

**APPLICATION FOR DETERMINATION OF
"PUBLIC CONVENIENCE OR NECESSITY"
ALCOHOL SALES**

Pursuant to Section 23958 and 23858.4
California Business and Professions Code

TO BE SUBMITTED TO CITY CLERK'S OFFICE
ROOM 395, CITY HALL

CD 2

COUNCIL FILE NO. 14-0202

BACKGROUND INFORMATION

TIME LIMIT FILE: _____

As part of the application, the applicant must submit the names and addresses of property owners of all property adjacent (including across the street/alley) to the subject property on gummed labels. Applicant must also submit the following information: 1) notarized signature, 2) a site plan prepared by a map maker (see Planning Department for map maker's list), 3) one 4- by 6-inch picture of the property from each side of the site, and 4) a copy of all previous building permits for the site (Room 400, 201 North Figueroa Street). When you meet with ABC to get the crime and license concentration information for your site, you must bring back the ABC information (on the ABC for) to the City Clerk.

Project Name: Victory Produce

Address: 6412 Matilija Avenue, Van Nuys, CA 91401

Type of Business: Produce Market

Applicant: Name: Victory Produce & Mediterranean Food, Inc.

Address: 6717 Cantaloupe Avenue,

Phone Number/Fax Number: 818-645-2460

Property Owner: Name: VMA Properties, LLC.

Address: 510 Foothill Road, Beverly Hills, CA 90210

Phone Number/Fax Number:

Representative: Name: CLR Enterprises, Inc.

Address: 425 S. San Pedro Street #225, Los Angeles, CA 90013

Phone Number/Fax Number: 213-229-4300 213-229-8933

*RECEIVED
CITY CLERK'S OFFICE
MAY 1 11 2014*

A. PROJECT DETAILS

THE FOLLOWING QUESTIONS ARE TO BE ANSWERED BY ALL APPLICANTS:

1. Has the City previously approved a conditional use permit for alcoholic beverages at this site? Yes X No ___ If Yes, what is the City case number(s) ZA 2010-0664(CUB)

Note: The conditions cited below were part of the 2010 CUP authorization, approved on June 20, 2012.

2. Have you recently filed for a new conditional use permit? Yes ___ No X . If Yes, provide the City case number(s)

3. Has a previous ABC license been issued? Yes ___ No X . If Yes, when and what type of license.

4. Type of Alcohol Sales Requested (on or off-site, beer and wine, full alcohol, etc.):

Off-site, full alcohol.

5. Size of Business

3,805 sq. ft.

6. % of floor space devoted to alcoholic beverages

15%

7. Hours of Operation:

8 a.m. to 8 p.m., Monday through Saturday

8 a.m. to 5 p.m., Sunday

8. Parking:

- a. Is parking available on the site? (If so, how many spaces?)

58 on-site parking spaces.

- b. If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? NA

- c. Where? NA

- d. How many off-site spaces? NA

9. Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Department of Alcoholic Beverage Control (ABC) in the last 365 days and if so, for reasons? Provide ABC case number and a copy of final ABC action.

The ABC has not issued a liquor license for the subject premises.

10. Will video game machines or pool or billiard tables be available for use on the subject property and if so, how many?

Condition No. 15:

No coin-operated games, video machines/game equipment or California State Lottery machines shall be located within the store. Vending machines are exempt from this requirement. (Applicant volunteered condition, recommended by the Greater Valley Glen Council; modified)

11. Will you have signs visible on the outside which advertise the availability of alcohol?

Condition No. 11k:

There shall be no exterior advertising of any type promoting or indicating the availability of alcoholic beverages. (Applicant volunteered condition)

12. How many employees will you have on the site at any given time?

4-5 employees per shift.

13. Will all employees who sell alcohol attend the local State ABC training class on how to properly sell alcohol?

Condition No. 11b:

Within [six months] of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff.

