

MASTER LAND USE PERMIT APPLICATION
LOS ANGELES CITY PLANNING DEPARTMENT

Planning Staff Use Only

ENV No. <u>ENV-2007-4025-CE</u>	Existing Zone <u>C4-ID</u>	District Map <u>150 B 197</u>
APC <u>Central</u>	Community Plan <u>Hollywood</u>	Council District <u>4</u>
Census Tract <u>1891.00</u>	APN <u>55 90015024</u>	Staff Approval *
		Date

* Approval for Filing by Community Planning or Division of Land Staff, When Applicable

CASE No. **ZA 2001 5525 - CUB - PA3**

APPLICATION TYPE C.U.B.
(zone change, variance, conditional use, tract/parcel map, specific plan exception, etc.)

1. PROJECT LOCATION AND SIZE

Street Address of Project 4656 FRANKLIN AVE Zip Code 90027

Legal Description: Lot 28,27,26,46 Block Tract CROAK & MCCAN'S GEM HOLLY

Lot Dimensions 191X81 Lot Area (sq. ft.) 15471 Total Project Size (sq. ft.) 4124

2. PROJECT DESCRIPTION

Describe what is to be done: CONTINUED USE OF 91 SEAT RESTAURANT

Present Use: RESTAURANT Proposed Use:

Plan Check No. (if available) Date Filed:

- Check all that apply:
- New Construction Change of Use Alterations Demolition
 - Commercial Industrial Residential
- Additions to the building:
- Rear Front Height Side Yard

3. ACTION(S) REQUESTED

Describe the requested entitlement which either authorizes actions OR grants a variance:

Code Section from which relief is requested: 12.24M Code Section which authorizes relief:

REVIEW EXISTING C.U.B. FILE WITH CASE # ZA-2001-5525-CUB #8 PLAN REVIEW AND APPROVAL / COMPLIANCE WITH IMPOSED CONDITIONS.

Code Section from which relief is requested: Code Section which authorizes relief:

Code Section from which relief is requested: Code Section which authorizes relief:

Code Section from which relief is requested: Code Section which authorizes relief:

List related or pending case numbers relating to this site:

ZA-2001-5525-CUB - PA2

SIGNATURES of adjoining or neighboring property owners in support of the request; not required but helpful, especially for projects in single-family residential areas. (Attach sheet, if necessary)

NAME (Print)	SIGNATURE	ADDRESS	KEY # ON MAP

4. OWNER/APPLICANT INFORMATION

Applicant's name JASBIR SINGH Company ELECTRIC LOTUS
 Address: 4656 FRANKLIN AVE Telephone: (323) 953-0040 Fax: ()
 Zip: E-mail:

Property owner's name (if different from applicant) SUNG JA SHIN
 Address: 2780 HOLEYVIEW CT Telephone: (323) 883-0783 Fax: (323) 883-0783
LOS ANGELES, CA 90068 Zip: 90068 E-mail:

Contact person for project information JOHN PIZZARULO Company R.D.G.
 Address: 900 GIBNDALE DR Telephone: (818) 553-1188 Fax: (818) 553-6688
GIBNDALE Zip: 91205 E-mail:

5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign). AI, OWNER SIGNED BELOW OWNS
- b. The information presented is true and correct to the best of my knowledge. LOTS 28 AND 27 ONLY

Signature: Sung Ja Shin

Subscribed and sworn before me this (date): 08-14-07

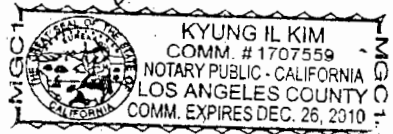
Print: SUNG JA SHIN

In the County of Los Angeles, State of California

Date: 8-14-07

Notary Public Kyung Il Kim

Stamp:



6. ADDITIONAL INFORMATION/FINDINGS

In order for the City to render a determination on your application, additional information may be required. Consult the appropriate Special Instructions handout. Provide on attached sheet(s) this additional information using the handout as a guide.

NOTE: All applicants are eligible to request a one time, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details or an application.

