

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

<http://planning.lacity.org>

August 12, 2020

Scott Gomez (A)

Arajuo's Family Restaurant of San
Fernando Valley dba Culichitown-Sylmar.
13766 Foothill Boulevard
Sylmar, CA 91342

13700 Foothill Boulevard LP (O)
201 Wilshire Boulevard #A28
Santa Monica, CA 90401

Anibal Guerrero (R)
Guerrero Services
13772 Mercer Street
Pacoima, CA 91331

CASE NO. ZA-2020-0276-CUB
CONDITIONAL USE

13766 West Foothill Boulevard, Units A, B,
and C (13754-13782 West Foothill
Boulevard)

Sylmar Planning Area

Zone : C2-1VL-CPIO

C.D. : 7 – Rodriguez

D.M. : 222B157, 225B153, 225B157

CEQA: ENV-2019-277-CE

Legal Description: FR Lt 1, Tract 19292

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

Based on the whole of the administrative record as supported by the justification prepared and found in the case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects, unusual circumstances, scenic highways, hazardous waste sites or historical resources applies;

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

a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption with live entertainment in conjunction with a proposed restaurant in the C2-1VL-CPIO Zone;

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 4,000 square-foot restaurant. The grant shall be subject to the following limitations:
 - a. Hours of operation shall be limited to 7:00 a.m. to 2:00 a.m. daily.
 - b. The restaurant shall be limited to a maximum of 131 interior seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. Outdoor seating shall be limited to a maximum of 20 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.

8. No after-hours use is permitted, except routine clean-up, excluding any activities, which are issued film permits by the City.
9. The establishment shall be maintained as a bona fide eating-place with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
10. Complaint Log. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

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 Training. Within the first six months of operation or the effectuation of the grant, 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. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training. STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.
12. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
13. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
14. 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.

15. Lighting shall be installed in all areas of 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.
16. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control.
17. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
18. 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. C
19. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
20. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
21. Live entertainment (mariachi), including karaoke, is permitted. Bands with amplified music are prohibited.
22. Ambient background music, including a juke box is permitted during all hours of operation.
23. There shall be no speakers or amplified sound permitted in the outdoor dining area.
24. There shall be no disc jockey, topless entertainment, male or female performers or fashion shows.
25. 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 the property such as noise barriers, sound absorbers or buffer zones.

26. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
27. No conditional use for dancing has been requested or approved herein. Dancing is prohibited unless a Conditional Use pursuant to Section 12.24-W, 18 of the LAMC is applied for and granted. A permit for dancing shall also be obtained from the Los Angeles Police Permits Commission.
28. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10-feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B.2. C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
29. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.

ADMINISTRATIVE CONDITIONS

30. 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.
31. The Zoning Administrator reserves the right to require that the 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. 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 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.

32. **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.

- 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.

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

Applicant shall do all of the following:

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

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **August 27, 2020**, unless an appeal therefrom is filed with the Department of City Planning. 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 Department of City Planning's Development Services Center. 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 November 5, 2019, 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,1 have been established by the following facts:

BACKGROUND

The property is developed with one- and two-story multi-tenant buildings, known as Sylmar Square, consisting of four buildings clustered together in the center on the C2-1VL-CPIO Zone, totaling 142,219 square feet of floor area. Two main buildings, Von's and smaller retail stores, face Foothill Boulevard. Two buildings face the rear, separated from the front buildings by a walkway. The front buildings are set back from Foothill Boulevard approximately 200 feet and the rear buildings are set back from the rear property line approximately 150 feet. A large parking lot is located in the front and in the rear, with a smaller parking area on the Sayre Street side. Two driveways are located along Foothill Boulevard and three driveways are located along Sayre Street.

The project site is zoned C2-1VL-CPIO with a land use designation of Community Commercial within the Sylmar Community Plan area. The site is also located within a State Enterprise Zone, and the Sylmar Community Plan Implementation Overlay (CPIO) District. The primary intent of the Sylmar Community Plan Implementation Overlay District is to enhance the identity of the community and to improve the walkability and appearance of neighborhood districts, commercial areas, and multiple family residential areas near public transit. The site is not located within a flood zone, a methane zone, a special grading area or a liquefaction area. The subject site is located within the Sierra Madre Fault Zone (San Fernando) fault.

The proposed restaurant will occupy an existing tenant space that formerly housed a retail operation and involves a Conditional Use for the sale and dispensing of beer and wine for on-site consumption in conjunction with the proposed 4,000 square-foot restaurant with 131 indoor seats and 20 outdoor seats. The restaurant also proposes to have live entertainment consisting mainly of mariachi bands. The proposed hours of operation are from 7:00 a.m. to

2:00 a.m., daily.

