

Street Address: 15322 W Ventura Boulevard

Legal Description: Lots: Por 4-6, Por 66-69, & VAC 81-1262415, TR 10000

Assessor Parcel Number: 2276-039-015, 2276-039-014

Project Description

A Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site and off-site consumption in conjunction with a proposed 1,156 sq. ft. restaurant with 27 indoor seats and a 984 sq. ft. outdoor patio with 53 seats, having hours of 11 a.m. to 12 a.m., daily, in the C2-2 & PF-1XL zones.

Request

Applicant requests the following discretionary approvals:

Pursuant to Los Angeles Municipal Code ("LAMC") Section 12.24-W,1:

"A Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site and off-site consumption in conjunction with a proposed 1,156 sq. ft. restaurant with 27 indoor seats and a 984 sq. ft. outdoor patio with 53 seats, having hours of 11 a.m. to 12 a.m., daily, in the C2-2 & PF-1XL zones."

Background

The subject property is a level, irregular-shaped, corner parcel of land consisting of two lots with a total area of 18,443 sq. ft. and having a frontage of approximately 50 feet on the southerly side of Ventura Boulevard and approximately 351 feet on the easterly side of Dickens Street. It is currently improved with a single-story, 1,156 sq. ft. restaurant and a single-story, 2,769 sq. ft. auto body shop. There are 17 vehicular parking spaces and 16 bicycle parking spaces (8 long-term + 8 short-term) on site that are shared between the two establishments.

The proposed restaurant, Jay Bird's Hot Chicken, is a local Nashville hot chicken chain with locations in Long Beach and Huntington Beach. The subject site was previously occupied by a drive-through hot dog restaurant, Rubin's Red Hot, which closed in 2006. The property recently went through an extensive remodel that included a partial demolition and addition to the restaurant space, new ingress/egress locations, and reconfigured parking and landscaping. These updates were entitled through Case No. DIR-2015-3482-SPP. The subject request is for a Conditional Use Permit to allow the on-site and off-site sale of beer and wine in conjunction with the new restaurant. Proposed hours of operation for the establishment are from 11 am to 12 am, daily.

Zoning and Land Use

The site is within the Sherman Oaks neighborhood in the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan Area and is surrounded by high-intensity commercial uses. The property is zoned C2-2 and PF-1XL, with corresponding land use designations of Regional Center Commercial and Public Facilities. The site is also within the Ventura/Cahuenga Boulevard Corridor Specific Plan. The proposed restaurant use is permitted by right in the C2 and PF zones. The proposed sale of alcoholic beverages for on-site consumption is permitted through the approval of a Conditional Use Permit, provided that the Zoning Administrator makes the required findings herein.

Adjacent Land Uses

Surrounding properties are within the C2-2, [Q]C2-2, C2-1VL, and PF-1XL Zones and are characterized by level topography.

Adjoining property to the north of the Project site, across Ventura Boulevard, is zoned [Q]C2-2 and is improved with a multi-story shopping mall (Sherman Oaks Galleria).

Adjoining property to the south of the Project site, across Dickens Street, is zoned C2-1VL and is improved with a single-story strip mall with associated surface parking.

Adjoining property to the east of the Project site is zoned C2-2 and is improved with a five-story office building with commercial uses on the ground floor.

Adjoining property to the west of the Project site, across Dickens Street, is zoned PF-1XL and is improved with the 405 Freeway.

Streets & Circulation

Ventura Boulevard, adjoining the property to the north, is a two-way east-west street providing two travel lanes in each direction and a turn lane. It is a designated Boulevard II with a dedicated right-of-way width of 100 feet and is improved with curb, gutter, and sidewalk on both sides.

Dickens Street, adjoining the property to the west and south, is a two-way north-south street providing a single travel lane in each direction and a turn lane. It is a designated Local Street with a dedicated right-of-way width of 60 feet and is improved with curb, gutter, and sidewalk on both sides.

The Project site is well served by Metro Rapid and Local bus services along Ventura Boulevard and Sepulveda Boulevard.

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 Project Site is located at the intersection of Ventura Boulevard, Sepulveda Boulevard, and the 405 Freeway in Sherman Oaks, which is one of the most significant Commercial Centers in the San Fernando Valley. This site is across the street from the Sherman Oaks Galleria, one of the largest shopping malls in the Greater Los Angeles Area, and is in close proximity to several high-rise office towers and other high intensity commercial uses. As such, this area is a hotspot for people across the city to shop, work, and dine. This site has a long history as a restaurant dating back to the 1980s, and the activation of the space by a new tenant will not only enhance the aesthetic of the area but also provide an additional unique dining option for people that live and work in the area. The sale of beer and wine for on-site and off-site consumption will further elevate the establishment by creating a more complete dining experience that people will seek out. Given the high concentration of full-service restaurants on this block, it will not only allow the restaurant to remain competitive but will also enrich the offerings for the denizens of this neighborhood. It can thus be found that this project will enhance the built environment and will provide a service that is essential to the community, city, and region.

- 2. The project's location, size, height, operation, 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, or safety.**

This project does not include any new buildings or construction, it is only a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site and off-site consumption in a proposed restaurant. While this tenant space has been vacant for over 10 years, the restaurant use dates back to the 1980s. As previously mentioned, this site is within a high intensity commercial area, and is relatively underdeveloped in comparison to properties in the immediate vicinity. The site is flanked by a 5-story commercial building and the 405 Freeway, with a major shopping mall across the street. The nearest residential uses are more than 500 feet away and are buffered by the major thoroughfares of Sepulveda Boulevard and Ventura Boulevard, both of which have three traffic lanes going each way. Given the nature of this use as a bona fide restaurant with hours not extending past midnight, it is not expected that the proposed establishment will create any sort of impact on the neighboring properties or other uses in the vicinity. Given this record, it can be found that the project's size, height, operation, 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, or safety.

