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June 8, 2018

Cattariya Khooharatanachai (A)
Ventura Beverage Company Inc.
13624 ½ West Ventura Boulevard
Sherman Oaks, CA 91423

William E. Cohn Living Trust & Dan
Miller Living Trust (O)
13606 West Ventura Boulevard
Sherman Oaks, CA 91423

Danny Tat (R)
AT Construction Services, Inc.
9726 East Rush Street
South El Monte, CA 91733

CASE NO. ZA 2018-109-CUB
CONDITIONAL USE
13624 ½ West Ventura Boulevard
Sherman Oaks - Studio City - Toluca
Lake - Cahuenga Pass Planning Area
Zone : C2-1VL
C.D. : 4
D.M. : 165B157
CEQA: ENV-2018-110-CE
Legal Description: Lots 3 – 15; Block G;
Tract 5956

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

a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption within an existing retail store,

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. Authorized herein is the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 677 square-foot retail store.
7. The retail store hours of operation shall be limited from 9:00 a.m. to 10:00 p.m. daily. Hours of operation on Thanksgiving eve and New Year's eve are permitted from 9 a.m. to 12 midnight.
8. **Prior to the utilization of this grant, a camera surveillance system and monitors shall be installed inside the premises and cameras outside which show the sidewalk area and parking area to the rear of the site, to the satisfaction of the Los Angeles Police Department. Recorded tapes/images shall be maintained for a minimum period of 30 days.**
9. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
10. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground to permit surveillance into the location by Police and private security.
11. **Complaint Log.** Prior to the utilization of this grant, a phone number and an 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:
 - a. Entry, visible to pedestrians.
 - b. Customer service desk, front desk or near the cash registers.

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. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.

12. **Within the first six months of utilizing the grant** at this establishment, all employees involved with the sale of alcohol 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. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The applicant shall transmit a copy of the letter referencing Case No. ZA-2018-109-CUB, from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.

13. The business operator shall comply with Section 6404.5(b) of the Labor Code which prohibits smoking within any place of employment. There shall be no ashtrays or other receptacles used for the purpose of collecting ash or cigarette/cigar butts on the premises.
14. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
15. Signs shall be posted that California State Law prohibits the sale of alcoholic beverages to persons who are under 21 years of age.
16. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering" and "No Public Drinking of Alcoholic Beverages" signs shall be posted at the front, side and rear of the site.
17. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
18. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
19. 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.
20. 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. .
21. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility 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 Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject

premises 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 or truancy occur.

22. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, 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.
23. **Prior to the utilization of this grant**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with the retail store, known as Ventura Beverage Company, and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

ADMINISTRATIVE CONDITIONS

24. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C 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. Within 12 to 18 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. The owner/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.

25. 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.
26. At any time during the period of validity of this grant, if it is determined that the operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application together with associated fees. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
27. 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. Fees required per L.A.M.C 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 prior to the final clearance of this condition.
28. **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 **JUNE 25, 2018**, 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 all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the 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, the statements made at the public hearing on May 15, 2018, 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 permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject property is comprised of 13 interior rectangular lots measuring approximately 41,431 square-feet with an approximate total frontage of 325 feet along Ventura Boulevard and a frontage of 325 feet along the abutting alley. The property is zoned C2-1VL with a land use designation of General Commercial. The property is located within the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan Area, and the Ventura / Cahuenga Boulevard Corridor Specific Plan Area. There are no exterior changes proposed. The site is not located within a flood zone, a Methane Zone; however,

it is within a liquefaction area and a special grading area. The subject site is 3.68 kilometers to the nearest fault, the Hollywood Fault.

The subject property is improved with several commercial uses with off-street parking accessible via the abutting public alley. The site is an existing one-story commercial building that was built in 1949. The applicant is proposing tenant improvements to ensure that the site is suitable for the proposed use. The subject retail store will not accommodate seated patrons and only proposes to sell alcoholic beverages for off-site consumption.

