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November 19 2020

Pari Holliday and Paul Potvin (A)
California Fish Grill, LLC
17310 Red Hill Avenue, #330
Irvine, CA 92614

Northridge Multifamily II, LLC (O)
130 Vantis Avenue, Suite 200
Aliso Viejo, CA 92656

Terry Womack (R)
Go2Permitting, LLC
4231 Balboa Avenue, PMB 3030
San Diego, CA 92117

Case No. ZA 2019-7512-MPA
MASTER PLAN APPROVAL
Related Case: ZA 2019-6705-MCUP
19525 West Nordhoff Street #40
Chatsworth – Porter Ranch Plan Area
Zone: [T][Q]C2-1
C.D.: 12 - Lee
D.M.: 198B117
CEQA: ENV-2019-7513-CE
Legal Description: Lots 1 and 2, Tract
63625-C

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15301 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and,

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

a Master Plan Approval to permit the sale and dispensing of a beer and wine only for on-site consumption in conjunction with a proposed restaurant in the [T][Q]C2-1 Zone,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale of and dispensing of a beer and wine only for on-site consumption, in conjunction with a 2,778 square-foot restaurant with an additional 492 square-foot outdoor patio. The restaurant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 9 a.m. to 11 p.m., Sunday to Wednesday and 9 a.m. to 11:30 p.m., Thursday to Saturday.
 - b. Indoor seating shall be limited to a maximum of 72 seats. The number of seats shall not exceed the maximum number allowable occupant load as determined by the Department of Building and Safety.
 - c. Outdoor seating shall be limited to a maximum of 36 seats. The final number of seats and their location may be modified by the Department of Building and Safety in order to provide accessibility and required clearances from existing structures.
 - d. 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.

8. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
9. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
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:
 1. Entry, visible to pedestrians
 2. Customer service desk, front desk or near the hostess station

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. 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.
12. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
13. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
14. The owner/operator shall at all times maintain the abutting sidewalk and alley free of obstruction.
15. 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.

16. 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.
17. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
18. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
19. The restaurant shall be maintained as bona fide sit-down restaurant with a kitchen to be used for cooking and preparing of food as defined by Section 91.0403 of the Los Angeles Municipal Code, and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available and the kitchen shall be operating at all times during normal operating hours. Any take-out service is only incidental to the primary sit-down use.
20. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
21. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
22. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
23. Any music, sound or noise which is under the 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). 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.
24. There shall be no live entertainment or amplified music on the premises. There

shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows. Only ambient background music to complement the dining experience shall be allowed. Independent, professional or amateur disc jockeys are not allowed. There shall be no speakers or amplified sound permitted in the outdoor dining area.

25. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service.
26. 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.
27. No Smoking signs shall be posted in English and in the predominant language of the facility's clientele, if different, at the front entrance and at any other entrance utilized by the public.
28. Signs shall be posted in English and in the predominant language of the facility's clientele, if different, that California State Law prohibits the sale of alcoholic beverages to persons who are under 21 years of age.
29. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries, trash removal, and emergency access.
30. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
31. The approved conditions shall be retained on the premises at all times and produced upon request of the Police Department, the Department of Building and Safety or City Planning. All licenses, permits and conditions shall be posted in a conspicuous location at the facility.
32. Prior to the utilization of this grant, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-

*site consumption, in conjunction with the restaurant, known as **California Fish Grill**, and agree to abide and comply with said conditions.*

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

ADMINISTRATIVE CONDITIONS

33. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
34. 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 floor plan, seating arrangement or number of seats of the new operation.
35. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Master 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.

36. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City

fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City

Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **December 4, 2020** unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

West Los Angeles
West Los Angeles
Development Services Center
1828 Sawtelle Boulevard, 2nd Floor
Los Angeles, CA 90025
(310) 231-2598

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

NOTICE

The applicant is further advised that 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, 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 plan approval under the provisions of **Section 12.24-M** have been established by the following facts:

BACKGROUND

The project site, located at 19515-19545 West Nordhoff Street, consists of two, level, rectangular-shaped lots totaling approximately 6.91 acres. The project site fronts approximately 546 feet along the north side of Nordhoff Street and 538 feet along the west side of Shirley Avenue.

