

CONTINUATION LETTER FOR APPEAL OF ZA 2013-3057-CUB-PA1

On behalf of the University Park Action Coalition (UPAC), the North University Park Community Association (NUPCA) we hereby appeal Letter of Determination (“AZA Letter”) by Associate Zoning Administrator Theodore J. Irving, ZA -2013-3057-CUB-PA1 for Los Angeles Department of City Planning, to approve:

1. Pursuant to Los Angeles Municipal Code (LAMC) Sections 12.24 W.27 and 12.24-M, APPROVE: I hereby a Conditional Use Permit and Plan Approval to permit deviations from the Commercial Corner Development provisions to allow the operation of the existing 1,340 square-foot restaurant with 44 indoor seats, from 11:00 AM to 11:00 PM Sunday to Wednesday, and 11:00 AM to 12:00 AM midnight from Thursday to Saturday in the C2-1VL-O-HPOZ-CPIO zone.

2. Determine, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15301, Class 1 (Existing Uses). There is substantial evidence demonstrating that an exception to a categorical exemption applies.

The decision was rendered in a vacuum. There was inadequate notice and outreach resulting in an insufficient response by stakeholders at the public hearing on July 22, 2021. The radius of 500 feet notification of interested parties was not adequate to provide enough information for the AZA to understand the site and its setting which resulted in a presumptive rather than fact-based decision.

The applicant did not reach out to the Neighborhood Council (NANDC) which, while not required by law, is certainly a demonstration that the outreach was insufficient to have any confidence in the adequacy of the public comment before the AZA at the hearing. The representative of the Council Office requested that the item be continued and allow for further public outreach. This did not happen, and the AZA did not have enough information to make an informed decision.

The AZA decision was based on flawed findings which can be shown to be incorrect.

1. The project will **not** enhance the built environment in the surrounding neighborhood nor will perform a function or provide a service that is essential or beneficial to the community, city or region.

The service is not an essential service but rather contributes to an excessive number of restaurant alcohol beverage service within the neighborhood and particularly within one commercial block. The 2200 block of Union already has restaurants serving alcohol. (The AZA references one ZA 2005-5365 CUB at 2308 S. Union.) The fact that there are five on site and 2 off site licenses in the census tract when the ABC allocates 3 on site and 1 off site license to the census tract is problematic. There is an over-concentration of alcohol serving businesses on the block and in the census tract.

The subject property is comprised of five lots and is 22,987 square feet in size. The property is developed with a multi-tenant commercial complex consisting of three, side by side two-story buildings fronting on Union Avenue, on one, two-story building fronting on 24th Street, and one, two-story

building on the interior of the lot. A surface parking lot is located on the rear portion of the lot, with vehicular ingress and egress via a driveway and curb cut accessing either 23rd or 24th Streets. How many alcohol serving businesses are within this five lot site? And does the parking conform to the LAMC? We think not. Rather the parking relates to an enterprise zone which while legal is not adequate.

2. The site is located in an area where there are already sensitive uses. The following sensitive uses are located within a 1,000-foot radius of the project site:
 - Gertz—Ressler High School — 2023 South Union Avenue
 - Richard Merkin Middle School — 2023 South Union Avenue
 - Divine Providence Kindergarten— 2620 Monmouth Avenue
 - Ward Ame Church — 1177 West 25th Street
 - Hoover Recreation Center
 - Casa de Rosas shelter

The ZA failed to take these sensitive uses under careful consideration. He listed them but ignored any discussion of potential impacts. In a similar Beer and Wine request at 2595 South Hoover, the City found that there would be environmental impacts due to the location and surrounding sensitive sites and found that a CE was inadequate.

3. The Zoning Administrator erred when he found that the conditional use will not detrimentally affect neighboring residentially zoned properties or sensitive uses in the area. The ZA erred in his judgement because all of the facts were not before him. He ignored 56-year resident and appellant Rudy Flores' testimony that the restaurant is creating parking issues, and alcohol service is creating hazardous conditions to the residents and vehicles in the area in which he lives.
4. The AZA wrote:

The subject restaurant is located within an existing commercial building and within an established commercial corridor. Restaurants, retail, and office establishments in the vicinity share the similar massing, scale, and intensity of use as the subject restaurant. The request to sell beer and wine represents a use that is not uncommon to the area but, rather, adds to a range of dining and night life options. As such, the restaurant in conjunction with the imposition of operational conditions will provide a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole. The adopted conditions will serve to ensure that the built environment is not jeopardized but, rather, enhanced by the proposed use.

Rather, instead of **"The request to sell beer and wine represents a use that is not uncommon to the area,"** we would add that such requests are **all too common** and fly in the face of South Los Angeles decades long fight against an over proliferation of alcohol sales.

The ZA's citing **ZA 2013-3057-CUB-CU** decision permitting alcohol sales and a deviation from the commercial corner requirements is curious. It fails to note that this was a decision that was

later overturned due to the environmental impacts and community opposition to the proliferation of liquor licenses in the area.

The area will not be enhanced by the selling of alcohol in yet another commercial operation selling alcohol on this block. The converse is true that the restaurant and alcohol dispensing business has pushed out other potential lessees that could provide other neighborhood serving uses. And Pete's Burgers, one block away, shows that a restaurant can thrive without selling alcohol as this establishment has for decades.

5. Parking has become a serious issue to accommodate residents, business patrons and visitors to the area. Just as the ZA states "circulation will remain unchanged, and the nature of this use remains what is permitted by right previously" does not adequately resolve the cumulative impacts of the much-needed parking for all of the participants in the community's revitalization.
6. The AZA statement: *That project approval will not create or add to a detrimental concentration of Mini- Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.* This is true. The existing commercial building on the subject site was originally constructed in 1923. The site completed a minor renovation at the time of the 2013 approval and as result, it will not result in a new Commercial Corner Development or increase the floor area, height or number of tenants. The conditional use approval for commercial corner development is required only for the extension of hours of operation for the continued operation of an existing restaurant. But there are issues with the lack of window transparency that usually seen in storefronts.

While the five-lot development may not add to a detrimental concentration of mini-shopping centers, the specific site does not appear to be in compliance with the approved plans of the University Park HPOZ and the request does contribute to the cumulative impacts of the proliferation of alcohol serving establishments.

For these reasons, we appeal the determination and look forward to a full and more complete discussion of the conditional use granting and approval of the CE.