

# LOS ANGELES POLICE COMMISSION

BOARD OF  
POLICE COMMISSIONERS

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INSPECTOR GENERAL

EXECUTIVE OFFICE  
POLICE ADMINISTRATION BUILDING  
100 WEST FIRST STREET, SUITE 134  
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE  
(213) 236-1410 FAX  
(213) 236-1440 TDD

July 1, 2015

Vitello's, Inc.  
Matt Epstein, President/Secretary  
4349 Tujunga Avenue  
Studio City, California 91604

PPRP #15-0040

RE: Café Entertainment/Show Permit for Vitello's, Inc., DBA: Vitello's Restaurant, 4349 Tujunga Avenue, Studio City, CA 91604, Permit No.000203451600018P519.

The Police Permit Review Panel will consider the Commission Investigation Division's recommendation to approve your application for a Café Entertainment/Show Permit on:

Wednesday, July 15, at 2:30 p.m.  
Police Commission Board Room  
100 West 1<sup>st</sup> Street, Los Angeles, CA 90012

If you have questions regarding this notice or need further information, please call (213) 236-1400.

Very truly yours,  
POLICE PERMIT REVIEW PANEL

  
EVA R. VEGA, Senior Management Analyst II

c: Commanding Officer, Commission Investigation Division



Form: City of Los Angeles, Board of Police Commissioners, Application for Police Commission Permit

LOS ANGELES POLICE COMMISSION-POLICE PERMITS  
100 W. FIRST ST., #147  
LOS ANGELES, CA 90012 (213) 996-1210

Type of Permit **CAFE ENTERTAINMENT**

← Fill out Type of Permit

Main Account \_\_\_\_\_ Location, Check Digit \_\_\_\_\_

Account Number: **203451600018**

Type of APR: **New** Police Commission Number: \_\_\_\_\_

Police Area: **15** Council Dist: **2**

Fingerprints: **Y N** Fee: \_\_\_\_\_

MONTH / DAY / YEAR

Date Of Application: \_\_\_\_\_

Date Granted: \_\_\_\_\_

Certificate of Occupancy Issued: \_\_\_\_\_

Zoning Approved: \_\_\_\_\_

**RECEIVED**  
**MAR 24 2015**  
**PERMIT PROCESSING SECTION**

ABOVE FOR OFFICE USE ONLY

Please type or print legibly

**A**  
APPLICANT INFORMATION

Legal Name of Applicant: **VITELLO'S, INC.**

Name and title of person submitting application: **MAU EPSTEIN** Type of Business Entity:  Sole Proprietor  Corporation  Partnership  Other \_\_\_\_\_

Business Name (Doing Business As): **VITELLO'S RESTAURANT**

Business Address: **4349 TUJUNGA AV** City & State: **STUDIO CITY, CA** Zip: **91604**

Business Mailing Address (where all notices will be mailed): **SAME** City & State: \_\_\_\_\_ Zip: \_\_\_\_\_

**B**  
NATURE OF BUSINESS

Please indicate "Yes" or "No" to the following questions, and place your initials in the box provided

1. Do the owners, managers, employees, or entertainers of this business provide sexually oriented materials, products, services or merchandise as defined by the Los Angeles Municipal Code Section 103.01?

Please write Yes or No in the box provided

**NO** Initials: **ME**

2. Do the owners, managers, employees, entertainers or patrons of this business permit or engage in specified sexual activities at the business as defined by the Los Angeles Municipal Code Section 103.01?

Please write Yes or No in the box provided

**NO** Initials: **ME**

3. Does this business possess or is it in the process of obtaining an Alcohol Beverage Control (ABC) License?

Please write Yes or No in the box provided

**YES** Initials: **ME**

ALL CORPORATE OFFICERS, GENERAL PARTNERS, AND OTHER PERSON(S) WITH GREATER THAN 5% FINANCIAL INTEREST IN BUSINESS MUST COMPLETE SECTIONS C&D.

THIS APPLICATION IS NOT COMPLETE UNTIL ALL QUESTIONS ARE ANSWERED, ALL INITIALS, AND SIGNATURES ARE OBTAINED, AND ALL DOCUMENTS REQUIRED ON GEN. FORM 195-1 (REV 2-11) ARE SUBMITTED



Form: City of Los Angeles, Board of Police Commissioners, Application for Police Commission Permit

LOS ANGELES POLICE COMMISSION-POLICE PERMITS  
100 W. FIRST ST., #147  
LOS ANGELES, CA 90012 (213) 996-1210

Type of Permit **CAFE ENTERTAINMENT**

← Fill out Type of Permit

Main Account \_\_\_\_\_ Location, Check Digit \_\_\_\_\_

Account Number: \_\_\_\_\_

Type of APR: NEW Police Commission Number: \_\_\_\_\_

Police Area: \_\_\_\_\_ Council Dist: \_\_\_\_\_

Fingerprints: Y N Fee: \_\_\_\_\_

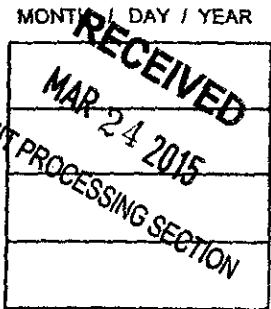
MONTH / DAY / YEAR

Date Of Application: \_\_\_\_\_

Date Granted: \_\_\_\_\_

Certificate of Occupancy Issued: \_\_\_\_\_

Zoning Approved: \_\_\_\_\_



ABOVE FOR OFFICE USE ONLY

Please type or print legibly

**A**

APPLICANT INFORMATION

Legal Name of Applicant **VITELLO'S, INC.**

Name and title of person submitting application **BRADLEY ROEN, V.P.** Type of Business Entity  Sole Proprietor  Corporation  Partnership  Other

Business Name (Doing Business As) **VITELLO'S RESTAURANT**

Business Address **4349 TUSUNGA AV.** City & State **STUDIO CITY, CA** Zip **91604**

Business Mailing Address (Where All Notices Will Be Mailed) **SAME** City & State \_\_\_\_\_ Zip \_\_\_\_\_

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Form

Los Angeles Police Commission—Police Permits

# Zoning and Use Clearance for Police Permit

The Police Department cannot issue a permit for business activity which is not allowed at a location. This form must be signed off at an office of the Department of Building and Safety.

