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.

16. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
17. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
18. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
19. 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 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.
20. 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.
21. 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.
22. 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.
23. 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 LAMC (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, 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.

#### **ADMINISTRATIVE CONDITIONS**

24. **Expedited Processing Section Fee.** 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.

25. **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/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.
26. 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.
27. 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-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.

## 28. 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 (ii).
- 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 (ii).
- 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 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 28, 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 San Fernando  
Valley Constituent Service  
Center  
6262 Van Nuys Boulevard,  
Room 251  
Van Nuys, CA 91401  
(818) 374-5050

**West Los Angeles**  
West Los Angeles Development  
Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2598

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 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 June 23, 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 for authorizing a conditional use approval under the provisions of Section 12.24-W,1 have been established by the following facts:

### BACKGROUND

The subject site is an approximately 18,062 square-foot rectangular-shaped parcel, located on the south side of Rowena Avenue. The property has a street frontage of approximately 73 feet. The property is developed with a two-story commercial building consisting of retail and office uses and is improved with a surface parking lot with 23 parking spaces.

The subject property is located within the boundaries of the Silver Lake-Echo Park-Elysian Valley Plan area. The Community Plan designates the subject property for Neighborhood Commercial land uses corresponding to the RAS3, C1, C1.5, C2, and C4 Zones. The subject site is currently zoned [Q]C2-1VL. The "Q" condition on the property restricts automotive uses, pole signs, and building height, none of which affect the proposed coffee shop use. There are no other specific plans, overlays, or interim control ordinances pertaining to the project site.

The project, Makisupa, will occupy a 920 square foot commercial tenant space within the existing commercial building. The applicant will request a change of use from an existing retail space to a new coffee shop. As part of their business, the operator would like to offer limited alcohol service, beer only. The proposed project will not be building out a full kitchen but will have a mixture of food cooked at off-site kitchens and cold food such as sandwiches and salads that are assembled on-site. The primary use of the business will be a coffee shop, with a variety of coffee and tea items, as well as food such as pastries, sandwiches, and salads.

The applicant is requesting a Conditional Use to allow the sale and dispensing of beer only for on-site and off-site consumption, in conjunction with a proposed 920 square-foot coffee shop, known as Makisupa, with a total of 40 indoor seats. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m. Sunday through Wednesday and from 7:00 a.m. to 12:00 a.m. Thursday through Saturday. The project involves a change of use and tenant improvements to an existing commercial building; no new construction involving the expansion of the existing commercial building is proposed. No additional parking will be provided as part of the request herein. In addition, the proposed coffee shop will not have outdoor seating, nor will it feature any live entertainment or dancing.

## **SURROUNDING PROPERTIES**

Surrounding properties are zoned [Q]PF-1XL, [Q]C2-1VL, and R1-1VL primarily having school, commercial, and residential uses. The property to the north, across Rowena is zoned [Q]PF-1XL and is improved with an elementary school and associated parking and school yard areas. The property to the east is zoned [Q]C2-1VL and is improved with a two-story preschool with associated parking. The property to the west is zoned [Q]C2-1VL and is improved with a two-story office building and associated surface parking lot. The properties to the south are zoned R1-1VL and are improved with single family homes.

## **STREETS**

Rowena Avenue, adjoining the subject property to the north, is a designated Modified Avenue II and is currently dedicated to a varying right-of-way width of between approximately 80 and 83 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

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

There are no previous planning cases regarding the subject establishment.

## **Relevant 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. The following cases were identified to be within 600 feet of the subject property and filed within the last 10 years:

Case No. ZA-2015-359-CUB – On May 24, 2016, the Zoning Administrator approved a Conditional Use to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing 5,500 square-foot restaurant in the [Q]C2-1VL Zone, with hours of operation from 10:00 a.m. to 2:00 a.m. daily, located at 2838 West Rowena Avenue.

Case No. ZA-2015-1652-CUB – On September 22, 2015, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with the operation of a proposed 1,484 square-foot restaurant in the [Q]C2-1VL Zone, with hours of operation from 7:30 a.m. to 12:00 a.m. daily, located at 2870 West Rowena Avenue.

## **PUBLIC CORRESPONDENCE**

A correspondence was received dated June 27, 2021, stating the following:

- Concerned with parking.
- Blair's restaurant uses its parking lot as a dining area, parking on Rowena has been difficult between 6:30 p.m. to 10:00 p.m.

A letter was received from the Silver Lake Neighborhood Council, dated June 24, 2021, stating support of the proposed project.

A letter was received from the Los Angeles Unified School District, dated June 18, 2021, stating the following:

- Request no alcohol be served in the outdoor seats during school hours.
- Request mitigation to be added to reduce construction air pollutant impacts on the school.
- Construction noise impacts.
- Ensure effective conditions are employed to reduce construction and operation related transportation impacts, including net increase of 1,000 or more daily trips and included a list of seven related conditions.
- Included a list of eight conditions to reduce construction and operation related pedestrian safety impacts.

Five form letters were received stating in support of the proposed project

## **PUBLIC HEARING**

The public hearing was held on June 23, 2021 at approximately 10:30 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.

Dafney Gokcen, the project representative, stated the following:

- This is a two-story building.
- The coffee shop faces Rowena Avenue.
- There are 23 parking spaces on the site.
- This is a change of use.
- There is an atrium area.
- The tenant space is small and you can't cook inside and have a full kitchen.
- Will sell coffee, pastries, salads, and sandwiches.
- Not eligible for a restaurant and this is not a bar and would like to serve families and will obtain a Type 40 license.
- Met with the Silver Lake Neighborhood Council Land Use and amended the hours to midnight.
- Will meet with the full board Neighborhood Council tonight.
- Met with LAPD Office Mejia, but have not heard back regarding a letter.
- The council office stated that they would submit a letter or attend the hearing.
- Five letters of support were submitted to the case file.
- There is an elementary school across the street and a preschool next door and received no opposition.
- Families will be able to enjoy the food and alcohol served at night.
- The residential use to the rear is approximately 200 feet from the subject tenant space and there are 23 parking spaces in between.

- Fully enclosed and no new construction.

One member of the public spoke in support of the project.

Dafney Gokcen, the project representative, responded with the following information:

- Clarified the atrium is enclosed and is not a patio.
- There is no menu yet but will have one available.
- Menu will have vegan items and bakery items from Sweet Lily.

The Zoning Administrator closed the public hearing and stated that the case will be held on advisement for a period of two weeks pending the receipt of the following information:

- Menu
- Neighbor Council letter
- Reach out to LAPD if a letter would be submitted.

**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.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- There shall be no cocktail lounge or separate bar area.
- 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.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.

- 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.
- Alcohol may only be served to patrons who are seated at a table or seated. Patrons shall not be served while standing or while waiting to be seated.
- 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.

### **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 of the Los Angeles Municipal Code. In order for the sale and dispensing of beer for on-site and 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 subject site is an approximately 18,062 square-foot rectangular-shaped parcel, located on the south side of Rowena Avenue. The property has a street frontage of approximately 73 feet. The property is developed with a two-story commercial building consisting of retail and office uses and is improved with a surface parking lot with 23 parking spaces.

The applicant is requesting a Conditional Use to allow the sale and dispensing of beer only for on-site and off-site consumption, in conjunction with a proposed 920 square-foot coffee shop, known as Makisupa, with a total of 40 indoor seats. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m. Sunday through Wednesday and from 7:00 a.m. to 12:00 a.m. Thursday through Saturday. The project involves a change of use and tenant improvements to an existing commercial building with no new construction involving the expansion of the existing commercial building is proposed.

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 availability of alcoholic beverages ancillary to food service, is consistent with the pattern of many neighborhood restaurants in Los Angeles. The grant to allow the ancillary sale of beer and wine for on and off-site consumption will help augment the desirability of an existing restaurant, thereby supporting the vibrancy and longevity of the commercial corridor along Rowena Avenue and the surrounding Silver Lake neighborhood. The restaurant will continue to provide neighboring residents and the local workforce with a coffee and food option that will bolster pedestrian activity in the neighborhood. In addition, the grant to allow the ancillary alcohol service has been well conditioned to ensure that that use will not adversely impact neighboring residents. 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 subject site is an approximately 18,062 square-foot rectangular-shaped parcel, located on the south side of Rowena Avenue. The property has a street frontage of approximately 73 feet. The property is developed with a two-story commercial building consisting of retail and office uses and is improved with a surface parking lot with 23 parking spaces.

Adjacent properties are zoned [Q]PF-1XL, [Q]C2-1VL, and R1-1VL primarily having school, commercial, and residential uses. The property to the north, across Rowena is zoned [Q]PF-1XL and is improved with an elementary school and associated parking and school yard areas. The property to the east is zoned [Q]C2-1VL and is improved with a two-story preschool with associated parking. The property to the west is also zoned [Q]C2-1VL and is improved with a two-story office building and associated surface parking lot. The properties to the south are zoned R1-1VL and are improved with single family homes.

Makisupa, will occupy a 920 square foot commercial tenant space within this existing commercial building. The applicant is requesting a Conditional Use to allow the sale and dispensing of beer only beverages for on-site and off-site consumption incidental to the operation of the proposed coffee shop, with a total of 40 indoor seats and proposed hours of operation from 7:00 a.m. to 10:00 p.m. Sunday through Wednesday and from 7:00 a.m. to 12:00 a.m. Thursday through Saturday.

The project coffee shop involves a change of use and tenant improvements to an existing commercial building; no new construction involving the expansion of the existing commercial building is proposed. No additional parking will be provided as part of the request herein. In addition, the proposed coffee shop will not have outdoor seating, nor will it feature any live entertainment or dancing.

