
ATTACHMENT A
CITY PLANNING APPLICATION – FINDINGS & SUPPLEMENTAL INFORMATION
CLASS 2 CONDITIONAL USE PERMIT – ALCOHOL (CUB)
2308 & 2310 South Union Avenue, Los Angeles, California 90007

➤ **SITE INFORMATION:**

- Street Address: 2308 & 2310 South Union Avenue, Los Angeles, CA 90007
- Lot Area: 7,973.7 square feet (per ZIMAS)
- Assessor Parcel Number (APN): 512-400-7017, -7018

➤ **ACTION(S) REQUESTED:**

- A **Class 2 Conditional Use Permit for Alcohol (CUB)**, pursuant to LAMC Section 12.24-W.1, to authorize the 789 square-foot interior expansion and continued operation of an existing 1,596 square-foot restaurant (Bacari West Adams) into an adjacent property, along with the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption. The restaurant will also provide 705 square feet of outdoor dining on the sidewalk (via a Revocable Permit) and on the street (via the Al Fresco program). The restaurant is proposing a total area of 3,090 square feet with 131 total seats (91 interior seats and 40 exterior seats). The proposed hours of operation are from 5:00 p.m. to 10:00 p.m., Monday through Thursday; 5:00 p.m. to 11:00 p.m. on Friday; 10:00 a.m. to 11:00 p.m. on Saturday; and from 10:00 a.m. to 10:00 p.m. on Sunday in the C2-1VL-O-HPOZ-CPIO Zone.
- The applicant will also request approvals and permits from the Los Angeles Department of Building and Safety for various building improvements.

➤ **BACKGROUND INFORMATION:**

SUBJECT PROPERTY

The subject property (“Property”) is comprised of five (5) lots consisting of 22,987 square feet of lot area. The Property is developed with a multi-tenant commercial complex consisting of three (3) side-by-side two-story buildings fronting on Union Avenue, one (1) two-story building fronting on 24th Street, and one (1) two-story building located on the interior of the lot. A surface parking lot is maintained on the rear portion of the lot, with vehicular ingress and egress via a driveway and curb cut accessing either 23rd Street or 24th Street.

LAND USE DESIGNATION / ZONING CLASSIFICATION

Located within the boundaries of the South Los Angeles Community Plan Area, the Property is zoned C2-1VL-O-HPOZ-CPIO and is designated for Neighborhood Commercial land uses by the Community Plan. The “C2” prefix is for a commercial zone and permits a broad range of

commercial uses, including restaurants. The “1VL” suffix corresponds to the Height District. The “1VL,” per the Los Angeles Municipal Code (LAMC), permits up to 45 feet in height, three (3) stories, and Floor Area Ratio (FAR) of 1.5:1. The “HPOZ” in the zoning corresponds to the University Park Historic Preservation Overlay Zone and the “CPIO” suffix corresponds to the South Los Angeles Community Plan Implementation Overlay.

This subject site is also located within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay District (ZI-2397), the Los Angeles State Enterprise Zone (ZI-2374), the Transit Priority Area in the City of Los Angeles (ZI-2452), the Freeway Adjacent Advisory Notice for Sensitive Uses (ZI-2427), and the South Los Angeles Alcohol Sales Specific Plan (ZI-1231). The Property is also within the jurisdictional boundaries of the Empowerment Congress North Area Neighborhood Council and Council District 1, and the service boundaries of Fire Station No. 15 and the Southwest Division of the Los Angeles Police Department. The site is further located within an Urban Agriculture Incentive Zone, a Methane Buffer Zone, and is within 0.73 kilometers of the nearest known fault (Puente Hills Blind Thrust).

SURROUNDING PROPERTIES

The northeast adjoining properties, across 23rd Street, are zoned C2-1VL-O-HPOZ-CPIO [Q]RD1.5-1XL-O-HPOZ, and are generally developed with commercial retail fronting on Union Avenue and residential uses fronting 23rd Street. The easterly abutting properties are zoned [Q]RD2-1XL-O-HPOZ and are generally developed with residential uses fronting 23rd and 24th Streets. The southerly adjoining properties, across 24th Street, are zoned C2-1VL-O-HPOZ-CPIO and [Q]RD1.5-1XL-O-HPOZ, and are developed with a restaurant fronting Hoover Street and residential uses fronting 24th Street. The northwestern adjoining property, across Union Avenue, is zoned C2-1VL-O-HPOZ-CPIO and is developed with a City park. The northwestern abutting property is zoned C2-1VL-O-HPOZ-CPIO and is developed with a single-story multi-tenant commercial retail building.

