

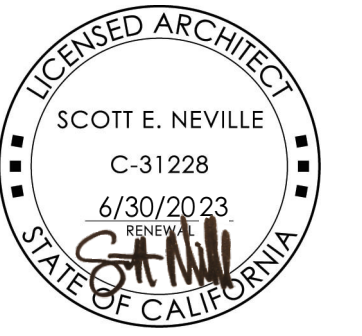
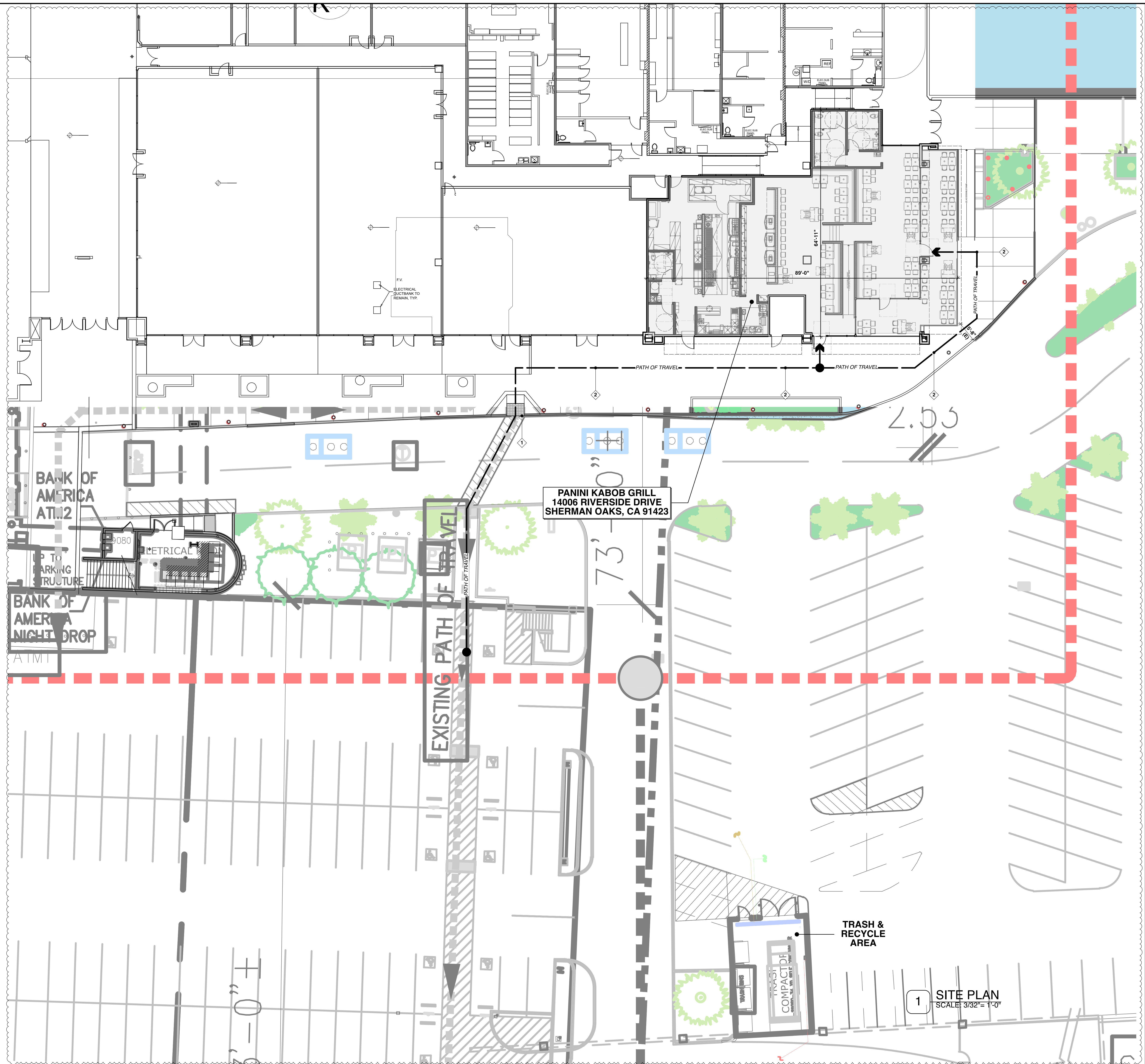
SHEET NOTES

- A. EXISTING SITE'S ACCESSIBILITY IS FULLY COMPLIANT WITH THE TITLE 24 DISABLE ACCESS REQUIREMENTS
- B. AT LEAST ONE ACCESSIBLE ROUTE SHALL BE PROVIDED WITHIN THE SITE FROM ACCESSIBLE PARKING SPACES AND ACCESSIBLE PASSENGER LOADING ZONES, PUBLIC STREETS AND SIDEWALKS AND PUBLIC TRANSPORTATION STOPS TO THE ACCESSIBLE BUILDING OR FACILITY ENTRANCE THEY SERVE. WHERE MORE THAN ONE ROUTE IS PROVIDED, ALL ROUTES MUST BE ACCESSIBLE.
- C. (E) PATH OF TRAVEL. NO ABRUPT CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL SHOWN. THE SLOPE AND CROSS-SLOPE ALONG THE PATH OF TRAVEL SHALL NOT BE EXCEED 5% AND 2% RESPECTIVELY.
- D. (E) ACCESSIBLE PARKING SPACES ARE FULLY ACCESSIBLE AND COMPLIANT WITH CURRENT CODES.
- E. MECHANICALLY VENTILATED BUILDINGS SHALL PROVIDE REGULARLY OCCUPIED AREAS OF THE BUILDING WITH A MERV 13 FILTER FOR OUTSIDE AND RETURN AIR. FILTERS SHALL BE INSTALLED PRIOR TO OCCUPANCY AND RECOMMENDATIONS FOR MAINTENANCE WITH FILTERS OF THE SAME VALUE SHALL BE INCLUDED IN THE OPERATION AND MAINTENANCE MANUAL. (5.504.5.3)

KEY NOTES

- 1. EXISTING CURB RAMP & DETECTABLE WARNINGS
- 2. (E) PATH OF TRAVEL FROM A PUBLIC WAY. NO ABRUPT CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL SHOWN. THE SLOPE AND CROSS-SLOPE ALONG THE PATH OF TRAVEL SHALL NOT BE EXCEED 5% AND 2% RESPECTIVELY.

