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July 18, 2022

Scott Kohno (A)  
EJL Entertainment Inc.  
177 East Colorado Boulevard, Unit #200  
Pasadena, CA 91105

Triangle Properties (O)  
3201 Wilshire Boulevard, Unit #210  
Santa Monica, CA 90403

Jason Kho (R)  
AAA Liquor Licensing Consulting  
15332 Antioch Street, Unit #728  
Pacific Palisades, CA 90272

CASE NO. ZA-2022-2362-CUB  
CONDITIONAL USE  
11709 National Boulevard, Unit B  
Palms – Mar Vista – Del Rey Plan Area  
Zone : C2-1VL  
C.D. : 11 – Bonin  
D.M. : 120B153 1026  
CEQA: ENV-2022-2363-CE  
Legal Description: Lots 31 and 32, Tract  
TR 9424; Lots 1 and 2, Tract TR 8098

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.1, I hereby APPROVE:

a Conditional Use to allow the sale and dispensing of beer and wine for on-site and off-site consumption in conjunction with a restaurant and retail store in the C2-1VL Zone.

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. 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.
7. Authorized herein is the sale and dispensing of beer and wine for on-site and ancillary off-site consumption, in conjunction with a proposed 2,064 square-foot restaurant, including a 350 square-foot retail store from the effective date of this grant. The grant shall be subject to the following limitations:
  - a. The hours of operation shall be limited to 10:00 a.m. to 11 :00 p.m., daily.
  - b. Interior seating shall be limited to a maximum of 14 seats. Maximum occupancy shall be as determined by the Department of Building and Safety and/or Fire Department.
  - c. Outdoor seating shall be limited to a maximum 6 seats. Maximum occupancy shall be as determined by the Department of Building and Safety.
8. No after-hours use is permitted, except routine clean-up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.

9. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
10. A camera surveillance system shall be installed and operating 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 and are intended for use by the Los Angeles Police Department.
11. 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. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
12. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
13. Parking shall be provided in compliance with the code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
14. **Complaint Log.** A telephone number and 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.

Complaints shall be responded to within 24-hours. 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.

15. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.

16. The applicant shall 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.
17. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
  - a. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. 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 subject premises and the facility to discourage illegal and criminal activities 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 and truancy occur.
18. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
19. 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.
20. 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.
21. 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.
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. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
24. Entertainment in conjunction with the restaurant is limited to ambient music to compliment the dining experience, shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are not allowed.
25. There shall be no speakers or amplified sound permitted in the outdoor dining area.
26. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
27. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
28. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

#### **ADMINISTRATIVE CONDITIONS**

29. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
30. **MVIP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC 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.
  - a. Within 24 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.
  - b. The owner and 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.

31. 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.
32. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new 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 application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. 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.

33. **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 **AUGUST 2, 2022**, 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](tel:(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](tel:(818)374-5050)

**West Los Angeles**  
West Los Angeles Development  
Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
[\(310\) 231-2598](tel:(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 subsequent contact regarding this determination must be with the staff assigned to this 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, and the statements made at the public hearing on July 12, 2022 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 approval under the provisions of Sections 12.24 W.1 have been established by the following facts:

### BACKGROUND

The project site is comprised of four lots encompassing a total of 21,987 square feet in the Mar Vista neighborhood and is located on the northwest corner of West National Boulevard and South Barrington Avenue. The property has a frontage of approximately 224 feet along West National Boulevard and a depth of approximately 100 feet along South Barrington Avenue and South Stoner Avenue. The site is currently established with a two-story commercial building and surface parking lot. Two of the three tenant spaces are occupied by an existing fast-food restaurant and coffee shop. The third tenant space (Unit B) will be occupied by the subject restaurant that is associated with the instant entitlement request.

The property is zoned C2-1VL with a land use designation of Neighborhood Commercial within the Palms – Mar Vista – Del Rey Community Plan. The subject project is also located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan, an Urban Agriculture Incentive Zone, and is within 2.80 kilometers from the Santa Monica Fault.

The subject restaurant, Yama Seafood, will offer diners an array of Japanese entrees and drinks including sushi rolls and sake (rice wine). The restaurant will front West National

Boulevard and will be in close proximity to numerous commercial businesses established along the intersection of West National Boulevard and South Barrington Avenue. A total of 17 automobile parking spaces will be shared between the subject restaurant and the two other retail businesses on the project site.