ZONING OVERLAYS / SUPPLEMENTAL DISTRICTS

- ***South Los Angeles Community Plan***

The Property falls within the South Los Angeles Community Plan (“Community Plan”) area. The current Community Plan was adopted on November 22, 2017, and is effective as of December 29, 2018. The Community Plan is a component of the City’s General Plan Land Use Element. It outlines a vision for the long-term physical development, economic revitalization, and community enhancement of South Los Angeles, and sets forth actions to achieve the community’s vision. The Community Plan Area is located approximately three (3) miles southwest of Downtown and covers over 15 square miles of land area. The Plan Area includes the neighborhoods of University Park, Adams-Normandie, Harvard Heights, West Adams Heights, Kinney Heights, Jefferson Park, Vermont Square and Vermont-Knolls, and is characterized by diverse neighborhoods rich in cultural and historic character. Generally bounded by Pico Boulevard to the north, Figueroa Street and Harbor Freeway (I-110) to the east,



Century Boulevard, 105th, 108th and 120th Streets to the south and Van Ness and Arlington Avenues to the west, this Community Plan Area is one (1) of three (3) located within the City’s South Los Angeles Planning Region. The proposed project complies with the intent, goals, objectives, and policies of the Community Plan as the establishment contributes to the vibrant commercial corridor and pedestrian-friendly environment of Union Avenue, detailed further in the Findings section below.

- ***South Los Angeles Alcohol Sales Specific Plan***

The Property is located within the South Los Angeles Alcohol Sales Specific Plan (“Specific Plan”). The City Council adopted the South Central Specific Plan for Conditional Use Approval for Sale of Alcoholic Beverages in March 1987, and the Specific Plan went into effect on May 4, 1987, as Ordinance No. 162,128. The goal of the Specific Plan was to address the unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for off-site consumption, generally located in the South Central Area of the City of Los Angeles, including portions of the South Central Los Angeles, Southeast Los Angeles and West Adams District Plan Areas, which resulted in loitering, littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The Specific Plan’s intent is to address the health, safety, and welfare of residents of nearby single- and multiple-family areas, and prevent the deterioration of the subject neighborhoods, by revising the procedures for obtaining Conditional uses for the sale of alcoholic beverages, including beer and wine, for off-site consumption in the South Los Angeles area of the City. Because the goal of the Specific Plan is to regulate the off-site sale of alcoholic beverages, the Specific Plan does not pertain to the project as the Applicant is not utilizing an off-sale license.

- ***ZI-2440 – University Park Historic Preservation Overlay Zone***

The Property is located within the University Park Historic Preservation Overlay Zone (“HPOZ”) and as such, all exterior work on the Property is subject to review by the Office of Historic Resources within the Department of City Planning. The City’s local historic districts program aims to identify and protect the distinctive architectural and cultural resources of Los Angeles’s historic neighborhoods, such as the buildings the project is currently in and expanding into. Designating a neighborhood as a local historic district or HPOZ means that any new projects in that neighborhood must complement its historic character. Development Services Staff are required to refer project applicants to HPOZ staff for conformance with these development standards. Like other zoning overlays, HPOZs provide an additional layer of planning control during the project review process. All exterior work proposed in an HPOZ, including landscaping, alterations, additions, and new construction, is subject to additional review. Each district has a Preservation Plan with design guidelines and an HPOZ Board that reviews proposed work. Some projects are reviewed at a staff level, while others also go to the district’s HPOZ Board for consultation and review. The subject buildings were constructed in the early 1900s and are classified as “District



Contributors.” Because the scope of the Project only requires interior tenant improvement work and no exterior façade changes are proposed, the project is not subject to additional review.

- ***ZI-2452 – South Los Angeles Community Plan Implementation Overlay***

On December 29, 2018, Ordinance No. 185,927 became effective establishing the South Los Angeles Community Plan Implementation Overlay (“CPIO”) District. The Ordinance establishes and adopts boundaries for the South Los Angeles CPIO District and 15 subareas, and adopts use and development regulations for properties within the boundaries of these subareas. The Department of Building and Safety will not issue any permit for the demolition, new construction, addition to, or exterior alteration of any building or structure, change of use, sign, fences and walls, or site grading on a lot located in whole or in part within a South Los Angeles CPIO Subarea unless the Director of Planning or their assignee has approved the Project as being in compliance with the South Los Angeles CPIO Ordinance. The Project only involves interior tenant improvement work, including but not limited to interior alterations, electrical permits, mechanical HVAC (non-rooftop) permits, and plumbing permits. Thus, the Project falls under the South Los Angeles CPIO exception and does not require clearance.

