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20220721507



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California

07/13/22 AT 04:25PM

FEES:	61.00
TAXES:	0.00
OTHER:	0.00
SB2:	75.00
PAID:	136.00



LEADSHEET



202207130750030

00022556589



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SEQ:
01

DAR - Counter (Upfront Scan)



THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY

When Recorded Mail to:

Name: FE Design & Consulting

Address: C/O Matthew Mello

327 E 2nd St. #222

Los Angeles, CA 90012

07/13/2022



20220721507

Space Above This Line Reserved For Recorder's Use

COVENANT AND AGREEMENT

The undersigned hereby certifies I am (we are) the owner(s) of the hereinafter legally described property located in the City of Los Angeles, County of Los Angeles, State of California (please give the legal description, if the property has a complex legal description attach the legal description on a separate page(s)):

Legal Description TR 6836, Block 2, Lots 1,2,3, Arb 1

Site Address 15003 (15001-150090) West Ventura Boulevard

That in consideration of the Approval of Case No. ZA-2020-4410-CUB-SPP & ZA-2020-4410-CUB by the Department of City Planning, I (we) do hereby promise, covenant and agree to and with the City of Los Angeles and the Department of City Planning of said City that to the extent of our interest, I (we) acknowledge and will comply with Conditions Nos. 1 through 29 (see attached). Exhibit(s) 'A' & 'B'

This covenant and agreement shall run with the land and shall be binding upon any future owners, encumbrancers, their successors, heirs or assigns and shall continue in effect until the Department of City Planning of the City of Los Angeles approves its termination.

ANNIE GROSS

Print Name of Property Owner

Annie Gross

Signature of Property Owner

Print Name of Property Owner

Signature of Property Owner

Print Name of Property Owner

Signature of Property Owner

Dated this 22 day of June, 2022.

FOR CITY PLANNING USE ONLY

Case Number: ZA-2020-4410-CUB-SPP Condition Number(s): # 6

and/or Ordinance Number: N/A

Approved for Recording by the Undersigned on this Date: JULY 07, 2022

Print Name: ANGELA WILLIAMS Signature: AWilliams

THIS PAGE FOR NOTARY'S USE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

CIVIL CODE SECTION 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

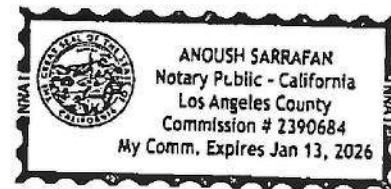
On June 22, 2022 before me, Anoush Sarrafan, Notary Public
Here Insert Name and Title of the Officer
Personally appeared Annie Gross
Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature A. Sarrafan
Signature of Notary Public



Place Notary Seal Above

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
JONATHAN HERSHEY
THEODORE L. IRVING
FRANKLIN N. QUON
CHARLES J. RAUSCH JR.
FERNANDO TOVAR
CHRISTINA TOY-LEE
DAVID S. WEINTRAUB

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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LISA M. WEBBER, AICP
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<http://planning.lacity.org>

June 7, 2022

Sherman Oaks 1, L.P. (A)
12430 Riverside Dr.
Valley Village, CA 91607

Roger and Jeanne Van Holden Trust (O)
1960 E. Grand Avenue
El Segundo, CA 90245

Annie Gross and Daniel Abitboul (O)
The Gross Family LTD Partnership
10837 Via Verona Street
Los Angeles, CA 90077

Eddie Navarrette (R)
FE Design & Consulting
327 East 2nd Street
Los Angeles, CA 90012

Department of Building and Safety

CASE NO. ZA-2020-4410-CUB
CONDITIONAL USE
15001-15005 West Ventura Boulevard
Sherman Oaks – Studio City – Toluca
Lake – Cahuenga Pass
Zone : C2-1L
C.D. : 4 - Raman
D.M. : 168B145
CEQA: ENV-2020-4411-CE
Legal Description:
Lot 3; Tract 6836

On September 13, 2021, in accordance with Los Angeles Municipal Code (LAMC) Section 12.24-W,1, 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 665 square-foot wine bar in the C2-1L zone, with hours operation from 11:00 a.m. to 11:30 p.m. Monday through Friday and 9:00 a.m. to 11:30 p.m. Saturday and Sunday in lieu of the 7:00 a.m. to 11:00 p.m. restriction in a mini shopping center and on a Commercial Corner.

The case was the renewal of an existing Conditional Use Permit for the above entitlements. The case has not as yet been effectuated.

On September 16, 2021, the applicant submitted a request for a correction to the California Alcoholic Beverage Control Department alcohol license type to be changed from Type 42 to Type 48, as stated on page 2. The license type is clearly in error because the Type 48 license was requested as a part of the application. Therefore, the Zoning Administrator

agrees with the request and hereby corrects the determination by correcting the language as follows:

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

a Conditional Use Permit to allow the sale, dispensing and consumption of a full line of alcoholic beverages for on-site consumption and wine for on- and off-site consumption in accordance with a California Alcoholic Beverage Control Department Type 42 ~~48~~ alcohol permit in conjunction with a 665 square-foot wine bar in the C2-1 L zone; and

Additionally, the applicant stated that Condition No. 7a for the Conditional Use Permit incorrectly stated the hours of operation as Monday through Friday and 9:00 a.m. to 11:30 p.m. Saturday and Sunday in lieu of the 7:00 a.m. to 11:00 p.m. on a Commercial Corner, as the applicant proposed hours of operation to be 11 a.m. to 2 a.m. Monday to Friday, and 9 a.m. to 2 a.m. Saturday and Sunday. The hours recommended by staff were not done in error, as staff has the discretion to recommend hours of operation that differ from the hours proposed.

Staff recommended hours of operation that were concurrently approved by the Zoning Administrator at the public hearing held on July 28, 2021. The Zoning Administrator verbally approved the request "as-is" which referred to the original request not the recommendation. The Zoning Administrator agrees with the request and hereby corrects the determination by correcting Condition 7a as follows:

- 7 a. The hours of operation shall be limited to 11 :00 a.m. to ~~11:30 p.m.~~ 2:00 a.m. Monday through Friday and 9:00 a.m. to ~~11:30 p.m.~~ 2:00 a.m. Saturday and Sunday in lieu of 7:00 a.m. to 11 :00 p.m.