SURROUNDING PROPERTIES

The north, northeast and northwest abutting properties, across Foothill Boulevard and Sayre Street, are predominately zoned C2-1VL-CPIO and PF-1VL , and are developed with a mix of smaller mini commercial corners and centers or stand-alone neighborhood commercial type establishments (bank, restaurant, veterinary clinic, auto sales, grocery store). Approximately 450 feet to the north is the I-210 Freeway. The southeast and adjoining properties are zoned R3-1-CPIO, and (T)(Q)C2-1-CPIO/C2-1-VL-CPIO and are developed with a Post Office and an apartment building. The southerly adjoining properties are zoned (Q)R3-CPIO and are developed with two condo complexes of 60 units and 100 units. These residential properties are also approximately 475 feet from the proposed project. The west abutting properties, across Sayre Street, are zoned R3-1-CPIOnd are developed with 52 condominiums and 81 apartments.

STREETS

Foothill Boulevard, adjoining the subject property to the north, is a designated Avenue I, dedicated to a variable width of 97 to 102 feet and improved with curb, gutter, and sidewalk.

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

Case No. ZA-2018-646-CUB – On September 12, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, located at 13727 West Foothill Boulevard.

Previous Cases on Surrounding Properties

Case No. ZA-2019-2865-CUB-CUX – On February 19, 2020 the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for onsite consumption in conjunction with an existing restaurant in the C2-1VL-CPIO Zone located at 13735 ½ - 13737 West Foothill Boulevard.

Case No. ZA-2018-646-CUB – On September 12, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, located at 13727 West Foothill Boulevard.

Case No. ZA-2010-167-CUB-CU – On January 21, 2011, the Zoning Administrator approved a Conditional Use Permit authorizing the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 17,260 square-foot convenience store and office space with pharmacy; and a Conditional Use Permit authorizing specified deviations from the requirements of Section 12.22-A,23(a) of the Code, located at 13803 Foothill Boulevard.

PUBLIC CORRESPONDENCE

No communications were received concerning the requested action.

PUBLIC HEARING

The Public Hearing was held telephonically on July 8, 2020 at 9:30 a.m. The applicant's representative and one member of the public spoke at the hearing. No staff from the Council Office spoke. The applicant's representative stated that the proposed restaurant is to be a family oriented Mexican restaurant specializing in the cuisine of the Sinaloa State in Mexico which is seafood oriented. Music will be mariachi and what is local to Sinaloa. This is a franchise restaurant. It is located in the breezeway which extends to the rear of the existing buildings. It is not located facing the parking lot on Foothill. The adjacent residential units are over 270 feet away from the restaurant units. We spoke to Council District 7's office. They wanted noise reduction for the use since they wanted to play live music and especially on the outdoor patio. The Police Department did not want to comment until the notice was sent out. We are, however, proposing a video camera system both inside and outside of the venue. The public speaker noted that the new restaurant would be really good for the plaza which has not been very active with a number of vacant store fronts. This use will help to activate it.

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.

- Alcohol sales shall be limited to 10:00 a.m. to 2:00 a.m., daily.
- No alcohol may be consumed on any adjacent property under the control of the applicant.
- There shall be no accessory off-site sale of alcohol (take out) unless permitted by the ABC during a declared public health emergency.
- The subject alcoholic beverage license shall not be exchanged for a public premises type license.
- There shall be no advertising or sign of any type including advertising directed to the

- exterior from within, promoting or indicating the availability of alcoholic beverages.
- There shall not be a requirement to purchase a minimum number of drinks.
- No person under 21 years of age shall sell or deliver alcoholic beverages.

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 of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages 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.

CONDITIONAL USE 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 property is developed with one- and two-story multi-tenant buildings, known as Sylmar Square, consisting of four buildings clustered together in the center on the C2-1VL-CPIO Zoned property, totaling 142,219 square feet of floor area. Two main buildings, Von's and smaller retail stores, face Foothill Boulevard. Two buildings face the rear, separated from the front buildings by a walkway. The front buildings are set back from Foothill Boulevard approximately 200 feet and the rear buildings are set back from the rear property line approximately 150 feet. A large parking lot is located in the front and in the rear, with a smaller parking area on the Sayre Street side. Two driveways are located along Foothill Boulevard and three driveways are located along Sayre Street.

The project site is zoned C2-1VL-CPIO with a land use designation of Community Commercial within the Sylmar Community Plan area. The site is also located within a State Enterprise Zone, and the Sylmar Community Plan Implementation Overlay (CPIO) District.