### Instructions:

1. Enter type of police permit (1).
2. Enter address (2).
3. Go to one of the following Building and Safety offices to have this form signed off.
  - **DOWNTOWN:** 201 N. Figueroa St. (First floor) 90012
  - **\*SAN PEDRO:** 638 S. Beacon St. (Room 276) 90731
  - **VAN NUYS:** 6262 Van Nuys Bl. (Room 251) 91401
4. Make sure that Building and Safety staff:
  - **SIGNS** the form.
  - **DATES** the form for the date it is signed off.
  - **STAMPS** the form.

Counter Hours:  
 Mon., Tues., Thur., Fri. 7:30—4:30  
 Wed. 9:00—4:30  
 \*San Pedro office is closed between Noon and 1pm daily.

This form is not complete until all required signatures are obtained (on this form), all questions are answered, and documents on required document list are submitted.

(1) Type of Police Permit	CAFE ENTERTAINMENT	LADBS Use	Restaurant	ABC
(2) Address of Business	4349 N. TULSUNGA AV.		STUDIO CITY, CA	91604
Between		And		Streets
Legal Description				
Lot	116	Blk	—	Tract 9502
				Dist. Map No. 165B 169/173

Zone (C) C2-1XL  Is  Is Not A Permitted Use by the  
 Business Shown  Is  Is Not Occupancy Record\*\*  
 A Permitted Use.  
 Is Not  
 Comment: Max occ load 319; LA 31324/86  
 Signature: Aldous Chie Signature: Aldous Chie  
 Print Name: Aldous Chie Print Name: ALDOUS CHIE  
 Phone Number: 818-374-4358  
 [Q] Conditions: yes CITY OF BUILDING AND SAFETY  
 City Planning CITY OF LOS ANGELES  
 6262 VAN NUYS BLVD. 2<sup>ND</sup> FLOOR  
 VAN NUYS, CA 91401-2794  
 DEPT. OF BUILDING AND SAFETY  
 CITY OF LOS ANGELES  
 6262 VAN NUYS BLVD. 2<sup>ND</sup> FLOOR  
 VAN NUYS, CA 91401-2794

\*\*APPLICANT NOTE—There may be additional Building and Safety and/or Zoning requirements applicable to the business.

Conditional Use Permit Required  Yes  No CUP Issued ZA No. ZA-89-0432 (CUB)(UX)

Had use been vacated greater than one year?  Yes  No  
 Remarks: (Incidental Use, Auxiliary Use)



4. That the hours of liquor service shall be 11 a.m. to 10 p.m., Monday to Sunday, and 11 a.m. to 11 p.m. on Friday and Saturday.
5. That the herein-authorized conditional use shall be valid only so long as a bonafide restaurant is maintained as the principle use of the subject property under the direct ownership known as Vitello's Italian restaurant (applicant), and the sale or dispensing for consideration of alcoholic beverages for consumption with meals is conducted only as an incidental use to such restaurant.
6. That free valet service shall be available for banquets or large parties. A readable sign for free valet parking shall be placed so it is viewable from Tujunga Avenue.
7. That an exterior sign on the premises or interior signs designed for viewing primarily from the street, which advertise the sale of alcoholic beverages, shall be prohibited.
8. That all employees shall be provided off-street parking spaces at the furthest parking under lease.
9. That the proposed driveway access shall be subject to review and approval of the Department of Transportation.
10. Trash pick up shall be limited to between 8 a.m. and 6 p.m. daily.
11. That the lights at the rear of the restaurant shall be aimed to shine only on the applicant's property.
12. That the applicant will comply with all provisions of the City's Noise Ordinance.
13. That no evening access to off-site parking shall use the alley behind the restaurant for the parking of patron's cars.
14. That no trash from the restaurant will be deposited into storage bins behind the restaurant after 9 p.m. daily.
15. That no amplified music shall be permitted.
16. That a total of three musicians maximum are permitted to play at the restaurant.
17. That the area used for dancing shall be limited to the location shown on Exhibit A.
18. That dancing shall be only for private parties who use the restaurant.
19. That liquor service shall be only for patrons dining at the restaurant.
20. That the grant is permanent.

113050004

The use hereby authorized is conditional upon the privileges' being utilized (i.e., the use approved being lawfully conducted on the site) within 180 days after the effective date hereof, and if they are not utilized or construction work (i.e., actual substantial physical improvements installed) is not begun within said time and carried on diligently to completion this authorization shall become void and any privilege or use granted hereby shall be deemed to have lapsed unless a Zoning Administrator has granted an extension of the time limit (the request for the extension having been submitted prior to the expiration of the grant and accompanied by the appropriate fee), after sufficient evidence has been submitted indicating that there was unavoidable delay in taking advantage of the grant. Once any portion of the privilege hereby granted is utilized, the other conditions thereof become immediately operative and must be strictly observed. Furthermore, this conditional use approval shall be subject to revocation in the manner as provided under Section 12.24,1 of the Municipal Code if the conditions imposed are not strictly observed.

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. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. The Zoning Administrator's determination in this matter will become effective after August 7, 1989, unless an appeal therefrom is filed with the Board of Zoning Appeals. Any appeal must be filed on the prescribed forms, accompanied by the required fee 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.

#### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, the statements made at the public hearing before the Zoning Administrator on July 7, 1989, all of which are by reference made a part hereof, as well as personal knowledge of the property and the surrounding district, I find that the requirements for authorizing a conditional use under the provisions of Section 12.24-C of the Municipal Code have been established by the following facts:

1. The subject property consists of two rectangular-shaped lots with a combined frontage of 100 feet fronting on the northwest corner of Tujunga Avenue and 100 feet fronting on a 20-foot alley. The site is developed with a Vitello's Italian restaurant and parking in the (Q)C2-1VL Zone.