Further, the summary of public comments provided by the applicant team at the public hearing held on July 28, 2021, stating on page 14:

"The change of use request to Building and Safety resulted in the request for four extra parking spaces, but we have requested relief from this as we will be paying a fee to the Department of Transportation for use in a parking production fund."

Further, the applicant requested the Project Permit Compliance finding 7.g language on page 21 should be amended, as they request to invoke section D of Ordinance 187096 (Local Emergency Ordinance), which waives parking requirements for changes of use projects that meet the criteria stated in the ordinance. The findings approved included:

- 7 g. **Section 7F: Parking.** Per Section 7.F.1.c of the Ventura/Cahuenga Boulevard Corridor Specific Plan, restaurants and take-out food establishments defined by the Specific Plan, require at least one parking space for each 100 gross square feet of floor area. The project proposes a 665 square foot restaurant building which will require 4 parking spaces and proposes entering a covenant and agreement for each deficient parking space.

The proposed project meets the criteria for automobile parking requirements for changes of use as outlined in the Local Emergency Ordinance. Therefore, the Zoning Administrator agrees with the request and hereby corrects the determination by correcting Condition 7 g as follows:

- 7 g. **Section 7F: Parking.** Per Section 7.F.1.c of the Ventura/Cahuenga Boulevard Corridor Specific Plan, restaurants and take-out food establishments defined by the Specific Plan, require at least one parking space for each 100 gross square feet of floor area. The project proposes a 665 square foot restaurant building which will utilize Section D of Ordinance 187096 (Local Emergency Ordinance) to waive the required require 4 deficient parking spaces associated with the proposed change of use. and ~~proposes entering a covenant and agreement for each deficient parking space.~~

All other conditions remain unchanged.



CHARLES J. RAUSCH, JR.
Associate Zoning Administrator
Telephone No. (213) 978-1306

CJR:CR:EN:ds

Cc: Council Member Nithya Raman
Fourth District

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September 13, 2021

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El Segundo, CA 90245

Eddie Navarrette (R)
FE Design & Consulting
CASE NO. ZA-2020-4410-CUB-SPP

327 East 2nd Street
Los Angeles, CA 90012

CASE NO. ZA-2020-4410-CUB-SPP
CONDITIONAL USE BEVERAGE
15003 (15001-15009) West Ventura
Boulevard
Sherman Oaks – Studio City – Toluca
Lake – Cahuenga Pass
Zone : C2-1L
D. M. : 168-B-145
C. D. : 4 - Raman
CEQA : ENV-2020-4411-CE
Legal Description: TR 6836, Block 2, Lots
1,2,3, ARB 1

Pursuant to California Environmental Quality Act Guidelines Section 15061, I hereby
DETERMINE:

That based on the whole of the administrative record, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1, (operation of an existing building) and that 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, hazardous waste sites or historic resources applies; and

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

a Conditional Use Permit to allow the sale, dispensing and consumption of a full line of alcoholic beverages for on-site consumption and wine for off-site consumption in

accordance with a California Alcoholic Beverage Control Department Type 42 alcohol permit in conjunction with a 665 square-foot wine bar in the C2-1L zone; and

Pursuant to Los Angeles Municipal Code Section 12.24-W, 27, I hereby **APPROVE**:

a Conditional Use Permit to allow hours of operation from 11:00 a.m. to 11:30 p.m. Monday to Friday, and 9:00 a.m. to 11:30 p.m. Saturday and Sunday in lieu of the 7 a.m. to 11 p.m. restriction on a mini-shopping center and on a Commercial Corner; and

Pursuant to Los Angeles Municipal Code Section 11.5.7-C, I hereby **APPROVE**:

a Project Permit Compliance for a change of use in the Ventura-Cahuenga Boulevard Corridor Specific Plan, and a waiver from four required parking spaces.

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's Development Services Center 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 main 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 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 prior to the final clearance of this condition.

7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 665 square-foot wine bar subject to the following limitations:
 - a. The hours of operation shall be limited to 11:00 a.m. to 11:30 p.m. Monday through Friday and 9:00 a.m. to 11:30 p.m. Saturday and Sunday in lieu of 7:00 a.m. to 11:00 p.m.
 - b. There shall be a total of 30 seats with 22 inside of the building and 8 in an outdoor, uncovered patio.
 8. The sale of bar snacks or food from the adjacent restaurant(s) shall be available for customers to purchase.
 9. A camera surveillance system shall be installed and operated 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.
 10. Complaint Log. Prior to the utilization of this grant, 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) At the point of sales location.
- 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.
11. 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, LEAD or RBS training shall be conducted for all new hires within three months of their employment.

12. 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.
13. 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.
14. 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. The name of the duty manager shall be listed in a conspicuous place near the entrance of the business for customers and other enforcement agencies.
15. People under the age of 21 are not allowed to enter or remain within the subject venue.
16. 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.
17. 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.
18. Prior to the effectuation of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
19. In the event valet parking is used, the valet operator for the site shall be required to obtain a valid LAPD Commission Investigation Division (CID) Valet Operator Permit pursuant to LAMC Section 103.203(b) and each valet attendant shall have a valid CID permit along with a valid California Driver License in their possession while on duty.

20. Live music is prohibited and the playing of any other recorded or commercially available music shall not be audible outside of the restaurant. No speakers are permitted on the outdoor patio.
21. 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 LAMC (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, 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.
22. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor seating/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.
23. 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.
24. Ventura/Cahuenga Boulevard Corridor Specific Plan Conditions of Approval:
 - a. Site Development. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled "Exhibit A" and "Exhibit B (sign plan)", attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC, the project conditions, or the project permit authorization.
 - b. Floor Area. The project shall be limited to a 665 square-foot wine bar, and an approximate 41 square foot outdoor patio area. In any event, the project shall not exceed a floor area ratio (FAR) of 1.25:1.
 - c. Lot Coverage. The project shall not exceed a lot coverage of 75 percent.
 - d. Height. No change to the building height is proposed for this project.
 - e. Mechanical and Rooftop Equipment Screening. No mechanical or rooftop equipment shall be visible from Ventura Boulevard or Lemona Avenue and shall be screened behind architectural elements on all sides.