**SHOW TRASH & RECYCLE AREA.
PATH OF TRAVEL TO HANDICAP**



PROJECT



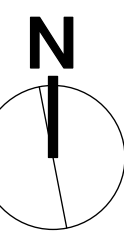
PANINI KABOB GRILL
FASHION SQUARE
14006 RIVERSIDE DRIVE
SHERMAN OAKS, CA 91423

NO.	DATE	REVISION NOTES

NO.	DATE	ISSUE NOTES

THIS DOCUMENT CONTAINS INFORMATION PROPRIETARY TO NN ARCHITECTS, INC. AND IS FURNISHED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION, BIDDING OR REVIEW. THIS DOCUMENT OR ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE PRIOR WRITTEN CONSENT OF NN ARCHITECTS, INC.

REVIEWED BY: GN
DRAWN BY: MA
PROJECT NO: 241-22
DATE: 09-01-2022



SITE PLAN

1 SITE PLAN
SCALE: 3/32"=1'-0"



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number _____

Env. Case Number _____

Application Type _____

Case Filed With (Print Name) _____ Date Filed _____

Application includes letter requesting:

Waived hearing Concurrent hearing Hearing not be scheduled on a specific date (e.g., vacation hold)

Related Case Number(s): _____

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.

All terms in this document are applicable to the singular as well as the plural forms of such terms.

Refer to the Department of City Planning Application Filing Instructions ([CP-7810](#)) for more information.

1. PROJECT LOCATION

Street Address¹ _____ Unit/Space Number _____

Legal Description² (Lot, Block, Tract) _____

Assessor Parcel Number _____ Total Lot Area _____

2. PROJECT DESCRIPTION

Present Use _____

Proposed Use _____

Project Name (if applicable) _____

Describe in detail the characteristics, scope and/or operation of the proposed project _____

Additional information attached YES NO 46 seats, with hours of 10am to 10pm daily on the patio.

Complete and check all that apply:

Existing Site Conditions

- Site is undeveloped or unimproved (i.e., vacant)
- Site is located within 500 feet of a freeway or railroad
- Site has existing buildings (provide copies of building permits)
- Site is located within 500 feet of a sensitive use (e.g., school, park)
- Site is/was developed with uses that could release hazardous materials on soil and/or groundwater (e.g., dry cleaning, gas station, auto repair, industrial)
- Site has special designation (e.g., National Historic Register, Survey LA)

¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

Proposed Project Information

(Check all that apply or could apply)

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Removal of any on-site tree
- Removal of any street tree
- Removal of protected trees onsite / public right-of-way
- Grading
- Haul Route
- New construction: _____ square feet
- Additions to existing buildings
- Interior tenant improvement
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Uses or structures in public right-of-way
- Phased project

Housing Component Information

Number of Residential Units: Existing _____ – Demolish(ed)³ _____ + Adding _____ = Total _____

Number of Affordable Units⁴ Existing _____ – Demolish(ed) _____ + Adding _____ = Total _____

Number of Market Rate Units Existing _____ – Demolish(ed) _____ + Adding _____ = Total _____

Mixed Use Projects, Amount of Non-Residential Floor Area: _____ square feet

Public Right-of-Way Information

Have you submitted the Planning Case Referral Form to BOE? (required) YES NO

Is your project required to dedicate land to the public right-of-way? YES NO

If so, what is/are your dedication requirement(s)? _____ ft.

If you have dedication requirements on multiple streets, please indicate: _____

3. ACTION(S) REQUESTED

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36? YES NO

Authorizing Code Section _____

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: _____

interior seats and a patio with 710 sf with 46 seats

Authorizing Code Section _____

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: _____

Additional Requests Attached YES NO

4. RELATED DEPARTMENT OF CITY PLANNING CASES

Are there previous or pending cases/decisions/environmental clearances on the project site? YES NO

If YES, list all case number(s) _____

³ Number of units to be demolished and/or which have been demolished within the last five (5) years.

⁴ As determined by the Housing and Community Investment Department

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. _____

Ordinance No.: _____

- Condition Compliance Review
- Modification of Conditions
- Revision of Approved Plans
- Renewal of Entitlement
- Plan Approval subsequent to Main Conditional Use

- Clarification of Q (Qualified) Condition
- Clarification of D (Development) Limitation
- Amendment to T (Tentative) Classification

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? YES NO

Have you filed, or is there intent to file, a Subdivision with this project? YES NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City: _____

5. RELATED DOCUMENTS / REFERRALS

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

Specialized Requirement Form _____

Geographic Project Planning Referral _____

Case Consultation Referral Form _____

Redevelopment Project Area – Administrative Review and Referral Form _____

HPOZ Authorization Form _____

Affordable Housing Referral Form _____

Transit Oriented Communities Referral Form _____

Preliminary Zoning Assessment Referral Form (Plan Check #) _____

Housing Development Project determination (PZA Sec. II) _____

Optional HCA Vesting Preliminary Application _____

Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form _____

Mello Form _____

Citywide Design Guidelines Compliance Review Form _____

GPA Initiation Request Form _____

Expedite Fee Agreement _____

Department of Transportation (DOT) Referral Form _____

Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) _____

Hillside Referral Form (BOE) _____

Building Permits and Certificates of Occupancy _____

Order to Comply _____

Low Impact Development (LID) Referral Form (Stormwater Mitigation) _____

Replacement Unit Determination (LAHD) _____

Are there any recorded Covenants, affidavits or easements on this property? YES (provide copy) NO

PROJECT TEAM INFORMATION (Complete all applicable fields)

Applicant⁵ name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Are you in escrow to purchase the subject property? YES NO

Property Owner of Record Same as applicant Different from applicant

Name (if different from applicant) _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Agent/Representative name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip: _____

Telephone _____ E-mail: _____

Other (Specify Architect, Engineer, CEQA Consultant etc.) _____

Name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Primary Contact for Project Information Owner Applicant
(*select only one*) Agent/Representative Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List and the Abutting Property Owners List.