- ***ZI-2452 – Transit Priority Area in the City of Los Angeles***

The Property is located within a Transit Priority Area (“TPA”), which is an area within one-half (½) mile of a major transit stop that is existing or planned. In September 2013, the Governor signed into law Senate Bill 743/Assembly Bill 744, which instituted changes to the California Environmental Quality Act (CEQA) when evaluating environmental impacts of projects located in areas served by transit. While the thrust of SB 743 addressed a major overhaul on how transportation impacts are evaluated under CEQA, it also limited the extent to which aesthetics and parking are defined as impacts under CEQA, specifically with regard to projects that are residential, mixed-use residential, or employment centers, as well as projects located on an infill site within a TPA.

As a TPA, projects are entitled to certain exemptions under CEQA, and local jurisdictions are prohibited from enforcing parking minimums per AB 2097 signed into law on September 22, 2022. AB 2097 allows the elimination of parking for any project located within a Transit Priority Area (TPA). Instead, projects may voluntarily provide parking in order to meet any anticipated operational needs, with no minimum parking required. The law went into effect on January 1, 2023. Section 21064.3 of the Public Resources Code defines a “major transit stop” as 1) an existing rail or bus rapid transit station, 2) a ferry terminal served by either a bus or rail transit service, or 3) the intersection of two (2) or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. All parcels within the subject property have no more than 25% of their area farther than one-half (½) mile from two (2) Metro buses with frequencies of 15 minutes or less



during peak hours: Metro Bus 603, at intersection of 23rd Street and Union Avenue, and Metro Bus 2, at the intersection of 24th Street and Hoover Street. As such, it is eligible as a Transit Priority Project.

- ***ZI-2374 – Los Angeles State Enterprise Zone***

The Property is located in a Los Angeles State Enterprise Zone, which provides economic incentives to stimulate local investment and employment through tax and regulation relief along with improvement to public services. Projects located within a State Enterprise Zone are afforded certain incentives for development related to reduced parking for commercial/retail uses at two (2) spaces per 1,000 square feet. However, as this property is located in a Transit Priority Area, no minimum parking standards may be imposed per Assembly Bill 2097.

- ***ZI-2427 – Freeway Adjacent Advisory Notice for Sensitive Uses***

The Property is located within 1,000 feet of freeways. Areas located within 500 feet of a freeway are known to experience the greatest concentrations of fine and ultrafine particulate matter, a pollutant implicated in asthma and other health conditions. In 2003, the California Legislature enacted SB 352, which precludes the siting of public schools within 500 feet of a freeway, unless it can be shown that any significant health risk can be mitigated. Scientific literature has established strong links to negative health outcomes affecting sensitive populations at a distance of 1,000 feet from freeways. Therefore, the Department of City Planning is using the 1,000 feet boundary, as the distancing threshold, for conservative consideration of risk to the negative effects of air pollution caused by freeway proximity.

All applicants filing a discretionary application, with the Department of City Planning, for a new and/or expanded project located within 1,000 feet of a freeway are to integrate project design alternatives that reduce air pollution exposure and associated health risks. Projects are also expected to adhere to the Citywide Design Guidelines including those that address freeway proximity.

- ***ZI-2397 – North University Park – Exposition Park – West Adams Neighborhood Stabilization Ordinance***

On November 16, 2008, Ordinances 180,219 and 180,218, became effective, amending the Los Angeles Municipal Code and establishing the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay (“NSO”) District in the area generally bounded by the 10 Freeway, 110 Freeway, Martin Luther King Boulevard, and Normandie Avenue. The Department of Building and Safety will not issue a building permit for a Project within a NSO District unless a Conditional Use approval has been granted by a Zoning Administrator pursuant to Section 12.24W52. A Project within a NSO District is defined in the subject ordinance as, “*The construction, erection, addition to, enlargement of or reconfiguration of any one family dwelling or multiple-family dwelling units or portions of dwelling units in the*



R2, RD, R3, RAS, R4, R5, CR, C1, C1.5, C2, C4, C5, or CM zones that create at least one dwelling unit with five or more habitable rooms.” The scope of this entitlement request for Bacari does not fall within this definition of a NSO Project as it is for a commercial use and thus is “Not a Project.”