The applicant proposes to have dancing for limited private parties and live entertainment on a limited basis (trios, piano bar, strolling musicians, etc.).

113050005

The subject property consists of two rectangular-shaped lots with a combined frontage of 100 feet fronting on the northwest corner of Tujungá Avenue and 100 feet fronting on a 20-foot alley. The site is developed with a Vitello's Italian restaurant and parking in the (Q)C2-1VL Zone.

The neighborhood surrounding the site is developed with residential, commercial and retail uses.

Adjoining properties to the north are zoned (Q)C2-1VL and improved with office and retail uses.

Properties across Woodbridge Street are zoned R1-1 and R3-1 and improved with single- and multiple-family dwellings.

Properties across Tujungá Avenue are zoned (Q)C2-1VL and improved with an office and retail use; and across the alley properties are zoned R1-1 and improved with single-family dwellings.

Properties across the alley are zoned RD2-1 and improved with single- and multiple-family units.

Tujungá Avenue is designated a secondary highway, dedicated to a varying width of 80 to 83 feet, and fully improved.

Woodbridge Street is designated a collector street, dedicated to a width of 60 feet, adjoining the subject property.

The alley, adjoining the subject property, is dedicated to 20 feet in width.

Previous cases, affidavits, permits, etc.:

Case No. CPC 29761 is a Planning Commission Initiated action that changed the zoning and height of this portion of the community called Area No. 6. Subarea No. 54 affects this intersection and the City Council changed the zoning and height to (Q)C2-1VL, effective September 17, 1983. The condition placed on all commercial properties is: "the use of the property shall be limited to the uses existing upon the effective date of this ordinance and thereafter to those uses permitted in the C1 Zone."

Case No. ZA 86-0496(CUB) was a request to sell beer and wine for both on- and off-site consumption with a relocated restaurant, accommodating approximately 392 patrons. The request was granted on August 12, 1986.

Case No. ZA 87-0533(CUB)(CUX) approved July 30, 1987 granted a two year approval for a restaurant, bar and dancing use subject to 21 restrictive conditions on the same site as this request.

1130500006

2. There was little public input at the hearing. Representatives of the Council Office and Studio City Homeowners spoke in support of the applicant. The Police support the request. There is no opposition.
3. The location will not adversely affect the economic welfare of the pertinent community or result in an undue concentration of premises for the sale or dispensing of alcoholic beverages in the area of the City involved.

The State Department of Alcoholic Beverage Control indicated that in the subject Census Tract No. 1433, the maximum allowed on- and off-site licenses are six and five each. There are two establishments (including the subject restaurant) that have on-site licenses and five off-site licenses.

The applicant currently has a beer and wine license granted three years ago and there have been no reported problems with the operation of the restaurant to date. It seems safe to assume that liquor expansion can be safely expanded with the same mitigation measures imposed as on the previous grant.

4. The proposed use will not detrimentally affect the nearby residentially zoned communities in the area of the City involved.

The crime statistics for the area showed 258 reported crimes compared to the 524 average and high 655. There are no sensitive public uses (churches, schools, parks, etc.) within 600 feet of the project site.

The Los Angeles Police Department has sent a written letter supporting the continued operation of the restaurant and dancing because all the conditions of the 1987 grant have been followed and the use has been operated responsibly. There has been no major problem reported over the use of the site for alcohol or dancing.

Based on this two year test, the use can now be made permanent subject to the same previous conditions from the 1987 grant.

5. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

The applicant bought the property without realizing the (Q) limit on the C-2 restricted the use of the property for entertainment and dancing. Without a variance, he would not be able to successfully compete with similar businesses that offer dancing and live entertainment.

6. There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

113050007

The lot is a corner lot with adjacent parking and this combination is not found in the immediate area where the applicant needs to keep his business for all its clientele. It is hard to shift locations of a popular business and this change of address across the street would help keep present customers.

7. Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

There are numerous other restaurants along Tujunga Boulevard in the immediate area which have dancing and live entertainment and are located in the C2-1 commercial zone. The grant would be consistent with these prior approvals.

8. The granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Extensive conditions have been placed on this grant to safeguard the immediate community. With adequate parking, noise controls and restricted entertainment, the restaurant should be able to operate without causing any significant impacts on the neighborhood.

9. The granting of the variance will not adversely affect any element of the General Plan.

The variance is consistent with the clear intent of the General Plan to permit existing businesses to retain their uses. The Sherman Oaks-Studio City-Toluca Lake District Plan designates the subject property as neighborhood commerce, with corresponding zones of C1, C1.5 and P, and with Height District No. 1VL. The zoning and plan use are consistent.

The subject property lies in an area for which a flood insurance rate map has not been prepared.

The request was granted a Negative Declaration by the City's Environmental Review Committee. I hereby agree with this action.

*Jon Perica*

JON PERICA  
Associate Zoning Administrator

JP: lmc

cc: Director of Planning  
County Assessor  
Councilman John Ferraro  
Fourth District  
Adjoining Property Owners

1130000008

CITY OF LOS ANGELES  
CALIFORNIA

FRANKLIN P. EBERHARD  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JAMES J. CRISP  
DARRYL L. FISHER  
ROBERT JANOVICI  
WILLIAM LILLENBERG  
JOHN J. PARKER, JR.  
JON PERICA  
JACK C. SEDWICK



TOM BRADLEY  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
KENNETH C. TOPPING  
DIRECTOR

KEI UYEDA  
DEPUTY DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

ROOM 600, CITY HALL  
LOS ANGELES, CA 90012-4801  
(213) 485-3851

July 21, 1989

Steve and Sara Restivo/  
Joe Restivo  
4346 Tujunga Avenue  
Studio City, CA 91604

