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December 29, 2020

Andy Kadin (A)
Bub and Grandma's
474 Rustic Drive
Los Angeles, CA 90065

Swift Hawk LLC (O)
333 Grant Avenue, #709
San Francisco, CA 94108

Gary Benjamin (R)
Alchemy Planning + Land Use
4470 West Sunset Boulevard, #547
Los Angeles, CA 90027

CASE NO. ZA-2020-2782-CUB
CONDITIONAL USE - ALCOHOL
3507 North Eagle Rock Boulevard
Northeast Los Angeles Planning Area
Zone : [Q]CM-1VL-CDO
C.D. : 1 – Cedillo
D.M. : 154-5A215
CEQA: ENV-2020-2783-CE
Legal Description: Arb 1 and 2, Lot A,
Tract 8021

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies; and

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

a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed bakery and cafe,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,385 square-foot café and bakery with occasional live entertainment. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 7:00 a.m. to 12:00 a.m., daily.
 - b. The hours of operation for the outdoor patio shall be limited to 7:00 a.m. to 10:00 p.m., daily.
 - c. Indoor seating shall be limited to a maximum of 60 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - d. Outdoor patio seating shall be limited to a maximum of 25 seats. The final number of seats and their location may be modified by the Department of Building and Safety in order to provide accessibility and required clearances from existing structures.

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. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
10. No variance from parking requirements have been granted herein. Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A, 4(g) and 12.26-E, I(b).
11. **Security Plan.** The applicant shall prepare a security plan that must be reviewed and approved by the Police Department within 12 months of the approval of this grant. The approved security plan shall submitted to the Department of City Planning and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
12. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
13. The establishment operator shall retain full control of all events within the subject premises. At no time will the premises host raves or other similar events. The premises shall not sublet to outside promoters or to any third parties for private parties or special events.
14. No admission or cover charge may be collected to enter into the establishment.
15. The establishment shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the establishment for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.
16. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
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. Vendor(s) delivery of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. through 7:00 p.m. daily.
20. No booth or group seating shall be installed that completely prohibits observation of the occupants.
21. Adequate lighting shall be installed in all areas within the business in conformance with the LAMC. The lighting shall be such that it renders all objects and persons clearly visible.
22. Only the front door or entryway shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door, but shall be solid.
23. Entertainment in conjunction with the restaurant is limited to a live band without amplified sound (acoustic only). Recorded ambience music played to compliment the dining experience, shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys, or karaoke are not allowed.
24. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment outdoors at any time.
25. Prior to hosting live entertainment, the business operator shall apply for and secure an LAPD "Live Cafe Entertainment" permit.
26. There shall be no speakers or amplified sound permitted in the outdoor dining area.
27. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (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.
28. 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.
29. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 1. Entry, visible to pedestrians

2. Customer service desk, front desk or near the reception area.

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.

30. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale or service 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.
31. 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.
32. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
33. Conditions of this grant shall be retained at all times on the premises and shall be made immediately available upon request by the LAPD, ABC, or the Zoning Administrator. The manager and all employees shall be knowledgeable of the conditions herein.
34. The business operator of the premise permitted by this action shall maintain on the premise, and present upon request to any law enforcement officer, a copy of the business permit and insurance information.
35. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
36. The applicant/owner/operator and on-site manager(s) shall to discourage illegal criminal, and/or nuisance activity on any accessory parking areas which have been made available or are commonly utilized for patron parking.

37. The business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.
38. The business operator shall attend periodic meetings with the LAPD, the Council Office, and community members to discuss ongoing operations and recent complaints in order to address issues. Records of each meeting shall be retained and provided at the request of a Building and Safety inspector or Planning Department staff person.
39. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
40. An electronic age verification device shall be purchased and retained on the premises available to determine the age of any individual and shall be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
41. If at any time the business operator offers valet service, the valet company and its hired attendants must obtain a LAPD Valet Parking Permit which is granted by the LAPD Board of Commissioners office. The valet parking company must apply for a Valet Parking Operator (VPO) permit, while its hired drivers must apply for a Valet Parking Attendant (VPA) permit through LAPD Commission Investigation Division.
42. 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.
43. The applicant(s) shall comply with Section 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.