STREETS AND CIRCULATION

- Union Avenue, at the Property’s street frontage, is a designated Local Street-Standard dedicated to a width of 60 feet and improved with a sidewalk, curb, and gutter.
- Hoover Avenue, adjoining the site to the west, is a designated Boulevard II dedicated to a width of 100 feet and improved with a sidewalk, curb, and gutter.
- 24th Street, adjoining the site to the southeast, is a designated Local Street-Standard dedicated to a width of 60 feet and improved with a sidewalk, curb, and gutter.
- 23rd Street, adjoining the site to the north, is a designated Collector Street dedicated to a varying width of 56 to 59 feet and improved with a sidewalk, curb, and gutter.

RELEVANT CASES ON THE PROPERTY

- Case No. ZA-2013-3057-CUB-PA1 – On August 5, 2021, the Zoning Administrator approved a Conditional Use Permit and Plan Approval to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,340 square-foot restaurant with 44 indoor seats, and to also permit deviations from the Commercial Corner Development provisions to allow the hours of operation from 11:00 a.m. to 11:00 p.m., Sunday through Wednesday, and 11:00 a.m. to 12:00 a.m. midnight, Thursday through Saturday, in the C2-1VL-O-HPOZ-CPIO Zone.
- Case No. ZA-2018-5145-CUB – On March 16, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with a proposed restaurant in the C2-1VL-O-HPOZ-CPIO Zone.
- Case No. ZA-2017-4474-CUB – On December 13, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for on-site consumption in conjunction with the continued operation of an existing restaurant located at 2308 South Union Avenue within the C2-1L-O-HPOZ Zone (Bacaro LA).
- Case No. ZA-2016-1460-CUB – On August 30, 2016, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with a restaurant (Nature’s Brew).
- Case No. ZA-2013-3057-CUB – On April 18, 2014, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for



on-site and off-site consumption in conjunction with a restaurant, and to also permit deviations from Commercial Corner Development provisions to allow operation of the restaurant from 11:00 a.m. to 11:00 p.m., Sunday through Wednesday, and from 11:00 a.m. to midnight Thursday through Saturday, in lieu of the maximum 7:00 a.m. to 11:00 p.m., otherwise permitted in the C2-1L-O-HPOZ Zone.

- Case No. ZA-2005-5365-CUB – On May 12, 2006, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for on-site in conjunction with an existing 1,041 square-foot restaurant, located at 2308 South Union Avenue within the C2-1L-O-HPOZ Zone (Le Porcini Ristorante).

RELEVANT CASES ON SURROUNDING PROPERTIES

- Case No. ZA-2016-1630-CUB – On May 10, 2016, an application was filed for a Conditional Use Permit to allow the sale of beer and wine only for on-site consumption at an existing 1,551 square-foot restaurant with 32 indoor seats and limited live entertainment with hours of operation from 7:00 a.m. to 11:00 p.m., daily, within the C4-1VL-O and QC1.5-1VL-O Zone at 2595 South Hoover Street, Suite B.
- Case No. ZA-2010-935-CUB – On February 23, 2011, the Zoning Administrator approved a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of an existing restaurant located at 2212-2214 South Union Avenue.

PROJECT DESCRIPTION

The Applicant, Bacari Operations, LLC, is requesting a Conditional Use Permit to authorize the 789 square-foot interior expansion and continued operation of an existing 1,596 square-foot restaurant (Bacari West Adams located at 2308 S. Union Avenue) into an adjacent property (2310 S. Union Avenue), along with the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption (ABC Type 47 – On-Sale General Eating Place, License No. 647186). The restaurant will also provide 705 square feet of outdoor dining on the sidewalk and on the street. The restaurant is proposing a total area of 3,090 square feet with 131 total seats (91 interior seats and 40 exterior seats). The proposed hours of operation are from 5:00 p.m. to 10:00 p.m., Monday through Thursday; 5:00 p.m. to 11:00 p.m. on Friday; 10:00 a.m. to 11:00 p.m. on Saturday; and from 10:00 a.m. to 10:00 p.m. on Sunday in the C2-1VL-O-HPOZ-CPIO Zone.