The site is zoned [T][Q]C2-1 and is designated for Community Commercial use by the Chatsworth-Porter Ranch Community Plan. The property is located in the Urban Agriculture Incentive Zone, a Liquefaction Area, and is within 7.1 kilometers of the nearest known fault (Santa Susana). The property is not located within a specific plan area.

The site is developed with a six-story, approximately 500,011 square-foot, mixed-use development spanning four buildings. Commercial tenant spaces are distributed across the four buildings. Two buildings are set back from Nordhoff Street by a surface parking lot and include ground floor commercial space below four levels of apartments. The other two buildings are located at the southwest and southeast corners of the property and are comprised of one level of commercial space.

The subject tenant space is located closest to Nordhoff Street, at the western most edge of Building A. The patio fronts the development's main private driveway and surface parking lot. The restaurant has a customer entrance on the south side of the building.

The proposed project is a Master Plan Approval to permit the sale and dispensing of beer and wine for on-site consumption at a proposed restaurant ("California Fish Grill"). The proposed restaurant will include a 2,778 square-foot restaurant with 72 seats indoors and a 492 square-foot outdoor patio with 36 seats outdoors. The hours of operation shall be limited to 9 a.m. to 11 p.m., Sunday to Wednesday and 9 a.m. to 11:30 p.m., Thursday to Saturday.

The Zoning Administrator approved a Master Conditional Use entitlement (ZA 2019-6705-MCUP) on July 10, 2020. The Master Conditional Use allows for the sale and dispensing of alcoholic beverages for up to eight venues within development. The grant allows for the sale and dispensing of a full line of alcoholic beverages for on-site consumption at five venues; beer and wine only for on-site consumption at one venue; and a full line of alcoholic beverages for off-site consumption at two venues. The following Master Plan Approvals are active or are currently pending at the site:

Case Number	Venue Name	Type	Authorization Date
ZA-2019-6963-MPA	Burger Lounge	Full line on-site	7/10/2020
ZA-2019-6709-MPA	Panini Kabob Grill	Full line on-site	7/10/2020

The proposed Master Plan Approval appears to be consistent and in conformity with the limitations authorized by Case No. ZA 2019-6705-MCUP.

SURROUNDING PROPERTIES

The property to the north, abutting the subject site, is developed with condominium townhomes in the [T][Q]C2-1 Zone. The property to the east, across Shirley Avenue, is developed with the Northridge Fashion Center, an indoor shopping mall, in the C4-1 and P-1 Zones. The properties to the south, across Nordhoff Street, are developed with an automobile dealership and a commercial strip mall known as Northridge Promenade Shopping Center that includes an art studio, a martial arts studio, professional offices, and retail stores, among other related uses in the C4-1 and P-1 Zones. The property to the west, abutting the subject site, is developed with a Lowe's home improvement store in the [T][Q]C2-1 Zone.

STREETS

Pearl Lane, a designated Private street bisecting the two lots from Nordhoff Street, is approximately 29 feet in width.

Nordhoff Street, adjoining the south side of the property, is a designated Boulevard II dedicated to a width of approximately 104 feet and improved with curbs, sidewalks, gutters, and asphalt roadway.

Shirley Avenue, adjoining the east side of the property, is a designated Collector dedicated to a width of approximately 61 feet and improved with curbs, sidewalks, gutters, and asphalt roadway.

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

Case No. ZA-2019-6709-MPA – On July 10, 2020, the Zoning Administrator approved a Master Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 2,436 square-foot restaurant (Panini Kabob Grill) with 732 square-foot outdoor patio.

Case No. ZA-2019-6963-MPA – On July 10, 2020, the Zoning Administrator approved a Master Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 1,882 square-foot restaurant (Burger Lounge) with 368 square-foot outdoor patio.

Case No. ZA-2019-6705-MCUP – On July 10, 2020, the Zoning Administrator approved, a Master Conditional Use Permit to allow for the sale and dispensing of a full line of alcoholic beverages for on-site consumption at five (5) venues; the sale and dispensing of beer and wine only for on-site consumption at one (1) venue; and the sale of a full line of alcoholic beverages for off-site consumption at two (2) venues; all not to exceed a total of 21,321 square feet of commercial floor area, with an additional 2,038 square feet of uncovered outdoor patio area, in conjunction with a mixed-use development.