- f. Parking. The site currently has 20 vehicle parking spaces (certificate of occupancy 1959LA42141). Four required parking spaces as a result of the change of use are waived as allowed by the Ventura/Cahuenga Boulevard Specific Plan pursuant to Section 11.5.7 of the LAMC. No bicycle parking is being proposed.
- g. Pedestrian Access. Direct access shall be provided to the business entrance from the sidewalk along Ventura Boulevard and the entrance shall be open during all business hours of operation.
- h. Signage. Prior to installation of any sign, any wall defects, holes, faded paint areas, or impressions made from the removal of previous signs shall be repaired, filled and painted to match the material and color finishes of the existing exterior wall.
- i. Wall Signs. This approval shall permit the installation of one wall sign facing Ventura Boulevard, and one wall sign facing the secondary north parking lot, measuring no more than a total of 178 square feet combined. The construction plans shall be in substantial conformance with the project plans, Exhibit "A", except as modified herein.
- j. Wall Sign Depth. No wall sign may project from a building face more than 12 inches, or above the lowest elevation of the roof eave visible from the street.
- k. Window Signs. All Window Signs shall not exceed 10 percent of the window they occupy. Holiday paintings shall not be placed in the window more than 30 business days before a holiday and shall be removed within ten business days after the holiday.
- l. Projecting Signs. Only one projecting sign is permitted for the building by the Specific Plan, however such a projecting sign must face Ventura Boulevard, Lemona Avenue, or the rear parking area. Projecting sign shall not exceed more than 16 square feet, nor shall it be no more than four feet from the building face. The final sign plan shall be in substantial conformance with the sign plan, Exhibit "A" except as herein modified.
- m. Projecting Sign Location. Any new projecting sign shall be located by a front pedestrian entrance.
- n. Temporary Banners. This approval shall permit the installation of one banner of no more than 100 square feet in size. No more than two banners per year per site shall be permitted, for no more than 30 days prior to the event and 10 days after the special event for a total of 40 days. Prior to planning clearance, the applicant shall submit a sign plan showing only one temporary banner. The project plans shall be in substantial conformance with the project plans, Exhibit "A", except as modified herein.
- o. Illegal Signs. Prior to the Department of Building and Safety issuance of a final sign-off on any sign approved, any existing exterior signs, temporary banners, window signs, and signs used for advertising products, merchandise and services which are not permitted by the Ventura-Cahuenga Boulevard Corridor Specific Plan shall be

removed from the business or multi-tenant storefronts by the respective tenants, property manager, or the property owner.

25. Modifications. Change of use or increase in floor area of the property shall be cause for separate discretionary review pursuant to Section 11.5.7 of the LAMC and other applicable statutory requirements.

ADMINISTRATIVE CONDITIONS

26. 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/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.
27. 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.
28. 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.

29. 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 (ii).
- 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 (ii).
- 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.



FE DESIGN & CONSULTING

Conditional Use Permit-Alcohol (CUB) Specific Plan Project Permit Compliance (SPP) Additional Information/Findings 15003 W Ventura Boulevard

Sherman Oaks 1, L.P. (A)
12430 Riverside Dr.
Valley Village, CA 91607

Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass
Community Planning Area

Zone: C2-1L

C.D.: 4

(1) Gross Family Limited Partnership, (2) Daniel
Abitboul Trust, (3) Jeanne Van Helden Trust
and (4) Belinda Israel Trust (O)
1960 E GRAND AVENUE #811
El Segundo, CA 90245

Legal Description: Tract TR 6836, Block 2, Lots 1-2, and 3
ARB 1

FE Design & Consulting (R)
327 E. 2nd St. #222
Los Angeles, CA 90012

REQUEST

A Conditional Use Permit to allow the sale and dispensing of a full line of alcohol in conjunction with a new 665 s.f. bar having 22 seats and a 41 s.f. patio with 8 seats.

Specific Plan Project Permit Compliance for a change of use in the Ventura/Cahuenga Boulevard Specific Plan and for a waiver from 4 parking spaces.

A Conditional Use Permit to allow hours of operation from 11 a.m. to 2 a.m. Monday to Friday, and 9 a.m. to 2 a.m. Saturday and Sunday in lieu of the 7 a.m. to 11 p.m. restriction in a mini shopping center and on a Commercial Corner.



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BACKGROUND

The subject property is a parallelogram-shaped parcel consisting of three tied lots totaling approximately 9,618.424 square feet. The property has a frontage of 89 feet along the north side of Ventura Boulevard and 110 feet along the west side of Lemona Avenue. The site houses a plaza with retail and restaurant uses, as well as associated surface parking in the rear of the site. The plaza was developed in 1959 per building permit and certificate of occupancy 1959LA42141. The use of the plaza at the time was “stores” with 20 parking stalls shown on the site plan, and the address is listed as 15001-15005-15009 Ventura. Building permit and certificate of occupancy 1983VN62864 converted a 30’x50’ portion of the plaza to restaurant. This area is “The Tippy Cow” today, and the address is 15005 Ventura. The permit and C of O indicate that there was no additional parking required as part of this change of use. Building permit and certificate of occupancy 09016-20000-21484 was for a change of use at 15001 Ventura, the corner unit, from retail to a yogurt shop with no dine-in seating. The permits state that three additional parking stalls are required as part of the change of use, but the certificate of occupancy states that there are still 20 stalls required and provided.

The subject unit for the instant request is 15003 Ventura, which is in the middle of the plaza. The space is rented out by the owners of “The Tippy Cow”, the restaurant next door. They had previously used it as restaurant storage. In February 2019, they opened “Buvette”, a wine bar, in the space using the liquor license from The Tippy Cow. Since it was part of their leasehold, they assumed that the unit was part of their license. Unfortunately, the business was forced to close shortly after it opened when the owners were made aware that the space was not included in the licensed area on their liquor license. A review of the building records show that this space was not included in the restaurant permit, and as such is still permitted as retail. As a result, a change of use permit is required in addition to a Conditional Use Permit request to have alcohol service in this area. The applicants would like to have the same type of service in this area as they have in The Tippy Cow. The subject request is therefore a conditional use to allow a Type 48 bar license as well as a Conditional Use Permit for hours until 2 a.m. daily in a mini-shopping center and on a commercial corner.

Buvette is a small 665 s.f. space with a bar counter and intimate booth seating. There is a small patio in front which mirrors the existing patio at The Tippy Cow. The proposed hours of operation match the normal hours of operation at The Tippy Cow. Although the bar won’t open until the afternoon most days, they would like the flexibility to open earlier and offer food from the Tippy Cow menu, especially on weekends. The Buvette space could be used to do a specialty brunch in a more intimate setting. All alcohol would always come from the Buvette menu and bar, but the Type 48 will allow them to offer similar service and menu to what they offer next door. The daytime hours of operation will give them the chance to have food service in the space for special occasions or events. For that reason, the request includes the morning hours found at the Tippy Cow.