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

The Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan Map designates the property for Regional Center Commercial and Public Facilities land uses with corresponding zones of C2 and PF. The site is also within the Ventura/Cahuenga Boulevard Corridor Specific Plan.

The subject property is planned and zoned for commercial uses, and the restaurant use is permitted by right in the C2 zone. 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.

Additional Alcohol Findings

- 1. Explain how the proposed use will not adversely affect the welfare of the pertinent community.**

The proposed restaurant is allowed by right in the C2 Zone and the addition of the sale of alcoholic beverages will be an ancillary use within the confines of the existing restaurant. The request does not include public dancing or live entertainment. The absence of these specific activities will reinforce the primary business as a restaurant serving food. The requested entitlement is generally conditioned to reflect the mode of operation stated in the application for a restaurant, which is compatible with the welfare of the community. The site is located within a prime commercial area, and the proposed restaurant use will be compatible with the surrounding development. The granting of the permit will therefore be favorable to the welfare of the pertinent community.

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

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 5 on-sale and 3 off-sale licenses are allocated to subject Census Tract No. 1413.02. There are currently 16 on-sale and 4 off-sale licenses in this Census Tract.

The number of licenses for on-site and off-site sales is above the allocated threshold. Given the high commercial activity in this district, though, such an overconcentration is not unprecedented and is quite common. Overconcentration can be undue when the addition of a license will negatively impact a neighborhood. Over 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. As proposed, the on-site and off-site sale of a beer and wine at the subject restaurant will benefit the public welfare by increasing economic opportunity and providing an essential amenity to the surrounding neighborhood.

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

The project site is not within 500 ft. of any residential zones or uses. The nearest residential uses to the project site are buffered by major thoroughfares and mutli-story commercial buildings. The proposed use will be a bona fide restaurant with beer and wine sales only (no hard alcohol) and no live entertainment or dancing. It is not expected that the nature of the use will deviate from what has existed since 1989, which has had no negative affect on the residential uses in the vicinity. It can therefore be guaranteed that the approval of this application will not detrimentally affect nearby residential zones or uses.

Questions Regarding the Physical Development of the Site

a. What is the total square footage of the building or center the establishment is located in?
3,925 sq. ft.

b. What is the total square footage of the space the establishment will occupy? 1,156 sq. ft.

c. What is the total occupancy load of the space as determined by the Fire Department? 44

d. What is the total number of seats that will be provided indoors? Outdoors? 27 indoor, 53 outdoor

e. If there is an outdoor area, will there be an option to consume alcohol outdoors? Yes

f. If there is an outdoor area, is it on private property or the public right-of-way, or both?
Private Property

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

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

h. Parking

i. How many parking spaces are available on the site? 17

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

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

iv. Have any arrangements been made to provide parking off-site? No

1. If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety? N/A

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

3. Will valet service be available? Will the service be for a charge? No

i. Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or parks? No

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

Questions Regarding the Operation of the Establishment

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

	M	Tu	W	Th	F	Sa	Su
Hours of Operation	11 am- 12 am	11 am- 12 am	11 am- 12 am	11 am- 12 am	11 am- 12 am	11 am- 12 am	11 am- 12 am
Hours of Alcohol Sales	11 am- 12 am	11 am- 12 am	11 am- 12 am	11 am- 12 am	11 am- 12 am	11 am- 12 am	11 am- 12 am

b. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify: N/A

Note: An establishment that allows for dancing needs a conditional use pursuant to LAMC section 12.24 W18.

c. Will there be minimum age requirements for entry? If yes, what is the minimum age requirement and how will it be enforced? No

d. Will there be any accessory retail uses on the site? What will be sold? Yes – Beer and wine

e. Security

i. How many employees will you have on the site at any given time? 5

ii. Will security guards be provided on-site? No

1. If yes, how many and when? N/A

iii. Has LAPD issued any citations or violations? If yes, please provide copies. No

f. Alcohol

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

ii. Will “fortified” wine (greater than 16% alcohol) be sold? No

iii. Will alcohol be consumed on any adjacent property under the control of the applicant? No

iv. Will there be signs visible from the exterior that advertise the availability of alcohol? No

v. Food

1. Will there be a kitchen on the site? Yes

2. Will alcohol be sold without a food order? No

3. Will the sale of alcohol exceed the sale of food items on a quarterly basis?
No

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

vi. On-Site

1. Will a bar or cocktail lounge be maintained incidental to a restaurant? No

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

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

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

3. Will discounted alcoholic drinks ("Happy Hour") be offered at any time?
No

vii. Off-Site

1. Will cups, glasses or other containers be sold which might be used for the consumption of alcohol on the premises? No

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

Caldera Bill (CA Business and Professions Code Section 23958 and 23958.4)

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

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

1. If no, contact the CA Department of Alcoholic Beverage Control (ABC) to determine whether the proposed site is located in an area whereby: issuance of a license to serve alcohol on-site or off-site would tend to create a law enforcement problem, or if issuance would result in, or add to an undue concentration of licenses.