The surrounding land uses consists of residential and commercial uses. The predominate uses are located along Ventura Boulevard which is a major commercial corridor entails commercial uses such as restaurants, retail shops and services. The properties to the north across Ventura Boulevard are zoned C2-1VL and are developed with one-story commercial buildings including restaurants, and retail uses. The property to the east, is zoned C2-1VL and improved with a clothing store and a medical office. The properties to the south across the alley are zoned [Q]RD3-1 and are developed with multi-family residential uses. The property to the west is zoned C2-1VL and is developed with a Dry Cleaners.

The request is for a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing, 677 square-foot retail store with hours of operation from 9:00 a.m. to 10:00 p.m., daily, in the C2-1VL Zone.

Streets:

Ventura Boulevard, is designated as a Boulevard II with road width of 100-feet and is improved with asphalt roadway, concrete sidewalk, gutter and curb.

The 20-foot Public Alley is improved with asphalt roadway and provides through access between Woodman Avenue and Ventura Canyon Avenue.

Previous zoning related actions on the subject site include:

Case No. ZA-2001-2724-ZV – On February 20, 2002, the Zoning Administrator approved the addition of dog boarding for a maximum of 20 dogs to an existing 3,000 square-foot dog day care, grooming and supplies business.

Case No. DIR-2016-1896-DI – On August 1, 2016, the designee of the Director of Planning interpret that the definition of a Project shall not include a change of use which increases the parking requirement per Section 7.F of the Specific Plan when this requirement can be provided onsite either through automobile parking spaces or through bicycle parking spaces.

Certificate of Occupancy No. 1996VN02008 – On March 10, 1999, the Department of Building and Safety issued a Certificate of Occupancy for a Lot tie for nine (9) properties and restripe and add one (1) parking space B occupancy with a total of 36 parking spaces. Properties 13606-13638 Ventura Boulevard.

Cases on Surrounding Properties:

Case No. ZA-2017-3543-CU-CUB-SPP - On December 11, 2017, the Zoning Administrator approved a conditional use authorizing the sale and dispensing of a full line

of alcoholic beverages for on-site consumption in a 2,754 square-foot restaurant in the C2 Zone, located at 13703-13707 West Ventura Boulevard.

Case No. ZA-2017-26-CUB – On May 19, 2017, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a restaurant and microbrewery, located at 13730 West Ventura Boulevard.

Case No. ZA-2014-37-CUB-SPP – On September 8, 2016, the Zoning Administrator approved a conditional use authorizing the sale and dispensing of beer and wine for on-site consumption in a proposed 2,621 square-foot restaurant in the C2-1VL Zone and approved a Project Permit Compliance Review to permit the change of use from retail to a restaurant, interior and exterior remodel, and grading for parking lot, and new bicycle parking and signage, located at 13718-13722 West Ventura Boulevard.

Case No. ZA-2013-2289-CUB-PA1 – On November 24, 2015, the Zoning Administrator approved plans to continue the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, with 12 full size video arcade games, in the C2-1 VL Zone, located at 13625 Ventura Boulevard.

Case No. ZA-2014-2279-CUB – On February 12, 2015, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of beer and wine for on-site consumption in conjunction with a new restaurant in the C2-1VL Zone Classification, located at 13704 Ventura Boulevard.

Case No. ZA-2013-2503-CUB – On March 28, 2014, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant in the C2-I VL Zone classification, and dismissed a Conditional Use Permit authoring coin-operated games, located at 13615 West Ventura Boulevard.

Case No. ZA-2013-2289-CUB – On February 5, 2014, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new 4,238 square foot restaurant within an existing building; and approved a Conditional Use Permit authoring a 400 square-foot video arcade area with 12 full-size video arcade games in conjunction with the restaurant, located at 13625 Ventura Boulevard.

Case No. ZA-2011-2356-CUB – On May 9, 2012, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of full line of alcoholic beverages for on-site consumption in conjunction with a restaurant, located at 4351 Woodman Avenue.

