

**Additional Requirements for Alcohol (CUB) Establishments LAMC
12.24 W.1
Conditional Use Permit-Alcohol (CUB)
Additional Information/Findings
17237 Ventura Blvd.**

FINDINGS/ FORM CP-773

a. GENERAL CONDITION USE

i. That 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 restaurant is in proper relation to adjacent residential and commercial uses. The restaurant is situated in Encino within the Plaza de Oro Shopping Center with 385 parking spaces, along Ventura Boulevard, a major thoroughfare in the City of Los Angeles. This stretch of Ventura Blvd, like many major thoroughfares throughout the city, is zoned Commercial while abutting a Residential Zone. The intended purpose for this coupling of zones is to provide supporting commercial activity to nearby residential properties and to arrange land uses so that they are compatible with each other. These residential properties enjoy the convenience of nearby markets, retail stores and other service industries close by. The former use of the space was exactly as the proposed use: A sushi restaurant with service of beer and wine.

ii. That 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, safety or welfare.

The restaurant will be desirable to the public convenience and welfare as it is near both residential and commercial uses and is zoned for such. The restaurant is at a convenient location along a busy boulevard that area residents can reach by walking, driving or public transit. Many of these will enjoy the option of having an alcoholic beverage with their meal. The restaurant also provides a more than adequate number of off-street parking stalls which offers a convenience to the neighborhood that it doesn't always enjoy. Availability of alcoholic beverages at a full-service restaurant is a desired amenity and one that is expected by the general public. As such, granting an alcoholic beverage conditional use permit for this restaurant will provide public convenience. The restaurant's location along a well established commercial corridor is suitable for the proposal, which promotes the community's convenience and economic vitality while enhancing the development of the community. By conditionally granting this request, the service of alcoholic beverages for on-site consumption will be on a par with other restaurant establishments elsewhere in the community and throughout the City, and is appropriate to the area.

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

The Encino Tarzana Community Plan identifies two distinct issues with respect to the commercial areas along Ventura Blvd.: *Parking* and *Inadequate Transitions Between Commercial and Residential Uses*. This project is consistent with the objectives of the Community Plan, as it is well buffered from residential (approx. 400 feet), and 385 parking spaces are provided on-site.

The use will not be materially detrimental to the character of the development in the immediate neighborhood. The property is zoned commercial and allows for uses such as restaurants and,

moreover, the project is on a busy corridor that houses other commercial tenants. A restaurant is in conformance with this element of the General Plan as it remains true to its zoning designation and is in harmony with the surrounding area. Conditions will be imposed to ensure the sale and dispensing of alcoholic beverages will not have a detrimental impact on residents, businesses, and visitors to the area and are intended to clearly define the operational parameters for use of the site. The location and use will not be materially detrimental to the character of the development in the immediate neighborhood because the sale and dispensing of alcoholic beverages will be incidental to the restaurant's primary use devoted to food service for lunch and dinner. The availability of alcoholic beverages is merely intended to accentuate and compliment restaurants' primary focus, to provide fine cuisine. The General Plan encourages, where appropriate, intensification, re-use and more efficient use of obsolete or underused commercial spaces. By approving the subject request, the establishment will be on equal footing with similar restaurants in the area and will have the best opportunity to remain viable in the long run, and in our current difficult economy. The CUB is needed to allow the establishment to compete fairly for business. Without this amenity, patrons simply will take their business elsewhere.

b. ADDITIONAL FINDINGS

i. Explain how the proposed use will not adversely affect the welfare of the pertinent community.

The approval of the Conditional Use is fully in line with other uses in the area, and will benefit the economic welfare of the community. As stated above, the subject site is surrounded by commercial and residential uses. The high density of retail and residential uses necessitates a commensurate number of service establishments of which restaurants are an indispensable part. There was no detriment with the prior restaurant's service of alcoholic beverages, and no detriment will occur with the current owner adding this amenity. Approving the request allows full economic use of the site that supports the needs of the neighborhood and operates without any detrimental affects to the welfare of the community.

ii. Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments.

Although the number of on-site licenses may exceed the number permitted based upon ABC criteria, it should be noted that this scenario is very typical of areas that have a major commercial thoroughfare like Ventura Boulevard. The ABC establishes the allotted number of licenses per census tract by population and cannot take into account these other crucial neighborhood-specific factors; however, they do continue to approve new licenses in these types of areas if they do not interfere with the public welfare and morals, while taking neighborhood specifics into account.