Furthermore, the Zoning Administrator has imposed numerous conditions to prevent adverse impacts and integrate the use into the neighborhood. Conditions address the mode and character remaining a restaurant, 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. Policy 7.3.2 of the Framework Element encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the boundaries of the Silver Lake-Echo Park-Elysian Valley Plan, which establishes land use designations and planning policies for the area. The Community Plan designates the subject property Neighborhood Commercial land uses corresponding to RAS3, C1, C1.5, C2, and C4 Zones. The subject property is currently zoned [Q]C2-1VL and is thus consistent with the existing land use designation. The "Q" condition on the property restricts automotive uses, pole signs, and building height, none of which affect the proposed coffee shop use. There are no other specific plans, overlays, or interim control ordinances pertaining to the project site. The Silver Lake-Echo Park-Elysian Valley Community Plan text is silent with regards to the sale and dispensing of alcohol. In such, the Zoning Administrator must interpret the intent of the Plans. The project is consistent with the following goal, objectives and policies of the Silver Lake-Echo Park-Elysian Valley Community Plan:

- |        |  |
|--------|--|
| Goal 2 | An economically vital commercial sector and strong viable commercial areas that offer a diversity of goods and services to meet the needs of the community in the plan area. Commercial areas should satisfy market demand, maximize convenience and accessibility while preserving and enhancing the unique historic and cultural identities of the district. |
|--------|--|

Objective 2-1 Conserve and strengthen viable commercial development and encourage the reuse of obsolete commercial development.

Policy 2-1.1 New commercial uses shall be located in established commercial areas, emphasizing more intense and efficient use of existing commercial land, ultimately contributing to and enhancing the existing urban form and village atmosphere.

Objective 2-3 Enhance the appearance of existing commercial districts.

Policy 2-3.1 Proposed developments should be designed to enhance and be compatible with existing adjacent development.

The project will allow the proposed coffee shop to add a desirable service and the sale of beer for on-site and off-site consumption to the surrounding community. Thus, the project furthers the function and identity of Rowena Avenue, a commercial corridor, in the Silver Lake-Echo Park-Elysian Valley Community Plan area and contributes to the preservation of the area as there are no substantive changes to the project. The proposed project would conserve and strengthen the existing commercial building as a viable commercial development that serves the surrounding neighborhood as a commercial amenity and local gathering place for people to dine and socialize. The project would allow for a new use in the area that can attract customers from both the immediate neighborhood and from outside the community, thus providing additional employment opportunities and revenue to the City. The project will complement the existing character of the neighborhood while promoting economic vitality and serving the needs of the greater community. The project is surrounded by many other compatible and complementary uses and follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area. Moreover, the project does not propose any physical expansion to the existing commercial building in which the coffee shop will occupy. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

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

The coffee shop is a use allowed by-right in the C2 Zone. The grant to allow the sale and dispensing of beer and wine for on- and off-site consumption will be ancillary to the coffee shop service. Additionally, the project will not physically alter the subject building's location, size, or height. The restaurant does not contain an outdoor dining area and will not feature any form of live entertainment. Operational conditions imposed on the project will help to ensure that the ancillary alcohol service in conjunction with the restaurant use will not adversely affect the neighborhood, including surrounding residences and businesses.

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. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to.

Furthermore, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been included to ensure the operation provides adequate security measures, includes a surveillance system, and adequate lighting, adherence to the City's Noise Ordinance, and responsible management practices. Both the Conditions of Approval and the requirements of the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, as conditioned herein, the sale and dispensing of beer and wine for on- and off-site consumption in conjunction with a proposed coffee shop 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, there are four on-site and two off-site consumption licenses allocated to the subject Census Tract 1951.00. Currently, there are 21 active on-site licenses and 4 active off-site licenses total in this census tract. Within 1,000 feet of the subject site, there are currently five on-site consumption and three off-site consumption alcohol-selling retail establishment with a license.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community. In this case, the granting of the application will not result in undue concentration as the project will enable the provision of an additional service and destination to complement the neighborhood. Although the number of existing licenses exceeds the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in an area which functions as a major commercial corridor with a variety of commercial

services and amenities. 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.

According to statistics provided by the Los Angeles Police Department's Northeast Division Vice Unit, within Crime Reporting District No. 1144 which has jurisdiction over the subject property, a total of 137 crimes were reported in 2020 (130 Part I and 7 Part II crimes, compared to the Citywide average of 141 crimes and the High Crime Reporting District average of 169 crimes for the same reporting period. In 2020, Alcohol-related Part II crimes reported include Narcotics (2), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI-related (1), and Miscellaneous Other Violations (2). 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 crime numbers are far lower than the citywide average and high reporting district, and there has been no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. No complaints were submitted for the record concerning any criminal or nuisance activity associated with the subject site. 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. As such, approval of the request will not result in an undue concentration of licensed premises.

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 continue to be utilized as such with the coffee shop use. The following sensitive uses are located within a 1,000-foot radius of the site:

- Residential Uses
- Ivanhoe Elementary School, 2828 Herkimer Street
- Camelot Kids, 2880 Rowena Avenue
- Country Villa Los Feliz Healthcare Center, 3002 Rowena Avenue

Consideration has been given to the distance of the subject establishments 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. The project will contribute to the neighborhood and will serve neighboring residents and local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect nearby residentially zoned communities, schools, 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 in Zone C, which is categorized as an area outside of a flood zone.

Inquiries regarding this matter shall be directed to Sarahi Ortega, Planning Staff for the Department of City Planning, at [Sarahi.Ortega@lacity.org](mailto:Sarahi.Ortega@lacity.org) or (213) 978-1383.

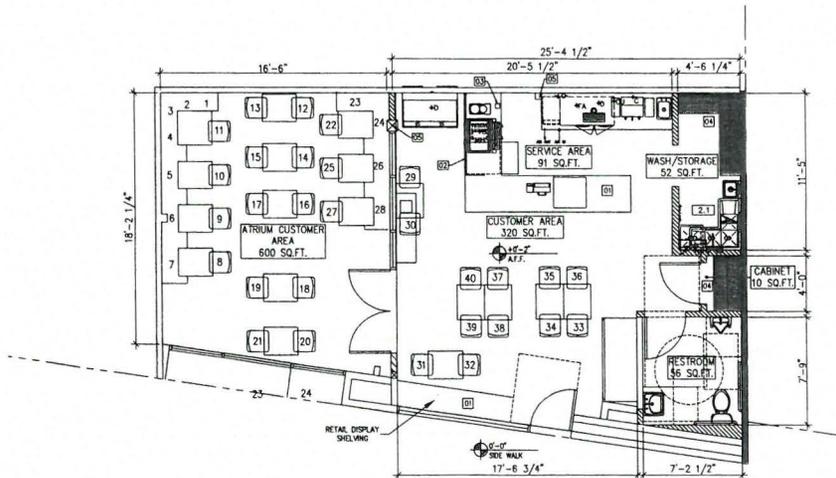


**CHRISTINA TOY LEE**  
Associate Zoning Administrator

CTL:EA:SO:bk

cc: Councilmember Nithya Raman  
Fourth Council District  
Adjoining Property Owners





**PROPOSED FLOOR PLAN**

SCALE 1/4" = 1'-0"

FLOOR AREA: 920 SQ.FT.

**PROJECT INFORMATION**

AREA	SQ.FT.	SEATS
CUSTOMER AREA	144	12
ATRIUM CUSTOMER AREA	320	28
SERVICE AREA	91	-
WASH/ STORAGE	52	-
RESTROOM	56	-
CABINET	10	-
TOTAL	673	40

**EQUIPMENT SCHEDULE**

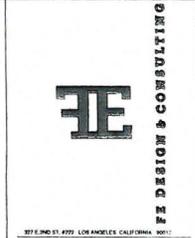
ITEM NO.	QTY	EQUIPMENT CATEGORY
1.1	1	MOP SINK
1.2	1	SERVICE SINK FAUCET
2.1	1	CORNER 3 COMP SINK
2.2	1	PRE-RINSE FAUCET, WALL MOUNT
2.3	1	FAUCET
3	-	SPARE NUMBER
4	1	HAND SINK
5	1	SINK, DROP-IN
6	1	ESPRESSO, GRINDER
7	1	REFRIGERATOR, AIR CURTAIN TYPE
8	1	DISPLAY CASE, NON-REFRIGERATED, COUNTERTOP
9	1	ESPRESSO MACHINES, AUTOMATIC
10.1	1	SHELVING, WIRE
10.2	1	SHELVING, WIRE
10.3	1	SHELVING, WIRE
11	1	COFFEE GRINDER
12	1	COFFEE MAKER
13	1	HOT WATER DISPENSER
14	1	BEER DISPENSER
15	1	ICE MAKER W/ BIN
16	1	DRIP PAN, GLASS RINSER
17	1	CHEMICAL SHELF
18	1	REFRIGERATOR, UNDERCOUNTER, ADA
19	1	REFRIGERATOR, AIR CURTAIN TYPE

**KEYNOTES**

- ⊠ ALCOHOL DISPLAY
- ⊞ (N) SNEEZE GUARD
- ⊞ KNOCK BDX 4"x4"
- ⊞ ALCOHOL STORAGE
- ⊞ (E) COLUMN

**HATCH LEGEND**

- (E) EXTERIOR WALL
- (E) INTERIOR WALL
- (N) INTERIOR WALL



8015 MIDWAY AVE. LOS ANGELES, CALIFORNIA 90047

**PROJECT INFORMATION**

MAKISUPA

2894 ROWENA AVE  
LOS ANGELES, CA 90039

**SUBMITTALS**

DATE	DESCRIPTION
2/17/2021	PLANNING SUBMITTAL

**SHEET NAME**

PROPOSED FLOOR PLAN

**SHEET NUMBER**

A-1.0

EXHIBIT "A"  
 Page No. 2 of 2  
 Case No. 7A-2021-1634-WB

# **ENVIRONMENTAL REPORT**

ZA-2021-1634 *CU3*

COUNTY CLERK'S USE

**CITY OF LOS ANGELES**

OFFICE OF THE CITY CLERK  
200 NORTH SPRING STREET, ROOM 395  
LOS ANGELES, CALIFORNIA 90012

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**NOTICE OF EXEMPTION**

(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

LEAD CITY AGENCY

**City of Los Angeles (Department of City Planning)**

CASE NUMBER

ENV-

PROJECT TITLE

Makisupa

COUNCIL DISTRICT

13

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

2894 W Rowena Avenue

Map attached.