Case No. VTT-63625-M8 – On July 21, 2017, the Deputy Advisory Agency approved the modification of recorded tract no. 63625 for a maximum of 595 residential dwelling units and 23,591 square feet of commercial space.

Case No. ZA-2005-7584-ZV-SPR-PA1 – On May 15, 2006, the Zoning Administrator approved a variance and site plan review for a mixed-use development in multiple phases.

Previous Cases on Surrounding Properties

Staff utilized a 1,000-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages in the past 10 years. The following related cases were identified within 1,000 feet of the project site:

Case No. ZA-2019-69-CUB – On June 29, 2019, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for off-site consumption in conjunction with a proposed grocery store in the C4-1 Zone, located at 19350 West Nordhoff Way.

Case No. ZA-2018-1063-CUB – On August 29, 2018, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site consumption in conjunction with an art studio in the C4-1 and P-1 Zones, located at 19350 West Nordhoff Way Suite E.

Case No. ZA-2015-25-CUB – On March 2, 2016, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for off-site consumption at an existing market in the C4-1 Zone, located at 9301 Tampa Avenue.

Case No. ZA-2015-1150-CUB – On January 11, 2016, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant in the MR2-1 Zone, located at 8930 North Corbin Avenue.

Case No. ZA-2014-3380-CUB – On January 9, 2015, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption in a new 8,603 square-foot restaurant with patio in the C4-1 Zone with hours of operation from 11:00 a.m. to 12:00 a.m., Sunday through Thursday, and 11:00 a.m. to 2:00 a.m., Friday and Saturday, located at 19626 West Nordhoff Street.

Case No. ZA-2014-3318-CUB – On June 11, 2015, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site consumption within the C4-1 and P-1 Zones at 9301 Tampa Avenue Suite 144.

Case No. ZA-2013-313-CUB – On May 22, 2013, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages

for on-site consumption in conjunction with the renovation of an existing retail space into a 5,000 square-foot restaurant with 634 square-foot patio, within the C4-1 and P-1 Zones at 9301 Tampa Avenue.

Case No. ZA-2013-2777-CUB – On March 17, 2014, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site consumption in conjunction with a new restaurant (Chipotle) with hours of operation from 7 a.m. to 11 p.m., daily, located at 19332 Nordhoff Street.

Case No. ZA-2008-4524-CUB – On June 3, 2009, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine only for off-site consumption with a proposed 15,670 square-foot market in the C4 and P-1 Zones, located at 19320 West Nordhoff Way.

PUBLIC CORRESPONDENCE

Northridge West Neighborhood Council - On August 25, 2020, staff received a letter from the Neighborhood Council stating support for project.

Council District 12 - On August 18, 2020, staff received an email stating non-opposition to a waiver of public hearing for the subject request. The Council Office stated that the Los Angeles Police Department weighed in on proposed conditions for the project and that the applicant presented to the Northridge West Neighborhood Council and received the Neighborhood Council's approval for the project.

Los Angeles Police Department Devonshire Area Vice Unit - In a letter dated February 7, 2020, the Vice Unit stated non-opposition to the subject request and recommended 25 conditions of approval.

WAIVED PUBLIC HEARING

On August 20, 2020, the Chief Zoning Administrator issued a Waiver of Public Hearing, finding that the requested Master Plan Approval to allow the sale and dispensing of beer and wine only in conjunction with a proposed restaurant will not have a significant effect on adjoining properties or on the immediate neighborhood and is not likely to evoke public controversy. Furthermore, on August 18, 2020 the Office of Councilmember Lee communicated to the Department of City Planning via email that they had no objection to waiving the public hearing for the subject case. As such, the public hearing for the subject case has been waived.

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.

The following alcohol-related conditions were submitted for consideration by the Los Angeles Police Department:

- Sales, delivery and consumption of alcoholic beverages will be restricted to and within the confines of the building portion and patio area of the premises.
- Sales and service of alcoholic beverages on the patios/terrace or other areas shall be restricted to waiter/waitress service and only to patrons seated at a table.
- Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 am to 9:30 pm each day of the week.
- The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department upon demand.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale and dispensing of alcoholic beverages 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.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in pertinent part:

"M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site. On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission,

whichever has jurisdiction at that time ...".