Re: CASE NO. ZA 89-0432(CUB)(CUX)  
CONDITIONAL USE  
4349 through 4351 Tununga Avenue  
Sherman Oaks-Studio City-  
Toluca Lake Planning Area  
Zone (Q)C2-1VL  
D.M. 7348  
C.D. 4  
EIR: ND 87-374-CUB(CUX)(ZV)  
Legal Description: Lots 116  
and 117, Tract No. 9502

Department of Building and Safety

Approved (as modified herein) is the above noted request seeking:

to permit the continued sale and dispensing of alcoholic beverages for on-site consumption, the continued off-site sale of beer and wine, and a variance to permit live entertainment and dancing, in conjunction with an existing restaurant and bar, accommodating approximately 325 patrons. Hours of operation are 5 p.m. to 10 p.m. Monday through Thursday, and 5 p.m. to 11 p.m. Friday and Saturday, 4 p.m. to 10 p.m. Sunday, and 11 a.m. to 3 p.m. for lunch Monday through Friday. As authorized under extant Case No. ZA 87-0533(CUB)(CUX) for a term period of two years, in the (Q)C2-1VL (commercial) Zone,

upon the following terms and conditions:

1. That the use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A".
2. That 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 his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
3. That all other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

4. That the hours of liquor service shall be 11 a.m. to 10 p.m., Monday to Sunday, and 11 a.m. to 11 p.m. on Friday and Saturday.
5. That the herein-authorized conditional use shall be valid only so long as a bonafide restaurant is maintained as the principle use of the subject property under the direct ownership known as Vitello's Italian restaurant (applicant), and the sale or dispensing for consideration of alcoholic beverages for consumption with meals is conducted only as an incidental use to such restaurant.
6. That free valet service shall be available for banquets or large parties. A readable sign for free valet parking shall be placed so it is viewable from Tujunga Avenue.
7. That an exterior sign on the premises or interior signs designed for viewing primarily from the street, which advertise the sale of alcoholic beverages, shall be prohibited.
8. That all employees shall be provided off-street parking spaces at the furthest parking under lease.
9. That the proposed driveway access shall be subject to review and approval of the Department of Transportation.
10. Trash pick up shall be limited to between 8 a.m. and 6 p.m. daily.
11. That the lights at the rear of the restaurant shall be aimed to shine only on the applicant's property.
12. That the applicant will comply with all provisions of the City's Noise Ordinance.
13. That no evening access to off-site parking shall use the alley behind the restaurant for the parking of patron's cars.
14. That no trash from the restaurant will be deposited into storage bins behind the restaurant after 9 p.m. daily.
15. That no amplified music shall be permitted.
16. That a total of three musicians maximum are permitted to play at the restaurant.
17. That the area used for dancing shall be limited to the location shown on Exhibit A.
18. That dancing shall be only for private parties who use the restaurant.
19. That liquor service shall be only for patrons dining at the restaurant.
20. That the grant is permanent.



The subject property consists of two rectangular-shaped lots with a combined frontage of 100 feet fronting on the northwest corner of Tujunga Avenue and 100 feet fronting on a 20-foot alley. The site is developed with a Vitello's Italian restaurant and parking in the (Q)C2-1VL Zone.

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- 2. There was little public input at the hearing. Representatives of the Council Office and Studio City Homeowners spoke in support of the applicant. The Police support the request. There is no opposition.
- 3. The location will not adversely affect the economic welfare of the pertinent community or result in an undue concentration of premises for the sale or dispensing of alcoholic beverages in the area of the City involved.

The State Department of Alcoholic Beverage Control indicated that in the subject Census Tract No. 1433, the maximum allowed on- and off-site licenses are six and five each. There are two establishments (including the subject restaurant) that have on-site licenses and five off-site licenses.

The applicant currently has a beer and wine license granted three years ago and there have been no reported problems with the operation of the restaurant to date. It seems safe to assume that liquor expansion can be safely expanded with the same mitigation measures imposed as on the previous grant.

- 4. The proposed use will not detrimentally affect the nearby residentially zoned communities in the area of the City involved.

The crime statistics for the area showed 258 reported crimes compared to the 524 average and high 655. There are no sensitive public uses (churches, schools, parks, etc.) within 600 feet of the project site.

The Los Angeles Police Department has sent a written letter supporting the continued operation of the restaurant and dancing because all the conditions of the 1987 grant have been followed and the use has been operated responsibly. There has been no major problem reported over the use of the site for alcohol or dancing.

Based on this two year test, the use can now be made permanent subject to the same previous conditions from the 1987 grant.

- 5. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

The applicant bought the property without realizing the (Q) limit on the C-2 restricted the use of the property for entertainment and dancing. Without a variance, he would not be able to successfully compete with similar businesses that offer dancing and live entertainment.

- 6. There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

113050007

The lot is a corner lot with adjacent parking and this combination is not found in the immediate area where the applicant needs to keep his business for all its clientele. It is hard to shift locations of a popular business and this change of address across the street would help keep present customers.

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There are numerous other restaurants along Tujunga Boulevard in the immediate area which have dancing and live entertainment and are located in the C2-1 commercial zone. The grant would be consistent with these prior approvals.

8. The granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Extensive conditions have been placed on this grant to safeguard the immediate community. With adequate parking, noise controls and restricted entertainment, the restaurant should be able to operate without causing any significant impacts on the neighborhood.

9. The granting of the variance will not adversely affect any element of the General Plan.

The variance is consistent with the clear intent of the General Plan to permit existing businesses to retain their uses. The Sherman Oaks-Studio City-Toluca Lake District Plan designates the subject property as neighborhood commerce, with corresponding zones of C1, C1.5 and P, and with Height District No. 1VL. The zoning and plan use are consistent.

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The request was granted a Negative Declaration by the City's Environmental Review Committee. I hereby agree with this action.