PROJECT DESCRIPTION:

Conditional use for beer and wine sales at a restaurant

Additional page(s) attached.

NAME OF APPLICANT / OWNER:

CONTACT PERSON (If different from Applicant/Owner above)

Dafne Gokcen

(AREA CODE) TELEPHONE NUMBER

(213)687-6963 x207

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)

Public Resources Code Section(s) \_\_\_\_\_

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)

CEQA Guideline Section(s) / Class(es) Section 15301, Class 1

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b) )

JUSTIFICATION FOR PROJECT EXEMPTION:

Additional page(s) attached

Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.

The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

**CITY STAFF USE ONLY:**

CITY STAFF NAME AND SIGNATURE

*Edwin Com...*

STAFF TITLE

*Planning Assistant*

ENTITLEMENTS APPROVED

FEE:

*37.3.00*

RECEIPT NO.

REC'D. BY (DCP DSC STAFF NAME)

*Edwin Com...*

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019

**DEPARTMENT OF  
CITY PLANNING  
APPLICATION**



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number 2A-2021-1634-C43
Env. Case Number 4NU-2021-105-C9
Application Type LUB
Case Filed With (Print Name) Edwin Carr Date Filed 3/31/21

Application includes letter requesting:

- Waived hearing, Concurrent hearing, Hearing not be scheduled on a specific date (e.g. vacation hold)
Related Case Number

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.
All terms in this document are applicable to the singular as well as the plural forms of such terms.
Detailed filing instructions are found on form CP-7810

1. PROJECT LOCATION

Street Address 2894 W Rowena Avenue (2894-2896 W Rowena Avenue) Unit/Space Number
Legal Description Lot 3, Tract SUPPLEMENTAL MAP OF LOTS 1 TO 18 INCLUSIVE OF BLOCK 16 IVANHOE
Assessor Parcel Number 5434035004 Total Lot Area 18,062.3 s.f.

2. PROJECT DESCRIPTION

Present Use Retail
Proposed Use Coffee Shop
Project Name (if applicable) Makisupa
Describe in detail the characteristics, scope and/or operation of the proposed project A Conditional Use Permit to allow the sale and dispensing of beer only for on- and off-site consumption in conjunction with a new 920 s.f. coffee shop having 40 seats and proposed hours of operation from 7 a.m. to 10 p.m. Sunday to Wednesday and 7 a.m. to midnight Thursday to Saturday.

Additional information attached YES NO

Complete and check all that apply:

Existing Site Conditions

- Site is undeveloped or unimproved (i.e. vacant)
Site is located within 500 feet of a freeway or railroad
Site has existing buildings (provide copies of building permits)
Site is located within 500 feet of a sensitive use (e.g. school, park)
Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)
Site has special designation (e.g. National Historic Register, Survey LA)

1 Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—http://zimas.lacity.org)
2 Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

**Proposed Project Information**

(Check all that apply or could apply)

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree

- Removal of protected trees on site or in the public right of way
- New construction: \_\_\_\_\_ square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

**Housing Component Information**

Number of Residential Units: Existing 0 - Demolish(ed)<sup>3</sup> 0 + Adding 0 = Total 0  
 Number of Affordable Units<sup>4</sup> Existing 0 - Demolish(ed) 0 + Adding 0 = Total 0  
 Number of Market Rate Units Existing 0 - Demolish(ed) 0 + Adding 0 = Total 0  
 Mixed Use Projects, Amount of Non-Residential Floor Area: N/A square feet

**Public Right-of-Way Information**

Have you submitted the Planning Case Referral Form to BOE? (required)  YES  NO  
 Is your project required to dedicate land to the public right-of-way?  YES  NO  
 If so, what is/are your dedication requirement(s)? \_\_\_\_\_ ft.  
 If you have dedication requirements on multiple streets, please indicate: \_\_\_\_\_

**3. ACTION(S) REQUESTED**

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36?  YES  NO

Authorizing Code Section 12.24-W,1

Code Section from which relief is requested (if any): \_\_\_\_\_

Action Requested, Narrative: A Conditional Use Permit to allow the sale and dispensing of beer only for on- and off-site consumption in conjunction with a new 920 s.f. coffee shop having 40 seats and proposed hours of operation from 7 a.m. to 10 p.m. Sunday to Wednesday and 7 a.m. to midnight Thursday to Saturday.

Authorizing Code Section \_\_\_\_\_

Code Section from which relief is requested (if any): \_\_\_\_\_

Action Requested, Narrative: \_\_\_\_\_

Additional Requests Attached  YES  NO

<sup>3</sup> Number of units to be demolished and/or which have been demolished within the last five (5) years.

<sup>4</sup> As determined by the Housing and Community Investment Department

**4. RELATED DEPARTMENT OF CITY PLANNING CASES**

Are there previous or pending cases/decisions/environmental clearances on the project site?  YES  NO

If YES, list all case number(s) \_\_\_\_\_  
\_\_\_\_\_

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. \_\_\_\_\_ Ordinance No.: \_\_\_\_\_

- Condition compliance review
- Clarification of Q (Qualified) classification
- Modification of conditions
- Clarification of D (Development Limitations) classification
- Revision of approved plans
- Amendment to T (Tentative) classification
- Renewal of entitlement
- Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project?  YES  NO

Have you filed, or is there intent to file, a Subdivision with this project?  YES  NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:  
\_\_\_\_\_  
\_\_\_\_\_

**5. RELATED DOCUMENTS / REFERRALS**

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

- a. Specialized Requirement Form \_\_\_\_\_
- b. Geographic Project Planning Referral \_\_\_\_\_
- c. Citywide Design Guidelines Compliance Review Form \_\_\_\_\_
- d. Affordable Housing Referral Form \_\_\_\_\_
- e. Mello Form \_\_\_\_\_
- f. Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form \_\_\_\_\_
- g. HPOZ Authorization Form \_\_\_\_\_
- h. Management Team Authorization \_\_\_\_\_
- i. Expedite Fee Agreement \_\_\_\_\_
- j. Department of Transportation (DOT) Referral Form \_\_\_\_\_
- k. Preliminary Zoning Assessment Referral Form \_\_\_\_\_
- l. SB330 Preliminary Application \_\_\_\_\_
- m. Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) \_\_\_\_\_
- n. Order to Comply \_\_\_\_\_
- o. Building Permits and Certificates of Occupancy \_\_\_\_\_
- p. Hillside Referral Form (BOE) \_\_\_\_\_
- q. Low Impact Development (LID) Referral Form (Storm water Mitigation) \_\_\_\_\_
- r. SB330 Determination Letter from Housing and Community Investment Department \_\_\_\_\_
- s. Are there any recorded Covenants, affidavits or easements on this property?  YES (provide copy)  NO

**PROJECT TEAM INFORMATION (Complete all applicable fields)**

**Applicant<sup>5</sup> name** Makisupa LA, LLC

Company/Firm \_\_\_\_\_

Address: 2894 W Rowena Avenue Unit/Space Number \_\_\_\_\_

City Los Angeles State CA Zip Code: 90039

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

Are you in escrow to purchase the subject property?  YES  NO

**Property Owner of Record**  Same as applicant  Different from applicant

Name (if different from applicant) OTTAVIANO RICHARD A CO TR OTTAVIANO V

Address 2222 NOTTINGHAM AVE Unit/Space Number \_\_\_\_\_

City Los Angeles State CA Zip Code: 90027

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Representative name** Eddie Navarrette

Company/Firm FE Design & Consulting

Address: 327 E 2nd Street Unit/Space Number 222

City Los Angeles State CA Zip: 90012

Telephone (213)687-6963 x207 E-mail: dafne@fedesignandconsulting.com

**Other (Specify Architect, Engineer, CEQA Consultant etc.)** \_\_\_\_\_

Name \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address: \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Primary Contact for Project Information**  Owner  Applicant  
(select only one)  Agent/Representative  Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

<sup>5</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

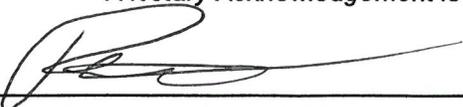
**PROPERTY OWNER**

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.  
The City requires an original signature from the property owner with the "wet" notary stamp.  
A Notary Acknowledgement is available for your convenience on following page.*

Signature 

Date 2-16-21

Print Name RICHARD A STAVLANO

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On 2/16/2021 before me, Alexander East, Notary Public  
(Insert Name of Notary Public and Title)

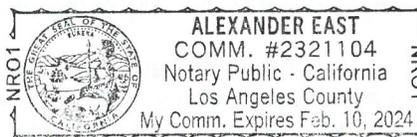
personally appeared Richard A. Ottaviano who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Signature

(Seal)



**APPLICANT**

8. **APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.
- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
  - b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
  - c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
  - d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
  - e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
  - f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
  - g. I understand that if this application is denied, there is no refund of fees paid.
  - i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
  - i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