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Because of the change of use, there will be a change in the parking requirement. The parking requirement for a change of use is calculated by subtracting the parking requirement for the current use at today's rate from the parking requirement for the new use at today's rate.

Retail parking requirement: 665 s.f. at 1 space per 250 s.f. = $665/250 = 2.66$

Restaurant parking requirement: 665 s.f. at 1 space per 100 s.f. = $665/100 = 6.65$

The difference would be $6.65 - 2.66 = 3.99 = 4$ **required parking spaces**

These parking calculations have been vetted by the Department of Building and Safety, and the unit is currently in plan check under permit number 20016-20000-09847. The existing parking lot will not be impacted as a result of the change of use. The existing parking is completely tied to the existing uses on the property, and there is no additional space to provide the required parking. As a result, the applicants must look for relief from parking requirements in the zoning code.

Per the Ventura Specific Plan Section 7 F 2:

***Alternative For Parking.** For Projects where a change-of-use or a new addition of less than 1,000 square feet require additional parking requirements of up to ten parking spaces that cannot be met on-site or through existing public parking facilities, the Applicant shall enter into a covenant and agreement with the Department of Transportation to pay one hundred dollars per month, per deficient parking space, into the Community's Parking Revenue Fund for as long as the Project parking deficiency continues to exist.*

Since this project is a change of use which triggers less than 10 additional parking spaces, we are eligible to pay \$100/month per stall which in this case would equal \$400/month. We will work with the Department of Transportation to put together the Covenant and Agreement for this fee, which we understand must be paid every month, even if the property is vacant.

In addition to paying the monthly fee, the existing on-site parking lot will be available to patrons. The property owner has a parking attendant during busy hours, so they are able to park surplus customer cars on-site as needed. Other than The Topsy Cow, the other units in the plaza are closed in the evenings, when Buvette is at its peak hours. The parking lot will therefore be largely available to Buvette patrons in the evening. In addition, as a bar, it's expected that many patrons will choose to arrive by means other than a private automobile. The rise in ride share has made it feasible for bar patrons to leave the car at home and use Uber or Lyft to get to their destination, especially when they intend to drink alcohol.



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Details of the project are as follows:

	New Approval
Use	Wine Bar
Square Footage	655 sq. ft.
Unit/Address	15003 W Ventura Blvd, Los Angeles, CA 91403
Hours of Operation	11 a.m. to 2 a.m. Monday to Friday, 9 a.m. to 2 a.m. Saturday and Sunday
Type of Alcohol	Full line
Food	Snacks and food service from next door restaurant during some hours
Happy Hour	Yes
Patron Seats	30 (19 interior, 11 exterior)
Live Entertainment	No
Dancing	No
On-Site Sales	Yes
Off-Site Sales	No retail area or advertising of retail wine sales, but patrons can purchase wine to-go as allowed by their Type 48 licensing privileges
Parking	20 parking stalls provided on-site, 4 additional parking stalls to be provided via DOT covenant

SURROUNDING PROPERTIES

The property to the north of the subject property, across the alley (#17 on the radius map) is zoned RD1.5-1 and developed with a two-story multi-family residential building housing 17 units.

The abutting property to the west (#20 on the radius map) is zoned C2-1L and is developed with a one-story commercial building which is currently vacant and associated surface parking.

The property to the east, across Lemona (#31 on the radius map) is zoned C2-1L and developed with a used car sales lot.

The properties to the south, across Ventura (#128 and 135 on the radius map) are zoned C2-1L and are developed with a two-story and a three-story commercial building with retail on the ground floor and offices above.



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CIRCULATION

Ventura Boulevard is a Boulevard II dedicated to a right-of-way width of 110 feet and improved with curb, gutter, and sidewalk.

Lemona Avenue is a Local Street-Standard dedicated to a right-of-way width of 60 feet and improved with curb, gutter, and sidewalk.

RELATED PRIOR CASES

Subject Property:

Case No. ZAI-1983-310-E - On December 29, 1983, the Zoning Administrator determined that the sale of alcoholic beverages for on-site consumption is exempt from the requirements of Sections 12.21 and 12.24 of the Los Angeles Municipal Code, for a restaurant located at 15005 Ventura Boulevard.

Surrounding Properties:

Case No. DIR-2018-3104(SPP) - On August 22nd, 2018, the Director of Planning approved with conditions a Project Permit Compliance Review to permit (1) the change of use of 856 square feet from retail to restaurant and (2) one wall sign to serve as business identification for a tenant in a commercial shopping center on a 56,080 square-foot site, located at 15036 W Ventura.

Case No. DIR-2017-2627(SPP) - On August 24th, 2017, the Director of Planning approved with conditions a Project Permit Compliance Review to permit the installation of one (1) wall sign facing Ventura Boulevard and the re-facing of one (1) panel on an existing non-conforming pole sign to serve as business identification for a tenant in a commercial shopping center that is on a 56,080 square-foot site, located at 15030 W Ventura.

Case No. DIR-2016-4892(SPP) - On February 15th, 2017, the Director of Planning approved with conditions a Project Permit Compliance Review to permit the installation of one (1) channel letter wall sign facing Ventura Boulevard to serve as a business identification for a tenant, (Sydnee's Pet Grooming), in a commercial shopping center, which is on a 56,080 square-foot lot, located at 15030 W Ventura Suite #6.

Case No. ZA-2015-978(ZV) - On September 30th, 2015, the Zoning Administrator accepted the withdrawal of an application for a zone variance to allow the construction, use, and maintenance of a parking lot in the RD1.5-1 zone, for an adjacent auto sales business located at 14958 Moorepark Street.

Case No. DIR-2015-980(SPP) - On May 20th, 2015, the Director of Planning approved with conditions a Project Permit Compliance Review to permit the installation of two (2) wall signs facing Ventura Boulevard



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and the parking lot reading "Monza Car We Buy Cars" and the associated logo to serve as business identification for the current tenant, located at 14951-14963 W Ventura.

Case No. DIR-2014-4528(SPP) - On January 9th, 2015, the Director of Planning approved with conditions a Project Permit Compliance Review to permit the installation of two (2) wall signs facing parking lot and the courtyard, reading "Sonny's" and "Ices & Cremes" to serve as business identification, located at 15030 W Ventura.