Case No. ZA-2010-3118-CUB – On February 10, 2011, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for onsite consumption in conjunction with an existing 1,200 square-foot restaurant in the C2-1VL Zone, located at 13565-13573 West Ventura Boulevard.

Case No. ZA-2010-39-CUB – On September 3, 2010, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing and expanded restaurant, in the C2-1VL Zone, located at 13539 - 13541 Ventura Boulevard.

Public Correspondence:

- Letter dated April 20, 2018, was received from Jeffrey Kalban, Chair, Planning and Land Use Committee, Sherman Oaks Neighborhood Council stating that:

"The Sherman Oaks Neighborhood Council Planning and Land Use Committee reviewed the request for a CUP to allow the sale of a full line of alcoholic beverages for off-site consumption at 13624 Ventura Blvd.

The motion:

Approve a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption. Motion passed unanimously."

- Signed letter dated January 26, 2018, was received from Captain Lillian L. Carranza, Commanding Officer, Van Nuys Community Police Station, in opposition of the request due to "...an oversaturation of licensed Alcoholic Beverage Control establishments in this area". The letter contained 13 recommended conditions of approval in the event the Zoning Administrator approved the request.

PUBLIC HEARING

The hearing was conducted on May 15, 2018 at the Marvin Braude Constituent Services Center in Van Nuys. The hearing was attended by the applicants, Cat Khooharatanachai and Edward Deng and by the project architect, Lisa Guan. No members of the public or representatives of any public agency attended the hearing.

Mr. Deng stated the he and his business partner (Cat Khooharatanachai) are opening a new boutique wine shop known as Vines to Wines. He explained that they currently operate a wine shop in Brooklyn, New York and the proposed wine shop on the subject site will be the same business model. Aesthetic improvements are proposed on the store's façade. Mr. Deng stated that the business concept sources high quality specialty wines from smaller producers wine and spirits are primarily organic and biodynamic products. The wine and spirits to be sold are not from big name producers typically carried at supermarkets such as Ralph's. The wines and spirits sold will be unique. The business has a quick turn-over business and no heavy traffic is expected.

Ms. Guan described the site's location and stated that the site is an interior lot on the south side of Ventura Boulevard. The store is one of two tenant spaces fronting on Ventura Boulevard in a one-story building. She stated that there were 4 on-site parking spaces to the rear accessible from an alley to the rear and noted that there are no shared parking spaces (with adjacent parking lots). She stated that the tenant improvements were being completed and that a review of the record did not produce a Certificate of Occupancy for the building but she confirmed with Building and Safety that no additional parking is required.

The Zoning Administrator inquired whether patron access would be available from the rear of the building and Ms. Guan indicated that patron access would be limited to the front door on Ventura Boulevard. The Zoning Administrator inquired whether the

applicants had reviewed the recommended conditions contained in a letter submitted by the LAPD for the case file. The applicant had not received the letter and the Zoning Administrator allowed the applicant to review the letter. After review, the applicant stated that they were willing to stipulate to the conditions contained in the letter. However, the applicant requested that hours of operation be permitted until midnight only on special holidays such as Thanksgiving eve and New Year's eve. The Zoning Administrator agreed and approved the request.

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.

- No beer or malt beverages may be sold in single cans or bottles. Beer shall be sold in quantities of six packs or greater. Wine coolers shall be sold in quantities of four (4) packs or greater.
- No distilled spirits may be sold less than 375 milliliters or 12.7 fluid ounces.
- On-site consumption of alcoholic beverages is prohibited.

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-W of the Los Angeles Municipal Code. In order for the sale of alcoholic beverage for off-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.

FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 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 13 contiguous interior lots with a combined total of approximately 41,431 square-feet with approximately 325 feet of frontage on the south side of Ventura Boulevard and 325 feet of frontage along the an abutting alley to the rear of the site. The subject property is zoned C2-1VL with a land use designation of General Commercial. The property is located within the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan Area, and the Ventura / Cahuenga Boulevard Corridor Specific Plan Area.