Planning Staff Use Only

Base Fee <u>\$621-</u>	Reviewed and Accepted by <u>Daisy Mo</u>	Date <u>8/17/07</u>
Receipt No. <u>267181</u>	Deemed Complete by <u> </u>	Date <u> </u>

ZA 2001 5525

**CONDITIONAL USE PERMIT-ALCOHOL (CUB)
ADDITIONAL INFORMATION/FINDINGS**

- a. Describe briefly how the proposed project will be proper in relation to adjacent uses or the development of the community.
Adjacent uses are retail and restaurant. Adding seating will have no Impact.
- b. Why does applicant believe the location of the project will be desirable to the public convenience and welfare.
Location is all retail / restaurant with ample parking.
- c. Describe how the proposed project will be not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.
It is consistent with the general plan.
- d. Will the approval of the Conditional Use at this location adversely affect the economic welfare of the community? Why?
C.U.P. existing.
- e. Will the approval of the Conditional Use result in or contribute to an undue concentration of such establishments? Why?
C.U.P. is existing.
- f. Will the approval of the Conditional Use detrimentally affect nearby residentially zoned properties? Why?
C.U.P. is existing.
- g. What are the proposed hours of operation and which days of the week will the establishment be open? What are the proposed hours of alcohol sales?
*Both hours of operation and sales:
Monday thru Sunday 11:00 pm – 2:00 am*
- h. What is the occupancy load as determined by the Fire Department (number of patrons)? What is the proposed seating in all areas?
Occupancy load A-3. Now seating 91 requesting an increase of 20% to 109.
- i. Is parking available on site? If so, how many spaces? If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? Where? How many off-site spaces?
Yes 37 spaces including (2) H.C.

- j. Is there to be entertainment such as a piano bar, jukebox, dancing, live entertainment, movies, etc.? (Specify?) (Off-site only)
Yes only recorded music.
- k. Are a full line of alcoholic beverages to be served or just beer and wine?
Full line
- l. Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises? (Off-site only)
N/A
- m. If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities. (On-site only)
No cocktail lounge.
- n. Has the owner or lessee of the subject property been suspended from the sales of alcoholic beverages on the subject property or fined by the Alcoholic Beverages Control Department (ABC) in the last 365 days and if so, for what reasons?
No
- o. Will video game machines be available for use on the subject property and if so, how many such machines will be in use?
No
- p. Will you have signs visible on the outside, which advertise the availability of alcohol?
No
- q. Will alcohol be sold without a food order? Will there be a kitchen on the site as defined in Section 12.03 of the Los Angeles Municipal Code?
No alcohol sold without food order. Yes kitchen per 12.03
- r. Will beer and wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)?
Beer is in cans or bottles. No wine coolers. Wine by the glass or bottle yes beer by the bottle, wine by the glass.
- s. Will "fortified" wine (greater than 16% alcohol) be sold?
No

- t. Will off-site sales of alcohol as a secondary use to on-site sales occur (i.e., take out)?
No
- u. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?
No
- v. Will security guards be provided and if so, when and how many?
No
- w. Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant?
No
- x. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?
No
- y. Provide a copy of the proposed menu if food is to be served.
Done
- z. How many employees will you have on the site at any given time?
5 to 8 employees.
- aa. What security measures will be taken including:
- a. Posting of rules and Regulations on the premises.
Yes rules posted.
 - b. To prevent such problems as gambling, loitering, theft, vandalism and truancy.
Supervision .
 - c. Will security guards be provided and if so, when and how many?
Yes if required
 - d. Other measurements.
Star training or equivalent
- bb. Will there be minimum age requirements for patrons? If so, how will this be enforced?
Yes, 21 I.D. required.
- cc. Are there any schools (public or private and including nursery schools) churches or parks within 1,000 ft. of your proposed business? Where?
Yes (1) school directly west / (1) north west.

dd. For massage parlor or sexual encounter establishment applicant: are there any other adult entertainment businesses within 1,000 ft of your proposed establishment (i.e., adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater)?

N/A

ee. For off-site sales, where will the alcohol be stored and displayed (indicate of floor plan)?

N/A

TO: Whom it may concern

RE: ZA 2001-5525 (C.U.B.) (PA2)

In response to the following terms and conditions.