ADMINISTRATIVE CONDITIONS

44. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant.

Observations and results of said inspection will be documented and included in the administrative file.

- b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
- 45. 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.
- 46. 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.
- 47. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

 - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an

action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

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

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A 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 **January 13, 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 October 20, 2020, 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, consisting of two lots, is a level, irregular-shaped, corner, approximately 7,384 square-foot parcel of land with a approximately 135-foot frontage on the north side of Eagle Rock Boulevard, and an approximately 136-foot frontage on the east side of Avenue 35.

The project site is located within the Northeast Los Angeles Community Plan area, which designates the subject property for Medium Residential land uses, corresponding to the R3 Zone; the property is zoned [Q]CM-1VL-CDO. Although the zoning is not consistent with the land use designation, the current zoning was established through the "Northeast Los Angeles Community Plan Revision", Ordinance No. 174,171-SA3030B, which became effective on September 29, 2001. This ordinance resulted in a change of zone from R1-1 to [Q]CM-1-VL and the imposition of Qualified "Q" Conditions which prohibits 100 percent residential development; limits density to the RD1.5 Zone; prohibits adult entertainment uses and auto-related uses; and requires that Lots 63 and 64 is limited to off-street parking to serve the commercial shopping center on the subject property. The site is subject to the Cypress Park and Glassell Park Community Design Overlay (ZI-2401) but is not considered a project because there are no changes to the building exterior being proposed. The project site is also located in a State Enterprise Zone (ZI-2129), Alquist-Priolo Earthquake Fault Zone (ZI-2441), and Preliminary Fault Rupture Study Area (ZI-2442).

The subject property is developed with a single-story shopping center built in 1929. The project site occupies a 2,385-square-foot commercial unit within this existing shopping center, fronting on Eagle Rock Boulevard.

The applicant is requesting a conditional use to authorize the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,385 square-foot café and bakery (Bub and Grandma's) with occasional live entertainment, including 60 indoor seats and 25 exterior seats for a total of 85 seats. The proposed hours of operation are from 7:00 a.m. to 12:00 a.m., daily.

The request proposes no changes to the existing physical development of the site. No new construction is proposed and, as such, no additional parking will be provided as part of the request herein.

According to information submitted by the applicant:

The café is a project of Andrew Kadin (Applicant), owner of Bub and Grandma's Bakery, a citywide favorite providing wholesale baked goods to restaurants, cafes, and coffee shops across the region. They specialize in sourdough bread for sandwiches, and this project represents the first opportunity to sell directly to customers through the format of a small bakery and sandwich shop. The cafe will offer a plant-forward assortment of salads, sandwiches, and breakfast dishes, as well as coffee, freshly baked pastry, and loaves of bread. The Applicant wishes to service wine and beer to complement the proposed meal service.

SURROUNDING PROPERTIES

The surrounding neighborhood is fully developed and consists of residential uses, commercial and light manufacturing uses, as well as public and open space uses. Properties abutting to the north are zoned R3-1-CDO and [Q]CM-1VL-CDO and are developed with two-story multi-family buildings and single-family dwellings. Properties abutting to the east, across Eagle Rock Boulevard, are zoned [Q]CM-1-CDO and are developed with various commercial uses and a church. Properties to the west and

southwest, across Avenue 35, are zoned R3-1-CDO and RD1.5-1-CDO and are developed with a mix of single-family and multi-family dwelling units, and a mixed-use commercial and artist-in-residence unit.

STREETS

Avenue 35, adjoining the subject property to the west, is a designated Local Street – Standard, dedicated to a right-of-way width of 60 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Eagle Rock Boulevard, adjoining the subject property to the south and bisected by a median, is a designated Avenue I, dedicated to a width of 71.5 feet (on the portion adjoining the subject property) and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

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

Case No. ZA-2019-4645-CUB – On May 11, 2020, the Zoning Administrator denied a request for the sale and dispensing of beer and wine for on-site consumption and approved a conditional use to permit the sale of a beer and wine for off-site consumption and tasting in conjunction with a proposed microbrewery in the [Q]CM-1VL-CDO Zone, with hours of operation from 8 a.m. to 11 p.m. Monday through Saturday, and from 8 a.m. to 7 p.m. on Sunday, and outdoor patio hours until 10 p.m. Monday through Saturday and no later than 7 p.m. on Sunday, located at 3505 North Eagle Rock Boulevard.