The applicant requests a Conditional Use to allow the sale of beer and wine for on-site and off-site consumption with a 2,064 square-foot restaurant with hours of operation from 10:00 a.m. to 11:00 p.m., daily. The restaurant will provide a total of 14 interior seats and 6 exterior seats. Outdoor seating will be provided within a 105 square-foot patio area in which alcohol consumption will not be permitted. The sale of beer and wine for off-site consumption is in conjunction with the restaurant's marketplace. The restaurant will provide a 350 square-foot marketplace adjacent to the interior dining area providing patrons the opportunity to purchase unique goods, such as imported beer and wine. These items are intended for customers to take home and enjoy.

### **SURROUNDING PROPERTIES**

Properties surrounding the project site are zoned R1V2, R3-1, and C2-1VL. Properties surrounding the project site are characterized by flat terrain with many of the residentially-zoned properties gradually to moderately rising in elevation away from West Sunset Boulevard. In addition, these properties have fully improved streets.

Properties located north of the project site are zoned R1V2 and are developed with single-family houses. Properties east, west, and south of the project site are zoned R1V2, R3-1, and C2-1VL. Specifically, properties along West National Boulevard and South Barrington Avenue are developed with commercial and low-rise multifamily residential buildings. Properties located beyond these two corridors are developed with single-family houses.

### **STREETS AND PUBLIC TRANSIT**

West National Boulevard, adjoining the subject property to the south, is a designated Avenue I, dedicated to a Right-of-Way width of 100 feet and a Roadway width of 70 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

South Barrington Avenue, adjoining the subject property to the east, is a designated Avenue I, dedicated to a Right-of-Way width of 100 feet and a Roadway width of 70 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

South Stoner Avenue, adjoining the subject property to the west, is a designated Local Street – Standard, dedicated to a Right-of-Way width of 60 feet and a Roadway width of 36 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Alley, adjoining the subject property to the north is a dedicated alley with a width of 20 feet and is improved with a paved roadway.

The project site is approximately 200 feet west of a Big Blue Bus stop servicing Route 8, providing eastbound/westbound service between Westwood and Santa Monica.

**Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:**

Case No. ZA-2016-4140-CUB – On April 10, 2017, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 1,725 square-foot restaurant and two outdoor patios totaling 464 square feet with hours of operation of 9:00 a.m. to 11:00 p.m., daily. The restaurant will have 24 interior seats and 18 exterior seats.

**Cases on Surrounding Properties:**

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages filed after 2010:

Case No. ZA-2022-745-CUB – On February 2, 2022, the subject case was filed requesting a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption and on-site consumption for instructional tasting in conjunction with an existing grocery market, with hours of operation from 6:00 a.m. to 12:00 a.m., daily.

**PUBLIC CORRESPONDENCE**

On July 7, 2022, the Mar Vista Neighborhood Council submitted a letter voting in support of the Conditional Use request to permit the sale of beer and wine for on-site and off-site consumption in conjunction with the proposed restaurant.

On June 17, 2022, an e-mail correspondence was received from Ms. Mora opposing the project stating that the request to permit the sale and dispensing of beer and wine would contribute to excessive noise problems as a result of early morning deliveries. In addition, Ms. Mora expressed concern that the corner of Barrington Avenue and National Boulevard is prone to automobile accidents.

**PUBLIC HEARING**

A public hearing was held before the Zoning Administrator on July 12, 2022 at 9:30 a.m. Due to COVID-19 and continued concerns that meeting in person would present imminent risks to the health and safety of the attendees, the hearing was conducted entirely telephonically. The hearing was attended by the applicant's representative, Jason Kho, and the applicant.

Mr. Kho made the following statements:

- This project is located at 11709 National Boulevard, Unit B.
- The request is for a conditional use for the sale and dispensing of beer and wine for on-site consumption and sale of beer and wine for off-site consumption.
- The hours of operation would be from 10 a.m. to 11 p.m., daily.
- There would be no consumption of beer and wine within the outside patio.

- The site has plenty of parking.
- The neighborhood council issued a letter of approval showing unanimous support.
- The findings can be made.
- The restaurant/market would sell Japanese snacks, soy sauce, kits to make sushi at home, nori, etc.

There were no speakers at the public hearing.