1. All regulations of the municipal code and applicable governmental shall be strictly complied to.
2. A more detailed plot plan has been provided with clearer details denoting square feet, parking and use. There is no new development of this property.
3. It is understood that the zoning administrator has the right to impose additional corrective conditions. It is our intent to adhere to all conditions and or adopt policies to prevent situations which would have a negative effect on the neighborhood.
4. We will uphold the policy of removing or repaint areas affected by graffiti.
5. Please find the recorded document of 10/5/05. Attached and part of the covenant is the copy of conditions 1 thru 10.
6. Please find the plan approval applications, 500' radius map, detailed floor plan and all necessary documents. Fees are provided as required in sec. 19.01-1.
7. It is understood that the grant is for 7 years which expires August 12, 2009. We further understand that a new application must be filled no later then 3 months prior to the expiration of the grant.
8. Authorization/Use
 - A. The instant authorization is for the sale and dispensing of full line of alcoholic beverages for on-site consumption in conjunction with an existing 4,124 square-foot restaurant. So understood.
 - B. Please find a detailed seating plan indicating 91 seats. The mezzine previously had seats and is now used as a storage area.

- C. The instant authorization is for the sale and dispensing of full line of alcoholic beverages for on-site consumption in conjunction with an existing 4,124 square-foot restaurant. So understood.
- D. The instant authorization is for the sale and dispensing of full line of alcoholic beverages for on-site consumption in conjunction with an existing 4,124 square-foot restaurant. So understood.

9.

- A. We understand that the permit is a land use permit and not a license. We will comply with there conditions as well as those of the police department and the Alcoholic Beverage Control Department.
- B. Our stuff has been trained in a similar program which was implemented by David Sohfer of ABC (818-901-5012. A new training session has been set for 10-10-08. Conditions are available for review.
- C. The license shall not be exchanged for a public premises license, nor shall the premises be licensed with a public premises type of license. So understood.
- D. It is understood that beverages are sold incidental to food. The menu is provided for you.
- E. Any alcoholic beverages sold or dispensed for consideration shall only be for consumption on the premises and shall be se-ed at tables or sit-down counters by employees of the restaurant. *(Volunteered by the applicant application response q and m, Modified by the Zoning Administrator). So understood.*
- F. The quarterly gross sales of alcoholic beverages shall not exceed (i.e., greater than 50 percent) the gross sales of food during the same period. The applicant/operator shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the applicant/operator. Said records shall be kept no less frequently than a quarterly basis and shall be made available to the Planning Department upon demand. *(Volunteered by the applicant response x, Modified by the Zoning Administrator). So understood.*
- G. There shall be no live entertainment, amplified music, or dancing permitted on the premises at any time. *(Volunteered by the applicant). So understood.*

- H. Pool tables, and/or mechanical/electronic amusement devices or games shall not be permitted on the licensed premises at any time. (volunteered by the applicant application response o, Modified by the Zoning Administrator). *So understood.*
 - I. There shall be not exterior advertising of any kind of type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior shall constitute a violation of this condition. (Volunteered by the Applicant application response p, Modified by the zoning administrator). *So understood.*
 - J. The kitchen of the restaurant shall be maintained as defined by section 91.0403 of the Los Angeles Municipal Code. *So understood.*
 - K. There shall be no cocktail lounge maintained incidental to the restaurant. (Volunteered by the Applicant application response m). *So understood.*
 - L. A "happy hour" type of reduced price alcoholic beverages promotion is prohibited. (Volunteered by the Applicant application response u). *So understood.*
 - M. These conditions of approval shall be retained on the premises at all times and produced immediately upon request of the Police Department and City Planning. *So understood.*
 - N. No "fortified" wines (greater than 16 % alcohol) shall be sold. (Volunteered by the Applicant application response s). *So understood.*
 - O. The kitchen will remain open for at least 1 /2 our before closing. (Volunteered by the applicant in application response q and m, Modified by the Zoning Administrator). *So understood.*
10. Any further expansion of the herein authorized conditional use exception involving the subject restaurant or the creation of a new establishment within the grantee's ownership used in connection with the selling or serving of alcoholic beverages shall only be permitted after the filing of approval of the proper application for this purpose. *So understood.*

Non complying items:

A. Banner

The illegal banner as been removed.

B. Mezzine

This area does not comply with height regulations. Dining is discontinued.
Space used for remote storage.

