

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 site is located on the north side of National Boulevard between Barrington Avenue and Stoner Avenue in the Mar Vista neighborhood. The site improved with an approximately 5,769.1 square-foot, commercial building with three tenant spaces. The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of Beer & Wine Only for on-site consumption and off-site retail as a use accessory to and in conjunction with the operation of a new 1,812 square foot restaurant. The restaurant is located in the center, ground floor tenant space and will accommodate a total of 14 indoor seats and 6 seats on the patio (no alcohol consumption on the patio). The restaurant's hours of operation are limited from 10:00 a.m. to 11 :00 p.m., daily. No live entertainment, dancing other features which would characterize the premises as other than a neighborhood-oriented restaurant is proposed.

The Mar Vista neighborhood is characterized by a mixture of single- and multi-family residences, commercial retail uses, and a variety of full service and fast-food restaurants that serve the community and those who work in and visit the area. The proposed restaurant utilizes a "fast casual" concept and specializes in fresh Japanese cuisine. The proposed restaurant will add to the variety of restaurants in the Mar Vista neighborhood. The restaurant and its request to serve a Beer & Wine Only beverages are within keeping the nature of the development in the area with a diversity of restaurants that cater to a variety of needs and provide fast, but fresh dining options. The restaurant's emphasis is food service and the sale and dispensing of a beer & wine only will be an amenity incidental to food service; as such, the restaurant will provide a beneficial service to the community for the local community.

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.

Surrounding uses consist primarily of commercial, single-family, and multi-family residential uses. Properties across the alley to the north of the subject site are zoned R1-1 and are developed with single-family residences. Properties to the east of the subject site across Barrington Avenue are zoned C2-1VL and R1-1 are developed with one- and two-story commercial buildings and single-family residences. The property to the south of the subject site, across National Boulevard, is zoned C2-1VL and developed with a one-story commercial shopping center and a surface parking lot. Properties to the west of the subject site, across Stoner Avenue, are zoned R3-1 and developed with two multi-family residential buildings.

The sale of a beer & wine only beverages for on-site consumption and off site retail in conjunction with the proposed restaurant is secondary to the service of food. The Zoning Administrator has imposed a number of conditions addressing alcohol-related issues that will safeguard public welfare and enhance public convenience. Based on the existing surrounding uses which are primarily commercial, the location of a restaurant serving beer & wine only is appropriate given the surrounding uses and the character of development of the community.

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

There are eleven elements of the General Plan. Each of these elements establishes policies 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 in the form of code requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Palms-Mar Vista-Del Rey Community Plan Map designates the property for Neighborhood Commercial land uses with corresponding zone of C2 and Height District No. 1VL. The subject property is located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The request is not affected by the West Los Angeles Transportation Improvement and Mitigation Specific Plan as no new construction or a change of use is proposed and would, therefore, not constitute a project as defined by the Specific Plan.

Furthermore, the Palms - Mar Vista - Del Rey Community Plan text is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan. The project will continue to provide a service to the community, and is thereby consistent with several goals, policies, and objectives of the Community Plan. Specifically, the project addresses the following goal and objectives of the Community Plan:

- Goal 2: A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.
- Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.
- Objective 2-2: To promote distinctive commercial districts and pedestrian oriented areas.

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

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

The approval of the conditional use request will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be utilized as such with the sale and dispensing of beer & wine only beverages for on-site consumption and off site retail in conjunction with the proposed restaurant. The request does not include public dancing, a cocktail lounge, happy hour discounted drinks, or video game machines. The absence of these specific activities will reinforce the primary business of serving food as a restaurant. The requested entitlement is generally conditioned to reflect the mode of operation stated in the application for a full-service restaurant which is compatible with the welfare of the community. Therefore, as conditioned herein, the proposed use will not adversely affect the welfare of the pertinent community.

The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of beer and wine only, in the area of the City involved, giving

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

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four on-site and two off-site consumption licenses are allocated to the subject Census Tract (Census Tract 2713.00). Currently there are four on-site licenses and three off-site licenses in this census tract. The applicant's request will result in an additional on-site license being added to the census tract, for a total of five on-site licenses.

Over-concentration 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 license benefits the public welfare and convenience. Approval of the Conditional Use will increase the number of licenses within the neighborhood. However, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, vandalism and loitering, such conditions have been recommended for further consideration by the state of California Department of Alcohol Beverage Control as conditions on the alcohol license.

According to statistics provided by the Los Angeles Police Pacific Area Vice Unit, within Crime Reporting District No. 1401, which has jurisdiction over the subject property, a total of 89 crimes were reported in 2019 (55 Part I and 34 Part II crimes), compared to the city-wide average of 181 offenses and the high crime reporting district of 217 crimes for the same reporting period.

Part I Crimes reported by LAPD include, Homicide (0), Manslaughter (0), Rape (2), Robbery (15), Aggravated Assault (2), Burglary (14), Larceny (31), and Auto Theft (8). Part II Arrests reported include, Other Assault (2), Forgery/Counterfeit (0) Embezzlement/Fraud (1), Stolen Property (0), Weapons Violation (0), Prostitution Related (0), Sex Offenses (0), Offenses Against Family (0), Narcotics (1), Liquor Laws (0), Public Drunkenness (4), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DWI related (18) and other offences (8).

The site is located in a census tract where the crime rate is lower than the citywide average. Crime reporting statistics for 2017 are not yet available. The Zoning Administrator has imposed a number of conditions related to the operation of the restaurant and service of a full line of alcoholic beverages that will further reduce any potential crime issues. Due to the relatively small scope and size of the proposed establishment together with the mode and character which will primarily function as a restaurant, the granting of the request is not expected to contribute the area's crime rate.

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 following sensitive use are located within 1,000 feet of the project site:

- Eckankar Religion of The Light & Sound of God (11677 National Boulevard)
- St. Andrew's Lutheran Church (11555 National Boulevard)

Consideration has been given to the distance of the proposed restaurant from the single-family residences located to the north of the subject site, multi-family residencies located to the west of the subject site, and the above-referenced sensitive uses. The grant has been well conditioned, which should 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 prohibiting public dancing and entertainment. The sale and dispensing of beer & wine only will be incidental to food service and the establishment will operate as restaurant.

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 the property is located in Zone C, areas of minimal flooding.

8. On November 1, 2016, the project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV 2016-4141-CE, for a Categorical Exemption, Class 5, Category 34, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action as the request is for a proposed restaurant with 24 indoor seats and 18 outdoor seats, having an occupant load of less than 200 persons and does not require an original dancehall, skating rink, or bowling alley permit from the Los Angeles Police Commission and is therefore exempt from the provisions of CEQA.