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HARBOR GATEWAY NORTH NEIGHBORHOOD COUNCIL

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June 16, 2022

Norali Martinez Maza, City Planning Associate
Department of City Planning
200 N. Spring Street – Room
Los Angeles, CA 90012

Re: ZA-2021-10667-CUB; ENV-2021-106-CE (SalviMex110 Restaurant, 14118 S. Vermont Avenue)

Dear Ms. Martinez Maza:

On June 14, 2022, on the recommendation of our Planning and Land Use Committee, our Board voted x-x-x to submit this comment letter on the application of SalviMex110 Restaurant to expand the size of their restaurant and to apply for a conditional use permit for sale/service of a full line of alcoholic beverages for onsite consumption at the expanded restaurant, with live entertainment, karaoke, and two pool tables.

Alex Woo, the representative for the Abarcas, the owners of SalviMex110, attended our April 28 Planning and Land Use Committee meeting to present information on behalf of the owners and stated that the intention is to create a larger space that would be able to accommodate family celebrations, such as wedding parties, birthdays, and quinceaneras. However, we have heard from a significant number of our stakeholders living in the residential neighborhood to the east and north of the Salvimex110 Restaurant, as well as some of the businesses located in the same mini-mall, about the detrimental impact of their present operations, particularly the loud noise late at night on Fridays, Saturdays, and Sundays. There is also the issue of overflow parking onto residential streets and even vehicles of restaurant patrons taking up all of the spaces needed for other businesses in the early evening hours. A number of businesses have issues with the trash and broken bottles left in the parking lot on a regular basis and public urination (and sometimes defecation) by drunken restaurant patrons.

Although a space for large family celebrations is needed in the area, this location is not suitable for that purpose due to its closeness to surrounding residential uses and lack of adequate parking for up to 120 customers. We also have concern because SalviMex110 currently does not have a

City of Los Angeles Business Tax Registration certificate, which leads us to question their willingness to follow any sort of conditions placed upon their new operations, as well as their current lack of ensuring that their patrons are not littering the parking lot and acting in a disorderly manner when leaving late at night. Therefore, we cannot support granting of a conditional use permit to serve a full line of alcoholic beverages and expansion of the building unless there is no live entertainment/karaoke, no pool tables, and without all of the following conditions being in place, including limited hours of operation.

Noise:

1) No noise audible outside the building that would cause an objectionable level of noise to be heard by residents within the 500 foot radius or noise vibrations. Based on the proposed use and observations made while the building has been used for amplified sound over the past year, the entertainment space must be designed such that an indoor volume of 98dB will not violate L.A.M.C. Chapter XI sections 111 through 116. We see no proposals in the submission that have made any reasonable effort to ensure the facility is not regularly breaking the noise regulations and disturbing the neighbors within 500 feet and beyond. The current noise-abatement plan presented to us on April 28 is just to keep the back door closed and locate the entertainment to the Vermont Avenue side of the property.

2) Any music, sound or noise which is under the control of the restaurant shall comply with Sections 112.06 or 116.1 of the Los Angeles Municipal Code (Citywide noise regulations). A City representative from a department authorized to inspect for compliance with noise regulations may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds the noise level allowed by the Citywide noise levels, the owner/operator shall be notified and shall be required to modify or eliminate the source of noise or retain an acoustical engineer to recommend, design, and implement noise control measures within the property, such as noise barriers, sound absorbers or buffer zones.

3) Live entertainment, karaoke, or disc jockeys on the premises are prohibited.

4) Entertainment in conjunction with the restaurant shall be limited to indoor ambient music at a low volume that is not audible outside the building.

5) No more than 50 percent of the entire restaurant may be closed to the public for private events at a given time.

6) Daily hours of operation shall be limited to 10 a.m. to 10 p.m.

Alcoholic Beverages:

1) All food and beverages, except for takeout orders, shall be delivered to tables by an employee.

2) All service of alcoholic beverages shall be conducted by an employee.

3) The restaurant shall not sell distilled spirits by the bottle, or wine or champagne bottles that exceed 750 milliliters.

4) An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.

5) The restaurant shall only use fixed bars that are depicted on floor plans. Portable bars are prohibited.

6) The restaurant shall operate with gross annual sales of alcohol not in excess of 45 percent of the restaurant's total sales.

7) A minimum of one on-duty manager with authority over the activities within the restaurant shall be on the premises at all times that the restaurant is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements, and the conditions imposed by the California Department of Alcoholic Beverage Control. The restaurant shall be responsible for discouraging illegal and criminal activity on the subject premises and any exterior area under its control.

Security

1) A camera surveillance system shall be installed and in operation 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. Employees shall be trained on how to properly operate the surveillance equipment.

2) All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space, or have a minimum surface illumination of 0.2 footcandles (2.15 lx). Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.