*Jon Perica*  
 JON PERICA  
 Associate Zoning Administrator

JP:lmc

cc: Director of Planning  
 County Assessor  
 Councilman John Ferraro  
 Fourth District  
 Adjoining Property Owners

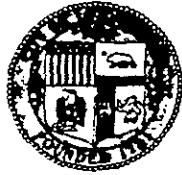
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FRANKLIN P. EBERHARD  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JAMES J. CRISP  
DARRYL L. FISHER  
ROBERT JANOVICI  
WILLIAM LILLENBERG  
LOUIS J. MUTO  
JON PERICA  
JACK C. SEDWICK

CITY OF LOS ANGELES  
CALIFORNIA



TOM BRADLEY  
MAYOR

ORIGINAL FILE COPY

DEPARTMENT OF  
CITY PLANNING  
KENNETH C. TOPPING  
DIRECTOR

KEI UYEDA  
DEPUTY DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

Room 800 City Hall  
LOS ANGELES, CA 90012-4856  
(213) 485-3851

August 11, 1987

Steve and Sara Restivo/  
Joe Restivo  
4346 Tujunga Avenue  
Studio City, CA 91604

Re: CASE NO. ZA 87-0533(CUB)(CUX)  
LETTER OF CORRECTION  
4349 through 4351 Tujunga Avenue  
Sherman Oaks-Studio City-  
Toluca Lake Planning Area  
Zone (Q)C2-1VL  
D. M. 7348  
C. D. 4  
EIR: ND 87-374(CUB)(CUX)(ZV)  
Legal Description:  
Lots 116 and 117, Tract  
No. 9502

Department of Building and Safety

On July 30, 1987, the above noted request:

to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in addition to an existing off-site sale of beer and wine authorized under extant Case No. ZA 86-0496(CUB); in conjunction with an existing restaurant and bar, accommodating 325 patrons, having hours of operation from 5 p.m. to 10 p.m., Monday through Thursday, from 5 p.m. to 11 p.m., Friday, 4 p.m. to 10 p.m., Sunday, and 11 a.m. to 3 p.m., Monday through Friday for lunch; and to permit live entertainment and dancing in conjunction with the above noted restaurant and bar; in the (Q)C2-1VL (qualified commercial) Zone,

was approved.

Condition No. 14 restricted off-site parking from using the rear alley for valet parking access. The condition should have limited this restriction to off-site parking on the west side of Lankershim only.

All other terms and conditions of the grant remain in effect.

*Jon Perica*

JON PERICA  
Associate Zoning Administrator

JP:lmc

cc: Director of Planning  
County Assessor  
Councilman John Ferraro  
Fourth District

ZA 89-0432(CUB)ZV

11-0050001

CITY OF LOS ANGELES

CALIFORNIA

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TOM BRADLEY  
MAYOR

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ROOM 600, CITY HALL  
LOS ANGELES, CA 90012-4856  
(213) 485-3851

July 30, 1987

Steve and Sara Restivo/  
Joe Restivo  
4346 Tujunga Avenue  
Studio City, CA 91604

Re: CASE NO. ZA 87-0533(CUB)(CUX)  
CONDITIONAL USE  
4349 through 4351 Tujunga Avenue  
Sherman Oaks-Studio City-  
Toluca Lake Planning Area  
Zone (Q)C2-1VL  
D. M. 7348  
C. D. 4  
EIR: ND 87-374(CUB)(CUX)(ZV)  
Legal Description:  
Lots 116 and 117, Tract  
No. 9502

Department of Building and Safety

Approved (as modified herein) is the above-noted request seeking:

to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in addition to an existing off-site sale of beer and wine authorized under extant Case No. ZA 86-0496(CUB), in conjunction with an existing restaurant and bar, accommodating 325 patrons, having hours of operation from 5 p.m. to 10 p.m., Monday through Thursday, from 5 p.m. to 11 p.m., Friday, 4 p.m. to 10 p.m., Sunday, and 11 a.m. to 3 p.m., Monday through Friday for lunch; and to permit live entertainment and dancing in conjunction with the above noted restaurant and bar; in the (Q)C2-1VL (qualified commercial) Zone,

upon the following terms and conditions:

1. That the use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A".
2. That 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 his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

073001

3. That all other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
4. That 108 free off-street parking spaces within 750 feet shall be provided, with proof of leases for all spaces not owned by the applicant submitted to the Zoning Administrator.
5. That the hours of liquor service shall be 11 a.m. to 10 p.m. Monday to Sunday, and 11 a.m. to 11 p.m. on Friday and Saturday.
6. That the herein-authorized conditional use shall be valid only so long as a bonafide restaurant is maintained as the principle use of the subject property under the direct ownership known as Vitello's Italian restaurant (applicant), and the sale or dispensing for consideration of alcoholic beverages for consumption with meals is conducted only as an incidental use to such restaurant.
7. That free valet service shall be available on Friday and Saturday nights from 7 p.m. until closing.
8. That an exterior signs on the premises or interior signs designed for viewing primarily from the street, which advertise the sale of alcoholic beverages, shall be prohibited.
9. That all employees shall be provided off-street parking spaces at the furthest parking under lease.
10. That the proposed driveway access shall be subject to review and approval of the Department of Transportation.
11. Trash pick up shall be limited to between 8 a.m. and 6 p.m. daily.
12. That the lights at the rear of the restaurant shall be aimed to shine only on the applicant's property.
13. That the applicant will comply with all provisions of the City's Noise Ordinance.
14. That no evening access to off-site parking shall use the alley behind the restaurant for the parking of patron's cars.
15. That no trash from the restaurant will be deposited into storage bins behind the restaurant after 9 p.m. daily.
16. That no amplified music shall be permitted.
17. That a total of three musicians maximum are permitted to play at the restaurant.
18. That the area used for dancing shall be limited to the location shown on Exhibit A.

- 19. That dancing shall be only for private parties who use the restaurant.
- 20. That liquor service shall be only for patrons dining at the restaurant.
- 21. That the grant shall be good for a two year period from the date of this approval and null and void afterward.