Case No. ZA-2019-4627-CUB – On May 11, 2020, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site and off-site consumption in conjunction with a proposed 2,646 square-foot restaurant with 119 seats and hours of operation from 8:00 a.m. to 11:00 p.m., daily, at 3501 N Eagle Rock Boulevard, Suite D & E.

Case No. ZA-2019-710-CUB – On September 4, 2019, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and beer and wine for off-site consumption in conjunction with a proposed 1,248 square-foot bar with a 107 square-foot uncovered outdoor patio having hours of operation from 10:00 a.m. to 12:00 a.m. Sunday through Wednesday and 10:00 a.m. to 2:00 a.m. Thursday through Saturday, at 3515 N Eagle Rock Boulevard.

Previous Cases on Surrounding Properties

Upon utilizing a 500-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), staff identified the following Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages.

There are no relevant cases within 500 feet.

PUBLIC CORRESPONDENCE

Captain Arturo Sandoval, Commanding Officer, Northeastern Area, Los Angeles Police Department – In a letter dated June 24, 2020, the police department expressed that they did not oppose the request, upon 49 conditions. Among the recommended conditions are reduced hours for the outdoor patio area (7 a.m. to 10 p.m.), the development of a security plan for review by LAPD, and a Plan Approval review for compliance with conditions within one year of approval.

Karin Davalos, President, Glassell Park Neighborhood Council – In a letter dated July 21, 2020, the Neighborhood Council expresses their support for the request, recommending the following three conditions:

- Limit the hours of operation from 7 a.m. to 11 p.m. on Sunday, and from 7 a.m. to 10 p.m. Monday through Thursday, and 7 a.m. to 12 a.m. Friday and Saturday.
- That the applicant hire within the community as much as possible.
- That the city planner consider conditions of maximum noise / decibel level per the city's noise ordinance.

PUBLIC HEARING

The public hearing was held on October 20, 2020 at 10:00 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the hearing was conducted entirely telephonically. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The meeting was attended by the business owner, Andy Kadin, and his representative, Jes McBride.

Jes McBride summarized the project and request as follows:

- The applicant is a community member.
- This is a sandwich shop and bakery.
- All proposed seats are within the property.
- Beer and wine sales will be ancillary to food sales.
- There is a food service counter – no bar.
- Will have to-go orders, but no alcohol sales.
- Have Neighborhood Council support.
- Requested hours of operation are to allow for flexibility in hours of operation.
- The live entertainment stage is separated from the outdoor patio by a glass window.

Andy Kadin:

- Live entertainment would be acoustic – no amplified instruments, no vocalist.
- The music would be for background, ambient sounds.
- No open-mic, karaoke proposed.

Bill Cody, Deputy, Council District 1:

- Council Office is in support.

- This request is similar to other restaurants in the area.

At the conclusion of public testimony, the Zoning Administrator asked the representative if they had an opportunity to review and comment on the letter from the LAPD. The representative responded that they had not. At that time, the Zoning Administrator announced that he was inclined to approve the request, but kept the record open through Friday, October 23, 2020, to give the applicant the opportunity to review and comment on the LAPD letter. With that, the public hearing was closed.

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.

- The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sale of food. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- Alcohol may only be served to patrons who are seated at a table or seated at the bar and only in conjunction with a food order. Patrons shall not be served while standing or while waiting to be seated.
- The sale of alcohol shall be incidental to the sale of food.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender aged 21 years or older.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- Operator and its personnel shall, at all times, maintain a policy of not serving obviously intoxicated patrons and taking preventative measures to help avert intoxication-related problems by offering free non-alcoholic beverages for designated drivers.