⁵ An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

PROPERTY OWNER

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC, or trust, a disclosure identifying an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC, or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
- b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgement is available for your convenience on following page.*

Signature _____

Date _____

Print Name _____

Signature _____

Date _____

Print Name _____

**ATTACHMENT TO DEPARTMENT OF CITY PLANNING APPLICATION
(Westfield Fashion Square)**

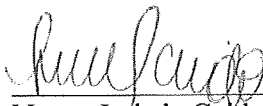
PROPERTY OWNER'S SIGNATURE PAGE

SHERMAN OAKS FASHION ASSOCIATES, LP,
a Delaware limited partnership

By: Fashion Square, LLC, a Delaware limited liability company,
its general partner

By: Westfield America Limited Partnership, a Delaware limited
partnership, its sole member

By: Westfield U.S. Holdings, LLC, a Delaware limited liability
company, its general partner

By: 
Name: Isabela Gaido
Title: Assistant Secretary

December 7, 2022

Space Below for Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of LOS ANGELES

On December 7, 2022 before me, Lisa M. Shelley - Notary Public
(Insert Name of Notary Public and Title)

personally appeared ISABELA GAIDO, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Lisa M. Shelley (Seal)
Signature

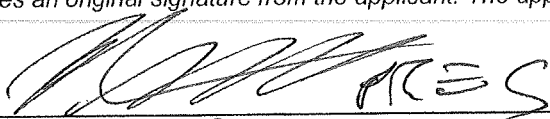


APPLICANT

- 8. APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.
- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
 - b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
 - c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
 - d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
 - e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
 - f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
 - g. I understand that if this application is denied, there is no refund of fees paid.
 - i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
 - i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature: _____



Date: _____

12/7/2022

Print Name: _____

Mike Rafipoor

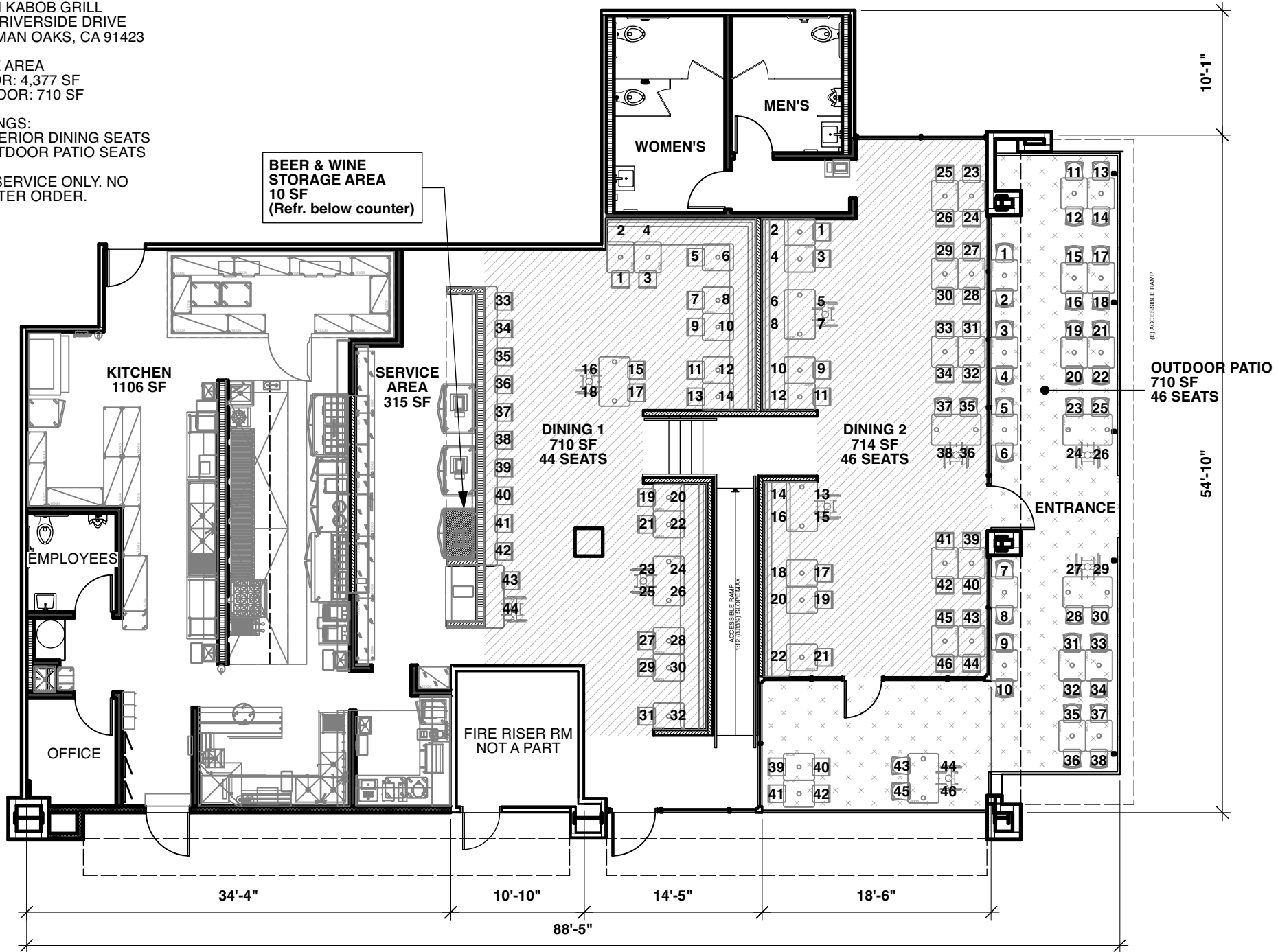
PANINI KABOB GRILL SHERMAN OAKS FLOOR PLAN

PANINI KABOB GRILL
 14006 RIVERSIDE DRIVE
 SHERMAN OAKS, CA 91423

LEASE AREA
 INDOOR: 4,377 SF
 OUTDOOR: 710 SF

SEATINGS:
 90 INTERIOR DINING SEATS
 46 OUTDOOR PATIO SEATS

FULL SERVICE ONLY. NO
 COUNTER ORDER.



LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
CHARLES J. RAUSCH, JR.
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

VINCENT P. BERTONI, AICP
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318

FAX: (213) 978-1334

www.planning.lacity.org

September 14, 2016

Gregg Berwin (A)(O)
Westfield, LLC
2049 Century Park East, 41st Floor
Los Angeles, CA 90067

Heather Crossner (R)
Latham & Watkins LLP
355 South Grand Avenue, 1st Floor
Los Angeles, CA 90071

CASE NO. ZA 2016-0777(MCUP)
MASTER CONDITIONAL USE
14006 Riverside Drive
Van Nuys - North Sherman Oaks
Planning Area
Zone : (Q)C2-1L-RIO, C2-1L-RIO,
P-1L-RIO
D. M. : BK 75-12/14
C. D. : 4
CEQA: ENV 2016-0779-ND
Legal Description: Lot FR B, Tract PM
3284, Arb 2

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

a Master Conditional Use Permit to allow the sale of a full line of alcoholic beverages for on-site for eight restaurants within an existing shopping center in the (Q)C2-1L-RIO, C2-1L-RIO, P-1L-RIO 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 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Condition Compliance Unit for inclusion in the case file.
7. Authorized herein is a Master Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in eight (8) restaurants with an approximate floor area of 36,000 square-feet, subject to the following limitations;
 - a. Seating shall be limited to a maximum of no more than 1,500 indoor seats and 300 outdoor seats, provided the maximum number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
 - b. A permit to allow outdoor dining shall be obtained from the Department of Building and Safety for each restaurant with outdoor seating. The final number of seats and their location may be modified by said agency to meet accessibility and exiting requirements. A copy of the building permit shall be provided to the Condition Compliance Unit **prior to the effectuation** of any subsequent Master Plan Approval associated with this grant.
 - c. The outdoor dining area shall remain unroofed. Notwithstanding, the outdoor area may be roofed provided a building permit to cover/roof the outdoor patio is obtained from the Department of Building and Safety and submitted to the Condition Compliance Unit for inclusion in the case file.
 - d. The hours of operation for the eight (restaurants), including the enclosed patio, shall be limited to 7:00 a.m. to 11:00 p.m. Sunday through Thursday and 7:00 a.m. to 12:00 a.m. on Friday and Saturday.

7. The property owner or individual operator shall file an Approval of Plans pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use authorization granted herein for the on-site sale of a full line of alcoholic beverages in a maximum of (8) eight venues. Future operators may request beer and wine sales in lieu of a full line of alcoholic beverages when they file an Approval of Plans. The purpose of the Approval of Plans determination is to review each proposed establishment in greater detail, to consider more specific floor plans and to tailor site-specific conditions of approval for each of the premises, including, but not limited to: the hours of operation; seating capacity; size; operational conditions; security; noise mitigation; the length of a term grant and/or any requirement for a subsequent Approval of Plans application to evaluate compliance and effectiveness with the conditions of approval. A public hearing for an Approval of Plans may be waived at the discretion of the Chief Zoning Administrator.
8. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Zoning Administrator may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.
9. Should there be a change in the ownership of the property/the establishment and/or the business operator, the property owner and the business owner/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 Condition Compliance Unit (CCU) 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 CCU within 30-days of the beginning day of his/her new operation of the establishment.
10. The business operator shall maintain on the premises, and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information, and a valid emergency contact phone number used by the business.
11. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
12. **Prior to the beginning of operations**, the applicant shall submit the

restaurant's menu to document that the premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.

13. There shall be no coin-operated games or video machines maintained in any of the establishments.
14. No outdoor dining areas are permitted on Riverside Drive.
15. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
16. No live entertainment for any of the venues has been requested or permitted herein.
17. No conditional use for dancing has been requested or approved herein. Dancing is not permitted in any of the venues.
18. All tenants shall be provided with a copy of these conditions which shall also be referenced in any lease or contract.
19. The applicant, tenants, and onsite managers shall comply with all applicable laws and conditions of this action and any corresponding Approval of Plans determination and shall properly manage the facility to discourage illegal and criminal activity on the subject property and any accessory parking area over which they exercise control.
20. The operator shall provide a schedule of all special events on a monthly basis to the Los Angeles Police Department, Van Nuys Area Vice Office, for proper deployment purposes. The schedule shall indicate the expected number of patrons for each event, the hours the facility is to be used, the number of security personnel assigned and the person or entity hosting the event.
21. **Within 30 days of the effective date**, the Applicant, and the tenants of the project (Fashion Square) shall meet with the Van Nuys area Vice Alcoholic Beverage coordinator on a monthly basis to review the effectiveness of the security plan, and may modify any of the measures stated therein as approved by LAPD, Van Nuys Vice. A log containing the time, date, and summary or minutes of the meeting shall be maintained and made available upon request.
22. **Prior to the submittal of a Plan Approval application for the utilization of this grant, the applicant shall submit to LAPD the name of the proposed tenant and any tenant history requested, so that security measures can be evaluated. A summary of the meeting shall be submitted to the Department of City Planning with the Plan Approval application.**
23. A copy of any modified security plan approved by LAPD shall be submitted to the Condition Compliance Unit.