14. What security measure will be taken including:

- a. Posting of rules and regulations on the premises to prevent such problems as gambling, loitering, theft, vandalism and truancy.
- b. Will security guards be provided and if so, when and how many?

The applicant will post rules and regulations on the premises to prevent such problems as gambling, loitering, theft, vandalism and truancy and does not anticipate the need for security guards given the type of business operation.

15. Will there be minimum age requirements for patrons? If so, how will this be enforced?

Condition No. 11l:

A clearly visible sign at the entrance to the store shall be posted in English and Spanish indicating California State laws prohibiting the sale of alcoholic beverages to persons of under the age of 21 years or to intoxicated persons.

Condition No. 11m:

The applicant shall maintain an electronic age verification device(s) to determine the age of any individual attempting to purchase an alcoholic beverage at every point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their respective use.

16. Are there any other alcoholic beverage outlets within a 600-foot radius of the site? Provide names and address of such business and type of business.

7 & 7 Liquor – Type 21
13654 Victory Blvd #A

Charlie Oz Jazz Club – Type 47
13725 Victory Blvd

San Remo Restaurant – Type 47
13729 Victory Blvd

Prime Market – Type 20
6351 Woodman Ave

17. Are there any schools (public or private and including nursery schools) churches or parks within 1,000 feet of your proposed business? Where? (Give address)

Iglesia De Cristo Ministerios Al Rescate
13612 Victory Blvd

ABC Little School
6947 Woodman Ave

Montessori House of Children Preschool
6252 Woodman Ave

18. Will the exterior of the site be fenced and locked when not in use?

There is no perimeter fence along the street frontage and entry driveways.

19. Will the exterior of the site be illuminated with security lighting bright enough to see patrons from the street?

Yes

B. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED WHERE ONLY THE OFF-SITE SALE OF ALCOHOLIC BEVERAGES IS SOUGHT:

1. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?

Condition No. 11p:

The quarterly gross sales of alcoholic beverages shall not exceed 20% of the gross sales of all other goods/grocery items during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other goods of the licensed business. Such records shall be maintained no less frequently than on a quarterly basis and shall be made available to the Department of City Planning on demand. (Applicant volunteered condition)

2. Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises?

Condition No. 11j:

Any cups offered for sale shall be contained in manufacturers' prepackaged quantities of paper, plastic or Styrofoam.

3. Will beer and wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)?

Condition No. 11e:

No single can or bottle sale of beer is permitted. Beer shall not be sold in less than manufacturer's 6-pack quantity. (Applicant volunteered condition)

Condition No. 11f:

Wine shall not be sold in bottles or containers containing less than 750 ml. Smaller bottles or containers may be sold in manufacturers' prepackaged quantity, such as 4-packs, 6-packs, etc. (Applicant volunteered condition; modified)

4. Will "fortified" wine (greater than 16% alcohol) be sold?

Condition No. 11g:

Sales of fortified wines (with alcohol content 16% or higher) and malt liquors are prohibited. (Applicant volunteered condition; modified)

Condition No. 11h:

Distilled spirits (hard liquor with alcohol content 20% or higher) shall not be sold in bottles or containers containing less than 750 ml. (Applicant volunteered condition)

C. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED WHERE ONLY THE ON-SITE SALE OF ALCOHOLIC BEVERAGES IS SOUGHT:

1. What is the occupancy load as determined by the Fire Department (number of patrons)?

2. What is the proposed seating in all areas?
3. Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, etc. ? (Specify)
4. If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities.
5. Food Service
 - a. Will alcohol sold without a food order?
 - b. Will there be a kitchen on the site as defined in the Los Angeles Municipal Code?
6. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?

Provide a copy of the proposed menu if food is to be served.