- No “Happy Hour” type of reduced-price alcoholic beverage or “2 for 1” promotion shall be allowed at any time. Discounted food promotions are encouraged.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- 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.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- No cocktail lounge shall be maintained on the premises separate from the dining area.
- Petitioner(s) shall not require an admission charge or a cover charge, or a requirement to purchase a minimum number of drinks.
- Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge, or any other form of admission charge or the sale of drinks.
- No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
- There shall not be a requirement to purchase a minimum number of drinks.

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 of beer and wine for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

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

The subject property is developed with a single-story shopping center built in 1929. The project site occupies a 2,385-square-foot commercial unit within this existing shopping center, fronting on Eagle Rock Boulevard.

The surrounding neighborhood is fully developed and consists of residential uses, commercial and light manufacturing uses, as well as public and open space uses. Properties abutting to the north are developed with two-story multi-family buildings and single-family dwellings. Properties abutting to the east, across Eagle Rock Boulevard, are developed with various commercial uses and a church. Properties to the west and southwest, across Avenue 35, are developed with a mix of single-

family and multi-family dwelling units, and a mixed-use commercial and artist-in-residence unit

The applicant is requesting a conditional use to authorize the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,385 square-foot café and bakery (Bub and Grandma's) with occasional live entertainment, including 60 indoor seats and 25 exterior seats for a total of 85 seats. The proposed hours of operation are from 7:00 a.m. to 12:00 a.m., daily.

The project will offer a service that is beneficial to the surrounding community by providing a high quality bakery and eating establishment to the Glassell Park neighborhood, which is characterized by active store fronts, pedestrian activity, and small business ownership. The project will provide a public place for residents, employees, and visitors in the community to gather and enjoy this convenient dining option. The Applicant wishes to offer beer and wine to complement meal service. The restaurant will be a neighborhood serving use that will remain viable and competitive with the many other local restaurants nearby through the approval of this grant. Therefore, the project is compatible with its surrounding uses and provides a beneficial service to the community.

The project will enhance the built environment by further activating the shopping corner that it is located in. The project is within walking distance for many residents, and there is ample parking, both on-street and off-street, to accommodate visitors without negatively impacting the adjacent residential uses. The project also proposes outdoor dining adjacent to the public sidewalk, thus providing an opportunity for people to enjoy the outdoors, create "eyes on the street" for public safety, and add to the vitality of the streetscape. The project will contribute to the charming and modest character of the Glassell Park neighborhood while activating a commercial corner that is otherwise being underutilized. Therefore, the instant grant of the subject request will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community, city, or 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 property is developed with a single-story shopping center built in 1929. The project site occupies a 2,385-square-foot commercial unit within this existing shopping center, fronting on Eagle Rock Boulevard.

The applicant is requesting a conditional use to authorize the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,385 square-foot café and bakery (Bub and Grandma's) with occasional live entertainment, including 60 indoor seats and 25 exterior seats for a total of 85 seats. The proposed hours of operation are from 7:00 a.m. to 12:00 a.m., daily. The request proposes no changes to the existing physical development of the site.

No new construction is proposed and, as such, no additional parking will be provided as part of the request herein.

According to the applicant, the café is a citywide favorite providing wholesale baked goods to restaurants, cafes, and coffee shops across the region. They specialize in sourdough bread for sandwiches, and this project represents their first opportunity to sell directly to customers through the format of a small bakery and sandwich shop. The cafe will offer a plant-forward assortment of salads, sandwiches, and breakfast dishes, as well as coffee, freshly baked pastry, and loaves of bread. The Applicant wishes to service wine and beer to complement the proposed meal service.

The surrounding neighborhood is fully developed and consists of residential uses, commercial and light manufacturing uses, as well as public and open space uses. Properties abutting to the north are developed with two-story multi-family buildings and single-family dwellings. Properties abutting to the east, across Eagle Rock Boulevard, are developed with various commercial uses and a church. Properties to the west and southwest, across Avenue 35, are developed with a mix of single-family and multi-family dwelling units, and a mixed-use commercial and artist-in-residence unit.

No communication or testimony in opposition to the request has been received; the applicant enjoys the support of the local Neighborhood Council and City Council Office. The Los Angeles Police Department does not oppose the request.