24. Petitioner shall maintain a 24-hour hotline number for the purpose of complaints. Petitioner shall respond to citizen complaints within 24 hours. The hotline phone number shall be posted on all entrances and exits in which patrons have access. A log containing the time, date, and nature of the complaint, and the resolution of the matter shall be maintained on the premises. The phone number shall also be distributed to all residential and commercial tenants on the subject property.
25. **Prior to the beginning of operations**, a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The applicant shall provide evidence of the surveillance system to the CCU by submitting an invoice/receipt from the licensed installer, photographs of the cameras installed, the central monitoring system and a schematic plan cross-referencing the camera and central system locations. The plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the CCU and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
26. A security plan for the establishment and any parking area serving the project site, shall be prepared in consultation with and be approved by the Los Angeles Police Department **prior to the beginning of operations**.
27. The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting and noise from the patio dining area. Noise levels at the (8) eight restaurants shall not exceed the permitted levels stated in the Noise Ordinance.
28. Within six months of the effective date of the issuance of the ABC License, 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. Employees shall attend the training on an annual basis.
29. The subject establishments shall not be used exclusively for private parties where the general public is excluded.
30. The property owner shall be responsible for maintaining free of litter the area adjacent to the building, including the alley and sidewalks.
31. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) 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 \$25,000. 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).
- (iv) 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).
- (v) 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.

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 September 29, 2016** unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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 all subsequent contact with this office regarding this determination must be with Planning Staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc.

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 July 19, 2016, 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 Sections 12.24-W, of the Los Angeles Municipal Code have been established by the following facts:

BACKGROUND

The subject site is located within the Van Nuys - North Sherman Oaks Community Plan with a Community Commercial land use designation. The subject site is zoned (Q)C2-1L-RIO, C2-1L-RIO, and P-1L-RIO. The property is located within the Freeway Adjacent Advisory Notice for Sensitive Uses Area, River Improvement Overlay District, and Single Family Interim Control Ordinance for neighborhoods in Council Districts 4 and 10.

The subject property is a level rectangular-shaped approximately 28.8 acres including 4 parcels with approximately 15,700 square foot frontage along Riverside Drive and approximately 500 square foot frontage along Hazeltine Avenue. The property is developed with a two-story mall totaling approximately 873,000 square feet of Gross Leasable Area (GLA) with surface and structure parking. The Shopping Center features Macy's and Bloomingdale's department stores at its east and west ends, respectively, as well as a collection of smaller retail stores and a food court. The properties to the north, across Riverside Drive are mostly developed with multifamily and single family residential homes and are zoned [Q]RD1.5-1L-RIO and [Q]zC2-1-VL-RIO. The properties to the east, across Woodman Avenue are developed with commercial buildings and is zoned [Q]C2-1VL-RIO. The US Route 101 (Ventura) abuts the subject site to the south and is zoned PF-1XL. The properties to the West, across Hazeltine Avenue, are developed with parking for an office building and are zoned PB-1L-RIO and C2-1L-RIO.

The Shopping Center was originally constructed in the early 1960 and was approved for a total of 855,000 square feet of Gross Leasable Area in 1987 (Case CPC-86-743-ZC). After the 1987 mall expansion, only approximately 826,000 square feet of Gross Lease Area had been constructed. In 1994, under case CPC-94-0287-ZC (Ordinance 170151, effective January 9, 1995), the Shopping Center was approved for an additional 120,000 square feet of Gross Lease Area development, for a total entitlement of 975,000 square feet of Gross Lease Area across the entire Project site. In 1996, under ZA-95-0899-CUZ, an adjustment to this entitlement permitted the Bloomingdale's department store to be expanded by utilizing approximately 41,000 square feet of Gross Lease Area from the 1994 entitlement, resulting in a remaining unused entitlement of approximately 108,000 square feet of Gross

Lease Area over the defined Project site. To date, with subsequent improvements to the Shopping Center, a total of approximately 873,000 square feet of Gross Lease Area has been developed over the Project site, with a total current remaining entitlement of approximately 102,000 square feet of Gross Lease Area. There is an application for a Zone Change under Case No. CPC-2016-778-ZC for eight restaurants in addition to the existing three restaurants, and therefore requires that "Q" Condition No. 12 be updated.

This request is for a Master Conditional Use Permit for a full line of alcoholic beverages in conjunction with eight restaurants totaling 36,000 square feet having an approximately 1,500 indoor seats and 300 outdoor seats.

Riverside Drive is designated as Avenue I and has a width of 100 feet.

Hazeltine Avenue is designated as Avenue II and has a width of 86 feet.

Woodman Avenue is designated as Avenue I and has a width of 100 feet

Cases, Permits and Orders on the Subject Property:

Case No. CPC-2016-778-ZC – Pending Vesting Zone Change to update "Q" conditions to allow an increase of an additional eight restaurants to the existing three that are allowable.

Case No. ZA-2016-1109(CUW) – Pending Conditional Use Permit for the installation of a Verizon Wireless Telecommunications Facility. (13914 Riverside Drive)

Case No. ZA-1997-0621(CUB)(PA1) – On February 15, 2013, the Zoning Administrator approved plans to permit the relocation of tenants, seating and square footage under an existing Conditional Use Permit for the on-site sale of alcohol. (14006 Riverside Drive)

Case No. ZA-2010-2585(CUW) – On December 14, 2010, the Zoning Administrator approved a Conditional Use Permit to authorize the installation, use, and maintenance of a 75-foot 3-inch high rooftop wireless telecommunications facility in the C2-1L Zone. (14006 Riverside Drive)

Case No. ZA-1997-0621(CUB) – On October 21, 1997, the Zoning Administrator approved a conditional use permit to permit the sale and dispensing of alcoholic beverages for on-site consumption, in conjunction with a proposed 8,000 square-foot full service restaurant (Space Nos. 17, 18 and 19 in the mall) with an approximate 800 square-foot outdoor patio dining area accommodating a maximum of 294 persons and having hours of operation from 10 a.m. to 11 p.m., daily. The proposed restaurant is located in an existing mall, known as Fashion Square Sherman Oaks Mall with a total of 4,035 on-site parking spaces. Also requested is transfer of an existing beer and wine license from one existing mall tenant (Fashion Square Deli, Space 111) to another existing mall tenant (Cleo & Cucci, Space 24A)(14006 Riverside Drive)