Located in the Victorian Village Complex building, the existing structure of the subject tenant space will not be modified, as no changes to the exterior are proposed for the expansion. The existing façade of the Victorian Village Complex will remain to ensure that the historic architectural features of the building are preserved. The 789 square-foot expansion into 2310 S. Union Avenue to accommodate 46 additional indoor seats and a third restroom will only require interior tenant improvements. Three (3) entrances will be accessible to patrons and employees: one (1) main entrance from the Union Avenue frontage and two (2) entrances from the surface parking lot in the rear, allowing customers and staff to enter and exit from multiple points. Two (2) of the three (3) handicap accessible restrooms are located in the southwest corner and one (1) is located at the northeast corner of the establishment.

The existing restaurant was granted a Conditional Use Permit for alcohol sales (CUB) in 2018 under Case No. ZA-2017-4474-CUB. The CUB approved authorization for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing 1,570 square-foot restaurant located at 2308 S. Union Avenue with a 26 square-foot outdoor patio and operational hours matching the proposed hours above. The Applicant obtained a Revocable Permit for the outdoor patio along the sidewalk and currently has a Temporary AI Fresco permit for additional outdoor dining. The Applicant will submit for a Permanent AI Fresco permit for the proposed on-street dining. The 280 square-foot kitchen, 148 square-foot bar area, and the two (2) existing restrooms on site will remain unchanged.

Per Assembly Bill (AB) 2097, no parking is required for the Project. However, the Applicant is currently providing 30 on-site vehicular parking spaces. Parking lot ingress and egress is provided along 23rd Street and 24th Street on the eastern and western boundaries of the Property, respectively. As such, the improvements will be subject to AB 2097 and result in no change in parking.



CLASS 2 CONDITIONAL USE PERMIT FOR ALCOHOL (CUB) – FINDINGS
LAMC 12.24-W.1

Pursuant to LAMC Section 12.24 W.1, the approval of a Conditional Use Permit (“CUB”) is required for the sale and dispensing of alcohol for on-site or off-site consumption in the C2 Zone. The Applicant, Bacari Operations, LLC, is requesting a CUB to authorize the 789 square-foot interior expansion and continued operation of an existing 1,596 square-foot restaurant, Bacari West Adams located at 2308 S. Union Avenue, into an adjacent property located at 2310 S. Union Avenue, along with the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption (ABC Type 47 – On-Sale General Eating Place, License No. 647186). The restaurant will also provide 705 square feet of outdoor dining on the sidewalk and on the street. The restaurant is proposing a total area of 3,090 square feet with 131 total seats (91 interior seats and 40 exterior seats). The proposed hours of operation are from 5:00 p.m. to 10:00 p.m., Monday through Thursday; 5:00 p.m. to 11:00 p.m. on Friday; 10:00 a.m. to 11:00 p.m. on Saturday; and from 10:00 a.m. to 10:00 p.m. on Sunday in the C2-1VL-O-HPOZ-CPIO Zone (the “Project”).

A CUB requires the following findings from the Zoning Administrator, pursuant to LAMC Section 12.24-W.1:

- 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 comprised of five lots containing 22,987 square feet of lot area. The property is developed with a multi-tenant commercial complex consisting of three, side-by-side two-story buildings fronting on Union Avenue, one, two-story building fronting on 24th Street, and one, two-story building on the interior of the lot. A surface parking lot is maintained on the rear portion of the lot, with vehicular ingress and egress via a driveway and curb cut accessing either 23rd or 24th Streets.

The property is zoned C2-1VL-O-HPOZ-CPIO, with a Neighborhood Commercial land use designation within the South Los Angeles Community Plan Area. This subject site is also located within the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay District, the Los Angeles State Enterprise Zone, and within the boundaries of the Empowerment Congress North Neighborhood Council.

The proposed project involves the 789 square-foot interior expansion and continued operation of an existing 1,596 square-foot restaurant serving a full line of alcoholic beverages for on-site consumption (ABC Type 47 – On-Sale General Eating Place, License No. 647186). The restaurant will also provide 705 square feet of outdoor dining on the sidewalk and on the street. The restaurant is proposing a total area of 3,090 square feet with 131 total seats (91



interior seats and 40 exterior seats). The proposed hours of operation are from 5:00 p.m. to 10:00 p.m., Monday through Thursday; 5:00 p.m. to 11:00 p.m. on Friday; 10:00 a.m. to 11:00 p.m. on Saturday; and from 10:00 a.m. to 10:00 p.m. on Sunday in the C2-1VL-O-HPOZ-CPIO Zone.