In approving this request, the Zoning Administrator has imposed conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are minimized by the imposition of conditions requiring deterrents against loitering and responsible management. Employees are required to undergo training on the sale and service of beer and wine provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program, Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program. Conditions recommended by the Neighborhood Council and the police department have been incorporated into this approval. In addition, conditions have been recommended to the ABC for consideration when issuing their license.

The use and location of this neighborhood-serving project are appropriate given the policies and zoning governing the project site. The project is not requesting any karaoke, live entertainment, or patron dancing. The Applicant is only seeking approval for the sale and dispensing of beer and wine to complement the dining experience offered by the proposed bakery and café. Conditions have also been imposed to encourage responsible management, deter criminal activity, and ensure compatibility with the surrounding neighborhood. As such, 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.

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

The elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC.

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. Objective 7.3 of the Framework Element sets a goal to “maintain and enhance the existing businesses in the City” and Policy 7.3.2 encourages the establishment and retention of “neighborhood commercial activities within walking distance of residential areas.”

The Applicant is the owner of the local bakery and cafe that has been successful in providing wholesale baked goods and freshly made breads to restaurants, cafes, and coffee shops across the region. The location of the project is also conveniently accessible and within walking distance of the surrounding residential neighborhoods.

The subject property is located within the boundaries of the Northeast Los Angeles Community Plan, which establishes land use designations and planning policies for the area. The project is not subject to any Specific Plans or other overlays (the Cypress Park and Glassell Park Community Design Overlay do not apply to this project). The Northeast Los Angeles Community Plan specifically mentions Eagle Rock Boulevard as one of the two arterials upon which commercial uses are prevalent. The project would conform to this goal of the plan by introducing a new tenant to the existing commercial building and presenting an opportunity for revitalization. The project site is zoned [Q]CM-1VL-CDO and designated as Medium Residential. As a commercial use, the proposed project is consistent with the zoning, and meets the intent of the following Commercial Goals, Policies, and Objectives of the Community Plan:

Goal 2: Strong and competitive commercial areas that suitably serve the needs of the community and attracts customers from outside the plan area by satisfying market demand and maximizing convenience and accessibility while preserving unique historic and cultural identities of each commercial area.

Objective 2-1: To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.

Policy 2-1.2: Protect commercially planned/zoned areas from residential-only development.

Objective 2-2: To enhance the identity and appearance of commercial districts.

The proposed project would conserve and strengthen the existing commercial corner and mini-shopping center as a viable commercial development while also revitalizing it with a new tenant and activated storefront. The project will enhance existing character of the neighborhood while promoting economic vitality and serving the needs of the greater community with this desirable dining option. The project will help bring more visitors and patrons to the shopping center, thus promoting the economic well-being of the other retail stores and restaurants located near the project site. The location of the project is very convenient for residents to walk or take transit to. There are both single-family and multi-family residential neighborhoods all around the site that will benefit from the project. The project conforms to existing zoning and policy to protect commercial land and prevent loss of the site to residential-only development. Thus, 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 applicant is requesting a conditional use to authorize the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,385 square-foot café and bakery (Bub and Grandma's) with occasional live entertainment, including 60 indoor seats and 25 exterior seats for a total of 85 seats. The proposed hours of operation are from 7:00 a.m. to 12:00 a.m., daily.

According to the applicant, the café is a citywide favorite providing wholesale baked goods to restaurants, cafes, and coffee shops across the region. They specialize in sourdough bread for sandwiches, and this project represents their first opportunity to sell directly to customers through the format of a small bakery and sandwich shop. The cafe will offer a plant-forward assortment of salads, sandwiches, and breakfast dishes, as well as coffee, freshly baked pastry, and loaves of bread. The Applicant wishes to service wine and beer to complement the proposed meal service.

