

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

GARY BOOHER
R. NICOLAS BROWN
ANIK CHARRON
EMILY J. GABEL-LUDDY
DANIEL GREEN
LOURDES GREEN
DAVID KABASHIMA
ALBERT LANDINI
JON PERICA

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334

June 4, 2004

Mijin Namgoog (A)
Mijin International Inc.
4029 South Lincoln Boulevard
Marina Del Rey, CA 90292

Lincoln/Washington Partners, L.P. (O)
121 Spear Street, Suite 250
San Francisco, CA 90402

Elizabeth Peterson (R)
Elizabeth Peterson Group, Inc.
6381 Hollywood Boulevard, Suite 570
Los Angeles, CA 90028

CASE NO. ZA 2004-0952(CUB)
CONDITIONAL USE
4029 South Lincoln Avenue
Venice Planning Area
Zone : C2-1, C4(OX)-2D
D. M. : 108B149
C. D. : 11
CEQA : ENV-2004-953-CE
Fish and Game : Exempt
Legal Description : Fr. Lot 1, Wright's
Addition to Ocean Park

Department of Building and Safety

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

a conditional use to allow the sale and dispensing for consideration of beer and wine
for on-site consumption in conjunction with a restaurant,

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 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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Maximum seating and square footage for the restaurant shall not exceed 48 seats nor 1,850 square feet, respectively.
7. Hours of operation for the restaurant shall not exceed 11 a.m. to 11 p.m., daily.
8. A minimum of nine (9) parking spaces shall be reserved with permanent signs depicting such for the use of restaurant patrons.
9. No live entertainment, dancing or a piano bar is permitted. Any music shall not be audible beyond the restaurant premises.
10. No pool tables or coin operated electronic, video or mechanical amusement devices shall be maintained on the premises.
11. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon the request of the Zoning Administrator, the Police Department or the Department of Building and Safety.
12. The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of litter, including any parking area used specifically by patrons.
13. Any exterior lighting shall be installed such that the light is directed onto the subject site and shielded to prevent the light source from being viewed by any adjacent residential uses. Lighting shall be adequate to identify anyone in the front or rear of the building at night.
14. The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control, including insuring that no activities associated with narcotics sales, use or possession, gambling or prostitution occur.
15. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)". Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the

letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.

16. A kitchen shall be maintained in the restaurant in accordance with the definition of such in the Los Angeles Municipal Code. Food service shall be available at all times that the restaurant is open for business.

Condition Nos. 17 through 21 are alcohol-specific conditions which have been volunteered by the applicant.

17. No cocktail lounge and no fixed bar shall be permitted.
18. No off-site sales of alcohol as a secondary use to the on-site sales is permitted.
19. No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
20. No "Happy Hour" or reduced price drinks or promotional nights shall be permitted.
21. 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 sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand.
22. The authorization granted herein for the sale of alcohol, specifically beer and wine, is for a period of **five (5) years** from the effective date of this grant. Thereafter, this authorization shall become null and void and a new conditional use to allow the sale of alcohol will be required.
23. Within 30 days of the effective date of this action, 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 Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

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 two 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. A Zoning

Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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 \$1,000 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 JUNE 21, 2004, 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 www.lacity.org/pln**. Public offices are located at:

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

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

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the 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, the report of the Zoning Analyst thereon, the statements made at the public hearing on April 28, 2004, 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 permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The property is a level, irregularly-shaped, corner, through lot, with frontages on the westerly side of South Lincoln Boulevard, the southerly side of South Washington Boulevard, and the easterly side of South Carter Avenue. The lot has a varying width of approximately 384 feet (along Lincoln Boulevard) to 379 feet (along Carter Avenue) and length of 86 feet (along Washington Boulevard) to 98 feet (along the southerly lot line). The lot is split-zoned, with the northerly one-third being zoned C2-1, and the remainder zoned C4(OX)-2D. The subject site is located within the C4(OX)-2D Zone. The C4(OX)-2D Zone designation relates to the Oxford Triangle Specific Plan; the instant application is unaffected. The subject property is located within the Venice Community Plan, the Los Angeles Coastal Plan, the Venice Coastal Zone, and the Oxford Triangle Specific Plan.

