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July 7, 2017

Daniel Sonenshine (A)  
Far West Restaurant Group, LLC  
3720 South Susan Street #120  
Santa Ana, CA 92704

Prime CDRF Mission Hills, LLC c/o  
Primestor Development (O)  
201 South Figueroa Street  
Los Angeles, CA 90012

Sheryl Brady (R)  
Permit Place  
13400 Riverside Drive, Unit 202  
Sherman Oaks, CA 91423

CASE NO. ZA 2017-0411(CUB)  
CONDITIONAL USE  
10374 North Sepulveda Boulevard Unit 3C  
Mission Hills - Panorama City - North Hills  
Planning Area  
Zone: (T)(Q) C2-1  
C.D. : 7  
D.M. : 204B145  
CEQA: ENV-2016-0412-CE  
Legal Description: Lots 1-8, Tract 18389  
and Lots 4 -14 Tract 19522

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

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

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

a Conditional Use Permit to allow the hours of operation of 10:30 a.m. to 12:00 midnight daily, in lieu of the hours 7:00 a.m. to 11:00 p.m. as restricted by Mini-Shopping Center regulations.

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 ("DEPARTMENT OF CITY PLANNING") and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Authorized herein is the sale and dispensing of beer and wine for on-site consumption, in conjunction with a proposed 1,738 square-foot restaurant, subject to the following limitations:
  - a. Indoor seating shall be limited to 40 seats provided that number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
  - b. The hours of operation for the restaurant, shall be limited to 10:30 a.m. – 11:00 p.m. daily. Vendor deliveries shall be conducted between 8:00 a.m. to 9:00 p.m. There shall be no deliveries on Sundays.
  - c. No after-hour 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.
7. 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.
8. 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.

9. **MViP– Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.** Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
10. No additions to the approved site plan such as pool tables, coin-operated games, or video machines shall be permitted on the premises unless approved by the Department of City Planning.
11. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
12. There shall be no live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, male or female performers or fashion shows.
13. 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 and truancy occur.
14. **Prior to the effectuation of this grant,** a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be

submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

15. 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. Signs shall be in English and in the predominant language of the facility's clientele.
16. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
17. The applicant shall be responsible for maintaining the area adjacent to premises over which they have control, free of litter
18. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested regarding this application.
19. **Prior to the beginning of operations**, a camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the DEPARTMENT OF CITY PLANNING and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
20. **Prior to the beginning of operations**, the applicant shall submit the restaurant's menu to document that the premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.
21. **Prior to the beginning of operations**, an electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
23. **Prior to the beginning of operations**, 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:

- a. Entry, visible to pedestrians
- b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department. Complaints shall be responded to within twenty four hours. The applicant shall provide photographs of the sign postings and a copy of the log to the DEPARTMENT OF CITY PLANNING for inclusion in the Case File.

24. **Prior to the beginning of operations**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state,

*We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of beer and wine for on-site consumption, in conjunction with the restaurant, known as Wing Stop, and agree to abide and comply with said conditions.*

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

25. Within the **first six months of the beginning of operations** at this establishment, all employees involved with the sale of beer and wine shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2017-0411-CUB, from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
26. Any music, sound or noise including amplified or acoustic music 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.

**27. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) 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).
- (iv) 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).
- (v) 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 **JULY 24, 2017**, 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:

Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

West Los Angeles  
1828 Sawtelle Boulevard, 2<sup>nd</sup> Floor  
Los Angeles, CA 90025  
(310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

**NOTICE**

The applicant is further advised that 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 April 19, 2017 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 Section 12.24-W have been established by the following facts:

### BACKGROUND

The subject property is an approximately 504,068 square-foot irregular shaped commercial corner lot having a frontage of approximately 1,140 feet along Sepulveda Boulevard and a frontage of approximately 600 feet along Devonshire Street. The property is developed with five commercial buildings within a commercial shopping center. The subject restaurant is proposed within a vacant commercial building within the Mission Hills Plaza Shopping Center. The subject property is zoned (T)(Q)C2-1 with a Community Commercial land use designation within the Mission Hills – Panorama City – North Hills Community Plan Area. The project is not located within 500 feet of a School Zone or within 500 feet of a Park Zone.