The subject site consist of multiple contiguous lots under common ownership that are each improved with individual one-story commercial structures predominantly constructed in the 1940s. Parking for each building is provided to the rear of each lot accessible from the alley. Each building generally contains one to three tenants.

The applicant is requesting a conditional use to allow the off-site sale of a full line of alcoholic beverages in conjunction with a 667 square-foot retail store known as "Vines to Wines". The store is a boutique wine and spirits shop that will sell high quality specialty wine and spirits. According to the applicant, wines and spirits are sourced for smaller, high quality producers and with an emphasis on organic and biodynamic wines and spirits. The retail store is one of two tenant spaces in an approximately 2,144 square-foot building constructed in 1949. The subject tenant space was previously occupied by a shoe store. Four on-site parking spaces are maintained for the building to the rear of the lot.

The scope of the project is limited to interior tenant improvements and aesthetic improvements to the store-front façade including a raised planter that will enhance the streetscape. The site is located along a major commercial corridor that provides broad range of commercial services for the surrounding Sherman Oaks Neighborhood. The approval of this request will allow the subject retail store to provide a unique amenity to the community. The proposed use in conjunction with the conditions that are imposed such as the requirement that at least one on-duty manager with authority over the activities within the facility be on the premises at all times that the retail store is open for business and be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses will address the operational and alcohol-related conduct to assure that the availability of alcoholic beverages for off-site consumption will not be detrimental to the community. Therefore, the availability of a full line of alcoholic beverages for off-site consumption in conjunction with the retail store will provide a convenient service to the local community, employees, patrons and residents in the neighborhood.

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 a level interior lot that measures approximately 41,431 square-feet with an approximate total frontage of 325 feet along Ventura Boulevard and a frontage of 325 feet along the abutting alley. The property is zoned C2-1VL with a land use designation of General Commercial. The property is located within the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan Area, and the Ventura / Cahuenga Boulevard Corridor Specific Plan Area.

The subject property is improved with several commercial uses with off-street parking accessible via the abutting public alley. The site is an existing one-story commercial building that was built in 1949. The applicant is proposing tenant improvements to ensure that the site is suitable for the proposed use. The subject retail store will not accommodate seated patrons and only proposes to sell alcoholic beverages for off-site consumption. The project's location, size, height, operations and other significant features are compatible with the adjacent properties and surrounding land uses.

The predominate uses located along Ventura Boulevard which is a major commercial corridor, entails commercial uses such as restaurants, retail shops and services. The properties to the north across Ventura Boulevard are zoned C2-1VL and are developed with one-story commercial buildings including restaurants, and retail uses. The property to the east, is zoned C2-1VL and improved with a clothing store and a medical office. The properties to the south across the alley are zoned [Q]RD3-1 and are developed with multi-family residential uses. The property to the west is zoned C2-1VL and is developed with a Dry Cleaners.

The applicant is requesting a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing, 677 square-foot retail store with hours of operation from 9:00 a.m. to 10:00 p.m., daily, in the C2-1VL Zone. The project is consistent with the uses envisioned in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan. The site has an existing physical structure.

The conditions imposed by this grant include but is not limited to the implementation of a camera surveillance system, the utilization of electronic age verification devices to deter underage drinking and purchases, and the requirement that the operator monitor the area under their control in an effort to prevent the loitering of persons on the premises as a means to alleviate the potential effects from the sale of alcoholic beverages for off-site consumption. The operating conditions herein in conjunction with the Monitoring, Verification and Inspection Program (MViP) will allow the City the opportunity to continue to monitor and verify compliance of the imposed conditions. Therefore as conditioned, the sale of alcoholic beverages for off-site consumption will not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety of the community.