C. Covenant (proof of recording)

Copy provided of recording 10-15-50

**DEEMED-TO-BE-APPROVED (PAD) OR PLAN APPROVAL (PA) CONDITIONAL USE
ALCOHOL - ADULT ENTERTAINMENT**

ZONING CODE SECTIONS: ALCOHOL OFF-SITE AND ON-SITE 12.24 W 1. In South Central, off-site consumption sales are governed by specific plan Ordinance No. 171,681. **ADULT ENTERTAINMENT 12.24 W 18** for dance hall, hostess dance hall, dancing, live entertainment, massage parlor or sexual encounter establishment.

The **MASTER LAND USE APPLICATION INSTRUCTION SHEET-ABUTTING OWNERS** should also be followed.

ADDITIONAL INFORMATION/FINDINGS: Please answer the following questions. You may attach additional sheets if necessary if there is not enough room in the spaces provided.

1. Explain how the location of the project will be desirable to the public convenience and welfare, proper in relation to adjacent uses of the development in the community, and not detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

2. Is the application for a deemed-to-be-approved conditional use permit or a conditional use plan approval? Check one.

Deemed-to-be-Approved Plan Approval

3. What is the current zoning on the property? C4-1D
What was the zoning when the building was built? C4-1P

4. Subject property is level sloping _____ rectangular
irregular _____ parcel of land.

5. Describe how the site is presently developed, including details such as square footage of buildings, occupancy loads, stories, number of seats, etc. If the site has been destroyed, provide details of what was destroyed and what remains.
SEE SITE PLAN

6. Surrounding properties. Fill in the following matrix:

	Zones	Uses
Northerly	<u>R</u>	<u>Residence</u>
Southerly	<u>C4-1D</u>	<u>COM</u>
Westerly	<u>C4-1D</u>	<u>COM</u>
Easterly	<u>R</u>	<u>RESIDENCE</u>

7. If you are rebuilding, is it on the same foundation? yes/no N/A Are you adding floor area? yes/no N/A how much? _____ sq. ft., _____ %.

8. Is a conditional use permit now on the property? If yes, what type? Yes
What section of the Municipal Code permits this use(s)? Section 12.24 12.24 M
Attach a copy of all prior relevant conditional use or other cases to this application.

9. Is the use site the same size it was when it was established? Yes/No Yes. If the site has changed in size please explain. _____

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10. Was the use discontinued for a year or more? Yes/No NO If yes, please explain:

If the use was discontinued for a period less than one year, give dates _____.

11. How many parking spaces are now on the site? 37 Standard 37 Compact _____
 How many parking spaces were on the site on the date that the use became established? _____
 How many spaces will be required by Code for the proposed addition? _____
 What will be the total number of parking spaces required by Code for this site, if this application is approved? 37

X 12. Improvements were originally permitted on _____ Building Permit No. _____
 and Certificate of Occupancy issued on _____. (Attach copies.)

Research will primarily be based on business licenses, field check, prior cases and building permits. If you will provide a business license history, copies of building permits, certificates of occupancy and photographs, it will help the staff process this request. Please provide a list of all prior cases and plan approvals. _____

13. How many retail uses did you have originally? 1 How many are you proposing? REMAIN
 Parking spaces to be provided _____ THE SAME

14. Will the approval of the application at this location adversely affect the economic welfare of the community? NO

15. Will the approval of the application result in or contribute to an undue concentration of such establishments? Why? NO EXISTING USE

16. Will the approval of the application detrimentally affect nearby residentially zoned properties? Why?
NO NO CHANGE

17. What are the proposed hours of operation and which days of the week will the establishment be open?
 What are the proposed hours of alcohol sales?
11 P.M. TO 2 A.M. HOURS OF OP. AND LIQUOR SALE

18. What is the occupancy load as determined by the Fire Department (number of patrons)? What is the proposed seating in all areas?
109 SEATS

19. Is parking available on the site? (If so, how many spaces?) If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? Where? How many off-site spaces? 37 SPACES ON SITE

20. Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, karaoke, etc.? (Specify?) (On-site only) NONE

21. Is a full line of alcoholic beverages to be served or just beer and wine?
FULL LINE

22. Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises? (Off-site only) N/A