The subject request entails a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 1,738 square-foot restaurant with 40 indoor seats and a Conditional Use Permit to allow the hours of operation of 10:30 a.m. to 12:00 midnight daily, in lieu of the hours of 7:00 a.m. to 11:00 p.m. as restricted by Commercial Corner regulations.

On April 27, 2017, the applicant's representative submitted an e-mail requesting to withdraw their request to deviate from the Commercial Corner regulations after having a discussion with the LAPD Mission Hills Division on April 26, 2017. The applicant agreed to modify their requested hours of operation in order to comply with the Commercial Corner regulations. The new proposed hours of operation are from 10:30 a.m. – 11:00 p.m. daily.

Properties to the north, across San Jose Street, are zoned R1-1 and developed with single-family dwellings.

Properties to the south, across Devonshire Street, are zoned C2-1, (T)(Q)CR-1, [Q]CR-1VL, and are developed with a 76 gas station, Mission Hills Medical Clinic, Ecola Termite & Pest Control, medical supplies retail store, and the Devonshire Dental Group.

Properties to the east, are zoned R1-1 and developed with single-family dwellings.

Properties to the west, across Sepulveda Boulevard, are zoned RS-1, C2-1, P-1, and developed with single family dwellings, a commercial shopping center with several businesses including an AutoZone, Rite-Aid, Vons, dry cleaner, tax services, mortgage company, and dental office.

Sepulveda Boulevard is designated as a Boulevard II with a right-of-way width of 110 feet a roadway with of 80 feet and improved with curb, gutter and sidewalk.

Devonshire Street is designated as an Avenue I with a right-of-way width of 100 feet a roadway width of 70 feet and improved with curb, gutter and sidewalk.

Columbus Avenue is designated as a Local Street - Standard with a right-of-way width of 60 feet and a roadway width of 36 feet.

San Jose Street is designated as a Collector Street with a right-of-way width of 66 feet and a roadway width of 40 feet.

**Previous Cases, affidavits, permits, and orders on the subject property:**

Ordinance No. 184347 - On July 26, 2016, Pursuant to Section 12.32-G of the Municipal Code, Ordinance No. 184347 became effective to establish the "Q" Qualified classification upon the use of the subject property.

Certificate of Occupancy No. VN24637/59, VN27970/59, VN34501/59, VN52314/60 - On May 10, 1960, a Certificate of Occupancy was issued for a 1-story, 120'x147' Store Building located at 10348 Sepulveda Boulevard.

Certificate of Occupancy No. VN81657/61 - On October 31, 1961, a Certificate of Occupancy was issued for a 1-story, 94' x 146' addition to existing store buildings located at 10358-62 Sepulveda Boulevard.

Case No. ZA-2000-359(CUZ) - On June 13, 2000, The Zoning Administrator approved a Conditional Use to permit the continued sale of beer and wine for off-site consumption, in conjunction with an existing 8,220 square-foot drug store/variety center (Save-On Express) located at 10348 Sepulveda Boulevard.

Case No. ZA-94-0787(CUB) - On February 15, 1995, the Zoning Administrator a Conditional Use to permit the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing 8,220 square-foot drug store/ variety center(Save-On Express) located at 10348 Sepulveda Boulevard.

**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. Past cases include:

- No cases found within the last five years

**PUBLIC CORRESPONDENCE**

- On May 10, 2017, Linda Kloss Romney, submitted a letter opposing the project.
- On April 27, 2017, the applicant's representative submitted an e-mail requesting to withdraw the request to deviate from the Commercial Corner regulations after having a discussion with the LAPD Mission Hills Division on April 26, 2017. The applicant

agreed to modify their requested hours of operation in order to comply with the Commercial Corner regulations. The new proposed hours of operation are from 10:30 a.m. – 11:00 p.m. daily.