FINDINGS

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

The subject property is a relatively level, rectangular-shaped, approximately 6.91-acre assemblage of land composed of two lots. The property is bounded by Nordhoff Street to the south, Shirley Avenue to the east, and developed retail and residential uses to the west and to the north.

The subject restaurant is proposed for a 2,778 square-foot ground floor tenant space within a larger 500,011 square-foot mixed-use development comprising four buildings, two of which are set back from Nordhoff Street by a parking lot and contain ground floor commercial space below four levels of apartment, and the remaining two buildings located at the southwest corner of the western lot and the southeast corner of the eastern lot and comprise just one level of commercial space. The proposed restaurant is located on the eastern lot, in a space immediately adjacent to Pearl Lane, a private street that runs north-south through the site.

A Master Conditional Use (Case No. ZA 2019-6705-MCUP) was approved on July 10, 2020, authorizing a total of 8 venues for alcoholic beverages, including one restaurant for the on-site sale of beer and wine only, five restaurants for the on-site sale of a full line of alcoholic beverages, and two retail stores for the sale of a full line of alcoholic beverages for off-site consumption. Two prior Master Plan Approvals (Case Nos. ZA-2019-6709-MPA and ZA-2019-6963-MPA) have already been approved under the MCUP for the sale and on-site consumption of a full line of alcoholic beverages in conjunction with the operation of a restaurant. This request represents the third request under this prior authorization.

Condition No. 9 of Case No. ZA 2019-6705-MCUP requires that each individual tenant file a Master Plan Approval (MPA) application to review each proposed venue in detail and to tailor site-specific conditions of approval for each of the premises. The instant MPA is for the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,778 square-foot restaurant with 72 seats indoors and a 492 square-foot outdoor patio with 36 seats outdoors. The hours of operation shall be limited to 9 a.m. to 11 p.m., Sunday to Wednesday and 9 a.m. to 11:30 p.m., Thursday to Saturday.

The proposed project will enhance the built environment by activating a ground floor tenant space in a mixed-use residential project. The project will maintain an outdoor patio, further enhancing the pedestrian friendly character of the site. The restaurant establishment, with the addition of alcohol sales, effectively maintained and operated, will serve to enhance the aesthetics, convenience, livability, and security of the area.

The proposed project will provide a service that is beneficial to the local community, and that is in keeping with the nature of the commercial development in the area which caters to a variety of needs and serves a mixture of nearby higher density residential uses, commercial and office uses, and visitors. The proposed restaurant will provide a dining choice in the area that includes the option of enjoying an alcoholic beverage.

The sale of a beer and wine at the proposed restaurant, in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues, will assure that the service of alcohol is not disruptive to the community. The area serves a mixture of uses which includes a concentration of residential and commercial uses. The operation of a restaurant serving alcoholic beverages with food at this location will serve a function and provide a service that will be beneficial to the community which, in conjunction with the imposition of a number of conditions addressing operational conduct, will result in the enhancement of the built environment.

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 instant request is a Master Plan Approval to permit the sale and dispensing of beer and wine for on-site consumption at a proposed restaurant ("California Fish Grill") located in the existing development. The proposed restaurant will include a 2,778 square-foot interior space with 72 seats indoors and a 492 square-foot outdoor patio with 36 seats outdoors. The hours of operation shall be limited to 9 a.m. to 11 p.m., Sunday to Wednesday and 9 a.m. to 11:30 p.m., Thursday to Saturday.

The proposed restaurant is located within a mixed-use development under construction that is anticipated to be completed in 2020. No new or additional floor area is proposed and there are no physical alterations to the location, size or height of the building being requested part of this Master Plan Approval. The portion of the property where the restaurant is located is zoned [T][Q]C2-1 with a Land Use designation of Community Commercial. Restaurant uses are permitted in the [T][Q]C2-1 Zone and are compatible with the Community Commercial Land Use designation. The proposed restaurant is compatible with the larger mixed-use development, which features several ground floor restaurants. This restaurant with an outdoor patio use is compatible with the commercial character of the neighborhood and will add to and complement the various dining options, services and commercial amenities available in the area.