Case No. DIR-2014-4564(SPP) - On January 9th, 2015, the Director of Planning approved with conditions a Project Permit Compliance Review to permit the installation of two (2) wall signs facing the parking lot and the courtyard, reading "N1 01 Nutrition" to serve as business identification, located at 15030 W Ventura.

Case No. DIR-2014-3559(SPP) - On October 24th, 2014, the Director of Planning approved with conditions a Project Permit Compliance Review to permit the installation of one (1) wall sign facing the parking lot, reading "Marine M. Salon I Studio" to serve as business identification, located at 15030 W Ventura.

Case No. DIR-2014-781(SPP) - On April 11th, 2014, the Director of Planning approved with conditions a Project Permit Compliance Review to permit the installation of one (1) wall sign facing the parking lot reading "The Harvest Bar" to serve as business identification for a tenant, located at 15030 W Ventura.

Case No. DIR-2013-2865(SPP) - On October 18th, 2013, the Director of Planning approved with conditions a Project Permit Compliance Review to permit the installation of two (2) wall signs facing Ventura Boulevard and the parking lot, reading "My Fit Foods" and the refacing of a panel in an existing, non-conforming pole sign, to serve as business identification for the tenant, located at 15030 W Ventura.

Case No. DIR-2012-1321(SPP) - On May 31st, 2012, the Director of Planning approved with conditions a specific plan project permit compliance to permit the installation of one (1) internally illuminated wall sign reading "Ramen Yamadaya" facing the parking lot to serve as business identification for a tenant, located at 15030 Ventura.

Case No. DIR-2011-1948(SPP) - On September 15th, 2011, the Director of Planning approved with conditions a Specific Plan Project Permit Compliance to permit the installation of one (1) new wall sign reading "Sherman Oaks Beauty Center Beauty Supply" to serve as business identification for a tenant facing the parking lot, located at 15030 Ventura.

Case No. ZA-2006-1488(ZV)(1A) - On May 29th, 2007, the Zoning Administrator approved a variance from section 12.70 granting the use and maintenance of a 1,300 square-foot massage parlor within an existing 56,018 square-foot shopping center within 500 feet of a residential zone, and located at 15030 W Ventura. The case was appealed, and some conditions were modified by the Area Planning Commission.



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Case No. DIR-2003-5361(SPP) - On August 6th, 2004, the Director of Planning approved with conditions a Specific Plan Project Permit Compliance for new construction of a 3,550 square-foot, second floor addition to an existing two-story, 5,212 square-foot religious facility (Jewish Orthodox Temple/Synagogue, Chabad of Sherman Oaks) for a total of 8,762 square feet, with no additional required parking, located at 14960 W Ventura.

Case No. ZA-1994-0562(ZV) - On December 20th, 1994, the Zoning Administrator approved a variance from Section 12.21-A,4(e) of the Municipal Code to permit the remodeling, use and maintenance of an existing one story commercial building for a church use with 15 on-site parking spaces in lieu of the required 87 parking spaces on a site described as Lot No. 407, Tract No. 5822, located at 14960 Ventura Boulevard.

Case No. ZA-1991-1188(CUB) - On March 16th, 1992, the Zoning Administrator approved a conditional use permit, pursuant to the provisions of Section 12.24-C, I. 1 (h) of the Municipal Code, to permit the sale and dispensing of alcoholic beverages for on-site consumption in conjunction with a re-opened existing restaurant, accommodating approximately 100 persons, and having hours of operation from 11 a.m. to 12 midnight, seven days a week (the request is an upgrade from the existing sale of beer and wine), located at 15025 Ventura.

Case No. ZA-1986-1278(CUB) - On June 5th, 1987, the Zoning Administrator approved the conditional use beverage request for 15030-15036 W Ventura. The approval letter is not available online.

Case No. ZA-1986-1278(CUB)(PA1) - On January 14th, 2002, a Plan Approval was approved for this case. The approval letter is not available online.

Case No. ZAI 83-091-E - On April 27, 1983, the Zoning Administrator approved an exception to the provisions of LAMC section 12.22 to permit the sale of alcoholic beverages for on-site consumption at a restaurant located at 15025 Ventura.

GENERAL CONDITIONAL USE FINDINGS

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 subject premises had already briefly opened as a wine bar prior to being shut down, and it was met with positive reviews. Sherman Oaks and the San Fernando Valley in general do not have a lot of wine bars, so customers and reviewers were excited to have this amenity in their area. The wine bar space attracts a mature clientele who wish to have an evening out. The business allows customers to sample unique and specialty wines, and they offer snacks such as cheese boards and options from the next door restaurant to give customers an enjoyable experience. The business is small, creating an intimate atmosphere for date nights or catching up with a close friend. The business fulfills a need in the community for a place for adults to enjoy a night out, and provides a service that is beneficial to the Sherman Oaks community.



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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, welfare, and safety.

The project is located within an existing commercial building. There will be no physical changes to the property, and the building is a similar size to surrounding buildings. The proposed patio matches the patio of the restaurant next door, and it will have limited seating and no standing room. The business hours are in line with the restaurant next door, so this will not bring a new late night activity to the neighborhood. The bar is in the middle of the property, so it does not directly abut residential uses. With all of this in mind, it can be seen that the project will not have a negative impact on the surrounding neighborhood or the public health, safety and welfare.

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.

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan Map designates the property for Community Commercial land uses. The lot is zoned C2-1L, so it is planned and zoned for commercial uses.

Goal 2 of the Plan is for 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."¹ This project is located within an underutilized commercial space in an existing commercial plaza. The space was most recently used as storage, and now this important storefront will have new life as a locally-serving wine bar. Ventura Boulevard is the commercial center of Sherman Oaks, and this use will complement existing businesses while also serving the local community, helping to achieve the goals of the Plan.

The site is also located within the Ventura-Cahuenga Boulevard Corridor Specific Plan. The subject case filing will evaluate and ensure compliance with the Specific Plan through the SPP suffix. The bar use is allowed in the Plan, and the parking deficiency is being covered through a provision within the Plan. We would not be eligible to file for an SPP unless the request is in conformance with the Plan. Ultimately, a wine bar which

¹ Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, page III-6



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serves the community is more beneficial to the Ventura corridor than a storage unit or a vacant retail space. The proposed project will help advance the goals of the Plan.