### **PUBLIC HEARING**

The public hearing was held on Wednesday, April 19, 2017, at approximately 11:00 a.m. at the Marvin Braude San Fernando Valley Constituent Service Center, located at 6262 Van Nuys Boulevard, Room 1B.

The purpose of the meeting was to obtain public testimony from affected and/or interested person regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

The hearing was attended by the applicant's representative, Sheryl Brady.....

Sheryl Brady, applicant's representative presented the following:

- Far West Restaurant Group, LLC is the owner of Wing Stop
- We're requesting the sale of beer and wine for on-site consumption
- There is no patio area
- We are proposing hours of 10:30 a.m. to 12 midnight daily
- The restaurant will employ 13-15 employees with 4-8 employees per shift
- Reached out to Council District Office who expressed no issues with the project
- Reached out to Mission Hills Neighborhood Council who expresses excitement
- Beer and wine will be 2% of the overall sales
- Currently processing a Type 21 License
- Anticipated opening date is early June 2017
- Owner has numerous Wing Stop's throughout LA, Orange County and Las Vegas locations
- Concept is fast casual restaurant serving chicken wings
- Number of seats has been reduced to 36 indoor seats

Los Angeles Police Department, Sgt. Park, and Detective Booth, Detective Support Vice Division presented the following testimony:

- We received this application from ABC in November of last year. We submitted our recommendations in January of this year. We would like to amend one of our recommendations.
- Hours of operation Sun – Thur close at 10:00 p.m.; Fri – Sat close at 11:00 p.m.
- Restaurant is in a high crime area. This is being engineered for family. Also concerned with keeping the noise level down
- We had complaints from the residents to the Senior Lead Officer requesting business close at 11:00 p.m. There has been problems with other businesses in the shopping center closing late.
- Area has chronic issues with vehicular traffic and noise
- I will submit a copy of suggested operating conditions to the file today

- Request to leave the record open for one week in order to submit the recommended conditions we're asking for.

Public Speakers:

Claudia Cardenas

- I'm the Developer Associate with Primestor Development and we're developing the shopping center
- We are here in support for our tenant

Linda Romney

- I request the hearing remain open as the Notice of Public Hearing was not properly posted. Notice was blank. Also time of operation requested reads 10:30 a.m. -12:00 a.m. daily but should read 10:30 a.m. – midnight.
- There is no enforcement for any conditional use or variance violations
- I live across the street and have had problems with Primestor. I've reached out to them with no reply. They have several Building and Safety Orders to Comply.
- I'm not opposed to the Wing Stop project however this is a high crime area.
- We have homelessness, graffiti and constant dumping on Primestor
- Primestor refuses to put in security or add lighting to the 220,000 square foot addition.
- There has been an approved 10% reduction in parking which now overflows to our area
- There is no reason for Wing Stop to be open past 11:00 p.m.
- Request they stay within the hours of Commercial Corner.

RUBUTTAL:

Sheryl Brady:

- Regarding the noticing I will check with BTC who was responsible for posting
- I have concerns with the hours proposed by LAPD.
- I had no idea of the major concerns brought up about the shopping center
- The owner has several Wing Stops located within the area
- We are asking that the record remain open three weeks until Wednesday, May 10<sup>th</sup> to allow the owner to resolve these issues with LAPD
- I spoke with Sue Wong with the Council Office who did not state opposition to the project request

Claudia Cardenas, with Primestor Development noted the Shopping Center currently has security services which operate from 7:00 a.m. to 7:00 p.m. during the construction phase. Once construction is completed there will be security 24-hours. Currently there are two tenants on-site. Chase Bank closes at 6:00 p.m. and a retail store which closes at 9:00 p.m.