The restaurant has been responsibly operating for several years under its existing entitlement (Case No. ZA-2017-4474-CUB). In 2017, the Applicant requested and was approved for an upgrade from an ABC Type 41 to Type 47 license. The Applicant worked closely with the LAPD to address issues associated with the sale of beer and wine prior to the 2017 approval. Additionally, in the midst of the COVID-19 pandemic, the Applicant applied for the City's Temporary Al Fresco Program. The Applicant provided additional outdoor seating in the parking lot and sidewalk. The request to expand the restaurant's operations into the adjacent property, as well as providing additional seating on the sidewalk and curbside via Permanent Al Fresco, in conjunction with the imposition of operational conditions will provide a function that is fitting and compatible with the character of the surrounding community as well as the commercial viability of the region as a whole. The Project will continue to activate the street frontage, putting more eyes on the street, and is currently conditioned to ensure that the built environment is not jeopardized but, rather, enhanced by the proposed use.

Therefore, for the reasons cited above, the Project will enhance the built environment in the surrounding neighborhood and will perform a function or provide a service that is essential or 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 site is an interior lot with approximately 26 feet of frontage on the east side of Union Avenue between 23rd and 24th Streets within the South Los Angeles Community Plan. The subject site is designated for Neighborhood Office land uses and is zoned C2-1VL-O-HPOZ-CPIO. The site is improved with a two-story building containing approximately 3,306 square feet with an approximately 1,570 square-foot ground floor restaurant and residential uses above. The applicant is requesting a Conditional Use to allow an expansion into an adjacent tenant space and the continued sale and dispensing of a full line of alcoholic beverages in conjunction with the existing restaurant. The current restaurant responsibly serves a full line of alcoholic beverages for on-site consumption to patrons dining at the restaurant. The serving of alcoholic beverages is and will continue to be incidental to the operation of the restaurant.



The area surrounding the project is developed with a mixture of single-family, commercial and multi-family uses. The northeast adjoining properties, across 23rd Street, are zoned C2-1VL-O-HPOZ-CPIO [Q]RD1.5-1XL-O-HPOZ, and are generally developed with commercial retail fronting on Union Avenue and residential uses fronting 23rd Street. The easterly abutting properties are zoned [Q]RD2-1XL-O-HPOZ and are generally developed with residential uses fronting 23rd and 24th Streets. The southerly adjoining properties, across 24th Street, are zoned C2-1VL-O-HPOZ-CPIO and [Q]RD1.5-1XL-O-HPOZ, and are developed with a restaurant fronting Hoover Street and residential uses fronting 24th Street. The northwestern adjoining property, across Union Avenue, is zoned C2-1VL-O-HPOZ-CPIO and is developed with a City park. The northwestern abutting property is zoned C2-1VL-O-HPOZ-CPIO and is developed with a single-story multi-tenant commercial retail building.

Other sites within a 500-foot radius have been granted approval for the sale and/or dispensing of on-site or off-site alcoholic beverages. The continuing of the sale and dispensing of alcoholic beverages on site has not resulted in violations, citations, complaints, or neighborhood degradation. The Applicant is a good operator in compliance with the current conditions placed upon the site. The conditions of the existing grant are placed on alcohol serving businesses to ameliorate any impacts associated with their ancillary use such as noise, lighting, safety, and security to ensure the restaurant's operation remains compatible with surrounding uses. The Applicant has worked diligently and responsibly regarding their restaurant operations to ensure minors are not served. The Applicant continues to utilize electronic age verification devices and requires for all employees to complete the Los Angeles Police Department's STAR (Standardized Training for Alcohol Retailers) training program.

The Project is compatible with and will improve the visual and economic integrity of the community by contributing jobs and dollars into the local economy. In addition, the applicant is committed to working with the City to apply any appropriate conditions to mitigate any foreseeable impacts on neighboring businesses and residents. Such conditions ensure that the proposed uses are conducted with due regard for the adjacent owners and operators.