ADDITIONAL FINDINGS - CUB

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

The applicants are experienced operators who already run The Topsy Cow next door, which also keeps late hours. Buvette was briefly open and was popular with the local community. The unit is in the middle of the plaza, so it does not directly abut residential uses. The bar has a very limited seating capacity and, as a wine bar, is meant for sit-down drinking and will not have standing area. When all of the above is taken into consideration, it can be seen that the business will not adversely affect the welfare of the pertinent community.

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

There are 23 on-site retail licenses in census tract 1413.02. Although this number exceeds the number allowed by ABC, this situation is common for areas that attract a lot of visitors from outside the census tract. The San Fernando Valley is made up of dense residential development outlined by a few major commercial corridors. This census tract includes Ventura Boulevard, which is a main commercial thoroughfare for the community. Although there are a lot of licenses here, there are likely several nearby census tracts which are under-concentrated because they are made up of predominantly residential development. The ABC can and does approved new licenses in these situations because of these circumstances. In addition, none of the current licenses in this census tract are for a bar, and this would be the first such license in the census tract. The applicants are therefore filling a need in the Sherman Oaks community as the only wine bar in the area.

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

The approval of the Conditional Use will not detrimentally affect nearby residentially zoned properties due to the fact that the subject property is located within an existing commercial plaza with another late-night business. The applicants have a history in the neighborhood and will work with neighbors to ensure that the business is compatible with the neighborhood. Self-policing by the owner is essential for an establishment to not adversely impact the community. The applicant-owners will monitor all areas of the establishment in order to prevent loitering and noise. All employees involved in the sale of alcoholic beverages will attend STAR or similar alcohol beverage dispensing training. In addition, security cameras and sufficient night lighting are maintained on the property in order to create an environment conducive to a responsible establishment.



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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?

The building is 4,361 s.f.

b. What is the total square footage of the space the establishment will occupy?

The bar is 665 Square Feet.

c. What is the total occupancy load of the space as determined by the Fire Department?

The fire department does not post occupancy when it is below 100.

d. What is the total number of seats that will be provided indoors? Outdoors?

There are 19 seats indoors and 11 seats outdoors for a total of 30 seats.

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?

Both.

i. If an outdoor area is on the public right-of-way, has a revocable permit been obtained?

Not yet.

g. Are you adding floor area? If yes, how much is enclosed? Outdoors?

No.

h. Parking

i. How many parking spaces are available on the site?

There are 20 existing parking stalls on the subject site.



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ii. Are they shared or designated for the subject use?

Shared between the businesses.

iii. If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety?

There is no addition of floor area, but the change of use does trigger 4 additional parking stalls.

iv. Have any arrangements been made to provide parking off-site?

No, but the applicants will be paying \$400/month to LADOT to fund public parking in order to cover the deficient parking for the property.

1. If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety? Note: Required parking must be secured via a covenant pursuant to LAMC 12.26 E 5. A private lease is only permitted by a Zone Variance.

N/A

2. Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.

N/A

3. Will valet service be available? Will the service be for a charge?

Yes, the property has a parking attendant during peak hours.

i. Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or parks?

See attached radius maps.

j. For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other Adult Entertainment Businesses as defined by LAMC 12.70 B17?

N/A.



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QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT

a. What are the proposed hours of operation and which days of the week will the establishment be open and Proposed Hours of Alcohol Sales?

Hours of operation and alcohol sales are proposed to be 11 a.m. to 2 a.m. Monday to Friday and 9 a.m. to 2 a.m. Saturday and Sunday.

b. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify: Note: An establishment that allows for dancing needs a conditional use pursuant to 12.24 W.18.

No.

c. Will there be minimum age requirements for entry? If yes, what is the minimum age requirement and how will it be enforced?

Yes, the bar will be 21+.

d. Will there be any accessory retail uses on the site? What will be sold?

No.

e. Security

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

There will be approximately 2-4 employees on-site at any given time depending on the day and time.

ii. Will security guards be provided on-site?

No.

1. If yes, how many and when?

N/A

iii. Has LAPD issued any citations or violations? If yes, please provide copies.

No.



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f. Alcohol

- i. Will there be beer & wine only, or a full-line of alcoholic beverages available?**

Full line.

- ii. Will “fortified” wine (greater than 16% alcohol) be sold?**

High end fortified wines such as port, cherry, or marsala may be available.

- iii. Will alcohol be consumed on any adjacent property under the control of the applicant?**

No. The Tipsy Cow next door is under the same ownership, but it has its own ABC license. No alcohol will be carried between the businesses.

- 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 the site?**

No.

- 2. Will alcohol be sold without a food order?**

Yes.

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

Yes.

- 4. Provide a copy of the menu if food is to be served.**

N/A



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vi. On-Site

1. Will a bar or cocktail lounge be maintained incidental to a restaurant?

No.

a. If yes, the floor plans must show the details of the cocktail lounge and the separation between the dining and lounge facilities.

N/A

2. Will off-site sales of alcohol be provided accessory to on-site sales ("Take Out")?

Take-out will not be advertised, but if a customer requests to purchase a bottle of wine to-go, the applicants will allow them to purchase the wine as allowed per the Type 42 licensing privileges.

a. If yes, a request for off-site sales of alcohol is required as well.

N/A.

3. Will discounted alcoholic drinks ("Happy Hour") be offered at any time?

Yes, they may offer a happy hour in the afternoon.

vii. Off-Site

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

No.

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

No.

viii. Contact the CA Department of Alcoholic Beverage Control (ABC) regarding its requirements.



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CALDERA BILL (CA Business and Professions Code Section 23958 and 23958.4)

a. Is this application a request for on-site or off-site sales of alcoholic beverages?

On-Site.

i. If yes, is the establishment a bona-fide eating place (restaurant) or hotel/motel?

No.