The property is developed with two one-story commercial buildings and surface parking. The building located on the C2-1 portion of the lot is currently undergoing remodeling for a future "Walgreens" drugstore. The second building, located in the C4(OX)-2D zoned

portion of the lot, is a mostly vacant, multi-tenant mini-shopping center, currently occupied by a dry cleaners and the subject restaurant.

Vehicular ingress and egress is via a two-way driveway accessing Lincoln Boulevard located across from the subject restaurant and a second two-way driveway accessing Carter Avenue between the two on-site buildings. According to the applicant's plot plan, there are a total of 71 on-site parking spaces.

Adjoining properties to the northwest (across Washington Boulevard) are zoned C2-1 and developed with one-story automotive repair and fast-food uses.

Adjoining properties to the east (across Lincoln Boulevard) are zoned C2-1 and M1-1 and developed with one-story corner commercial, restaurant, fast-food, and surface parking uses.

The adjoining property to the southeast is zoned C4(OX)-2D and developed with a one-story art gallery.

The adjoining properties to the west (across Carter Avenue) are zoned C2-1 and R1-1 and developed with a two-story office building with surface parking and one- and two-story single-family residences.

Lincoln Boulevard, adjoining the property to the east, is a northwest-southeast substandard Major Highway, Class I dedicated a variable width of 100 to 116 feet and fully improved with curb, gutter and sidewalks.

Washington Boulevard, adjoining the property to the north, is a northeast-southwest substandard Major Highway, Class II dedicated a variable width of 97 feet to 100 feet and fully improved with curb, gutter and sidewalks.

Carter Avenue, adjoining the property to the west, is a northwest-southeast substandard Local Street dedicated a variable width of 40 to 60 feet and fully improved with curb, gutter and sidewalk along the westerly side, and with curb, gutter and sidewalk from Washington Boulevard to a point just northerly of the subject restaurant's lease-hold space, then only improved with an asphalt parking berm further southerly.

Previous zoning related actions in the area include:

Case No. ZA 98-0051(CUE) - On April 17, 1998, the Zoning Administrator approved a conditional use exception to permit the on-site sale and consumption of beer and wine only in conjunction with an existing 1,500 square-foot restaurant accommodating 39 persons at 3115 South Washington Boulevard. Hours of operation for this use were limited to 11:30 a.m. to 11 p.m. daily.

Case No. ZA 85-0511(PAB) - On December 30, 1985, the Zoning Administrator approved plans and change of occupancy for a deemed-to-be-approved existing one-story bar with conditional use status to sell alcoholic beverages for on-site

consumption having a total occupancy of 235 persons at 4089 South Lincoln Boulevard. Posted hours of operation are 4 p.m. to 2 a.m. daily.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of beer and wine for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are specific conditional use categories which have additional findings in lieu of the four standard findings for most other conditional use categories.

FINDINGS

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

1. **The proposed location will be desirable to the public convenience or welfare and the location is proper in relation to adjacent uses or the development of the community.**

The subject project entails a request to sell beer and wine in a proposed restaurant which is part of a multi-tenant commercial shopping center. The restaurant is located along Lincoln Boulevard, a busy commercial thoroughfare developed with a variety of neighborhood commercial and service-oriented uses. The subject restaurant is located in a mini-shopping center which includes five storefronts and which will include a future Walgreens retail store that will locate in an existing detached building on the property. According to the applicant, the proposed restaurant will occupy the site of a former restaurant space that has not been used for approximately one year. The restaurant will serve Korean food and include barbeque grills at the individual tables. Seating is proposed for 48 patrons and the hours, 11 a.m. to 11 p.m. do not extend beyond those permitted by the mini-shopping center regulations which do not permit operation beyond 11 p.m.

As proposed, the use does not represent the introduction of use not common to the area. The use will serve a public convenience and welfare and as sited, the location is compatible with the character of the surrounding uses. In addition, the proposed use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will safeguard public welfare and enhance public convenience.

2. **The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

The grant authorized herein incorporates a number of conditions which have been imposed upon the use, some of which are based on conditions which have been

volunteered by the applicant. These conditions will continue to make the use more compatible with other uses in the surrounding community.