The use hereby authorized is conditional upon the privileges' being utilized (i.e., the use approved being lawfully conducted on the site) within 180 days after the effective date hereof, and if they are not utilized or construction work (i.e., actual substantial physical improvements installed) is not begun within said time and carried on diligently to completion this authorization shall become void and any privilege or use granted hereby shall be deemed to have lapsed unless a Zoning Administrator has granted an extension of the time limit (the request for the extension having been submitted prior to the expiration of the grant and accompanied by the appropriate fee), after sufficient evidence has been submitted indicating that there was unavoidable delay in taking advantage of the grant. Once any portion of the privilege hereby granted is utilized, the other conditions thereof become immediately operative and must be strictly observed. Furthermore, this conditional use approval shall be subject to revocation in the manner as provided under Section 12.24,I of the Municipal Code if the conditions imposed are not strictly observed.

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. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. The Zoning Administrator's determination in this matter will become effective after August 14, 1987, unless an appeal therefrom is filed with the Board of Zoning Appeals. Any appeal must be filed on the prescribed forms, accompanied by the required fee 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.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, the statements made at the public hearing before the Zoning Administrator on July 14, 1987, all of which are by reference made a part hereof, as well as personal knowledge of the property and the surrounding district, I find that the requirements for authorizing a conditional use under the provisions of Section 12.24-C of the Municipal Code have been established by the following facts:

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1. The subject property consists of two rectangular-shaped lots with a combined frontage of 100 feet fronting on the northwest corner of Tujunga Avenue and 100 feet fronting on a 20-foot alley. The site is developed with a Vatellos Italian restaurant and parking in the (Q)C2-1VL Zone.

The applicant proposes to have dancing for limited private parties and live entertainment on a limited basis (trios, piano bar, strolling musicians, etc.).

The subject property consists of two rectangular-shaped lots with a combined frontage of 100 feet fronting on the northwest corner of Tujunga Avenue and 100 feet fronting on a 20-foot alley. The site is developed with a Vatellos Italian restaurant and parking in the (Q)C2-1VL Zone.

The neighborhood surrounding the site is developed with residential, commercial, and retail uses.

Adjoining properties to the north are zoned (Q)C2-1VL and improved with office and retail uses.

Properties across Woodbridge Street are zoned R1-1 and R3-1 and improved with single- and multiple-family dwellings.

Properties across Tujunga Avenue are zoned (Q)C2-1VL and improved with an office and retail use; and across the alley properties are zoned R1-1 and improved with single-family dwellings.

Properties across the alley are zoned RD2-1 and improved with single- and multiple-family units.

Tujunga Avenue is designated a secondary highway, dedicated to a varying width of 80 to 83 feet, and fully improved.

Woodbridge Street is designated a collector street, dedicated to a width of 60 feet, adjoining the subject property.

The alley, adjoining the subject property, is dedicated to 20 feet in width.

PREVIOUS CASES, AFFIDAVITS, PERMITS, ETC.:

Case No. CPC 29761 is a Planning Commission Initiated action that changed the zoning and height of this portion of the community called Area No. 6. Subarea No. 54 affects this intersection and the City Council changed the zoning and height to (Q)C2-1VL, effective September 17, 1983. The condition placed on all commercial properties is: "the use of the property shall be limited to the uses existing upon the effective date of this ordinance and thereafter to those uses permitted in the C1 Zone."

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Case No. ZA 86-0496(CUB) was a request to sell beer and wine for both on- and off-site consumption with a relocated restaurant, accommodating approximately 392 patrons. The request was granted on August 12, 1986.

2. There was considerable public input at the hearing. Local residents were concerned about traffic access for parking using the alley behind the restaurant, noise, lighting, the type of entertainment and the need for extra parking. The applicant was willing to compromise on many issues and a consensus developed that, with proper safeguards, the restaurant could be given a two year grant to test its operation. This will give the applicant a chance to retain a successful local restaurant that has the support of the local chamber of commerce and retain the loyal customers of the restaurant. The restaurant has previously been located across the street and moved to bigger quarters in 1985. The dancing and live entertainment, according to the applicant, would be limited in scope and would be consistent with similar family restaurants in the local area that offer similar uses.

3. The location will not adversely affect the economic welfare of the pertinent community or result in an undue concentration of premises for the sale or dispensing of alcoholic beverages in the area of the City involved.

The State Department of Alcoholic Beverage Control indicated that in the subject Census Tract No. 1433, the maximum allowed on- and off-site licences are six and five each. There are two establishments (including the subject restaurant) that have on-site licenses and five off-site licenses.

The applicant currently has a beer and wine license granted a year ago and there have been no reported problems with the operation of the restaurant to date. It seems safe to assume that liquor expansion can be safely expanded with the same mitigation measures imposed as on the previous grant.

4. The proposed use will not detrimentally affect the nearby residentially zoned communities in the area of the City involved.

The crime statistics for the area showed 296 reported crimes compared to the 500 average and high 600. There are no sensitive public uses (churches, schools, parks, etc.) within 600 feet of the project site.

The one major issue that needs mitigation is the need for additional parking.

The Department of Transportation is concerned about the shortage of on-street parking in the area, and considering that the restaurant's capacity will expand from 80 to 325 patrons, thus generating more traffic, they have recommended that additional parking spaces be provided within 300 feet of the site. The restaurant has 22 on-site parking spaces available but valet

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- 7. Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

There are numerous other restaurants along Tujunga Boulevard in the immediate area which have dancing and live entertainment and are located in the C2-1 commercial zone. The grant would be consistent with these prior approvals.

- 8. The granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Extensive conditions have been placed on this grant to safeguard the immediate community. With adequate parking, noise controls and restricted entertainment, the restaurant should be able to operate without causing any significant impacts on the neighborhood.

- 9. The granting of the variance will not adversely affect the General Plan.