The Zoning Administrator closed the public hearing and left the record open for three weeks until May 10, 2017 for the purpose of receiving suggested operating conditions from Los Angeles Police Department.

**CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES**

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No comments received for consideration.

**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 approval from the Zoning Administrator are located within Section 12.24-W, 1 of the Los Angeles Municipal Code. In order for the sale of beer and wine for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

**FINDINGS**

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

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The project is located along Sepulveda Boulevard a commercial corridor characterized by commercial uses with frontages along Sepulveda Boulevard with residential uses behind them. The grant request is for a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 1,738 square-foot restaurant with 40 indoor seats and a Conditional Use Permit to allow the hours of operation from 10:30 a.m. to 12 midnight daily. The grant is in keeping with the nature of the development in the area which caters to a variety of needs and provides a casual alternative to dining for residents and employees in the area. The existing use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will assure

that the service of beer and wine will not be disruptive to the community. Additionally, the applicant has withdrawn their request to operate until 12:00 midnight and will comply with the Commercial Corner regulations and operate from 10:30 a.m. to 11:00 pm. daily. The sale of beer and wine will allow the business to remain competitive with nearby restaurants while also providing a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole.

**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 project's location, size, height and operations are compatible with the immediate neighborhood as the project involves a proposed restaurant with within an existing building. The property is located in the (T)(Q)C2-1 Zone with a Community Commercial land use designation within the Mission Hills – Panorama City – North Hills Community Plan. Properties to the north, across San Jose Street, are zoned R1-1 and developed with single-family dwellings. Properties to the south, across Devonshire Street, are zoned C2-1, (T)(Q)CR-1, [Q]CR-1VL, and are developed with a 76 gas station, Mission Hills Medical Clinic, Ecola Termite & Pest Control, medical supplies retail store, and the Devonshire Dental Group. Properties to the east, are zoned R1-1 and developed with single-family dwellings. Properties to the west, across Sepulveda Boulevard, are zoned RS-1, C2-1, P-1, and developed with single family dwellings, a commercial shopping center with several businesses including an AutoZone, Rite-Aid, Vons, dry cleaner, tax services, mortgage company, and dental office.

The area is characterized by a variety of commercial establishments along Sepulveda Boulevard with residential uses behind them. The property is developed with five commercial buildings within a commercial shopping center. The subject restaurant is proposed within a vacant commercial building within the Mission Hills Plaza Shopping Center. The subject restaurant, known as Wing Stop, is proposed within Unit 3C of the shopping center located at 10374 North Sepulveda Boulevard.

Conditions have been imposed to encourage responsible management and deter criminal activity. As conditioned, the operation of the restaurant with the sale of beer and wine for on-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.**

There are eleven elements of the General Plan and each of these Elements establishes policies 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 in the (T)(Q)C2-1 Zone with a Community Commercial land use designation within the Mission Hills – Panorama City – North Hills Community Plan. The Community Plan text is silent with regards to the sale of alcohol.

Nevertheless, the project is consistent with the following goals and objectives of the Community Plan:

- Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the unique commercial and cultural character of the community.
  - Objective 2-1: To conserve, strengthen, and encourage investment in all commercial districts.
  - Objective 2-3: To enhance the appearance of commercial districts.
  - Objective 2-4: To maintain and increase the commercial employment base for community residents whenever possible.

Therefore, the proposed project will be consistent with the intent of the General Plan and Community Plan.