At the conclusion of the hearing, the Zoning Administrator stated he would approve the project subject to standard conditions of approval.

### **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.

- There shall be no alcohol service within the outdoor dining patio.

### **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 beer and wine for on-site and 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.

### **CONDITIONAL USE 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 project is located in the Mar Vista neighborhood, an area predominantly comprised of single- and multi-family residences. The proposed restaurant will occupy one of three retail tenant spaces within a two-story commercial building and will contribute to the array of shops and restaurants within the commercial area located along the intersection of West National Boulevard and South Barrington Avenue. With the applicant's Conditional Use request, the restaurant will provide a beneficial service that contributes to the commercial character and economic prosperity of the community. The restaurant will enhance the area's commercial vibrancy by offering a new dining destination for nearby residents, visitors, and workers to enjoy. The restaurant will serve a variety of Japanese entrées and side dishes with the incidental sale of beer and wine for on-site consumption. Alcohol service is typically desired by patrons and offered at restaurants to enhance the dining experience. While the restaurant will provide outdoor seating for patrons, alcohol consumption will be prohibited in the outdoor dining area. In addition, the restaurant will also include a marketplace in which patrons can purchase specialized goods, including imported beer and wine, and enjoy them at home. This service will provide an additional component of convenience. The grant to allow the sale of alcohol for on-site and off-site will be ancillary to food sales. The grant will allow for the restaurant to be a viable dining option that will be competitive with other restaurants.

The applicant requests a Conditional Use to allow the sale and dispensing of beer and wine for on-site and off-site consumption in conjunction with 2,064 square-foot restaurant with hours of operation from 10:00 a.m. to 11:00 p.m., daily. Adjacent to the interior dining area will be the restaurant's 350 square-foot marketplace. The restaurant will provide a total of 20 seats (16 interior seats and 4 exterior seats). A 105 square-foot outdoor dining area will front the restaurant and West National Boulevard. As stated, the sale of beer and wine will be restricted to the interior dining area and prohibited in the outdoor dining area. The restaurant will contribute to the economic vitality of the community by expanding the variety of commercial businesses within the commercial center and attracting local investment. As such, the project will provide a beneficial service to the Mar Vista community.

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 Conditional Use allows for the sale and dispensing of beer and wine for on-site and off-site consumption in conjunction with a restaurant. The project will occupy one of three retail tenant spaces within a two-story commercial building in the Mar Vista neighborhood. The project site is located within a commercial center developed along the intersection of West National Boulevard and South Barrington Avenue which offers retail services, shops, and restaurants.

Adjacent to the project site to the north and west are single- and multi-family residential buildings. The proposed restaurant will be compatible with the surrounding properties as it will enhance economic activity within the commercial center and provide convenient access to beneficial services for nearby residents and visitors. The restaurant will maintain a square footage of 2,064 square feet and a 105 square-foot outdoor dining area fronting the restaurant. A total of 14 interior seats and 6 exterior seats will be provided, with hours of operation of 10:00 a.m. to 11:00 p.m., daily. Alcohol consumption will be limited to the interior dining area only. The restaurant's location, size, and height will conform with the design and layout of the existing commercial building and will be compatible with the adjacent properties.

The project site is located in the C2-1VL Zone with a land use designation of Neighborhood Commercial. Restaurant uses are permitted in the C2-1VL Zone and are compatible with the Neighborhood Commercial designation. In addition to the dining component of the restaurant, the project will also feature a 350 square-foot marketplace adjacent to the interior dining area and restaurant entrance. The marketplace will complement food sales generated from restaurant orders by offering specialized goods, including imported beer and wine, for patrons to purchase and enjoy at home. As such, the proposed restaurant will offer a unique and beneficial service for the community.

The project will predominantly operate as a restaurant with incidental sale of beer and wine for on-site consumption. The sale of alcohol is generally in demand by restaurant patrons and provides restaurants supplemental sales revenue. Additional sales revenue will also be collected through the sale of beer and wine for off-site consumption in conjunction with the restaurant's interior marketplace. As conditioned, the Conditional Use in conjunction with the subject restaurant and retail use will complement and support the adjacent commercial and residential uses in the vicinity.