Case No. ZA-1997-620(ZV) – On October 21, 1997, The Zoning Administrator approved a variance from "Q" Condition No. 12 of Ordinance No. 170,151 [CPC 94-0287 (ZC)] which

limits the number of sit down table service restaurants to three each with 5,000 square feet in area for a combined total of 15,000 square feet to now permit one of the restaurants to be more than 5,000 square feet (not to exceed 10,000 square feet - Space Nos. 17, 18 and 19) with the total three restaurants still not to exceed 15,000 square feet. Also, a variance from "Q" Condition No. 15 of said ordinance which requires the mall shops and food court to close no later than 10 p.m. to now extend the hours of operation to 11 p.m. for the proposed site (Space Nos. 17, 18 and 19)(14006 Riverside Drive)

Case No. ZA-1995-0899(CUZ) – January 3, 1996, the Zoning Administrator approved a conditional use to permit floor area averaging within a unified development and a site plan review for development of a department store expansion consisting of approximately 41,000 square feet of gross leasable area. (14006 Riverside Drive)

Case No. ZA-1989-1333(CUB) – On March 23, 1990, the Zoning Administrator approved a Conditional Use Permit for the sale of alcoholic beverages for 3 full sized restaurants for the mall in accordance with section 4, "Q" condition No. 9 of Ord. No. 162,413.

Previous zoning related actions in the area include:

No relevant cases found.

PUBLIC HEARING:

Julia Duncan, representing Councilmember David Ryu, Council District 4, provided the following testimony:

- We are appreciative of all of the community members who came out today, in addition to Westfield's superb community engagement that they've done for several months
- They've garnered the support of the Sherman Oaks Neighborhood Council, SOHA, and they've worked with the residents of Matilija, Millbrook Square, Sherman Oaks Chamber of Commerce and VICA
- That's the kind of support we appreciate community benefits and that will bring people back to the community and essential to the economic vitality of Sherman Oaks.
- Supportive of closing access on Riverside at 10 pm, screening of trash compactors, pedestrian and aesthetic improvements; and additional benefits such as traffic analysis and funding for those improvements
- We are in support of the Master Conditional Use being approved prior to the Vesting Zone change to allow Westfield to attract future tenants to use those spaces.

Christina Coolidge, provided the following testimony:

- We live a couple of blocks away and we're pedestrians.

- I support the project because I think people need to walk more and that's a public health issue.
- I've spoken with the development company because we need European style pedestrian sidewalks.
- We need to add left turn signals and do something about the oncoming traffic that do U-turns all of the time, it's not safe.
- I support the project for many reasons.

Gregory Wright, representing Green & Beautification Committee, provided the following testimony:

- I am supporting the Westfield mall renovation plan because it seems to represent improvement from the existing environment
- Westfield seems to be interested in the community's and my own concerns; we live on Riverside Drive and they seem concerned about environmental issues and to be as sustainable as possible.
- They seem to be open to working with the community and with the Green & Beautification Committee of which I am a part of; including the enhancements of the Dash Routes including route maps. It's a great service that visitors can use. I'd like to see it grow. People can use public transportation to get to the mall and not use their cars.
- Thankful for traffic calming measures that are badly needed.
- They are on board to survey and mitigate noise and light impacts.
- They can work with us to make this mall a model of large retail sustainability.
- Top floor of the parking structure can be used as a community garden; and hope to work with them on some of these ideas.
- We need to make the City more sustainable and I think they will help and that's why I'm supporting this.

Vicki Nussbaum, provided the following testimony:

- I'm here as the executive director of the Sherman Oaks Chamber of Commerce
- This is exciting because Westfield is showing that they can be a community player and how supportive they are
- Westfield is asking for a change from zoning from 30 years ago and we really want that change.
- We want Fashion Square to thrive.
- It's one of Sherman Oaks' most popular destinations, one of the biggest employers
- We want to make sure that it stays modern, up to date, and competitive
- We are in a very challenging retail environment that requires all of us to adapt
- We want to ensure that we are the #1 destination here in the San Fernando Valley
-

Stacy Rubin, representing herself and family, provided the following testimony:

- I'm a resident of the Sherman Oaks area
- What makes me in support and excited about these initiatives is that I can walk somewhere and have a meal and walk home. Last night would have been a perfect night.
- My first job was at Fashion Square and like me its aged and this is a great opportunity to expand my horizons.

Wendy Brogin, representing herself and family, provided the following testimony:

- I've lived on Matilija Avenue for 33 years, about two blocks away from the project
- I've been a professional urban planner for 30 years with most of that time associated with the American Institute of Certified Planners
- My husband who cannot be here today served on the Board of Zoning Appeals, so we are both very familiar with what to look for
- The last time I spoke about Westfield I was in opposition about ten years ago because they said No, No, No to anything my community asked for and this time they're saying yes
- What was of particular interest to us was that they are willing to close access points on Riverside Drive at 10 o'clock. In the prior project we had asked for the closure of Matilija along Riverside with DOT, but not part of the neighborhood protection plan.
- We are so pleased that Westfield will contribute \$100,000 in increments plus payment of the traffic assessment analysis.
- I'm in support of the project and thankful for Westfield's generous contributions that forward our goals

Tomm Capps, provided the following testimony:

- I am a resident of the area known as Sherman Oaks.
- I would be impacted by this project as a resident. Westfield has done great community outreach and I'm supportive of this project.

Tom Capps, representing the Sherman Oaks Neighborhood Council Board and Land Use Committee, provided the following testimony:

- We have heard this project and voted and have voted unanimously in support of this project.
- We've prepared two letters and will submit them to you.

Gregg Berwin representing Westfield, LLC, provided the following testimony:

- Changes are not along local residential streets.
- Changes are like restaurants found locally along Ventura Boulevard

- This proposal will allow for local dining options to keep dollars local
- Represents local employment opportunities and adding these amenities represent local economic growth

Brian Frost representing the Los Angeles Police Department (LAPD), provided the following testimony:

- Current letter received will replace opposition, but I wanted to explain why we were in opposition of the project
- In the Van Nuys area, current to date, this year we have 2,832 crimes. Just at the mall we have 114; they make up 4% of the crime in the division. In the basic car, there are 513 crimes to date, 114 are at the mall, which is 22%. The entire RD is at 203 crimes for the year, so they make 56% of the crime in that RD. Calls for service at the mall have increased 47.6% from 2015 to current.
- This is why it is imperative that the volunteer conditions that Westfield has proposed are included in the Master Use permit because it will open up the lines of communication between us and the mall. And they will answer to me and I answer to the captain of the division. Due to the crime at the mall, it is critical that these volunteer conditions are enforced.