The variance is consistent with the clear intent of the General Plan to permit existing businesses to retain their uses. The Sherman Oaks-Studio City-Toluca Lake District Plan designates the subject property as neighborhood commerce, with corresponding zones of C1, C1.5, and P, and with Height District No. 1VL. The zoning and plan use are consistent.

The subject property lies in an area for which a flood insurance rate map has not been prepared.

The request was granted a Negative Declaration by the City's Environmental Review Committee on June 3, 1987. I hereby agree with this action.

67300500019

*Jon Perica*  
 JON PERICA  
 Associate Zoning Administrator

JP:lmc

cc: Director of Planning  
 County Assessor  
 Councilman John Ferraro  
 Fourth District  
 Adjoining Property Owners

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TOM BRADLEY  
MAYOR

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July 30, 1987

Steve and Sara Restivo/  
Joe Restivo  
4346 Tujunga Avenue  
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Re: CASE NO. ZA 87-0533(CUB)(CUX)  
CONDITIONAL USE  
4349 through 4351 Tujunga Avenue  
Sherman Oaks-Studio City-  
Toluca Lake Planning Area  
Zone (Q)C2-1VL  
D. M. 7348  
C. D. 4  
EIR: ND 87-374(CUB)(CUX)(ZV)  
Legal Description:  
Lots 116 and 117, Tract  
No. 9502

Department of Building and Safety

Approved (as modified herein) is the above-noted request seeking:

to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in addition to an existing off-site sale of beer and wine authorized under extant Case No. ZA 86-0496(CUB), in conjunction with an existing restaurant and bar, accommodating 325 patrons, having hours of operation from 5 p.m. to 10 p.m., Monday through Thursday, from 5 p.m. to 11 p.m., Friday, 4 p.m. to 10 p.m., Sunday, and 11 a.m. to 3 p.m., Monday through Friday for lunch; and to permit live entertainment and dancing in conjunction with the above noted restaurant and bar; in the (Q)C2-1VL (qualified commercial) Zone,

upon the following terms and conditions:

1. That the use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A".
2. That 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 his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

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3. That all other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
4. That 108 free off-street parking spaces within 750 feet shall be provided, with proof of leases for all spaces not owned by the applicant submitted to the Zoning Administrator.
5. That the hours of liquor service shall be 11 a.m. to 10 p.m. Monday to Sunday, and 11 a.m. to 11 p.m. on Friday and Saturday.
6. That the herein-authorized conditional use shall be valid only so long as a bonafide restaurant is maintained as the principle use of the subject property under the direct ownership known as Vitello's Italian restaurant (applicant), and the sale or dispensing for consideration of alcoholic beverages for consumption with meals is conducted only as an incidental use to such restaurant.
7. That free valet service shall be available on Friday and Saturday nights from 7 p.m. until closing.
8. That an exterior signs on the premises or interior signs designed for viewing primarily from the street, which advertise the sale of alcoholic beverages, shall be prohibited.
9. That all employees shall be provided off-street parking spaces at the furthest parking under lease.
10. That the proposed driveway access shall be subject to review and approval of the Department of Transportation.
11. Trash pick up shall be limited to between 8 a.m. and 6 p.m. daily.
12. That the lights at the rear of the restaurant shall be aimed to shine only on the applicant's property.
13. That the applicant will comply with all provisions of the City's Noise Ordinance.
14. That no evening access to off-site parking shall use the alley behind the restaurant for the parking of patron's cars.
15. That no trash from the restaurant will be deposited into storage bins behind the restaurant after 9 p.m. daily.
16. That no amplified music shall be permitted.
17. That a total of three musicians maximum are permitted to play at the restaurant.
18. That the area used for dancing shall be limited to the location shown on Exhibit A.

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19. That dancing shall be only for private parties who use the restaurant.
20. That liquor service shall be only for patrons dining at the restaurant.
21. That the grant shall be good for a two year period from the date of this approval and null and void afterward.

The use hereby authorized is conditional upon the privileges' being utilized (i.e., the use approved being lawfully conducted on the site) within 180 days after the effective date hereof, and if they are not utilized or construction work (i.e., actual substantial physical improvements installed) is not begun within said time and carried on diligently to completion this authorization shall become void and any privilege or use granted hereby shall be deemed to have lapsed unless a Zoning Administrator has granted an extension of the time limit (the request for the extension having been submitted prior to the expiration of the grant and accompanied by the appropriate fee), after sufficient evidence has been submitted indicating that there was unavoidable delay in taking advantage of the grant. Once any portion of the privilege hereby granted is utilized, the other conditions thereof become immediately operative and must be strictly observed. Furthermore, this conditional use approval shall be subject to revocation in the manner as provided under Section 12.24, I of the Municipal Code if the conditions imposed are not strictly observed.

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. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. The Zoning Administrator's determination in this matter will become effective after August 14, 1987, unless an appeal therefrom is filed with the Board of Zoning Appeals. Any appeal must be filed on the prescribed forms, accompanied by the required fee 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.

#### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, the statements made at the public hearing before the Zoning Administrator on July 24, 1987, all of which are by reference made a part hereof, as well as personal knowledge of the property and the surrounding district, I find that the requirements for authorizing a conditional use under the provisions of Section 12.24-C of the Municipal Code have been established by the following facts:

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1. The subject property consists of two rectangular-shaped lots with a combined frontage of 100 feet fronting on the northwest corner of Tujunga Avenue and 100 feet fronting on a 20-foot alley. The site is developed with a Vatellos Italian restaurant and parking in the (Q)C2-1VL Zone.

The applicant proposes to have dancing for limited private parties and live entertainment on a limited basis (trios, piano bar, strolling musicians, etc.).

The subject property consists of two rectangular-shaped lots with a combined frontage of 100 feet fronting on the northwest corner of Tujunga Avenue and 100 feet fronting on a 20-foot alley. The site is developed with a Vatellos Italian restaurant and parking in the (Q)C2-1VL Zone.