D. PUBLIC CONVENIENCE AND NECESSITY EVALUATION

The City of Los Angeles is very concerned if a new request to sell alcohol is subject to one of the conditions below. There is a strong likelihood that the City will deny your "public convenience or necessity" application if one of the above listed conditions apply to your site. (It is strongly suggested that you contact your Council Office and discuss your project. If the Council Office does not oppose your project, you should then check with your local police vice unit as well as the Planning Department Public Counter at (213) 482-7077 for the determination of whether the proposed site is within a Specific Plan area, and the Community Redevelopment Agency (CRA) project staff at (213) 977-1682 or 977-1665, to determine if your site is in a CRA Project Area. If any of the five conditions listed below apply to your site, you should carefully consider if you want to file for a Public Convenience or Necessity finding.

1. The proposed site is in an area with a long-term level of undue concentration of alcoholic beverage outlets.

The boundary for this census tract for this neighborhood is large and includes a residential density of single and multiple-family dwellings. Six off-sale licenses have been allocated to the census tract and six licenses have been issued and an approval of one additional liquor outlet would not result in an undue concentration of such establishments given the high population factor for the neighborhood within the boundary of the radius line. The other off-sale outlets are removed at a safe distance, and separated by physical development, from the subject site.

2. The geographic area is the target of special law enforcement activity, i.e. police task force is working on reducing vice in the area, or eliminating juvenile crime (such as cruising or graffiti) or gang activity.

Victory Boulevard is not known as a roadway for cruising and there is little evidence of graffiti tagging on walls or buildings in the immediate vicinity. There are no retail uses in the immediate area that would result in a destination point for juveniles to access the subject property.

3. The proposed site is in close proximity to sensitive uses, including schools, parks, churches, youth activities, homeless shelters, mental health, alcohol or drug treatment centers.

There is one religious institution and two private schools within 1,000 feet of the subject site. These sensitive uses observe mutually exclusive hours of operation and are separated by roadways and other commercial buildings from the subject premises.

4. The geographic area has elevated levels of alcohol-related crimes, including but not limited to: public intoxication, driving under the influence, assault, vandalism, prostitution, drug violations, loitering.

The subject produce market is part of a neighborhood shopping center, one of the few in the immediate area and appears to be appropriately located along a segment of a Major Highway improved with other neighborhood and highway oriented commercial uses. The sale of alcoholic beverages will be incidental to the primary operation of the produce market and imposed conditions will limit both the amount of floor area devoted to the display of alcoholic beverages and the gross percentage of revenue to be derived from those sales. An early closing hour of 8 p.m. should prevent the late night purchase of alcoholic beverages, ensure the quiet enjoyment of the nearby residential population and should allow the crime incidence level to remain status quo in the subject reporting district.

5. The proposed site is located in a Specific Plan or Community Redevelopment Agency Project area which specifically includes a policy to control future alcoholic beverage sales.

The subject site is not located in a Specific Plan or Community Redevelopment Agency Project Area which specifically includes a policy to control future alcoholic beverage sales.

- E. If the project site is not subject to one of the above criteria, your project will be evaluated by the City Council with consideration given to the following possible benefits and detriments to the community.

1. Possible Benefits

Would the business:

- a. Employ local residents (how many)
- b. Generate taxes (provide estimate)
- c. Provide unique goods and services (which ones)
- d. Result in an aesthetic upgrade to the neighborhood (in what exact way)
- e. Contribute to the long term economic development (how)
- f. Provide a beneficial cultural/entertainment outlet (specify)

The business is family owned and operated and all employees consist of local residents. The business generates taxes estimated at \$10,000 per month. While there is a market and a liquor

store within 600-feet of the subject produce market, those are convenience-type businesses and are not comparable in size or mode of operation to the existing use. The primary inventory of the business consists of vegetables, fruits and nuts and the majority of customers that frequent the market are also desirous of alcoholic beverages that are imported from Armenia, Russia, Moldavia and, Czechoslovakia and the Zoning Administrator tailored a condition that the alcoholic beverages imported from these various Eastern European countries shall comprise a minimum 65% of the inventory of alcoholic beverages at any time.