23. If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities. (On-site only)
NO LOUNGE

24. Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons? NO

25. Will video game machines be available for use on the subject property and if so, how many such machines will be in use?
NC
26. Will you have signs visible on the outside which advertise the availability of alcohol?
NO
27. Will alcohol be sold without a food order? Will there be a kitchen on the site as defined in the Los Angeles Municipal Code?
NO / KITCHEN TO CODE
- a. Will beer or wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)? *Beer in bottles wine by the glass*
- b. Will "fortified" wine (greater than 16% alcohol) be sold?
NO
- c. Will off-site sales of alcohol as a secondary use to on-site sales occur (i.e., take out)?
NO
- d. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?
NC
- e. Will security guards be provided and if so, when and how many?
NO
- f. Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant? *NO*
- g. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?
NO
- h. Provide a copy of the proposed menu if food is to be served.
- i. Remember to contact the State Alcoholic Beverage Control Department (ABC) regarding its requirements at the appropriate office.
DOMB
- j. How many employees will you have on the site at any given time?
5 TO 8
- k. What security measures will be taken including:
- Yes* 1) Posting of Rules and Regulations on the premises.
- 2) To prevent such problems as gambling, loitering, theft, vandalism, and truancy.
SUPERVISION
- 3) Will security guards be provided and if so, when and how many?
IF NEEDED
- 4) Other measures.
- l. Will there be minimum age requirements for patrons? If so, how will this be enforced.
Yes / STRICT ENFORCEMENT ON I.D.
- m. Are there any schools (public or private and including nursery schools) churches or parks within 1,000 ft. of your proposed business? Where?
Yes / ONE EAST / 1 NORTH
- n. For massage parlor or sexual encounter establishment applicants: are there any other adult entertainment businesses within 1,000 feet of your proposed establishment (i.e., adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater)?
N/A

**LOS ANGELES CITY PLANNING DEPARTMENT
IMPORTANT INFORMATION REGARDING
ALCOHOLIC BEVERAGE REQUESTS**

State legislation (Caldera Bill*) in effect since January 1, 1995 may significantly impact your request to sell alcoholic beverages. If you plan to file an application with the City for any new on- or off-site alcoholic beverage sales except for a restaurant or hotel/motel retail use, you will need a City Council determination that issuance of the license would serve the "public convenience or necessity" if your site is located in an area where:

- 1) there is "high" crime,
- 2) there is an over concentration of existing licenses, or
- 3) the use would tend to create a law enforcement problem.

The California Department of Alcoholic Beverage Control (ABC) cannot issue a new alcoholic beverage license without the City Council finding of "public convenience or necessity" if your proposed location is subject to one of the three criteria listed above.

Before you file your new conditional use application with the City of Los Angeles and even if you have received conditional use approval from the City since January 1, 1995 for alcoholic beverage sales, you must call one of the local ABC offices listed below to determine if your location is in a census tract with high crime or an overconcentration of licenses. If the answer is yes, you will need not only a City land use entitlement (conditional use), but a separate new finding of "public convenience and necessity" from the City Council before the ABC may issue a license. There is a separate City procedure for requesting the "public convenience or necessity" finding which will be explained to you by the Planning Department staff at our public counter in Room N, 3rd Floor, 201 North Figueroa Street. You should also contact the City Councilperson of the District in which the site is located and the local City Police Department Vice Section and ask them to comment in writing whether or not they believe your request "would tend to create a law enforcement problem".

If one of the three criteria listed above applies to your proposed site, you should be prepared to provide a strong justification of why you believe issuance of the license would provide a "public convenience or necessity". If there are other similar alcohol uses already existing nearby in the community, there would have to be a very special or unusual circumstance about your new request for it to be justified. If you do not believe a strong justification can be made, you should seriously consider finding another site in a different census tract which was not subject to one of the three criteria listed under the new State alcohol legislation.

*California Business and Professions Code Sections 23958 and 23958.4.

ABC Offices Covering Los Angeles City

Downtown (213) 897-5491	Central City
Van Nuys (818) 901-5017	San Fernando Valley
Inglewood (310) 412-6311	West Los Angeles
Lakewood (310) 982-1337	Harbor

PLAN APPROVAL

Response item 1 of application:

Location is consistent with plan. Heavy concentration of mix use retail and restaurant, in harmony with the general plan.