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

The City of Los Angeles' General Plan consists of elements that dictates policies that advances development and manages the City and address environmental issues. The subject site is located in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan Area, and the Ventura / Cahuenga Boulevard Corridor Specific Plan area.

The Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan Map designates the property for General Commercial land uses with corresponding zones of C1.5, C2, C4, CR, RAS3, RAS4, and P. The surrounding area is developed with primarily commercial, retail, entertainment and residential uses. The land use designation and surrounding zoning permits for a variety of uses including the retail store. Alcohol sales is not directly addressed in the Community Plan, however the approval of such a request is allowed through the approval of the Zoning Administrator, subject to certain findings incorporated herein.

The purpose of the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan is to promote "an arrangement of land uses, streets, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the people who live and work in the community." Moreover, the Community Plan aims to improve the function, design and economic vitality of the commercial corridors while planning the remaining commercial and industrial development opportunity sites for needed job producing uses that improve the economic and physical condition of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan Area.

The subject site is located in the Sherman Oaks neighborhood which is bounded by Fulton Avenue on the east and the San Diego Freeway on the west, and is comprised of a mix of low level and high rise commercial and office developments along Ventura Boulevard. The Ventura/Cahuenga Boulevard Corridor Specific Plan aims to assure symmetry between the transportation infrastructure and land use development. The Specific Plan also promotes attractive and harmonious site design for commercial development and compatible with the commercial and residential areas when adjacent to each other. The Specific Plan promotes and encourage the development of pedestrian activity, while reducing traffic congestion; and maintain the distinct character of the community.

The proposed use of the subject site is consistent with, and aids to advance the goals, objectives and policies identified in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass 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.*

Objective 2-1 *To conserve and strengthen viable commercial development.*
Policies 2-1.1 *New commercial uses shall be located in existing established commercial areas or existing shopping centers.*

The availability of the sale of a full line of alcoholic beverages for off-site consumption will provide a convenient amenity for the community. The proposed use conforms to the intent, purpose, and provisions of the General Plan and the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan and advances the goals, objectives and intent of the plan by offering a convenient service to the visitors and residents in the community.

ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES

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

The location of the site is convenient to a large population because it is located along a major street, Ventura Boulevard which is a heavily traveled commercial corridor. Furthermore, the retail store is connected with other major thoroughfares which are connected by convenient public transportation and the regional freeway system.

The applicant is requesting a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing, 677 square-foot retail store with hours of operation from 9:00 a.m. to 10:00 p.m., daily, in the C2-1VL Zone.

The grant imposes conditions that requires security measures to ensure that the use is compatible with the surrounding area and not injurious, this includes the requirement that all employees participate in training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. The applicant is responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses and will ensure that the subject site does not become a nuisance to the community. Additionally, the condition requiring the operator provide a contact number will allow the community to communicate complaints and concerns due to the operations of the subject site. In an effort to address potential noise impacts, the Zoning Administrator has imposed conditions to safeguard peaceful enjoyment and quality of life for neighboring properties. Therefore, as conditioned by this grant, the request for the sale of alcoholic beverages for off-site consumption 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 Department of Alcoholic Beverage Control ("ABC") licensing criteria, two (2) on-sale and one (1) off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 1411.02. Data provided on the ABC's License Query System indicates that there are currently nine (9) existing on-site and two (2) existing off-site licenses within this Census Tract.

The following alcohol establishments are within 1000-feet of the subject site:

Bluebird Brasserie, 13730 Ventura Boulevard	On-site Full Line
Short Mountain Distillery, 13721 Ventura Boulevard	On-site Beer & Wine
Coffee Joint & Seafood, 13718 Ventura Boulevard	On-site Beer & Wine
Petit Trois Le Valley, L.P, 13705 Ventura Boulevard	On-site Full Line
Kai Ju Sushi, 13704 Ventura Boulevard	On-site Beer & Wine
One Up The, 13625 Ventura Boulevard	On-site Full Line
The Woodman L.A., 13615 Ventura Boulevard	On-site Full Line
Antonio's Pizza, 13619 Ventura Boulevard	On-site Beer & Wine
Izakaya M By Midori, 13573 Ventura Boulevard	On-site Beer & Wine
La Cava Restaurant, 13565 Ventura Boulevard	On-site Beer & Wine
Siam Cabin Restaurant, 13548 Ventura Boulevard	On-site Beer & Wine
Boneyard Bistro, 13539 Ventura Boulevard	On-site Full Line
Short Stop 24, 4344 Ventura Boulevard	Off-site Full Line
Chimney Sweep Lounge, 4354 Ventura Boulevard	On-site Full Line
Carnival Restaurant, 4356 Ventura Boulevard	On-site Beer & Wine
Tekila, 13817 Ventura Boulevard	On-site Full Line
Studio Oaks, LLC, 13456 Ventura Boulevard	On-site Beer & Wine
Garden Café, 4351 Woodman Avenue	On-site Beer & Wine
Cactus Taqueria #4, 4378 Woodman Avenue	On-site Beer & Wine
Silver Liquor, 4405 Woodman Avenue	Off-site Full Line
The Oaks Tavern, 13625 Moorpark Street	On-site Full Line

According to statistics provided by the Los Angeles Police Department Van Nuys Division, which has jurisdiction over the subject property within Crime Reporting District No. 989, a total of 191 Part I Crimes and 54 Part II arrests were reported in 2017, compared to the citywide average of 191 crimes and arrests and the high crime average of 229 crimes for 2017. In 2017, there were (5) Narcotics, (1) Liquor Law, (2) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, and (13) DUI related arrests. 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.

Concentration can be undue when the addition of a license will negatively impact a community. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license will benefit the public welfare and convenience. The approval of the request will allow the applicant to provide a convenient amenity to the community. The retail store is located along a commercial corridor where there is a concentration of retail, entertainment, restaurants, and offices, therefore an establishment such as the subject site is not uncommon.

Approval of the request will exceed the number of off-sale licenses allocated to the census tract by ABC guidelines by one license. However, approval of the request is not expected to result in any criminal nuisance activity. The site is adequately buffered from the nearest residential uses to the rear of the site and is not in close proximity to any sensitive uses. The hours of operation do not consist of late night hours. Hours of operation are limited from 9 a.m. to 10 p.m. The subject site has no history of criminal or nuisance activity and no complaints concerning the site were received for the record. The site is located in a crime reporting district where the crime rate is below the city average and no evidence was submitted for the record establishing any link between the subject site and the area's crime rate.

Furthermore, the conditions imposed will ensure that the use is conducted with due regard for surrounding uses and will be beneficial to the community and contribute to the continued development of the area. Additionally, there were no revocation or nuisance proceedings initiated for any use within close proximity of the subject site.

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 were observed within a 1,000-foot radius of the subject property:

- Residential Uses
- Woodcrest Preschool, 13562 Ventura Boulevard
- We Spark Support Services, 13522 Ventura Boulevard

The Zoning Administrator have given consideration to the distance of the subject establishment from the above-referenced sensitive uses and recognizes that implementing proactive security measures will decrease the potential for the bar and retail shop to become a nuisance in the community. The grant has been well conditioned, to protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior, criminal activity and underage drinking have been considered and addressed by requiring adequate lighting, and requiring the use of electronic age verification devices to deter underage purchases. As conditioned, the proposed use will not detrimentally

affect nearby residentially zoned community and the sensitive uses located in close proximity to the subject site.

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 not located in a Flood Zone.
8. Based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 1, Category 22, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Inquiries regarding this matter shall be directed to Michelle Carter, Planning Staff for the Department of City Planning at (213) 978-1262.



FERNANDO TOVAR
Associate Zoning Administrator

FT:ON:MC

cc: Councilmember David E. Ryu
Fourth Council District
Adjoining Property Owners