The availability of beer and wine for on-site consumption in conjunction with the proposed restaurant, featuring live entertainment in the form of mariachi bands, will offer an amenity to the local community, local employees, the patrons and the residents in the neighborhood and enhance the dining experience at the subject restaurant. The use of the subject site in conjunction with the imposition of conditions will result in the occupancy of a currently vacant unit of the shopping center and help revitalize a center which has had a number of vacancies which have resulted in the site becoming less desirable to shoppers other than those going to the large grocery store. The approval of this request will allow the subject restaurant to provide an expected amenity to patrons and result in increased customers for the surrounding shopping center. Therefore, the project will continue to enhance the built environment

in the surrounding neighborhood by filling a currently vacant retail unit and will provide a service that is beneficial to the community, city or region.

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 proposed restaurant will occupy an existing tenant space that formerly housed a retail operation and involves a Conditional Use for the sale and dispensing of beer and wine for on-site consumption in conjunction with the proposed 4,000 square-foot restaurant with 131 indoor seats and 20 outdoor seats. The restaurant also proposed live entertainment consisting mainly of mariachi bands. The proposed hours of operation are from 7:00 a.m. to 2:00 a.m., daily.

The north, northeast and northwest abutting properties, across Foothill Boulevard and Sayre Street, are predominately zoned C2-1VL-CPIO and PF-1VL and are developed with a mix of smaller mini commercial corners and centers or stand-alone neighborhood commercial type establishments (bank, restaurant, veterinary clinic, auto sales, grocery store). Approximately 450 feet to the north is the I-210 Freeway. The southeast and adjoining properties are zoned R3-1-CPIO, and (T)(Q)C2-1-CPIO/C2-1-VL-CPIO is developed with a Post Office and an apartment building. The south adjoining properties are zoned (Q)R3-1-CPIO and are developed with two residential condominium complexes of 60 units and 100 units. These residential properties are also approximately 475 feet from the proposed project. The west abutting properties, across Sayre Street, are zoned R3-1-CPIO and are developed with 52 condominiums and 81 apartments.

The proposed project is primarily limited to tenant improvements to the existing retail space to accommodate the new restaurant. The project does not involve the physical expansion of the subject building's footprint, or change in the building's height. The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption as an ancillary amenity for restaurant patrons. The restaurant will contain a maximum of 131 interior seats and have an outdoor dining area that will have a maximum of 20 seats. The project maintains the proposed subject establishment's primary use as a restaurant, and will include live music (mariachi bands), but no dancing or any other forms of live entertainment. Additionally, conditions requiring security cameras, adequate lighting, and responsible management practices ensure that the presence of beer and wine will not degrade community safety. Conditions have also been placed on the use of the outdoor patio to prohibit the use of outdoor speakers to play the music being produced from any live bands inside of the restaurant. Proposed hours of operation for the new restaurant are from 7:00 a.m. to 2:00 a.m., daily.

In summary, the restaurant's emphasis will be food service and the proposed sale of beer and wine for on-site consumption will offer an amenity incidental to food service and is reasonable given the restaurant's size, hours, and location. In addition, the Zoning Administrator has imposed numerous conditions to prevent adverse impacts and integrate the use into the neighborhood. Furthermore, the State Alcoholic

Beverage Control Department will impose their own set of conditions, which the applicant will also be subject to. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, 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 or the surrounding neighborhood.

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 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 Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject property is located within the Sylmar Community Plan which designates the property for Community Commercial land uses with corresponding zones of C2, C4, and RAS3. The property is zoned C2-1VL-CPIO, consistent with the range of zones associated with the site's land use designations. The land use designation and surrounding zoning permits for a variety of uses including the subject restaurant. The Sylmar Community Plan text is silent in regards to alcohol sales however, the conditional authorization for the sale of beer and wine for on-site consumption is allowed through the approval of the Zoning Administrator, subject to certain findings.

The purpose of the Sylmar Community Plan is to enhance and preserve existing commercial areas ensuring there is an adequate level of commercial services provided throughout the Plan area. Moreover, the Community Plan aims to preserve existing commercial land and provide more entertainment-related uses, such as movie theaters, sit-down restaurants, and those that cater to all ages and families. The proposed use of the subject site as a restaurant is consistent with, and aids to advance the goals and objectives identified in the Sylmar Community Plan by:

Goal LU12 Strong and competitive commercial areas that serve the community with a wide range of goods and services, support the local businesses and economy, and provide employment opportunities and revenue to the City.

LU12.1 Commercial Preservation. Protect areas designated and zoned for commercial use so that commercial development and reinvestment is encouraged and the community maintains and increases its employment base. Strongly discourage new residential-only development in commercially designated and zoned areas.

LU12.2 Commercial Development. Locate new commercial uses within existing established commercial areas. Accommodate larger projects within Community Centers and near the Sylmar/San Fernando Metrolink Station to minimize impact on residential neighborhoods and help retain the existing community fabric.

Goal LU15 A traditional strip corridor with a vibrant town center on Foothill Boulevard that offers a wide variety of neighborhood shopping, services, and recreational opportunities near housing.