*The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.*

Signature: \_\_\_\_\_

Date: 2/10/21

Print Name: Howard Goldkorn

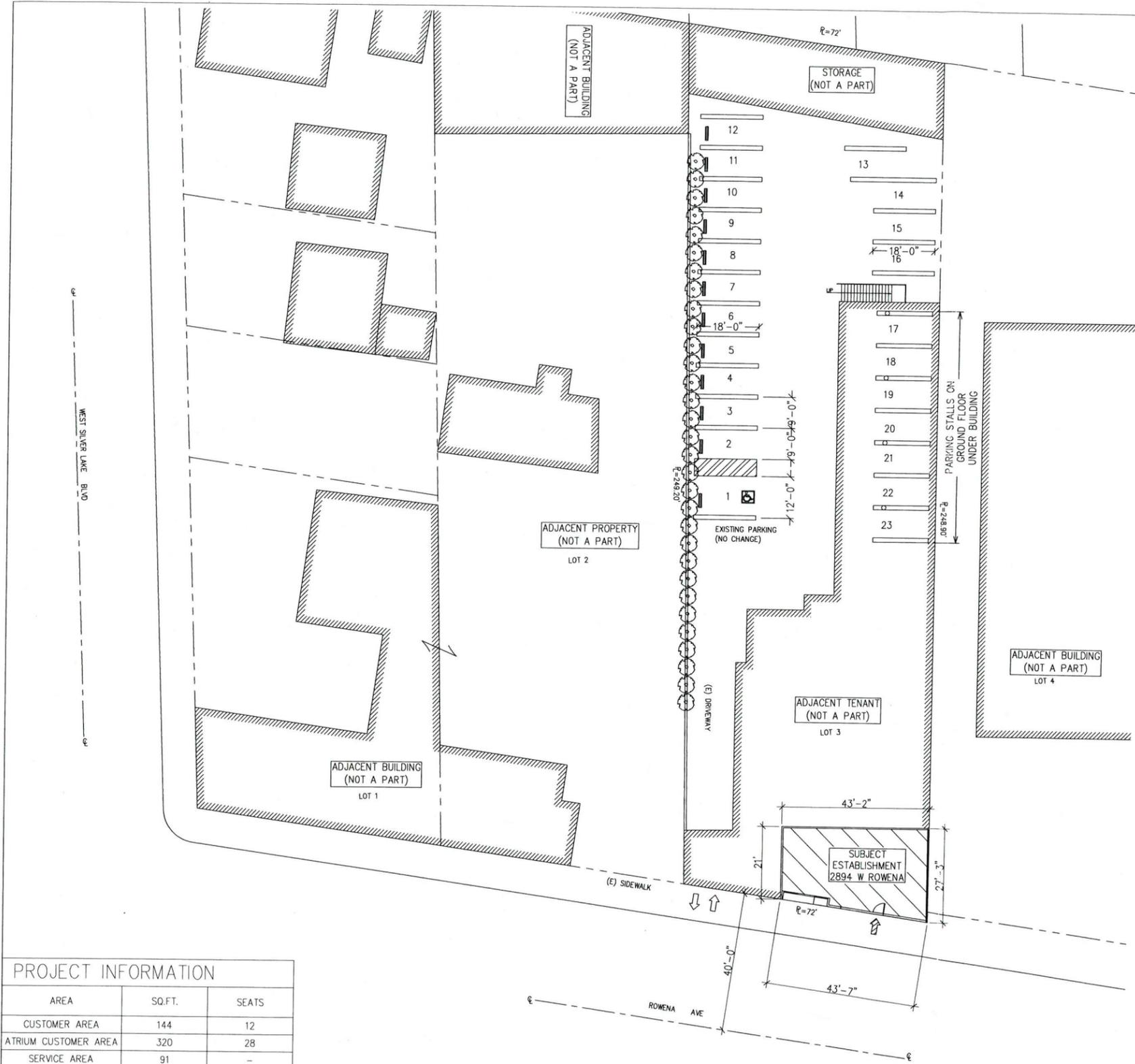
**OPTIONAL**  
**NEIGHBORHOOD CONTACT SHEET**

9. **SIGNATURES** of adjoining or neighboring property owners in support of the request are not required but are helpful, especially for projects in single-family residential areas. Signatures may be provided below (attach additional sheets if necessary).

NAME (PRINT)	SIGNATURE	ADDRESS	KEY # ON MAP

**REVIEW** of the project by the applicable Neighborhood Council is not required, but is helpful. If applicable, describe, below or separately, any contact you have had with the Neighborhood Council or other community groups, business associations and/or officials in the area surrounding the project site (attach additional sheets if necessary).

# **PLOT PLANS**



**SITE PLAN**  
 SCALE 1/16" = 1'-0"  
 COFFEE SHOP FLOOR AREA : 920 SQ.FT.

PROJECT INFORMATION		
AREA	SQ.FT.	SEATS
CUSTOMER AREA	144	12
ATRIUM CUSTOMER AREA	320	28
SERVICE AREA	91	-
WASH/ STORAGE	52	-
RESTROOM	56	-
CABINET	10	-
TOTAL	673	40

GRAPHIC SYMBOLS		
ENTRANCE TO THE PARKING	↕ ↕	
ENTRANCE TO THE RESTAURANT & RESTAURANT	↔ ↔	

**PROJECT INFORMATION**

LEGAL DESCRIPTION	
SITE ADDRESS	: 2896 W ROWENA AVE
SITE ADDRESS	: 2894 W ROWENA AVE
ZIP CODE	: 90039
PIN NUMBER	: 151-5A205 215
LOT/PARCEL AREA (CALCULATED)	: 18,062.3 (SQ FT)
THOMAS BROTHERS GRID	: PAGE 594 - GRID D3
ASSESSOR PARCEL NO. (APN)	: 5434035004
TRACT	: SUPPLEMENTAL MAP OF LOTS 1 TO 18 INCLUSIVE OF BLOCK 16 IVANHOE
MAP REFERENCE	: M R 17-68
BLOCK	: NONE
LOT	: 3
ARB (LOT CUT REFERENCE)	: NONE
MAP SHEET	: 150A205
MAP SHEET	: 151-5A205

JURISDICTIONAL	
COMMUNITY PLAN AREA	: SILVER LAKE - ECHO PARK - ELYSIAN VALLEY
AREA PLANNING COMMISSION	: EAST LOS ANGELES
NEIGHBORHOOD COUNCIL	: SILVER LAKE
COUNCIL DISTRICT	: CD 4 - NITHYA RAMAN
CENSUS TRACT #	: 1951.00
LADBS DISTRICT OFFICE	: LOS ANGELES METRO
BUILDING PERMIT INFO	: VIEW

PLANNING & ZONING	
SPECIAL NOTES	: NONE
ZONING	: [Q]C2-1VL
ZONING INFORMATION (ZI)	: NONE
GENERAL PLAN LAND USE	: NEIGHBORHOOD COMMERCIAL
GENERAL PLAN NOTE(S)	: YES
HILLSIDE AREA (ZONING CODE)	: YES
SPECIFIC PLAN AREA	: NONE
SUBAREA	: NONE
SPECIAL LAND USE / ZONING	: NONE
HISTORIC PRESERVATION REVIEW	: NO
HISTORICPLACESLA	: VIEW
CDO: COMMUNITY DESIGN OVERLAY	: NONE
CPIO: COMMUNITY PLAN IMP. OVERLAY	: NONE
SUBAREA	: NONE
CUGU: CLEAN UP-GREEN UP	: NONE
HCR: HILLSIDE CONSTRUCTION REGULATION	: NO
NSO: NEIGHBORHOOD STABILIZATION OVERLAY	: NO
POD: PEDESTRIAN ORIENTED DISTRICTS	: NONE
RFA: RESIDENTIAL FLOOR AREA DISTRICT	: NONE
RIO: RIVER IMPLEMENTATION OVERLAY	: NO
SN: SIGN DISTRICT	: NO
SB 35 ELIGIBILITY	: VIEW
STREETSCAPE	: NO
ADAPTIVE REUSE INCENTIVE AREA	: NONE
AFFORDABLE HOUSING LINKAGE FEE	: NONE
RESIDENTIAL MARKET AREA MEDIUM-HIGH	: NONE
NON-RESIDENTIAL MARKET AREA HIGH	: NONE
TRANSIT ORIENTED COMMUNITIES (TOC)	: NOT ELIGIBLE
RPA: REDEVELOPMENT PROJECT AREA	: NONE
CENTRAL CITY PARKING	: NO
DOWNTOWN PARKING	: NO
BUILDING LINE	: NONE
500 FT SCHOOL ZONE ACTIVE	: IVANHOE ELEMENTARY SCHOOL
500 FT PARK ZONE	: NO

PROJECT DETAILS	
TYPE OF USE	: COFFEE SHOP
TYPE OF ALCOHOL	: TYPE 40 - ON-SALE BEER
HOURS OF OPERATION	: 7AM-10PM DAILY
RESTAURANT	: 920 SQ.FT.
LIVE ENTERTAINMENT	: NO
PARKING	: 1 ADA +22 S. STALLS PROVIDED ON SITE (GROUND FL)