In active commercial areas where there is a demand for licenses beyond the allocated number and where a potential over-concentration of licenses exists, the ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. This establishment is complimentary to its surroundings, and the ABC has indicated willingness to issue a license, pending approval of the CUB.

iii. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.

Approval of the Conditional Use will not detrimentally affect nearby residentially zoned properties. The applicant operates a bona fide restaurant and kitchen that will be open during all hours of operation. There is no live entertainment proposed except for occasional acoustic, non-amplified dinner music for the diners, such as classical guitarist or a strolling violinist, or small combo), and the service of alcoholic beverages shall be in conjunction with food. It should be noted that the applicant has another full-service restaurant with the service of alcoholic beverages for on-site consumption. There have been no police calls to the restaurant, and it is family-friendly. We know that self-policing is essential to running a responsible business, especially one that serves alcoholic beverages, and will take all necessary steps to ensure that this service will be compatible with nearby uses.

3. QUESTIONS REGARDING THE PHYSICAL DEVELOPMENT OF THE SITE

- a. **What is the total square footage of the building or center the establishment is located in?** Plaza de Oro Center has buildings totaling an aggregate floor area of 206,749 square feet.
- b. **What is the total square footage of the space the establishment will occupy?** The establishment currently occupies 2,996 square feet of building area
- c. **What is the total occupancy load as determined by the Fire Department?** The maximum indoor seating shall not exceed 117 seats.
- d. **What is the total number of seats provided indoors?** There are 74 seats indoors and 40 seats outdoors.
- e. **If there is an outdoor area, will there be an option to consume alcohol outdoors?** Yes.
- f. **If there is an outdoor area, is it on private property or the public right-of-way, or both?** It is on private property under immediate control of the restaurant.
- g. **Are you adding floor area?** NO

h. PARKING

- i. **How many parking spaces are available on the site?** 385 parking stalls are available on site.
 - ii. **Are they shared or designated?** They are shared.
 - iii. **If you are adding floor area, what is the parking requirement as determined by Building & Safety?** We are not adding floor area.
 - iv. **Have any arrangements been made to provide parking off-site?** No, as it is not necessary.
- i. **Is the site within 1,000 feet of any schools, churches or parks?** Yes, St. Nicholas Church is located at 17114 Ventura Blvd.

j. **For message parlors, etc.** Not applicable to this application.

4. QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT

a. **What are the proposed hours of operation?**

10: 00 AM - 12:00 AM, SUN-THUR, 10:00 AM-1:00 AM, FRI-SAT.

b. **Will there be entertainment such as piano bar, dancing, live entertainment, movies, karaoke, etc?** As typical with most restaurants, there might be low level ambient music played on a sound system - not to violate any applicable Municipal Codes regarding noise.

c. **Minimum age requirements?** There will be no minimum age requirements as this is a bona fide eating establishment.

d. **Will there be accessory retail uses on the site?** No

e. **SECURITY**

i. **How many employees on the site at a given time?** 5-9 employees will be on site at any given time.

ii. **Will security guards be provided on site?**

As the establishment will operate as a restaurant with incidental service of alcoholic beverages, and reasonable hours of operation, there is no reason to employ a security guard.

iii. **Has LAPD issued any citations or violations?** No

f. ALCOHOL

i. **Will there be beer and wine or a full line of alcoholic beverages?** The request is for the service of beer and wine as typical of a sushi restaurant.

ii. **Will fortified wine be sold?** No.

iii. **Will alcohol be consumed on any adjacent property under control of the applicant?** Food and drinks will be served in the indoor restaurant and outdoor patio areas which are part of the lease space.

iv. **Will there be signs visible from the exterior that advertise the availability of alcohol?** No.

v. FOOD

1. **Will there be a kitchen on-site?** There is a kitchen on site as defined in section 12.03 of the LAMC and a comprehensive dinner menu is offered.

2. **Will alcohol be sold without a food order?** No, alcohol will not be sold without a food order.

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

No, gross sales of alcoholic beverages will not exceed gross sales of food on a quarterly basis. The applicant/operator will maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the applicant/operator. Said records will be kept no less frequently than a quarterly basis and will be made available to the Planning Department upon request.

4. **Provide a menu.** See attached menu.

vi. On-Site Sales

1. **Will a bar be maintained incidental to the restaurant?** No
2. **Will off-site sales be provided accessory to on-site sales?** No.
3. **Will discounted alcoholic drinks (happy hour) be offered at any time?** In the event of a "happy hour," No.

vii – Off-Site: N/A, this is for on-site sales

5. CALDERA BILL

Letter of Public Convenience or Necessity is provided