Therefore, for all the reasons stated above, the Proposed 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 proposed project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

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

The South Los Angeles Community Plan (“Community Plan”) is one of 35 Community Plans for the City of Los Angeles which constitute the Land Use Element of the General Plan, “guide the location and intensity of private and public uses of land; direct the arrangement of land uses, streets, and services; and encourage the economic, social, and physical health, safety, welfare and convenience of people who live and work in the community” (page 3-3). The Community Plan Map designates the Property for Neighborhood Commercial land uses with the corresponding zone of C2 and Height District 1VL. The restaurant with full line, on-site alcohol service is consistent with the planned land use and is permitted in the C2-1VL-O-HPOZ-CPIO Zone. The project is located within the University Park Historic Preservation Overlay Zone (HPOZ) and is considered a contributing structure. The project is not proposing to alter the building façade and therefore, does not require HPOZ Board approval. The project is also located within the South Los Angeles Alcohol Sales Specific Plan, which regulates the off-site sales of alcohol. The project is not proposing off-site sales, therefore, the granting of a Conditional Use for alcohol service is not a Project in the Specific Plan.

Conditional authorization for the sale of a full line of alcoholic beverages for on-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale of a full line of alcoholic beverages for on-site consumption. The project is consistent with several goals, objectives, and policies contained in both the General Plan and the Community Plan:

General Plan Framework Element Objective 3.12 - Generally, maintain the uses, density, and character of existing low-intensity commercial districts whose functions serve surrounding neighborhoods and/or are precluded from intensification due to their physical characteristics.

General Plan Framework Element Objective 7.3 - Maintain and enhance the existing businesses in the City.



General Plan Framework Element Policy 7.3.2 - Retain existing neighborhood commercial activities within walking distance of residential areas.

Community Plan Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district.

Community Plan Objective 2-1 : To conserve and strengthen viable commercial development.

Community Plan Policy 2-1.4: Ensure the viability of existing neighborhood stores (i.e., mom-and-pop which support the needs of local residents and are compatible with the neighborhood).

Approval of the request is a necessary component of the operation of the restaurant as alcohol sales are a key component of restaurants, thereby accomplishing the intent of the policies of the Community Plan. The covered and uncovered patio features on this site strengthen the restaurant's economic viability. The existing restaurant with on-site service of a full line of alcoholic beverages strengthens the commercial character and identity of South Los Angeles.

The restaurant's expansion, continued hours of operation, and offering of food service along with alcoholic beverages will be compatible with surrounding uses and will protect the surrounding neighborhood from predictable impacts associated with the requested Conditional Use Permit. As such, the Project is expected to be in substantial conformance with the intents and purposes of the General Plan, the local Community Plan, the Historic Preservation Overlay Zone, the Community Plan Implementation Overlay, and the Specific Plan.

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

The proposed continuation of alcohol service ancillary to a restaurant is not expected to adversely affect the welfare of the pertinent community. The subject property is zoned for commercial uses and will continue to be utilized as such. The continuation of alcohol sales within the restaurant is complementary to the types of amenities currently available in the community. The request will result in an existing restaurant being able to provide additional seating for customers and does not include public dancing, a cocktail lounge, video game machines, or any form of live entertainment. The absence of these specific activities will reinforce the primary business of serving food as a sit-down restaurant. The Project also



currently provides quality employment opportunities for all income levels, and a dining establishment to the general community. The restaurant has operated up to this point without adversely affecting the welfare of the local community, as proven by the lack of complaints or citations. The requested entitlement is generally conditioned to reflect the mode of operation stated in the application is compatible with the welfare of the community.

A variety of commercial uses are an intrinsic part of these service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the continued sale of a full line of alcoholic beverages for on-site consumption, in conjunction with the interior expansion, will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of a full line of alcoholic beverages, including training provided by the LAPD's STAR training Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. Therefore, with the imposition of such conditions, the expansion and continued sale of a full line of alcoholic beverages for on-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The Subject Property is located within Census Tract 2244.10. According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, three (3) on-sale and one (1) off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2244.10. Data provided on the ABC's License Query System indicates that there are currently five (5) existing on-site—one (1) of which belongs to the Applicant—and one (1) existing off-site alcoholic beverage licenses within the subject Census Tract.