Conditions have been imposed in the grant to address nuisances, security, mode and character, and responsible management. A complaint number posted at the front of the restaurant and the maintenance of the complaint log will enable abutting neighbors and the community to inform the owner of complaints of the use. Furthermore, employees will be required to participate in training pertaining to alcohol sales. As conditioned, the operation of the restaurant with the sale of beer and wine for on-site and off-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development 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 General Plan serves as a blueprint for future growth and development of the City. The twelve elements of the General Plan establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from

these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Palms – Mar Vista – Del Rey Community Plan Area and designates the land use as Neighborhood Commercial with the corresponding zones C1, C1(PV), C1.5 C2, C4, RAS3, and RAS3. The project site is also located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The request for a Conditional Use is not affected by any regulations or standards set forth by the Specific Plan as no new construction or change of use is proposed and will, therefore, not constitute a project as defined by the Specific Plan.

The subject site is zone C2-1VL zone and is thus in conformance with the land use designation. The Plan acknowledges the opportunity for projects to promote the existing commercial center at the intersection of National Boulevard and Barrington Avenue as a focal neighborhood gathering places with neighborhood-oriented uses such as restaurants, cafés, and other convenience commercial. The proposed restaurant addresses this by providing nearby residents and visitors a new dining experience in the community. In addition, the restaurant will sell specialized goods, such as imported beer and wines, for patrons to take home and enjoy at home. The restaurant will occupy a one of three retail tenant spaces within a two-story commercial building, thereby contributing to the commercial character of the vicinity and attracting local investment and employment opportunities. The project is consistent with the following goals and objectives of the Community Plan:

- **Goal 2:** *A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well-designed, safe and accessible areas while preserving the historic, commercial, and cultural character of the community.*
  - **Objective 2-1:** *To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.*
  - **Objective 2-2:** *To promote distinctive commercial districts and pedestrian-oriented areas.*

The project supports the Community Plan's Objectives and Policies by continuing to provide a desirable and beneficial service to the community. The subject restaurant will contribute to the economic vitality and commercial character of the Mar Vista neighborhood, with its menu of Japanese entrees and marketplace goods. The required findings in support have been made and the operation has been imposed with conditions of approval to minimize potential impacts on the surrounding neighborhood. Therefore, the project conforms to the purpose, intent, and provisions of the General Plan and the Palms – Mar Vista – Del Rey Community Plan.

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

Approval of the Conditional Use Permit to allow the sale and dispensing beer and wine on the project site will not adversely affect the welfare of the community. Similar to many of the restaurants located in the Mar Vista neighborhood and other adjacent communities, the incidental service of alcohol will not be new or uncommon. It is a service that is commonly requested by diners to supplement their meal and is therefore offered to enhance patrons' dining experience. The sale of alcohol will be ancillary to food sales and will be limited within the restaurant's indoor dining area with no live entertainment proposed. Similarly, the sale of beer and wine for off-site consumption will also complement food sales providing patrons the opportunity to purchase limited and imported alcoholic beverages to enjoy at home. As such, the proposed restaurant will enhance the commercial character of the neighborhood as well as contribute to the collection of tax revenue and the increase of employment opportunities.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program, Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program. In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. The proposed sit-down restaurant is modest in size with minimal potential for noise impacts and other nuisance-type activity. All activity occurring on the subject premises will be required to adhere to the imposed conditions. Additional conditions have been included to ensure the operation provides adequate security measures, including a surveillance system, adherence to the City's Noise Ordinance, and responsible management practices. The City's conditions of approval and any conditions by the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale and dispensing of beer and wine for on-site and off-site consumption in conjunction with a proposed restaurant and retail market 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, five (5) on-sale and two (2) off-sale are allocated to the subject census tract (Census Tract 2713). Currently there are eight (9) alcohol licenses held by nine establishments in the census tract.

- (1) Type 85: Limited Off-Sale – Wine License
- (5) Type 41: On-Sale Beer and Wine – Eating Place
- (2) Type 21: Off-Sale General
- (1) Type 20: Off-Sale Beer & Wine

Within 1,000 feet of the subject site, there are two (2) alcohol-selling establishments. These establishments hold a total of three (30) ABC licenses which include Off-Sale General, On-Sale Beer & Wine – Eating Place, and Instructional Tasting License.