2. Possible Detrimental Impacts

Is the immediate area in which the license is sought subject to: (Check with your local Police Department area "Senior Lead Officer")

- a. Excessive calls to the Police Department
- b. Police resources being already strained
- c. High rates of alcoholism, homelessness, etc.
- d. Large "youth" (under 21) population

The applicant sent a letter to the LAPD, Van Nuys Area Vice, dated April 5, 2012 advising of the upcoming hearing and subject request. The letter provided additional information regarding the subject business and listed the six main mitigating self-imposed conditions they worked out with the Neighborhood Council. The letter stated in part : *Victory Produce has become an icon in the Armenian-American community, known for its wide selection of fresh produce and old country-like charm and décor. It operated in this community for over 20 years in an 800 square-foot space at the corner of Victory and Mammoth. In 2011, Victory Produce moved into a new store measuring 3805 square feet to better serve its ever growing clientele; now serving the Greater Valley Glen community.*" LAPD submitted a letter via e-mail stating "no opposition" to the application on April 18, 2012.

3. With regard to the operation of the proposed business explain:

- a. The method of business operation: (large volume of alcohol to food sales, "late" hours (after midnight), high % unskilled (no ABC training class), high % of underage (under 21) staff, etc.
- b. Would the business duplicate a nearby business already in existence?
- c. Other non-alcohol sales business options available so alcohol does not have to be sold, e.g., more specialty products, broader range of items like fresh meats or fruits and vegetables, etc.

As cited above, the hours of operation are conservative and an early closing hour reduces the need for additional patrols by the Police Department. The existing use does not duplicate a nearby business already in existence. The food items and the proposed alcoholic beverage inventory will be unique to a particular segment of the community.

The following is an excerpt from the Zoning Administrator's Letter of Determination dated June 20, 2012:

The store currently serves the public convenience and welfare to people who reside and work in the surrounding communities by providing their grocery shopping needs. The applicant submits that it caters to the customers of Armenian, Russian and other East European as well as local patrons and the addition of a full line of alcoholic beverages would allow the market to meet the grocery as well as specialized alcohol shopping needs of all its customers, which would further the convenience and welfare by reducing their need to drive to multiple locations.

The City Council will evaluate these factors and make a decision on the overall merits of your request. Therefore, you should answer below as to why you believe any of these above listed beneficial or detrimental conditions apply to your project and provide any documented proof to support your belief.**

F. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof).
- b. The information presented is true and correct to the best of my knowledge.

X
Applicant signature

1-16-14
Date

[Signature] V.M.A. PROPERTIES, LLC
Signature of property owner if tenant or lessee is filing application

State of California

County of Los Angeles

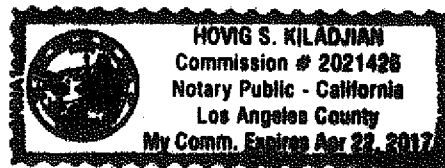
On 1/16/2014 before me, Hovig S Kiladjian
Date Name of Notary Public

personally appeared Viken Barouir Kradjian
Name(s) of Signer(s)

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

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public



* The Planning Department has a list of private map makers who will prepare the names and addresses for you. This list is available at the public counter, Room 300, Counter N, 201 N. Figueroa Street or 6262 Van Nuys Boulevard, Van Nuys. Alternatively, you may obtain a list of such adjoining owners from the City Clerk's Office (Room 730, 201 N. Figueroa Street) or from a title company and prepare the labels yourself.

** You may add additional pages to your response if needed. Please utilize numbering system of this form to assist in the review of the responses.

Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, February 7, 2014. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	V.M.A. PROPERTIES, LLC
Entity Number:	200320610120
Date Filed:	07/25/2003
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	501 N FOOTHILL BLVD
Entity City, State, Zip:	BEVERLY HILLS CA 90210
Agent for Service of Process:	VIKEN KRADJIAN
Agent Address:	501 N FOOTHILL BLVD
Agent City, State, Zip:	BEVERLY HILLS CA 90210

* Indicates the information is not contained in the California Secretary of State's database.

* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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