Jonathan Herrera, representing the VICA (Valley Industry and Commerce Association), provided the following testimony:

- VICA is in support of the request
- This project will increase economic activity
- There is more demand for restaurant and shopping options and the area has changed
- This project will not expand
- This proposal offers different options than what is currently available on Ventura

Heather Crossner with Lathan & Watkins representing Westfield, LLC, provided the following testimony:

- The existing zoning represents 1988 zoning
- Shoppers expect a holistic experience and dining is now expected to be available
- The mall would remain and include façade improvements
- We as that this MCUP request be processed as soon as possible so that we can attract new tenants

Communications:

- Letter dated July 14, 2016 from Jill Banks Barad, President of the Sherman Oaks Neighborhood Council, stating that the Board of Directors voted to support the project.
- Email dated July 15, 2016 from Mikie Maloney, Director of Community relations for Oakwood School, writing in in support of the project.

- Email dated July 18, 2016 from Heather Crossner, on behalf of the Applicant, with updated floor plans.
- Email dated July 18, 2016 from Heather Crossner, on behalf of the Applicant, with additional application materials.
- Letter dated April 7, 2016 from Lillian Carranza, Captain, Commanding Officer of the Van Nuys Police Station stating opposition.
- Letter dated July 19, 2016, from Lillian Carranza, Captain, Commanding Officer of the Van Nuys Police Station Officer Brian Frost stating support with conditions.

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.

- No recommendations were submitted for consideration.

(ZA Note: Additional proposed conditions for the State to consider may be included in each individual Approval of Plans case).

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 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.

FINDINGS

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

The subject property is a level rectangular-shaped approximately 28.8 acres including 4 parcels with approximately 15,700 square foot frontage along Riverside Drive and approximately 500 square foot frontage along Hazeltine Avenue. The property is developed with a two-story mall totaling approximately 873,000 square feet of Gross Leasable Area (GLA) with surface and structure parking. The Shopping Center features Macy's and Bloomingdale's department stores at its east and west ends, respectively, as well as a collection of smaller retail stores and a food court. The properties to the north, across Riverside Drive are mostly developed with multifamily and single family residential homes and are zoned [Q]RD1.5-1L-RIO and [Q]zC2-1-VL-RIO. The properties to the east, across Woodman Avenue are developed with commercial buildings and is zoned [Q]C2-1VL-RIO. The US Route 101 (Ventura) abuts the subject site to the south and is zoned PF-1XL. The properties to the West, across Hazeltine Avenue, are developed with parking for an office building and are zoned PB-1L-RIO and C2-1L-RIO.

The subject project entails a request is for a Master Conditional Use Permit for a full line of alcoholic beverages for eight restaurants totaling 36,000 square feet with approximately 1,500 indoor seats and 300 outdoor seats located in an existing shopping mall known as "Fashion Square". The venues' proposed hours of operation range from 7:00 a.m. to 11:00 p.m. Sunday through Thursday and 7:00 a.m. to 12:00 a.m. on Friday and Saturday.

Fashion Square is a well-known shopping center in the Van Nuys area and has served the community since 1961. The intent of the request is targeted is to provide residents, employees, and visitors to the area with new opportunities to eat and shop. The applicant has stated on the record that they have committed to revamping and redesigning the pedestrian entrance located on Riverside Drive to increase safety and visibility for residents. Furthermore, the request will complement the existing use and foster a walkable urban environment where residents will have easy, car-free access to sit down restaurants. The applicants seeks to provide an additional eight venues, three are allowed currently, for a total of eleven restaurants only. As tenants are identified, the specifics of those additional eight restaurants will be provided within Plan Approvals and will be subject to the limitations of this grant. These subsequent Plan Approvals will allow for a comprehensive review of each request.

- 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 subject site is located within the Van Nuys - North Sherman Oaks Community Plan with a Community Commercial land designation. The subject site is zoned (Q)C2-1L-RIO, C2-1L-RIO, and P-1L-RIO. The property is located within the Freeway Adjacent Advisory Notice for Sensitive Uses Area, River Improvement Overlay District, and Single Family Interim Control Ordinance for neighborhoods in Council Districts 4 and 10.

The addition of eight restaurants totaling 36,000 square-feet within an existing shopping center will have a maximum of 1,500 interior seats and 300 exterior seats, none of which will face Riverside Drive. The restaurants' hours of operation are 7:00 a.m. to 11:00 p.m. Sunday through Thursday and 7:00 a.m. to 12:00 a.m. on Friday and Saturday with no live entertainment, dancing, or karaoke.

The subject shopping center has been in existence since the 1960's and is served by an existing network of major roadway and public transit. No physical expansion of the Shopping Center, change in building footprint, or change in height is proposed as part of the project. Construction activities will primarily consist of interior renovations, with possible exterior construction to include improvements to the south façade of the Shopping Center to allow door and window openings for outdoor patios. The outdoor patios will not be visible to, or directly accessible from any surrounding public streets, including Riverside Drive, and will not be visible from residential areas to the north in order to ensure the community is not negatively affected any additional noise that may occur.

In addition, the applicant will be subject to the safety measures which include the installation of video cameras, monthly security meetings with the local LAPD Division, and the development of a LAPD approved Security Plan. These safety measures have been vetted by the Van Nuys Division of the Los Angeles Police Department and are, in part, based on crime statistics that were stated for the official record at the public hearing by Officer Frost.

As conditioned, the eight restaurants authorized to sell alcoholic beverage for on-site consumption are expected to operate in a manner that is compatible with and does not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four

additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Van Nuys - North Sherman Oaks Community Plan, a Land Use Element of the General Plan, does not have any specific provisions concerning the sale of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Community plan states;

Goal 2: A strong competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility through while reserving the historic commercial and cultural character of the community.