The surrounding neighborhood is fully developed and consists of residential uses, commercial and light manufacturing uses, as well as public and open space uses. Properties abutting to the north are developed with two-story multi-family buildings and single-family dwellings. Properties abutting to the east, across Eagle Rock Boulevard, are developed with various commercial uses and a church. Properties to the west and southwest, across Avenue 35, are developed with a mix of single-family and multi-family dwelling units, and a mixed-use commercial and artist-in-residence unit

The subject property is located in the [Q]CM-1VL-CDO Zone where conditional authorization for the sale of beer and wine for on-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. The

café and bakery uses are permitted by-right and are appropriate given the surrounding context and general plan land use designation. The project is proposing the offering of beer and wine to complement the dining experience. The establishment is a sit-down restaurant that is modest in size with minimal potential for noise impacts and other nuisance-type activity. The project is required to offer food service during all operating hours. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the responsible sale and service of beer and wine. Any private events will be required to adhere to the imposed conditions as well as the City's Noise Ordinance. The restaurant's frontage along Eagle Rock Boulevard, facing away from nearby residential uses, in conjunction with compliance with imposed conditions, will minimize adverse effects associated with any live entertainment that may be offered. The Zoning Administrator has imposed numerous other conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the proposed conditional use. 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, the sale and dispensing of beer and wine for on-site consumption in conjunction with the proposed bakery and café will not adversely affect the welfare of the pertinent community.

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

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, there are three (3) on-site and one (1) off-site licenses allocated for the subject tract (Census Tract No. 1864.03). Currently, there is only one (1) active on-site license in this census tract. There are no alcohol-selling establishments within 1,000 feet of the subject site.

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 request will not result in undue concentration, as the project will provide a valuable amenity and a desirable service. The project has the support of both the local Neighborhood Council and the local City Council Office. Conditions

have been made a part of the approval to ensure that that the restaurant operates compatibly with the surrounding community and does not negatively impact it.

According to statistics provided by the Los Angeles Police Department's Northeast Division Vice Unit, within Crime Reporting District No. 1134, a total of 191 crimes (138 Part I Crimes and 53 Part II Crimes) were reported in 2019, compared to the Citywide Average of 170 crimes and the High Crime Reporting District Average of 204 crimes for the same period. In 2019, there were (5) Narcotics, (2) Liquor Law, (5) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (6) Driving While Influence (DWI) related arrests, and (12) Other Offences. 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 lower than the 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. The request is unopposed by the police department. Nevertheless, conditions, such as those related to the STAR/LEAD/RBS Program, age verification, and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to mitigate nuisance and criminal activities have been incorporated into the grant to assure better oversight. The Zoning Administrator has also included conditions related to the sale and distribution of alcohol for further consideration by the California Department of Alcoholic Beverage Control as conditions on the alcohol license. Therefore, as conditioned, approval of the use will not contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing alcohol.

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 following sensitive uses are located within a 1,000-foot radius of the site:

Single-Family Residential Uses	
Multi-Family Residential Uses	
Igelsia Del Nazareno	3589 Eagle Rock Boulevard
Garden Nursery School	3602 Eagle Rock Boulevard
Burgueno Family Child Care	3636 Eagle Rock Boulevard
Glassell Recreation Center	3650 Verdugo Road
Glassell Park Childcare Center	2727 Crestmoore Place
Angels Camp Family Childcare	2719 West Avenue 35
Fletcher D. Elementary School	3350 Fletcher Drive
Los Angeles Reformed Presbyterian Church & Bible School	3557 Fletcher Drive

No communication or testimony has been received from any of the identified sensitive uses concerning the project.

Consideration has been given to the distance of the subject establishments from the above-referenced sensitive uses. As mentioned previously, the project is appropriate given the surrounding context and designated commercial district it is located in. Furthermore, the grant has been well conditioned, which will protect the health, safety, and welfare of the surrounding neighbors. Although there is some degree of proposed outdoor dining, the potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise, loitering, and security. The project is consistent with the zoning and in keeping with the form and function of the surrounding area. The project will contribute to the neighborhood character 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.

ADDITIONAL MANDATORY FINDINGS

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 X, an area of minimal flood hazard.

Inquiries regarding this matter shall be directed to Esther Ahn, Planning Staff for the Department of City Planning, at (213) 978-1486.



JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator

JAH:EA:bk

cc: Councilmember Gilbert Cedillo
First Council District
Adjoining Property Owners
Interested Parties