Within Census Tract No. 2244.10, the following types of alcoholic beverage licenses are active:

- (1) Type 21 – Off-Sale General
- (4) Type 41 – On-Sale Beer and Wine Eating Place
- (1) Type 47 – On-Sale General Eating Place (Applicant)

Based on state licensing criteria, there is an overconcentration of licenses in the census tracts. However, this request is an existing license and would not increase the overall allocation of licenses of the area in which the census tracts are located. Overconcentration is determined by a census tract's existing population compared to the total number of alcohol licenses within the same census tract. Overconcentration can be undue when the addition of a license will negatively impact a neighborhood. Overconcentration is not undue, however, when approval of a license does not negatively impact the area, and such license benefits the public welfare and convenience. Here, the alcohol licenses are primarily located on Union Avenue, a commercial corridor for the northeast portion of South Los Angeles, where the types of uses that exist are encouraged and anticipated, including businesses that will provide on-site alcohol sales. The granting of the Conditional Use Permit will not add to the existing number of licenses in the area, as the Project site is currently in operation and has been for several years, without incident.

The project will not adversely affect community welfare because the neighborhood serving restaurant with alcohol sales is a desirable use in an area designated for commercial uses. In this case, the proposed project will provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area.

The existing operation has been compliant with the safety, noise, and welfare conditions placed upon it, and has had no citations from LAPD. As the license is up for renewal periodically, ABC has the discretion to deny a renewal if there is evidence that the operations will be detrimental to public welfare or interfere with enjoyment of residential property. According to ABC, there are no active disciplinary investigations against the property. Likewise, LAPD has not issued any citations against the facility, and there are no active code enforcement cases for non-compliance. The existing conditions of approval that are intended to 1) mitigate public intoxication, 2) driving under the influence, 3) public alcohol consumption, 4) other associated criminal activity, and 5) loitering are having their expected effect.

Since the restaurant operates as a full-service restaurant, and the on-site consumption of alcoholic beverages as it exists is complementary to the sale of food, the adoption of the request should therefore not be anticipated to significantly contribute to or result in criminal activity. In addition, this approval process will ensure that the Project venue will operate in a



safe and secure manner. Therefore, the approval of the conditional use will not contribute to an undue overconcentration of premises for the on-site sale and consumption of alcoholic beverages.

- 6. *The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.***

The project site is zoned for commercial uses and is located within the South Los Angeles Community Plan with a Neighborhood Commercial land use designation. The following sensitive uses are located between a 600 to 1,000-foot radius of the Project's site:

- **Churches:**
 - United University Church – 2208 S. Union Avenue
 - Iglesia de Dios Nueva Jerusalem – 2211 S. Union Avenue
- **Schools:**
 - Alliance Gertz-Ressler High School – 2023 S. Union Avenue
- **Hospitals:**
 - None found
- **Parks, Public Playgrounds, and/or Recreational Facilities:**
 - Union Avenue Mini Park – 2301 S. Union Avenue
 - Hoover Recreation Center – 2500 S. Hoover Street

In addition to Bacari West Adams, the only other alcohol beverage establishments within a 600 to 1,000-foot radius are the following:

- Hoover Ranch Market – 2301 Hoover Street (Off Sale Beer & Wine)
- Southern Wine & Spirits – 2501 Hoover Street (Off Sale Liquor)

The surrounding area has a mix of restaurants, retail stores, and residential uses. The northeast adjoining properties, across 23rd Street, are zoned C2-1VL-O-HPOZ-CPIO [Q]RD1.5-1XL-O-HPOZ, and are generally developed with commercial retail fronting on Union Avenue and residential uses fronting 23rd Street. The easterly abutting properties are zoned [Q]RD2-1XL-O-HPOZ and are generally developed with residential uses fronting 23rd and 24th Streets. The southerly adjoining properties, across 24th Street, are zoned C2-1VL-O-HPOZ-CPIO and [Q]RD1.5-1XL-O-HPOZ, and are developed with a restaurant fronting Hoover Street and residential uses fronting 24th Street. The northwestern adjoining property, across Union Avenue, is zoned C2-1VL-O-HPOZ-CPIO and is developed with a City park. The northwestern



abutting property is zoned C2-1VL-O-HPOZ-CPIO and is developed with a single-story multi-tenant commercial retail building.

With the conditions, the business will continue to operate as a bona fide restaurant with reasonable hours. The grant includes a number of conditions including hours of operation, noise and loitering that are designed to protect nearby sensitive uses from potential nuisances. The project is consistent with the zoning and the Community Plan. Therefore, the approval of the conditional use will not detrimentally affect nearby residentially zoned properties or any other sensitive uses in the area.