Objective 2-1: To conserve and strengthen viable commercial development.

Objective 2-1.1: New commercial uses shall be located in existing established commercial area or existing shopping centers.

Objective 2-1.2: To enhance the identity of distinctive commercial districts.

The site is identified as a major economic center of the community within the Van Nuys - North Sherman Oaks Community Plan. The project will ensure a strong competitive commercial sector but will not change the nature of the existing uses at the shopping center which has been a staple in the community since the 1960's. The addition of eight restaurants with the sale of a full line of alcoholic beverages will allow the Fashion Square Shopping Center to meet the demand for a full range of dining amenities that shoppers have come to expect of modern malls, ensuring the future economic viability of area.

The proposed venues are also consistent with Policy 7.3.2 of the Framework Element which states "retain existing neighborhood commercial activities within walking distance of residential areas." As conditioned, the proposed sale of a full line of alcoholic beverages located within walking distance of residences and businesses can be deemed to substantially conform to the purpose, intent and provisions of the General Plan and the Van Nuys - North Sherman Oaks Community Plan.

The subject site is currently zoned (Q)C2-1L-RIO, C2-1L-RIO, and P-1L-RIO. As of the date of this letter, there is a pending application for a Zone Change under Case No. CPC-2016-778-ZC in order to update "Q" Condition No. 12 included in Ordinance No. 170151 which limits the amount of on-site restaurants to three. If Case No. CPC-2016-ZC is approved, then this granted Master Conditional Use Permit will conform to all applicable zoning regulations and only then would the applicant be able to utilize grant its entitlement.

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

The proposed use will not adversely affect the welfare of the pertinent community. Fashion Square, the subject site, has been a major commercial center of the North Sherman Oaks community since the 1960's and is surrounded by a mix of commercial uses. The proposed eight restaurants with alcohol sales will provide customers in the area with an additional public convenience in addition to the stores that are already within the project site.

The approval, as conditioned, is intended to avert any substantial impact on the welfare of residents in the area. Furthermore, the requirement of a Plan Approval for any subsequent establishment seeking to sell or dispense alcoholic beverages on the subject property will ensure that the welfare of the pertinent community is not adversely affected.

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 State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 5 on-sale and 3 off-sale licenses are allocated to Census Tract No. 1287.02. There are currently 4 on-site and 1 off-site ABC licenses in the census tract.

Within a Census Tract No. 1287.02, the following types of alcoholic beverage license are active or pending:

- (1) Type 21 – Off-Sale – General
- (4) Type 41 – On-Sale – Beer and Wine – Eating Place

Alcohol establishments within 1,000 feet are noted as:

- 9021PHO (14006 Riverside Drive)
- Trader Joe's (14119 Riverside Drive)
- Bloomingdales (14060 Riverside Drive)
- Barney's (14006 Riverside Drive)

Although with the granting of this entitlement, the number of active sale ABC licenses within the census tract may exceed ABC guidelines, the project will not adversely affect community welfare because the census tract guidelines considers the number of licenses based on the number people residing within the census tract. This guideline provides a skewed and limited land use synopsis of a community by focusing primarily in the number of people residing in a community while ignoring the commercial setting and the number of employees and commercial activity in the area.

Furthermore, the nature of the establishments authorized to sell alcoholic beverages for onsite consumption are restaurants within a well-known existing shopping center. Therefore, when considering the nature of the commercial and residential land uses in this community, the authorization for the sale of alcoholic beverages in conjunction with the proposed eight venues will not result in an undue concentration of premises for the sale or dispensing of alcoholic beverages.

According to statistics provided by the Los Angeles Police Department which has jurisdiction over the property, within Crime Reporting District No. 964, a total of 259 crimes were reported in 2015, compared to the citywide average of 181 for the same period.

In 2015, there were (12) Narcotics, (6) Liquor Law, (4) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (43) DWI related arrests. 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.

In consideration of the crime statistics for 2015 and a letter from the Van Nuys Division of the Los Angeles Police Department, the grant, as conditioned will help to mitigate negative impacts of the project. The imposed conditions, including extensive safety measures, may also help to increase safety and deter crime due to mandatory management meetings with LAPD to revisit and revise safety measures as needed.

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 site is located along a commercial corridor within a well-known shopping mall where there is a diversity of uses including nearby residential. The applicant has done extensive outreach to ensure that all community concerns are addressed. Through this outreach the applicant has gained the support of the Sherman Oaks

Neighborhood Council and several other community stakeholders.

Such imposition of conditions herein will make the applicant and subsequent Plan Approval Applicants accountable to the surrounding uses. Should there be any evidence of a nuisance, the Zoning Administrator has the authority to require that the applicant file for a plan approval review with a public hearing to address possible issues and impose corrective measures, and/or institute nuisance abatement procedures to mitigate any impacts/problems or to revoke the use if warranted.

The following sensitive uses were observed within a 1,000-foot radius of the subject property:

- Multi-family Dwelling
- Single Family Dwellings
- Condominiums
- Notre Dame High School (13645 Riverside Drive)
- Van Nuys/Sherman Oaks War Memorial Park (14201 Huston Street)

The service of a full line of alcoholic beverages will be an ancillary to the sale of food in the each proposed restaurant. Furthermore, the proposed sale of a full line of alcoholic beverages will not detrimentally affect the neighboring residential and commercial properties in the area because the alcohol sales will be in the controlled environment of the individual tenants by trained employees and will be subject to multiple operational mitigating measures place forth in this grant.

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 outside flooding.
8. On June 30, 2016, the Department of City Planning issued a Negative Declaration (ENV 2016-0779-ND) for the proposed project. I hereby adopt that action. This Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Department of City Planning located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

Inquiries regarding this matter should be directed to Nina Idemudia, Planning Staff for the Development Service Center, at (213) 202-5440.

A handwritten signature in blue ink, appearing to read "Aleta D. James".

Aleta D. James
Associate Zoning Administrator

ADJ:NI:

cc: Councilmember David Ryu, Fourth District
Adjoining Property Owners