FE DESIGN & CONSULTING

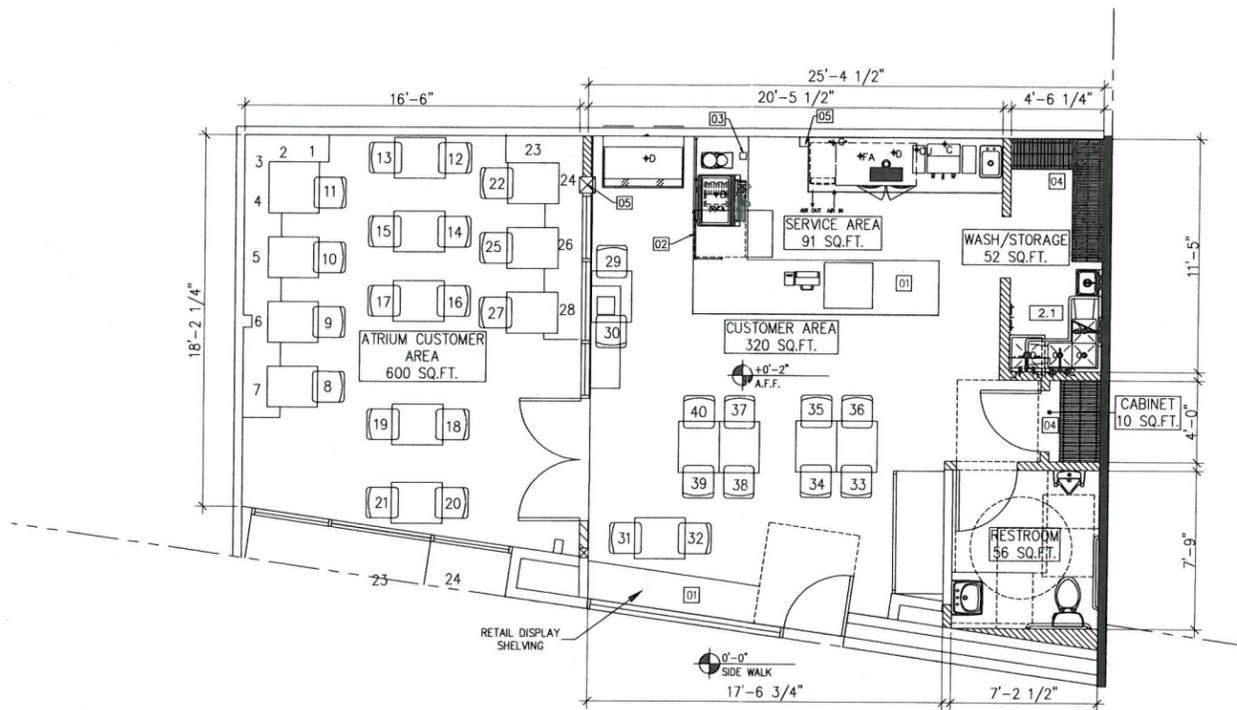
327 E.2ND ST. #222 LOS ANGELES CALIFORNIA 90012

PROJECT INFORMATION  
**MAKISUPA**  
 2894 ROWENA AVE  
 LOS ANGELES, CA 90039

SUBMITTALS	
DATE	DESCRIPTION
2/17/2021	PLANNING SUBMITTAL

SHEET NAME  
**COVER & SITE PLAN**  
 SHEET NUMBER  
**A-0.0**

**EXHIBIT "A"**  
 Page No. 1 of 2  
 Case No. **ZA-2021-1634-cwB**



**PROPOSED FLOOR PLAN**

SCALE 1/4" = 1'-0"

FLOOR AREA: 920 SQ.FT.

**PROJECT INFORMATION**

AREA	SQ.FT.	SEATS
CUSTOMER AREA	144	12
ATRIUM CUSTOMER AREA	320	28
SERVICE AREA	91	-
WASH / STORAGE	52	-
RESTROOM	56	-
CABINET	10	-
<b>TOTAL</b>	<b>673</b>	<b>40</b>

**KEYNOTES**

- 01 ALCOHOL DISPLAY
- 02 (N) SNEEZE GUARD
- 03 KNOCK BOX 4"x4"
- 04 ALCOHOL STORAGE
- 05 (E) COLUMN

**HATCH LEGEND**

- (E) EXTERIOR WALL
- (E) INTERIOR WALL
- (N) INTERIOR WALL

EQUIPMENT SCHEDULE		
ITEM NO	QTY	EQUIPMENT CATEGORY
1.1	1	MOP SINK
1.2	1	SERVICE SINK FAUCET
2.1	1	CORNER 3 COMP SINK
2.2	1	PRE-RINSE FAUCET, WALL MOUNT
2.3	1	FAUCET
3	-	SPARE NUMBER
4	1	HAND SINK
5	1	SINK, DROP-IN
6	1	ESPRESSO, GRINDER
7	1	REFRIGERATOR, AIR CURTAIN TYPE
8	1	DISPLAY CASE, NON-REFRIGERATED, COUNTERTOP
9	1	ESPRESSO MACHINES, AUTOMATIC
10.1	1	SHELVING, WIRE
10.2	1	SHELVING, WIRE
10.3	1	SHELVING, WIRE
11	1	COFFEE GRINDER
12	1	COFFEE MAKER
13	1	HOT WATER DISPENSER
14	1	BEER DISPENSER
15	1	ICE MAKER W/ BIN
16	1	DRIP PAN, GLASS RINSER
17	1	CHEMICAL SHELF
18	1	REFRIGERATOR, UNDERCOUNTER, ADA
19	1	REFRIGERATOR, AIR CURTAIN TYPE

**PROJECT INFORMATION**

MAKISUPA

2894 ROWENA AVE  
LOS ANGELES, CA 90039

**SUBMITTALS**

DATE	DESCRIPTION
2/17/2021	PLANNING SUBMITTAL

**SHEET NAME**

PROPOSED FLOOR PLAN

**SHEET NUMBER**

A-1.0

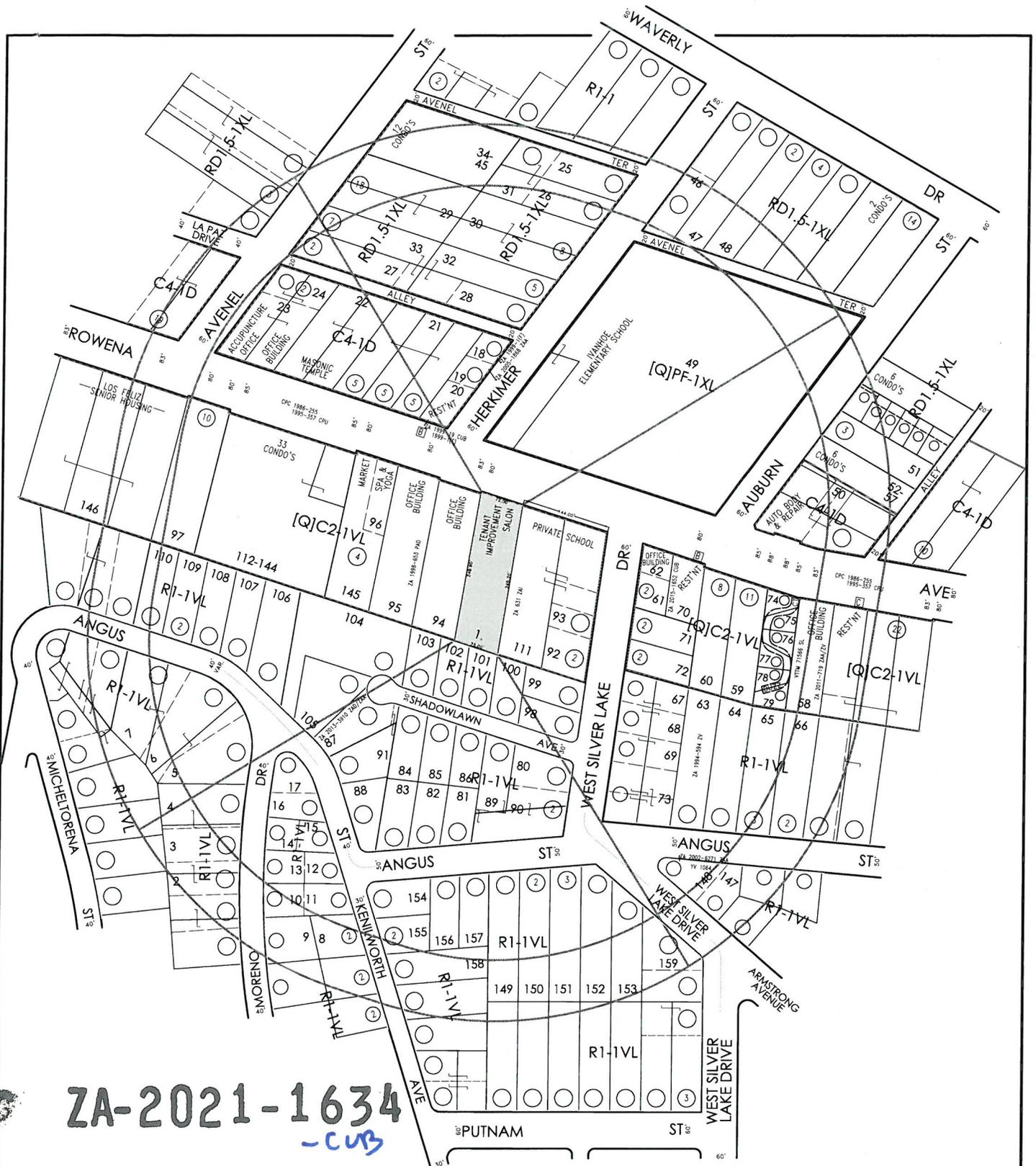


FE DESIGN & CONSULTING

327 E. 2ND ST. #222 LOS ANGELES CALIFORNIA 90012

EXHIBIT "A"  
Page No. 2 of 2  
Case No. ZA-2021-1634-03

# **RADIUS MAP**



# CONDITIONAL USE - ZA/C.U.B



planning  
entitlements  
expediting

Ane Consulting, Inc  
3646 Long Beach Blvd Space #103  
Long Beach, California 90807-6023  
tel: (562) 252-3316  
hello@aneconsult.com

www.aneconsult.com

**THOMAS BROTHERS**

PAGE: 594 GRID: D3

**LEGAL DESCRIPTION:**

LOT: 3

TRACT: IVANHOE  
MR. 17-68  
"SEE APPS"