The project site is located in a census tract where the number of active on- and off-site licenses exceeds ABC guidelines. The Project is located within one of numerous intersections in the Mar Vista neighborhood that are developed and concentrated with retail services, shops, and restaurants. Concentration can be undue when the addition of licenses will negatively impact a neighborhood. Concentration is not undue, however, when a determination is made that the ABC license(s) will not negatively impact an area, but rather such license benefits the public welfare and convenience. The Project will occupy a retail tenant space within a two-story commercial building and will contribute to the variety of dining destinations offered in the community with an emphasis on Japanese cuisine. The proposed sale of alcoholic beverages for on-site consumption will be ancillary to food sales and will enhance patrons' dining experience. The sale of alcohol for off-site consumption will offer customers the opportunity to purchase limited beer and wine selection to enjoy at home. As such, the proposed sale of beer and wine for on-site and off-site consumption will not contribute an undue concentration of alcohol licenses as it will provide a beneficial service and contribute to the commercial vibrancy of the surrounding community.

According to statistics provided by the Los Angeles Police Department's Pacific Division Vice Unit, within Crime Reporting District No. 1401, which has jurisdiction over the subject property, a total of 81 crimes and arrests were reported in 2021 (76 Part I - Crimes and 5 Part II - Arrests), compared to the total area average of 149 offenses, and a High Crime Reporting District of 179 offenses, for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Rape (1), Robbery (1), Aggravated Assault (3), Burglary (20), Auto Theft (23), and Larceny (28). Part II Crimes reported include, Other Assault (0), Forgery/Counterfeit (0), Embezzlement/Fraud (0), Stolen Property (0), Weapons Violation (0), Prostitution Related (0), Sex Offenses (0) Offenses Against Family (0), Narcotics (2), Liquor Laws

(0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (4), Moving Traffic Violations (1), Miscellaneous Other Violations (0) and other offenses (0). Of the 81 total crimes and arrests reported for the Reporting District, four arrests were made for driving under the influence.

The above statistics indicate that the crime rate in Reporting District No. 1401 is lower than the threshold for what constitutes as a High Crime Reporting District. In addition, the crime statistics do not connect the project site to any arrest or crime incidents as it pertains to the reporting district as a whole. As detailed above, the project will be beneficial to the surrounding community as it will contribute to the economic vitality and commercial character of the Mar Vista neighborhood. The subject restaurant is located near a variety of restaurants, retail businesses, and single- and multi-family housing. Given the project site's proximity to such uses, the request to allow the sale of alcohol for on-site and off-site consumption will provide a convenient service to residents and visitors, and will attract local investment and employment opportunities to the community.

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 enjoyment of property by neighboring tenants. To safeguard the welfare of the community, negative impacts commonly associated with the sale of alcohol for on-site consumption such as criminal activity, public drunkenness, and loitering are addressed through the imposition of conditions set forth by the Zoning Administrator. Employees will be required to fulfill specialized training relating to the sale of alcohol and a complaint log shall be maintained by the restaurant operator to receive and address any complaints from the public. The approval of the operation of the subject restaurant at the project site, in conjunction with the sale and dispensing of beer and wine for on-site and off-site consumption will serve to enhance the commercial character of the area while operating in a manner that will be responsible and considerate of its surrounding uses.

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 project site is zoned for commercial uses and will continue to be utilized as such with the operation of the proposed bar. The following sensitive uses and alcohol-serving establishments are located within a 1,000-foot radius of the site:

Sensitive Uses Within 1,000 feet

- Single-Family Residential along: Burkshire Avenue, Granville Avenue, Stoner Avenue, Sardis Avenue, Inglewood Boulevard, Barry Avenue, Federal Avenue, Coolidge Avenue, Clarkson Road, Clover Avenue

- Multi-Family Residential along: West National Boulevard, South Barrington Avenue
- Religious Institution: St. Andrew's Lutheran Church

Alcohol-Serving Establishments Within 1,000 feet

Chipotle Mexican Grill  
Whole Foods Market

11711 W. National Boulevard  
11666 W. National Boulevard

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive use. The grant has been well-conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will continue to contribute to the Mar Vista neighborhood and will continue to serve the neighboring residents, local employees, and visitors. Therefore, as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

**FLOOD HAZARD FINDING**

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 located outside a flood zone.

Inquiries regarding this matter shall be directed to David Woon, Planning Staff for the Department of City Planning at (213) 978-1368.



HENRY CHU  
Associate Zoning Administrator

HC:EA:DW:bk

cc: Councilmember Mike Bonin  
Eleventh Council District  
Adjoining Property Owners