Seating is limited to 48 seats. The proposed hours of operation between 11 a.m. and 11 p.m. are reasonable and, as noted, do not conflict with the permitted hours of the mini-shopping center regulations. Included in this authorization are also a number of conditions volunteered by the applicant, some of which are directly related to the sale of alcohol.

Employees are required to undergo the training regarding sale of alcohol conducted by the Los Angeles Police Department. Parking has been required to be specifically reserved via the use of signs for the use of the restaurant patrons to assure availability of such spaces when the restaurant is open. The applicant notes that the shopping center also employs a 24-hour patrol security firm which oversees the entire development. No testimony in opposition to the request was presented at the public hearing nor through any correspondence. A representative of the Office of the Eleventh Council District also indicated no opposition to the request at the public hearing.

The subject grant for the sale of beer and wine is authorized for a term of five years after which time the applicant will need to file a new conditional use for the same request. The term grant allows the City an opportunity to review the operation of the restaurant anew. If the operation has been conducted appropriately and without creating problems for the neighborhood, then a subsequent decision on a new conditional use may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not grant a conditional use and thus avoid the need to proceed with prolonged nuisance abatement proceedings. Thus, as conditioned, the use is not anticipated to be materially detrimental to the development of the immediate neighborhood.

3. The proposed location will be in harmony with the various elements and objectives of the General Plan.

The Venice Plan Map designates the property for General Commercial (northern portion) and Community Commercial (southern portion) land uses with corresponding zones of CR, C1, C2, C4 and P (General Commercial) and CR, C1.5, C2, C4, P and PB (Community Commercial) and Height District Nos. 1 and 2D.

The subject property is planned and zoned for commercial uses. The conditional authorization for the sale of alcoholic beverages on-site, is allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support have been made herein.

4. The proposed use will not adversely affect the economic welfare of the community or result in an undue concentration of premises for the sale of alcoholic beverages after given consideration to the State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration and giving consideration to crime rates in the area.

According to the State's Department of Alcoholic Beverage Control (ABC) licensing criteria, 3 on-site and 2 off-site licenses are allocated to subject Census Tract No. 2741.00. There are currently 12 on-site and 1 off-site licenses in this Census Tract. Within 600 feet of the subject property, there are 7 on-site and 2 off-site existing licenses.

The subject location is within a commercial corridor which is heavily developed and which includes a variety of restaurants. Thus the existing license count is anticipated and not an unlikely condition for a property located in a C2 zoned corridor at the intersection of two designated Major Highways, namely Lincoln Boulevard and Washington Boulevard.

Statistics from the Police Department, as provided by the Department of Alcoholic Beverage Control, reveal that in the subject Crime Reporting District No. 1444, which has jurisdiction over the subject property, a total of 237 crimes were reported in 2002, compared to the citywide average of 285 crimes and the high crime reporting district average of 342 crimes for the same period. 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.

The crime rate numbers are lower than those rates identified for the City. This grant includes a number of conditions, including some related to the sale of alcohol as well as reasonable hours of operation which will help to safeguard the community and provide for a responsible operation.

5. **The use will not detrimentally affect the nearby residentially zoned communities in the area after giving consideration to the distance of the proposed use from residential uses, churches, schools, hospitals, public playgrounds and other similar uses and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

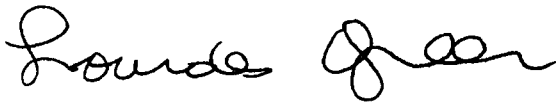
There are residential uses westerly of the site. There are also other establishments which sell alcohol for on-site and off-site consumption within the area. Since the site is located in a prime commercial area, the diversity amongst the uses is not uncommon. This grant has placed numerous conditions on the proposed project and not authorized uses of the property which might create potential nuisances for the surrounding area. Such imposition of conditions, including a five-year term grant on the approval regarding the sale of alcohol, will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case.

ADDITIONAL MANDATORY FINDINGS

6. **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.

7. On February 17, 2004, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2004-953-CE, for a Categorical Exemption, Class 5, Category 10, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.
8. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



LOURDES GREEN
Associate Zoning Administrator
Direct Telephone No. (213) 978-1313

LG:imc

cc: Councilmember Cindy Miscikowski
Eleventh District
Adjoining Property Owners
County Assessor