3) The restaurant shall monitor both patron and employee conduct on the premises and within the parking areas under its control to prevent behavior that adversely affects or detracts from the quality of life for adjoining residents, property owners, and businesses.

4) The restaurant shall take all reasonable steps to ensure that the conditions and activities on the premises and within the parking areas under its control do not adversely affect or detract from the quality of life for the adjoining residents, property owners, and businesses. Reasonable steps include but are not limited to 1) requesting that those persons engaging in conduct that constitutes a nuisance cease such conduct, unless the owner or operator has reasonable cause to believe such request may jeopardize personal safety; 2) contacting the Los Angeles Police Department or other law enforcement agency if the owner or operator's attempts to abate the nuisance conduct have been unsuccessful, or if the owner or operator has reasonable cause to believe such attempts may jeopardize personal safety; and 3) taking timely preventive actions to address conditions that facilitate loitering and other nuisance activity on the premises, such as removing furniture from areas adjacent to the entry of the restaurant, or prohibiting persons from using any portion of the premises for the installation or operation of a temporary business or other use.

5) Loitering is prohibited in all areas under the control of the restaurant. A “No Loitering or Public Drinking” sign that is a minimum of 4 x 6 inches shall be posted outside next to every exit.

6) To ensure that patron conduct on the property and in the parking lot is maintained per these conditions and all applicable Los Angeles City ordinances, the owner shall ensure that security guard services are provided for the evening hours and until closing and that the security guards shall be hired from a reputable security company as recommended by LAPD Southeast Division.

Parking

1) The whole of the front parking lot for the mini-mall of which SalviMex110 Restaurant is a part only has 40 parking spaces with three for those who are handicapped. Even if no other business is operating in the evening (which will not be the case because the Los Novillos Market, 14114 S. Vermont Avenue, is open until 8 p.m.), 40 spaces for 120 potential customers inside SalviMex110 Restaurant will not be adequate and there will be inevitable spill-over parking into the residential neighborhood to the north and east as is already happening.

Exterior Appearance

1) The restaurant shall maintain the premises and adjoining rights of way free of debris and litter.

2) Within 24 hours of its occurrence, all graffiti on the property under the restaurant’s control shall be removed or painted over to match the color of the surface to which it is applied.

3) The windows shall be clear and unobstructed and free of security grills. If security grills are needed, they shall retract into pockets so as not to be visible during operating hours.

4) Incorporate planters at the front entrance and possibly trellises with vines to beautify and soften the appearance of the restaurant exterior and to help to delineate the entrance area.

5) Recess the entrance to provide articulation of the façade and to help define the entryway.

6) Use one business identification wall sign only, placed where it does not dominate or obscure the window area, and illuminate the sign only to the minimum level required for nighttime readability.

Other Conditions

1) Pool tables on the premises shall be prohibited.

2) No employee, while working, shall be engaged for the specific purpose of sitting with or otherwise spending time with customers while on the premises.

3) Dancing and Ault Entertainment pursuant to LAMC Sections 12.24 W.18 and 12.70 are prohibited.

4) A telephone number and email address shall be provided for complaints or concerns regarding the operation of the restaurant. The phone number and email address shall be provided on the restaurant's website, or, if there is no website, on its social media pages. The phone number and email address also shall be posted on a sign at least 8.5 x 11 inches in size, which shall be updated to reflect any changes, at 1) the entry, visible to pedestrians and 2) customer service desk, front desk, or near the reception area. The telephone number and email address shall link to the appropriate department(s) of the City of Los Angeles handling oversight for restaurant operations per the determined conditions.

5) The restaurant shall respond to complaints within 24 hours. The restaurant shall maintain a log of all calls and emails, detailing the date the complaint was received, the nature of the complaint, and the manner in which the complaint was resolved. This log shall be made available to the Department of Building and Safety upon request.

6) The business shall have a Business Tax Registration certificate issued by the City of Los Angeles; the restaurant is currently not licensed.

7) Conditions of operations shall run with the land. In the event that the property is to be sold, leased, rented or occupied by any person or corporation other than the current owner, it is incumbent that the owner advise said party of the Conditions imposed.

8) No later than one (1) year from the effective date of the Determination, the operator shall submit a Plan Approval with the Department of City Planning at the Public Counter (or pursuant to "Pandemic Protocol"), together with the required filing fee, and a mailing list of owners/occupants/residents within a 500-foot radius of the establishment. A public hearing shall be conducted with notification of all owners/occupants/residents within, a 500-foot radius to determine the effectiveness of compliance with the Conditions herein.

Sincerely,

Miguel Vazquez, Chairperson
Harbor Gateway North Neighborhood Council

cc: Councilmember Joe Buscaino – Council District 15
Caitlin Muldoon, Field Deputy – Council District 15
Amy Gebert, Senior Communications and Planning Deputy – Council District 15
Alex Woo, Genesis Consulting Inc.- applicant representative