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

The approval of the conditional use request will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be continued to be utilized as such with the exception of adding the sale and dispensing of beer and wine in conjunction with the proposed full service restaurant. The request does not include public dancing, a cocktail lounge, happy hour discounted drinks, video game machines, or any form of live entertainment. The absence of these specific activities will reinforce the primary business of serving food as a restaurant. The grant imposes conditions which require that security measures be implemented to mitigate the negative impacts commonly associated with the sale of beer and wine. The conditions imposed will require a surveillance system, responsible management and deterrents against underage drinking. Additionally, employees will undergo training on the sale of beer and wine including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. The requested entitlement is generally conditioned to reflect the mode of operation stated in the application for a full service restaurant which is compatible with the welfare of the community. Therefore, with the imposition of such conditions the sale of beer and wine at this location will not adversely affect or further

degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, two on-site and one off-site consumption licenses are allocated to the subject census tract (Census Tract 1096.04). Currently there are four on-site licenses and eight off-site licenses in this census tract.

According to statistics provided by the Los Angeles Police Department's Mission Division Vice Unit, within Crime Reporting District No. 1954, which has jurisdiction over the subject property, a total of 165 crimes were reported in 2015 (112 Part I and 53 Part II crimes), compared to the city-wide average of 181 offenses and the high crime reporting district of 217 crimes for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Rape (1), Robbery (4), Aggravated Assault (6), Burglary (22), Auto Theft (12), Larceny (67), Part II Crimes reported include, Other Assault (6), Forgery/Counterfeit (1) Embezzlement/Fraud (1), Stolen Property (0), Weapons Violation (2), Prostitution Related (2), Sex Offenses (0), Offenses Against Family (0), Narcotics (6), Liquor Laws (1), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (8) and other offenses (21). Of the 165 total crimes reported, one arrest was made for liquor laws, eight arrests were made for under the influence of alcohol, and one arrest was made for public drunkenness.

The site is located in a census tract where the crime rate is significantly lower than the citywide average. Crime reporting statistics for 2016 are not yet available. The Zoning Administrator has imposed a number of conditions related to the operation of the restaurant and service of beer and wine that will further reduce any potential crime issues. Due to the relatively small scope and size of the restaurant together with the mode and character which will primarily function as full service sit-down restaurant, the granting of the request is not expected to contribute the area's crime rate.

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 is located within the Mission Hills – Panorama City – North Hills Community Plan with a Community Commercial land use designation. The following sensitive uses are located within a 1,000-foot radius of the site:

**Single-Family Residences**

New Hope at the Hills Church, 10630 Sepulveda Boulevard  
ProHealth Medical Group, 10630 Sepulveda Boulevard #100  
Mandarin Island, 15446 Devonshire Street  
Am/Pm, 15508 Devonshire Street  
Buon Gusto Ristorante, 15535 Devonshire Street

The restaurant is located within the proximity of sensitive uses; however, it is located within an established commercial development and along a developed commercial corridor. The grant has placed a number of conditions to ensure that the subject restaurant with the sale of beer and wine for on-site consumption is a compatible neighbor. This project will contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

**MANDATED FINDINGS FOR A CONDITIONAL USE PURSUANT TO SECTION 12.24-W,27 FOR EXTENDED HOURS IN A MINI-SHOPPING CENTER/CORNER COMMERCIAL PROJECT**

7. **Based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking on of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

A request for a Conditional Use Permit to allow the hours of operation of 10:30 a.m. to 12:00 midnight daily., in lieu of the hours 7:00 a.m. to 11:00 p.m. as restricted by Mini- Shopping Center regulations has been withdrawn by the applicant.

8. **The project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

A request for a Conditional Use Permit to allow the hours of operation of 10:30 a.m. to 12:00 midnight daily, in lieu of the hours 7:00 a.m. to 11:00 p.m. as restricted by Mini- Shopping Center regulations has been withdrawn by the applicant.

**ADDITIONAL MANDATORY FINDINGS**

9. 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 in Zone X, areas of minimal flooding.

10. DETERMINED based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 5, Category 34, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Inquiries regarding this matter shall be directed to Iris F. Awakuni, Planning Staff for the Department of City Planning at (213) 202-5475.



ALETA D. JAMES  
Associate Zoning Administrator

ADJ:IFA:JE

cc: Seventh Council District  
Adjoining Property Owners