CONTACT: F.E DESIGN & CONSULTING

CD: 4

CT: 1951

PA: SILVER LAKE, ECHO PARK,  
ELYSIAN VALLEY

USES: FIELD

CASE:

SCALE: 1" = 100'

D.M: 151.5A205 150A205  
151.5A207, 150A207

NET AC: .41±

DATE: 02.11.2021

Update: \_\_\_\_\_

Job No: 3621002



we make it happen

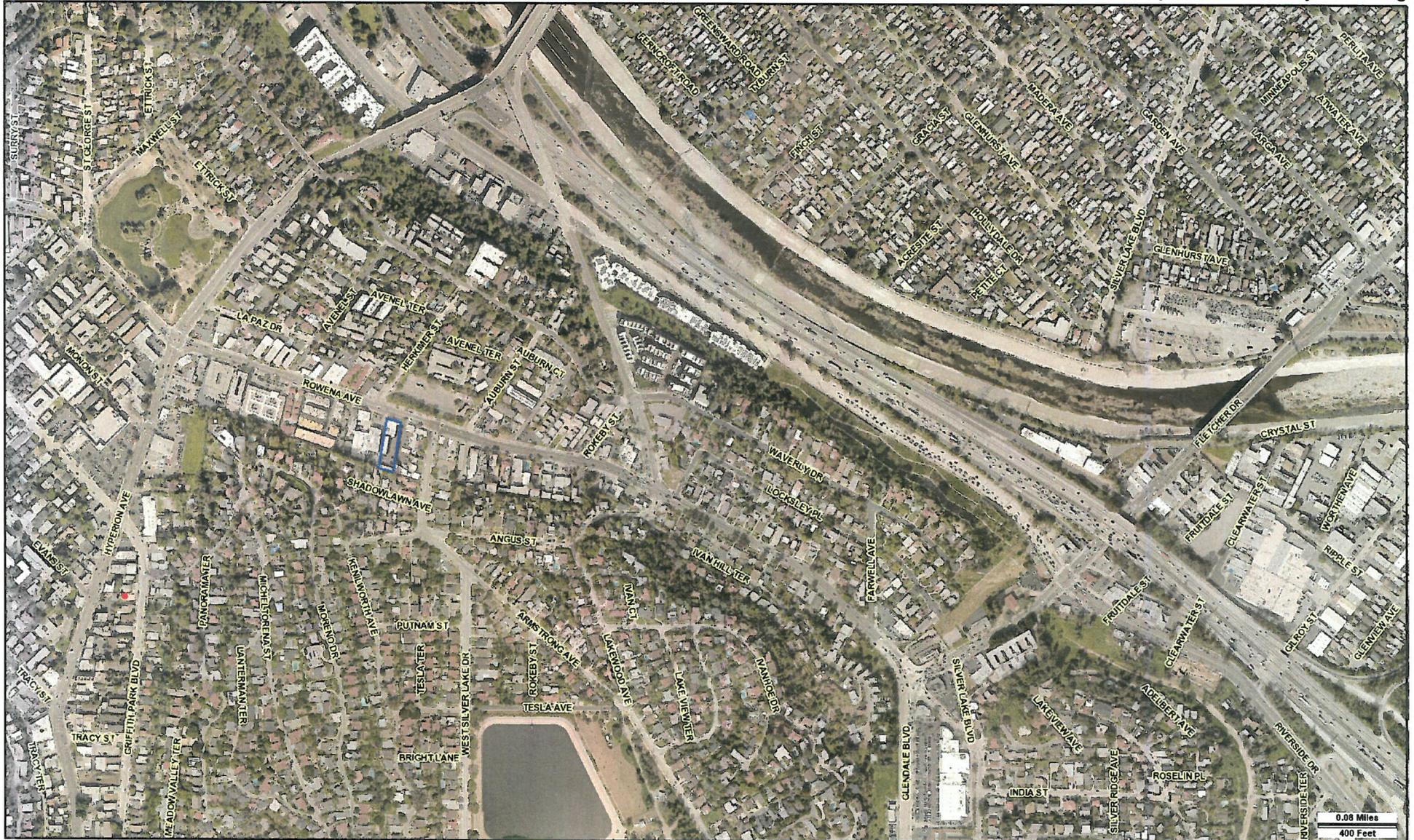
ZA-2021-1634-LUB

ZIMAS INTRANET

LARIAC5 2017 Color-Ortho

03/03/2021

City of Los Angeles  
Department of City Planning



Address: 2894 W ROWENA AVE

Tract: SUPPLEMENTAL MAP OF  
LOTS 1 TO 18 INCLUSIVE OF BLOCK  
16 IVANHOE

Zoning: [Q]C2-1VL

APN: 5434035004

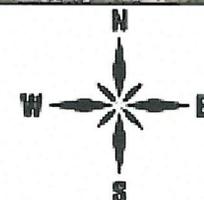
Block: None

General Plan: Neighborhood Commercial

PIN #: 151-5A205 215

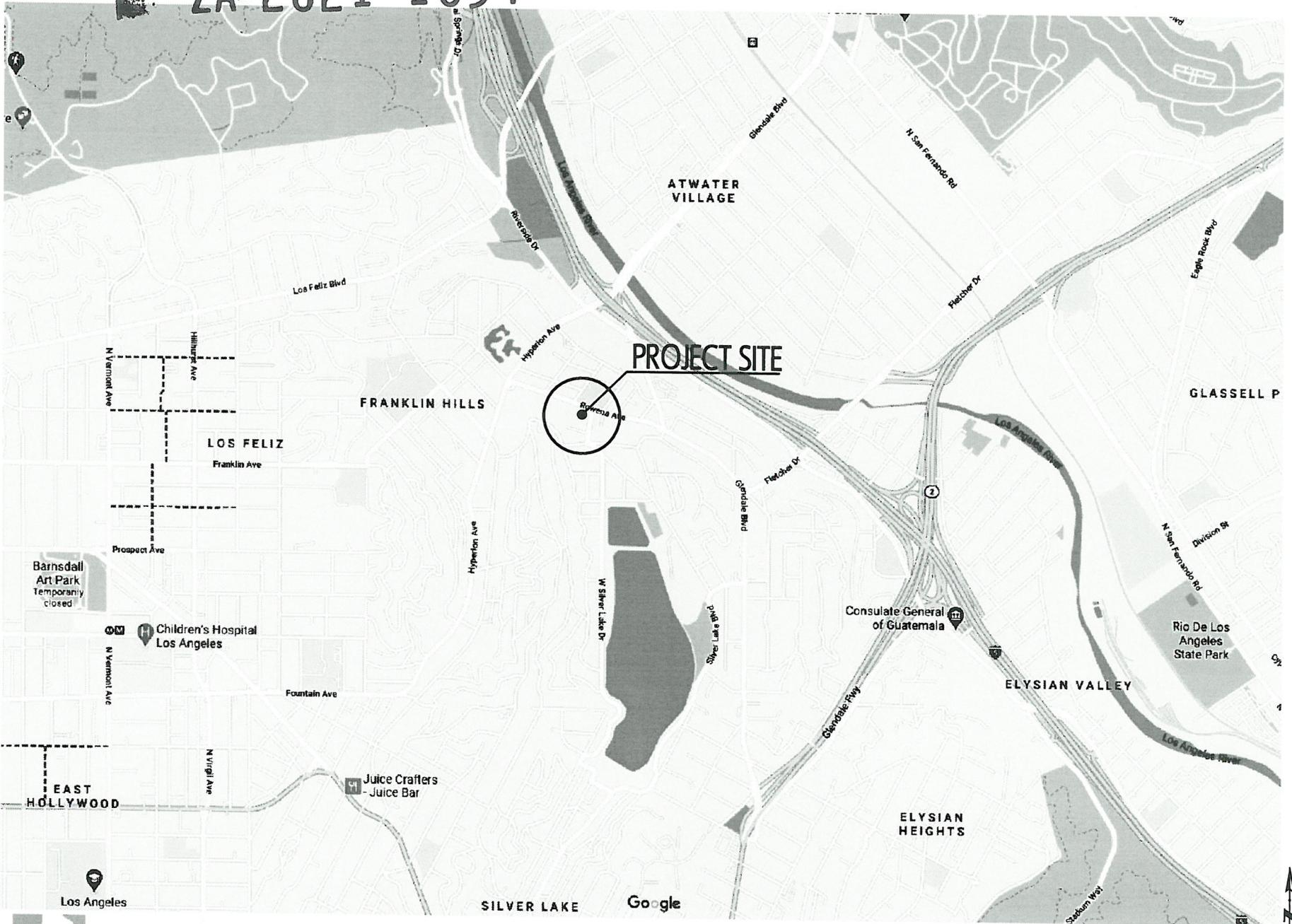
Lot: 3

Arb: None



ZA-2021-1634-CWB

VICINITY MAP



Ane Consulting, Inc  
 tel: 562.252.3316  
 e: hello@aneconsult.com  
 aneconsult.com

Project Address:  
 2894 ROWENA AVENUE  
 Los Angeles, California 90039



# **CORRESPONDENCE**



**FE DESIGN & CONSULTING**

East Los Angeles Area Planning Commission  
200 North Spring Street, Room 532  
Los Angeles, CA 90012

September 13, 2021

FE Design & Consulting  
327 E 2<sup>nd</sup> Street, Suite 222  
Los Angeles, CA 90012

Re: Response to Appeal ZA-2021-1634-CUB-1A

Honorable Commissioners,

My name is Manny Diaz and I am representing Howie Goldklang and Carly Flynn (Makisupa LA LLC) in their request for a Conditional Use Permit to allow the sale of beer for on- and off-site consumption in conjunction with their proposed cafe. Associate Zoning Administrator Christina Toy Lee approved our request on July 13<sup>th</sup> of this year, and we respectfully ask that you sustain her decision and deny the appeal.