The proposed use conforms to the intent, purpose, and provisions of the General Plan and the Sylmar Community Plan and advances the objectives and intent of the plan by offering a service and added amenity at a declining community shopping center on Foothill Boulevard which has had a problem with increasing vacancies in tenant units by occupying a previously vacant retail space .

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

As conditioned by the approval of this grant, the applicant is responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses. The prohibition of service, sales or possession of beer and wine for off-site consumption will ensure that the subject site does not become a nuisance to the community. The absence of these specific activities and the conditions imposed will also reinforce the primary use of a restaurant. The grant 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 4,000 square-foot restaurant with 131 indoor seats, with hours of operation from 7:00 a.m. to 2:00 a.m., daily and live entertainment (mariachi bands).

The subject property is zoned C2-1VL-CPIO, which allows for commercial uses. The subject site, located along Foothill Boulevard in Sylmar, enhances the character of the area and provides a convenient dining experience for the community and visitors to the area. The restaurant will continue to positively impact the financial health of the property and improve the economic vitality of the area via increased tax revenue and local employment.

With oversight for the California Department of Alcoholic Beverage Control and conditions which have been imposed upon the restaurant, the project will be compatible with the character of the immediate neighborhood. Such conditions include the requirement of security measures such as a surveillance system and deterrence of graffiti and loitering. In addition, the grant requires the use and maintenance of an age verification device to deter underage purchases and drinking. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department, or LEAD (Licensee Education on Alcohol and Drugs) training, provided by the Department of Alcoholic Beverage Control. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant will not adversely affect the welfare of the pertinent community.

5. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and

wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs, or alcohol, disturbing the peace, and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria for the subject Census Tract No. 1061.14, there are five (5) on-site and three (3) off-site licenses allocated. There are four (4) existing on-site, six (6) existing off-site licenses, and one (1) Club license. Undue concentration of liquor licenses can occur 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 a license benefits the public welfare and convenience. The data above indicate that the number of active on-sale ABC licenses within the subject census tract is below ABC guidelines. The proposed restaurant is a desirable use in an area designated for commercial uses and will result in one less vacancy in the existing commercial shopping center. In this case, the proposed project will provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area.

According to statistics provided by the Los Angeles Police Department's Mission Division Vice Unit, which has jurisdiction over the subject property within Crime Reporting District No. 1918, a total of 216 crimes (150 Part I Crimes and 45 Part II Crimes) were reported in 2019, compared to the Citywide Average of 170 crimes and the High Crime Reporting District Average of 204 crimes for the same period. In 2019, there were (8) Narcotics, (0) Liquor Law, (1) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (5) Driving While Influence (DWI) related arrests, and (11) Other Offences. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years. Of the total crimes committed in the area, only six (3%) were directly attributable to alcohol consumption.

While the data above indicates that the crime rate within the reporting district where the subject site is located is higher than the citywide average, no evidence was submitted for the record establishing any nexus between the subject site and the area's crime rate. No objections were received from LAPD. Nevertheless, operational conditions that address noise, safety and security, and such as those related to the STAR Program and age verification, have been imposed by the Zoning Administrator in conjunction with this approval to assure better oversight. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing alcohol.

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 proposed restaurant and wine bar are permitted uses in the subject site's Zoning and will continue to be utilized as such. The following sensitive uses are located within a 1,000-foot radius of the site:

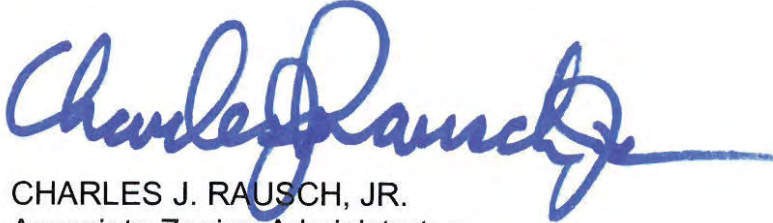
Sylmar Urgent Care And Clinica Medica	13711 Foothill Blvd
Sylmar Charter High School	13050 Borden Ave
Light And Life Christian Fellowship Church	14019 Sayre St
The Church Of Jesus Christ Of Latter-Day Saints	13680 Sayre St
Evergreen High School	13101 Dronfield Ave

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, in order to protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore as conditioned, the project will not detrimentally affect residential 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 C, areas of minimal flooding.

Inquiries regarding this matter shall be directed to Jordann Turner Planning Staff for the Department of City Planning, at (213) 978-1365.

A handwritten signature in blue ink, reading "Charles J. Rausch, Jr.", with a long horizontal flourish extending to the right.

CHARLES J. RAUSCH, JR.
Associate Zoning Administrator

CJR:JT:bk

cc: Councilmember Monica Rodriguez
Seventh Council District
Adjoining Property Owners
Interested Parties