7/27/2020 DG

9/4/2020 DG

10/2/2020 DG

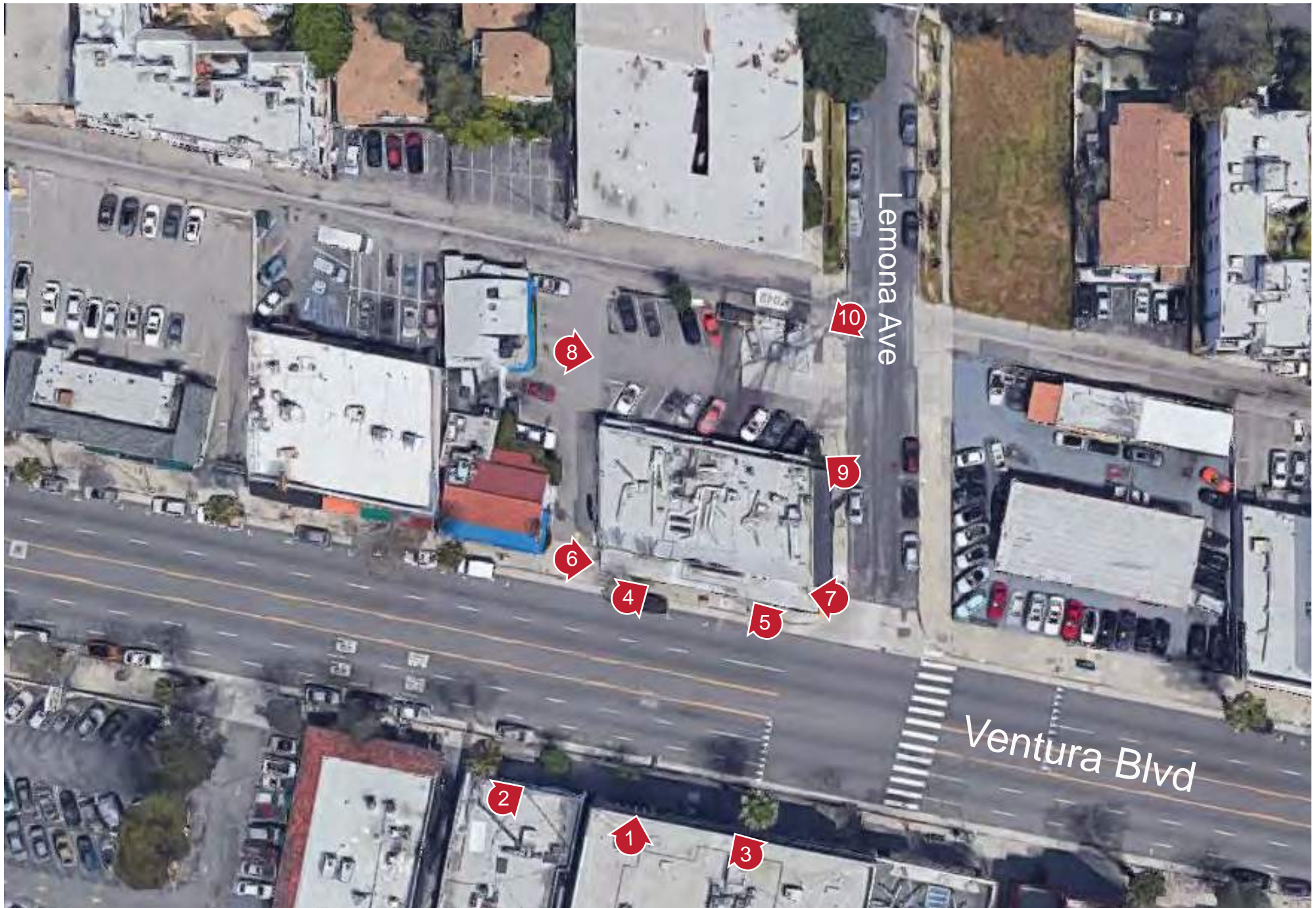


PHOTO KEY

Buvette
15003 Ventura Blvd, Sherman Oaks, CA 91403



North



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Ventura Blvd, across street facing subject site. Direction: North



Ventura Blvd, across street facing subject site. Direction: Northeast



Ventura Blvd, across street facing subject site. Direction: Northwest



Ventura Blvd, on sidewalk facing subject site. Direction: Northeast



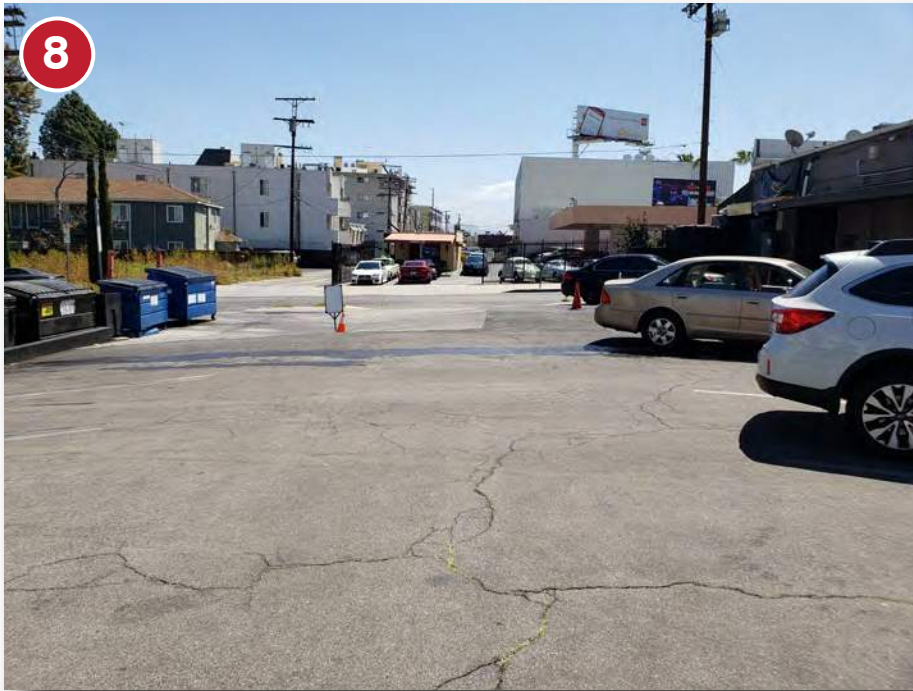
Ventura Blvd, on sidewalk facing subject site. Direction: Northwest



Ventura Blvd, on sidewalk along subject site. Direction: East



Ventura Blvd, on sidewalk along subject site. Direction: West



Parking Lot, facing parking lot in the back of subject site. Direction: East



Lemona Ave, on sidewalk facing parking lot in the rear. Direction: Northwest



Lemona Ave, on sidewalk facing parking lot in the rear. Direction: Southwest

**APPLICATIONS:****DEPARTMENT OF CITY PLANNING APPLICATION***THIS BOX FOR CITY PLANNING STAFF USE ONLY*

Case Number _____

Env. Case Number _____

Application Type _____

Case Filed With (Print Name) _____ Date Filed _____

Application includes letter requesting:

☐ Waived hearing ☐ Concurrent hearing ☐ Hearing not be scheduled on a specific date (e.g. vacation hold)

Related Case Number _____

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.*All terms in this document are applicable to the singular as well as the plural forms of such terms.**Detailed filing instructions are found on form CP-7810***1. PROJECT LOCATION**Street Address¹ _____ Unit/Space Number _____Legal Description² (Lot, Block, Tract) _____

Assessor Parcel Number _____ Total Lot Area _____

2. PROJECT DESCRIPTION

Present Use _____

Proposed Use _____

Project Name (if applicable) _____

Describe in detail the characteristics, scope and/or operation of the proposed project _____

Additional information attached ☐ YES ☐ NO

Complete and check all that apply:

Existing Site Conditions

- | | |
|---|--|
| <input type="checkbox"/> Site is undeveloped or unimproved (i.e. vacant) | <input type="checkbox"/> Site is located within 500 feet of a freeway or railroad |
| <input type="checkbox"/> Site has existing buildings (provide copies of building permits) | <input type="checkbox"/> Site is located within 500 feet of a sensitive use (e.g. school, park) |
| <input type="checkbox"/> Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial) | <input type="checkbox"/> Site has special designation (e.g. National Historic Register, Survey LA) |

¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

Proposed Project Information

(Check all that apply or could apply)

- ☐ Demolition of existing buildings/structures
- ☐ Relocation of existing buildings/structures
- ☐ Interior tenant improvement
- ☐ Additions to existing buildings
- ☐ Grading
- ☐ Removal of any on-site tree
- ☐ Removal of any street tree

- ☐ Removal of protected trees on site or in the public right of way
- ☐ New construction: _____ square feet
- ☐ Accessory use (fence, sign, wireless, carport, etc.)
- ☐ Exterior renovation or alteration
- ☐ Change of use and/or hours of operation
- ☐ Haul Route
- ☐ Uses or structures in public right-of-way
- ☐ Phased project

Housing Component Information

Number of Residential Units: Existing _____ - Demolish(ed)³ _____ + Adding _____ = Total _____

Number of Affordable Units⁴ Existing _____ - Demolish(ed) _____ + Adding _____ = Total _____

Number of Market Rate Units Existing _____ - Demolish(ed) _____ + Adding _____ = Total _____

Mixed Use Projects, Amount of Non-Residential Floor Area: _____ square feet

Public Right-of-Way InformationHave you submitted the Planning Case Referral Form to BOE? (required) ☐ YES ☐ NOIs your project required to dedicate land to the public right-of-way? ☐ YES ☐ NO

If so, what is/are your dedication requirement(s)? _____ ft.

If you have dedication requirements on multiple streets, please indicate: _____

3. ACTION(S) REQUESTED

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36? ☐ YES ☐ NO

Authorizing Code Section _____

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: _____

Authorizing Code Section _____

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: _____

Additional Requests Attached ☐ YES ☐ NO

³ Number of units to be demolished and/or which have been demolished within the last five (5) years.

⁴ As determined by the Housing and Community Investment Department

4. RELATED DEPARTMENT OF CITY PLANNING CASES

Are there previous or pending cases/decisions/environmental clearances on the project site? ☐ YES ☐ NO

If YES, list all case number(s) _____

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. _____

Ordinance No.: _____

☐ Condition compliance review

☐ Clarification of Q (Qualified) classification

☐ Modification of conditions

☐ Clarification of D (Development Limitations) classification

☐ Revision of approved plans

☐ Amendment to T (Tentative) classification

☐ Renewal of entitlement

☐ Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? ☐ YES ☐ NO

Have you filed, or is there intent to file, a Subdivision with this project? ☐ YES ☐ NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

5. RELATED DOCUMENTS / REFERRALS

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

a. Specialized Requirement Form _____

b. Geographic Project Planning Referral _____

c. Citywide Design Guidelines Compliance Review Form _____

d. Affordable Housing Referral Form _____

e. Mello Form _____

f. Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form _____

g. HPOZ Authorization Form _____

h. Management Team Authorization _____

i. Expedite Fee Agreement _____

j. Department of Transportation (DOT) Referral Form _____

k. Preliminary Zoning Assessment Referral Form _____

l. SB330 Preliminary Application _____

m. Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) _____

n. Order to Comply _____

o. Building Permits and Certificates of Occupancy _____

p. Hillside Referral Form (BOE) _____

q. Low Impact Development (LID) Referral Form (Storm water Mitigation) _____

r. SB330 Determination Letter from Housing and Community Investment Department _____

s. Are there any recorded Covenants, affidavits or easements on this property? ☐ YES (provide copy) ☐ NO

PROJECT TEAM INFORMATION (Complete all applicable fields)

Applicant⁵ name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Are you in escrow to purchase the subject property? ☐ YES ☐ NO

Property Owner of Record ☐ Same as applicant ☐ Different from applicant

Name (if different from applicant) _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Agent/Representative name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip: _____

Telephone _____ E-mail: _____

Other (Specify Architect, Engineer, CEQA Consultant etc.) _____

Name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Primary Contact for Project Information
(*select only one*)

☐ Owner

☐ Applicant

☐ Agent/Representative

☐ Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

⁵ An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

PROPERTY OWNER

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.
- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
 - **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
 - **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
 - **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.
- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
 - b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
 - c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
 - d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgement is available for your convenience on following page.*

Signature _____

Date _____

Print Name _____

Signature _____

Date _____

Print Name _____

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____
(Insert Name of Notary Public and Title)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and
correct.

WITNESS my hand and official seal.

Signature (Seal)

APPLICANT

- 8. APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.
- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
 - b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
 - c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required. .
 - d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
 - e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
 - f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
 - g. I understand that if this application is denied, there is no refund of fees paid.
 - i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
 - i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature: _____

Date: _____

Print Name: _____

OPTIONAL
NEIGHBORHOOD CONTACT SHEET

9. **SIGNATURES** of adjoining or neighboring property owners in support of the request are not required but are helpful, especially for projects in single-family residential areas. Signatures may be provided below (attach additional sheets if necessary).

NAME (PRINT)	SIGNATURE	ADDRESS	KEY # ON MAP

REVIEW of the project by the applicable Neighborhood Council is not required, but is helpful. If applicable, describe, below or separately, any contact you have had with the Neighborhood Council or other community groups, business associations and/or officials in the area surrounding the project site (attach additional sheets if necessary).

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