No live entertainment or dancing are proposed in connection with the request. The restaurant's emphasis will be food service and the proposed sale of beer and wine only for on-site consumption will offer an amenity incidental to food service and is reasonable given the restaurant's location in a large mixed-use development. As conditioned, the premises with the sale of alcoholic beverages will compliment and support neighboring commercial and residential uses. The sale of beer and wine

only for on-site consumption in conjunction with the proposed restaurant will be conditioned to ensure compatibility with surrounding uses and be consistent with the Master Conditional Use grant. Nuisances, such as noise, litter, and loitering, as well as security and responsible management, are addressed in the conditions. As such, the sale of alcohol at this location is not anticipated to adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public's health, welfare and safety.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs 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 implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements.

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The subject site is located within the Chatsworth-Porter Ranch Community Plan Map and designates the land use as Community Commercial, which corresponds with the CR, C2, C4, RAS3, P, and PB Zones and Height District 2.

The subject property is zoned [T][Q]C2-1, which is consistent with the General Plan land use designation, and restaurant uses are permitted in the zone. The Community Plan Text does not specifically address the requested conditional use for the continued sale of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested Master Plan Approval in the zones corresponding to the Plan land use designation. The proposed project promotes the economic well-being of the area and serves the community by providing an additional service. It adds a use to an existing new mixed-use development, thus enhancing neighborhood activity. The Plan also encourages the location of Community oriented businesses along major transportation corridors, which is the case for the subject location. The proposed venue is a permitted use by the Chatsworth-Porter Ranch Community Plan. By allowing an additional use at the proposed restaurant, the proposed project will provide a service to the community, and is thereby consistent with several goals, policies, and objectives of the Community Plan.

The proposed restaurant activates a ground-floor tenant space located within a larger mixed-used development. A proposed patio with outdoor seating further enhances the lively, distinctive, pedestrian-oriented, mixed-used character of the area.

The ability to serve alcohol with meals furthers the Community Plan's aim to encourage activity in the area and provides an amenity for local residents, employees, and visitors to enjoy. With the conditions and limitations imposed by

the Zoning Administrator, the surrounding properties should be protected from predictable impacts of the proposed use. Therefore, the proposed project is in conformance with the spirit and intent of the General Plan and other City policies which aim to promote the subject property and its immediate area with healthy and viable commercial activity.

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

The sale and dispensing of beer and wine only for on-site consumption in conjunction with a new restaurant within a new mixed-use development will not adversely affect the welfare of the community. The proposed venue will enhance the neighborhood by activating the ground floor of the existing development and the sale of alcohol will provide an additional amenity and service that many customers often expect in dining and retail establishments. The sale of a full line of alcoholic beverages at this location does not represent the introduction of a use which is uncommon to the area. The restaurant seeks to provide a quality food service option for residents, employees, and visitors. The grant imposes conditions which require a surveillance system, responsible management, and deterrents against underage drinking. Employees will undergo training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) or Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs (LEAD). Other conditions related to excessive noise, preventing litter, and loitering will safeguard the surrounding residential community. In addition, by providing a 24-hour hot line, the community will be able to communicate with the operator in regards to any complaints or concerns due to the operation. The approval of the application at this location will not adversely affect the economic welfare of the community because the subject restaurant will continue to add economic vigor to the local economy.

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.**

Case No. ZA 2019-6705-MCUP, approved on July 10, 2020, previously determined that allowing a limited number of alcoholic beverage-related venues within this development would 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. The instant Master Plan Approval application is pursuant to Condition No. 9 of that grant, and allows for more detailed consideration of the specific proposed operation of each venue, so that additional

conditions, if necessary, can be tailored to ensure minimal impacts on the surrounding community.

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria for the subject Census Tract No. 1133.01, there are two (2) on-site and one (1) off-site licenses allocated. As of the writing of this determination, there are 18 existing on-site and six (6) existing off-site licenses active. The subject request entails a Master Plan Approval (MPA) to allow the sale and dispensing of beer and wine at one venue in within a mixed-use development. The subject location is within a developed commercial district that has a variety of retail establishments, resulting in the existing on- and off-site alcohol licenses exceeding the maximum number allocated.