**BACKGROUND**

For the past ten years, Mr. Goldklang and Carly Flynn have owned and operated a salon called “The Establishment” in the tenant space adjacent to the premises subject to this request. When the lease for the subject tenant space became available, they jumped at the opportunity to fulfill their dream of opening a small café featuring their favorite craft beers. As long-time stakeholders in the community, they are invested in the success and well-being of the Rowena Avenue neighborhood and look forward to being part of the community for years to come.

The property is developed with a two-story commercial building housing a mix of retail and office uses and an associated surface parking lot. The tenant space subject to this request fronts Rowena Avenue adjacent to the existing salon and is accessible from the public right-of-way.





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The café will serve sandwiches, salads, baked goods, coffee, and smoothies. Some of these items will be prepared on-site at the café, and others will be prepared at off-site locations and sold to patrons on-site in pre-packaged containers. Patrons will be able to consume their food and beverages on-site or take them to-go.

In addition to these items, the applicants will also serve a variety of beer-based cocktails and seltzers and feature a specially curated selection from Los Angeles microbreweries. These specialty beer items will also be available for consumption at the café or take-out, like the food and coffee. The ability for hospitality uses to sell food and drinks (including alcoholic beverages) for both on and off-site consumption has been critical to the industry's survival, and this need will continue into the future.

### **OUTREACH**

The applicants presented their request to the Silver Lake Neighborhood Council's (SLNC) Urban Design & Preservation Advisory Committee (UDPAC) on June 9<sup>th</sup> and their General Board meeting on June 23<sup>rd</sup>. Notice of the UDPAC meeting was sent to all residents within 500 feet of the premises. Both the Committee and the Board voted to support this request, and their correspondence is attached.

On April 2<sup>nd</sup> of this year, the applicants applied for a Type 40 license from the Alcoholic Beverage Control. Per the ABC's description of license types, this license:

*Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.*

Per 23985.5 of the California Business & Professions Code, the applicants notified this pending license application by mail to all residents within 500 feet of the premises. Per 23985 of the California Business & Professions Code, the applicants also posted a notice at the premises for 30 consecutive days stating the same. No protests to this application were filed to the Alcoholic Beverage Control.

### **RESPONSE TO APPEALANTS STATEMENTS**

The appellant makes five claims as to why the Zoning Administrator erred in their decision.

- 1) *This project does not show sufficient regard for the surrounding district. The surrounding district includes Ivanhoe Elementary School which is directly across this very busy street. The Street is two lanes plus 2 bike paths. Each direction of flow has one lane and one bike path. There is no crosswalk.*

The Silver Lake neighborhood is known for its small, neighborhood-oriented retail and restaurant options. In this instance, surrounding properties already contain a mix of commercial uses, including restaurants. Little Pine Restaurant at 2870 Rowena (approximately 280 feet to the east) and Blair's Restaurant (approximately 114 feet to the north across Rowena Avenue) have operated on Rowena for many years without issue. In addition, there is a Yoga Studio, Market, and spa on the same block as the proposed establishment. These businesses are part of what makes the neighborhood such a desirable place to live and work.



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The applicants wish to run a local coffee shop, which will offer a mix of drinks and light meals, and snacks for the community. There are no independent coffee shops in the immediate area, so this business will serve local residents and the many people who work along this stretch of Rowena. The applicants would like to offer very limited beer service for customers to enjoy lunch or after-work treat with neighbors and co-workers. Coffee shops are a desired amenity in mixed-use neighborhoods, and many customers enjoy having a local spot to enjoy an alcoholic beverage. The business is proposing modest hours of operation and will be for sit-down or to-go service only – it will never function as a bar or a nuisance to the community.

The change of use will not disturb existing traffic patterns. A traffic light with crosswalks is already located 126 feet to the east of the subject property. In addition, this property features an off-site parking lot. As such, the proposed use does show regard for the surrounding district.



- 2) *Patrons consuming alcohol at this establishment can become impaired and while walking or driving could hurt young children and others. Children can dart out into traffic and impaired drivers could run into them.*

*The district also includes Camelot Kids on the same side of the street. Camelot Kids is an after school program for elementary school children. Patrons consuming alcohol at this establishment can become impaired and while walking or driving can hurt young children and others. Children can dart out into traffic and impaired drivers could run into them.*

*The School has requested no serving of alcohol during school hours. Alcohol service needs to be reduced to grant the school's requests. They are experts in student safety. In addition alcohol service needs to be stopped from drop off at 7am and pickup hours at 5pm on school days. Adults who abuse alcohol could start drinking at 7am and then immediately drop off their children at the School.*

Approval of a new café with beer service will not result in the type of activity described above. Both Little Pine and Blair's currently operate Alcoholic Beverage Control (ABC) licenses, both during school hours and



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after, without endangering the surrounding neighborhood. They are located in the same immediate neighborhood and both were issued Conditional Use Permits from the City of Los Angeles and Licenses from the ABC using the same process as the applicants.

In her approval, the Associate Zoning Administrator (AZA) imposed 28 conditions of approval onto the applicant's request. These include conditions to mitigate noise (#23), provide sufficient lighting (#22), verify ages for beer service (#19), prevent loitering (#14), require training of staff (#12), and monitoring the area through security cameras (#10) and staff oversight (#13). There will be no dancing, live entertainment, or outdoor service at this business. These conditions, and those imposed by the ABC, will prevent the establishment from creating the type of nuisance activities described above.

According to a memo issued by former Chief Zoning Administrator Robert Janovici, the City of Los Angeles is preempted by State law from directly conditioning alcohol service hours. If the City were to use its zoning authority instead to condition the hours of operation to meet the appellant's request, an undue burden would be placed on the applicant's ability to operate at this location. Instead, the AZA issued 28 conditions that set parameters on the business operations, which make it compatible with the surrounding neighborhood during all proposed hours of operation.

- 3) *More parking must be provided to not add to the traffic congestion already evident at Rowena and Herkimer especially at school drop off and pickup times.*

There are 23 on-site, shared parking spaces on the property, and no additional parking spaces are required to change the use. Due to the effects of the Coronavirus pandemic and to "support the vitality and viability of its commercial corridors and districts that support the employment of local residents and contribute to the overall health of the local economy and generally improve the public welfare of the City," the City Council passed Ordinance 187096 which waives additional parking for changes of use at small businesses.

Due to their long history in the neighborhood, the applicants are very familiar with traffic patterns and how patrons arrive at the businesses on the block. As a neighborhood-oriented establishment, a large portion of their clientele will arrive on foot or by rideshare. Those who drive will have the shared on-site stalls and two parking meters directly in front of the business.

- 4) *STAR. This training must be required prior to the service of any alcohol. 6 months is far too long.*

The language used in this condition is standard across all Conditional Use Permits. However, the applicants are happy to comply with this suggestion as an act of good faith.

- 5) *Smoking. Even though the LAMC requires 10 feet this Approval should require no smoking at all on the sidewalk in front of the establishment. Children from the school could end up standing there at length with their possibly intoxicated parents.*

The applicants will not permit any smoking in front of the business per the LAMC requirements. There is no outdoor component to this project, and all staff will undergo STAR Training to ensure that they do not overserve patrons. There will be no distilled spirits or wine served or consumed on-site.

ORDINANCE NO. 187096

An ordinance amending Article 6 of Chapter I of the Los Angeles Municipal Code to provide regulatory relief from certain zoning and land use requirements during a local emergency.

**WHEREAS**, the City Council of the City of Los Angeles (City Council) recognizes the significant public health and economic impacts of the novel Coronavirus pandemic (pandemic) on the City of Los Angeles (City), and further appreciates the need to facilitate temporary zoning code relief to support the local economy and livelihood of those living and working in the City;

**WHEREAS**, the City Council further recognizes the uncertainty surrounding the current local emergency, a result of the pandemic, and the risk of subsequent local emergencies to unduly impact the local economy and employment necessitates temporary regulations;

**WHEREAS**, during the current pandemic and local emergency the City Council has undertaken extraordinary measures to support residents, tenants, business owners, and property owners Citywide;

**WHEREAS**, the City Council desires to provide regulatory relief during declared local emergencies that allows for reductions in parking requirements and extensions of time for the utilization of certain land use entitlements;

**WHEREAS**, the City Council intends for the relief to provide needed flexibility for businesses and projects by extending time limits for approvals and providing targeted parking relief for small scale projects, thereby allowing local proprietors to achieve cost savings while furthering the environmental and mobility goals of the General Plan;

**WHEREAS**, the City Council aims for this relief to support the vitality and viability of its commercial corridors and districts that support the employment of local residents and contribute to the overall health of the local economy and generally improve the public welfare of the City; and

**WHEREAS**, the Council has determined that the provisions of this ordinance are consistent with and implements the goals and objectives of the City's General Plan.

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. The title of Article 6 of Chapter I of the Los Angeles Municipal Code is renamed as follows:

**Section 12.24 U.10.** Hazardous waste facilities in M2 and M3 zones.

**Section 12.24 U.11.** Hazardous waste facilities in M3 zones.

**Section 12.24 U.17.** Natural resources development.

**Section 12.24 U.18.** Onshore installations required in connection with the drilling for or production of oil, gas or hydrocarbons, under specified conditions.