According to the applicant, within a 1,000-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

- (10) On-Site Consumption of Full Line Alcoholic Beverages
- (3) On-Site Consumption of Beer and or Wine
- (2) Off-Site Consumption of Full Line Alcoholic Beverages

The above figures indicate that the site is located in a Census Tract where the number of active licenses exceeds ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The subject site is located in a census tract where the number of active ABC licenses exceeds ABC guidelines. Approval of the request will result in an increase of one additional on-site license. However, the subject site is located within a developed urban district that contains a variety of commercial and residential uses and the restaurant is a desirable neighborhood serving use. The restaurant will provide beneficial services to the community. The sale of alcohol is incidental to food and provides an amenity for diners.

The project will not adversely affect the community welfare because the mixed-use building with ground floor commercial uses will introduce neighborhood serving uses including multiple dining and retail options. These uses will provide beneficial services to the community and will activate the site and improve public safety. The sale of alcoholic beverages will be incidental to food service within the proposed restaurants and will provide an additional amenity for diners. In this case, the proposed project will provide a convenience to residents, workers, and visitors in the immediate neighborhood and as conditioned, will not negatively impact the area.

According to statistics provided by the Los Angeles Police Department's Devonshire Los Angeles Division Vice Unit, within Crime Reporting District No. 1764, which has jurisdiction over the subject property, a total of 600 crimes were reported in 2019 (528 Part I and 72 Part II crimes including four Narcotics Drugs Laws, zero Liquor Laws, zero Drunkenness, zero disturbing the peace, one disorderly conduct, zero gambling, five driving under the influence, and 19

miscellaneous), compared to the citywide average of 170 crimes and the high crime reporting district standard of 204 crimes for 2019.

While the crime rate in the reporting district where the subject site is located is substantially higher than the area average, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate. The crime rate numbers are higher than those rates identified for the citywide average and high crime reporting district standard. Several conditions have been incorporated into this action which are designed to help safeguard the community, while providing for a reasonable operation. The conditions of this grant also require installation of surveillance cameras, responsible management and restrictions against potential loitering and public drinking.

The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Based on the mode and character of the proposed restaurant, and as conditioned, approval of the request is not anticipated to result in a criminal or nuisance activity and will not result in an undue concentration of licensed premises.

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 Chatsworth-Porter Ranch Community Plan. The following sensitive uses are located within a 1,000-foot radius of the site:

- Residential Uses, multiple locations
- Academy for Salon Professionals Beauty School, 19520 West Nordhoff Street
- Guitar Center Music Lessons, 19510 West Nordhoff Street
- Gracie Barra Brazilian Jiu-Jitsu (Kids Classes), 19520 West Nordhoff Street #10
- We Rock the Spectrum Kids Gym, 19520 West Nordhoff Street #18/#19
- Oxford Education and Test Prep, 9221 North Corbin Avenue #100
- Northridge Fashion Center (Kids Rides and Play Area), 9301 North Tampa Avenue 1st Floor
- Northridge Fashion Center (Smallville Playground), 9301 North Tampa Avenue #165
- The Village at Northridge (Retirement Community), 9222 North Corbin Avenue

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses.

Approval of the application will not detrimentally affect nearby residential zones or recreation and parks uses as the project is located within a commercially zoned area that is developed with a mix of residential, commercial, and employment uses. Furthermore, this grant has placed conditions upon the request and has not authorized the use of the property for activities which may create potential nuisances for the surrounding area. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The proposed project will support an existing dining locale for enjoyment by both surrounding residents and their guests and will therefore directly benefit the surrounding neighborhood.

The proposed project will benefit the area and patrons of nearby institutions by allowing for activation of a tenant space which brings a positive presence to the neighborhood. Furthermore, the service of alcohol is ancillary to the sale of food in the proposed restaurant. The proposed sale of alcohol will not detrimentally affect the neighboring properties in the area and will occur within the restaurant and outdoor seating areas, in a controlled environment, by trained employees and subject to multiple security measures.

The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas of minimal flooding.

Inquiries regarding this matter shall be directed to Renata Ooms, Planning Staff for the Department of City Planning at (213) 978-1222.



JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator

JAH:RO:bk

cc: Councilmember John Lee
Twelfth Council District
Adjoining Property Owners
Interested Parties