**Section 12.24 U.29.** Petroleum-Based Oil Refineries.

**Section 12.24 W.47.** Temporary geological exploratory core holes in all zones except the M3 Zone, under specified conditions.

(b) **Revocation.** Businesses or properties that are or have been the subject of revocation proceedings that resulted in corrective conditions or revocation are not eligible for a time extension.

(c) **Application.** In order to benefit from the relief provided by these provisions, an application to verify eligibility shall be filed and a fee paid, in accordance with procedures set forth by the Department of City Planning.

(d) **Original Approval.** The Director or designee shall verify that the prior discretionary approval and existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension.

(e) **Notification.** The applicant shall notify, in accordance with the procedures set forth by the Department of City Planning, the Los Angeles Police Department, the Department of Building and Safety, and the City Councilmember whose district includes any portion of the property as part of the application process for the extension of the time limits.

#### **D. AUTOMOBILE PARKING RELIEF**

1. **Changes of Use.** Notwithstanding Section 12.21 A.4, 12.23 B.8.(b), or any other Code section, ordinance, or specific plan to the contrary, when plans are submitted and accepted by the Department of Building and Safety for a change of use during an emergency declaration and after the adoption of a resolution by City Council invoking the provisions of this section, the change of use shall not trigger increased automobile parking beyond that required by the existing approved use if all the following requirements are met:

(a) **Requirements.**

(1) The change of use is limited to a nonresidential use allowable pursuant to the zoning applicable to the property's location.

(2) The building wherein the change of use is occurring has one of the following: a valid certificate of occupancy; temporary certificate of occupancy; or a building permit if the building predates the certificate of occupancy requirement. The aforementioned documents must have been issued prior to the declaration of the local emergency related to the City Council's resolution invoking this section.

(3) The automobile parking relief only applies to the first 5,000 square feet of Floor Area for any tenant space. Any Floor Area in excess of 5,000 square feet for said tenant space shall conform to the automobile parking requirements in LAMC Section 12.21 A.4, Section 12.23 B.8.(b), and any applicable Specific Plan, inclusive of any aggregate Floor Area, including Floor Area sectioned from a separate tenant space that may have been previously eligible or approved for the automobile parking reduction enumerated within this subdivision.

(4) Any additions to the building occurring during the invocation of this section by City Council resolution, and which result in an increase of Floor Area are limited to the area within the existing walls and existing roofline of the building, and do not include any outdoor space.

(5) No net loss of guest rooms and/or dwelling units result from the change of use.

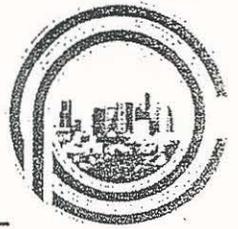
**Consistency.** The relief provided in this subdivision is limited to the provisions enumerated herein, and any project for which relief is sought shall otherwise be consistent with this Code and the General Plan.

2. **Outdoor Eating Areas.** Notwithstanding any provisions of this Code or any Zoning Administrator Interpretations of this Code to the contrary, any new or expanded Outdoor Eating Area shall not require any automobile parking, and the maintenance of existing automobile parking shall not be required for any portion of the parking lot utilized for an approved Outdoor Eating Area during the period that these provisions are invoked, pursuant to this section if the following requirements are met:



# Los Angeles City Planning Department

221 North Figueroa  
16th Floor



May 16, 1996

TO: All Zoning Administrators

FROM: Robert Janovici 

SUBJECT: **PROHIBITED ALCOHOLIC BEVERAGE SALES CONDITIONS**

As a reminder to all Zoning Administrators, I am reissuing the list of alcoholic beverage conditions which we may not use. As you know, a Superior Court Judge previously ruled that the express regulation of the sale of alcoholic beverages for either on-site or off-site consumption was not allowed due to a conflict with State authority. The City Council subsequently agreed not to appeal the decision. Consequently, the following are examples of conditions that should not be used in any of our determinations:

1. That the hours of liquor sales shall be from ...
2. That beer shall be sold in six packs only and wine coolers sold in four packs only. No single can/bottle sales of alcoholic beverages are permitted.
3. That wine shall be sold in bottles 750 ml or larger in size.
4. That no refrigerated beer or wine shall be sold.
5. That all alcohol sales shall be by clerks 21 years of age or older.
6. That only one building sign advertising "liquor" is allowed. No neon beer/wine signs visible on the outside are permitted.
7. That the gross receipts attributable to beer/wine sales ...
8. That the shelf space devoted to beer/wine ...

Basically, do not use the words "alcoholic beverages, liquor, beer, wine", etc., in any condition and your determination will withstand the test. While we believe it is possible to incorporate self-imposed limitations on the part of the applicant into a determination, these constraints should be part of the written record before there is any contact with the Zoning Administrator and incorporated into the application at the time of filing. If you have questions concerning conditions in an individual case, please contact me.

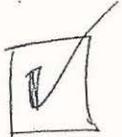
Revocations

Further, it has on rare occasions been the practice to include a condition reading generally as follows:

"That one documented ABC violation in the next six months for underage sales to minors or sales to someone under the influence of alcohol will subject the use to immediate revocation."

Bear in mind that revocation may not, under constitutional guarantees, be immediate but rather, resulting after due process (notice and opportunity to be heard) if the facts warrant same. There is no summary revocation procedure!

Please remember that potential case conditions which are in effect, veiled regulations of alcohol sales are also not allowed. We have to be able to show a land use "nexus" (trash, aesthetics) in order to justify a condition.



The following examples of conditions are not allowed under this clarification:

- o The quarterly gross sales of beverages shall not exceed the gross sales of food during the same period. The applicant shall, at all times, maintain records which reflect separately the gross sales of food and the gross sales of beverages of the licensed premises. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand. The owner will submit proof of compliance for the required three month review.
- o There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of beverages. (Note: a condition generally limiting signage if to ensure visibility from the outside as a crime prevention measure could be valid if the record indicates a clear need for this.)
- o The applicant shall not allow "Happy Hours", or certain time periods during which beverages are sold on the premises at discounted prices.
- o There shall be no minimum drink requirement for patrons.
- o The applicant shall not allow "promotional nights". Promotional nights include, but are not limited to, time periods during which female patrons may purchase beverages at a discounted price, encouraging patrons to come to the premises for beverages after an entertainment event at another location, and selling certain brands and/or type of beverages at a discounted price to bring attention to these brands and/or beverages.
- o No employees shall be engaged for the specific purpose of sitting with or otherwise spending time with customers while in said premises.

RJ:lmc





**Serving the Silver Lake Community Since 2003**

1850 W. Silver Lake Drive  
Los Angeles, California 90026

Phone 323-413-SLNC (7562)  
Email [board@silverlakenc.org](mailto:board@silverlakenc.org)  
[www.silverlakenc.org](http://www.silverlakenc.org)

**Co-Chairs**

Anthony Crump

Xanthe Schepps

**Vice Chair**

Dulce Stein

**Treasurer**

Maebe A. Girl

**Secretary**

Albert Andrade

June 24<sup>th</sup>, 2021

Sarahi Ortega  
Planning Assistant  
Department of City Planning  
200 N. Spring Street  
Los Angeles, CA 90012  
[sarahi.ortega@lacity.org](mailto:sarahi.ortega@lacity.org)

VIA EMAIL

Re: 2894 Rowena Ave.

Dear Sarahi Ortega:

The Silver Lake Neighborhood Council (SLNC) heard the application for the request for the CUB to allow the sale and dispensing of beer only for on and off-site consumption in conjunction with a new 920 sqft. coffee shop at 2894 Rowena having 40 seats and proposed hours of operation 7am-10pm Sunday-Wednesday, 7am-midnight Thursday-Saturday. The application was recommended for approval at the June 23<sup>rd</sup>, 2021 SLNC Special Governing Board meeting.

The SLNC appreciates your consideration of our recommendation.

Sincerely yours,

Albert Andrade  
Silver Lake Neighborhood Council Secretary  
On behalf of the Silver Lake Neighborhood Council  
[Albert.Andrade@Silverlakenc.org](mailto:Albert.Andrade@Silverlakenc.org)

cc: Mashaël Majid  
Dafne Gokcen

Planning Director, Council District 4  
Land Use Consultant

[mashaël.majid@lacity.org](mailto:mashaël.majid@lacity.org)  
[dafne@fedesignandconsulting.com](mailto:dafne@fedesignandconsulting.com)



Christina Toy &lt;christina.toy-lee@lacity.org&gt;

---

**Fwd: Case #: ZA-2021-1634-CUB**

1 message

---

**Sarahi Ortega** <sarahi.ortega@lacity.org>  
To: Christina Toy <christina.toy-lee@lacity.org>

Tue, Jun 29, 2021 at 12:03 PM

Hi Christina,

Please see below.

----- Forwarded message -----

**From: Kimberly Greenhut** <kimproduces@gmail.com>  
**Date:** Sun, Jun 27, 2021 at 12:57 PM  
**Subject:** Case #: ZA-2021-1634-CUB  
**To:** <sarahi.ortega@lacity.org>

Sarahi,

I am writing in regard to Case #: ZA-2021-1634-CUB - [2894 West Rowena Avenue, 90039](#).I live at [2831 Herkimer St, Los Angeles, CA 90039](#). While the idea of adding more restaurants to the neighborhood is attractive to me, I'm concerned about parking.

Now that Blair's restaurant uses its parking lot as a dining area, parking on my street has gotten very difficult between the hours of 6:30pm - 10pm. I think people would also try to park on my street to go to 2894 West Rowena as well.

I believe I missed the hearing but wanted to express my concern.

Thank you,

Kimberly Greenhut

--

415-260-6879 (L.A. based)

[LinkedIn](#) profile