The neighborhood surrounding the site is developed with residential, commercial, and retail uses.

Adjoining properties to the north are zoned (Q)C2-1VL and improved with office and retail uses.

Properties across Woodbridge Street are zoned R1-1 and R3-1 and improved with single- and multiple-family dwellings.

Properties across Tujunga Avenue are zoned (Q)C2-1VL and improved with an office and retail use; and across the alley properties are zoned R1-1 and improved with single-family dwellings.

Properties across the alley are zoned RD2-1 and improved with single- and multiple-family units.

Tujunga Avenue is designated a secondary highway, dedicated to a varying width of 80 to 83 feet, and fully improved.

Woodbridge Street is designated a collector street, dedicated to a width of 60 feet, adjoining the subject property.

The alley, adjoining the subject property, is dedicated to 20 feet in width.

PREVIOUS CASES, AFFIDAVITS, PERMITS, ETC.:

Case No. CPC 29761 is a Planning Commission Initiated action that changed the zoning and height of this portion of the community called Area No. 6. Subarea No. 54 affects this intersection and the City Council changed the zoning and height to (Q)C2-1VL, effective September 17, 1983. The condition placed on all commercial properties is: "the use of the property shall be limited to the uses existing upon the effective date of this ordinance and thereafter to those uses permitted in the C1 Zone."

09100400376

Case No. ZA 86-0496(CUB) was a request to sell beer and wine for both on- and off-site consumption with a relocated restaurant, accommodating approximately 392 patrons. The request was granted on August 12, 1986.

2. There was considerable public input at the hearing. Local residents were concerned about traffic access for parking using the alley behind the restaurant, noise, lighting, the type of entertainment and the need for extra parking. The applicant was willing to compromise on many issues and a consensus developed that, with proper safeguards, the restaurant could be given a two year grant to test its operation. This will give the applicant a chance to retain a successful local restaurant that has the support of the local chamber of commerce and retain the loyal customers of the restaurant. The restaurant has previously been located across the street and moved to bigger quarters in 1985. The dancing and live entertainment, according to the applicant, would be limited in scope and would be consistent with similar family restaurants in the local area that offer similar uses.
3. The location will not adversely affect the economic welfare of the pertinent community or result in an undue concentration of premises for the sale or dispensing of alcoholic beverages in the area of the City involved.

The State Department of Alcoholic Beverage Control indicated that in the subject Census Tract No. 1433, the maximum allowed on- and off-site licences are six and five each. There are two establishments (including the subject restaurant) that have on-site licenses and five off-site licenses.

The applicant currently has a beer and wine license granted a year ago and there have been no reported problems with the operation of the restaurant to date. It seems safe to assume that liquor expansion can be safely expanded with the same mitigation measures imposed as on the previous grant.

4. The proposed use will not detrimentally affect the nearby residentially zoned communities in the area of the City involved.

The crime statistics for the area showed 296 reported crimes compared to the 500 average and high 600. There are no sensitive public uses (churches, schools, parks, etc.) within 600 feet of the project site.

The one major issue that needs mitigation is the need for additional parking.

The Department of Transportation is concerned about the shortage of on-street parking in the area, and considering that the restaurant's capacity will expand from 80 to 325 patrons, thus generating more traffic, they have recommended that additional parking spaces be provided within 300 feet of the site. The restaurant has 22 on-site parking spaces available but valet

0910400377

service can expand this total to 33 cars during the peak hours. Arrangements have previously been made to use 57 spaces of other businesses after 5:30 p.m. for a total of 90 off-site spaces under ZA 86-0496(CUB). That earlier grant had a condition that additional parking would be required by the City when the restaurant renovation, which permitted full occupancy of 325 patrons without specifying the exact amount of extra parking needed, was completed. The time has now arrived to specify additional off-site parking. Based on a Zoning Administrator standard of one off-site parking space for every three patrons, a total of 108 spaces would be required for 325 patrons. Ninety off-site spaces are currently available through ownership (33 valet) and lease (57). Therefore, 18 additional off-site spaces are needed, without charge to patrons.

Although the applicant has indicated that as many as 25-30 on-street parking spaces are available, these spaces cannot be given credit for required parking because future City parking restrictions could change preventing on-street parking or other businesses could come into the area that could generate on-street evening parking demands even though the area presently has commercial uses, such as offices, that are normally closed at 5 p.m. The City has always required that necessary parking be provided off-site so 18 additional leased spaces will be required as a condition of the liquor permit.

The Department of Transportation also finds that the driveway access plan is unacceptable, unless the driveway on Tujunga Avenue is restricted to an "exit only" driveway. The plot plan shows the entrance to the parking lot on Tujunga Avenue and the exit at the back through the alley. A condition has been placed on the grant requiring Department of Transportation approval to address this issue.

5. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

The applicant bought the property without realizing the (Q) limit on the C-2 restricted the use of the property for entertainment and dancing. Without a variance, he would not be able to successfully compete with similar businesses that offer dancing and live entertainment.

6. There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

The lot is a corner lot with adjacent parking and this combination is not found in the immediate area where the applicant needs to keep his business for all its clientele. It is hard to shift locations of a popular business and this change of address across the street would help keep present customers.

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- 7. Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

There are numerous other restaurants along Tujunga Boulevard in the immediate area which have dancing and live entertainment and are located in the C2-1 commercial zone. The grant would be consistent with these prior approvals.

- 8. The granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Extensive conditions have been placed on this grant to safeguard the immediate community. With adequate parking, noise controls and restricted entertainment, the restaurant should be able to operate without causing any significant impacts on the neighborhood.

- 9. The granting of the variance will not adversely affect the General Plan.

The variance is consistent with the clear intent of the General Plan to permit existing businesses to retain their uses. The Sherman Oaks-Studio City-Toluca Lake District Plan designates the subject property as neighborhood commerce, with corresponding zones of C1, C1.5, and P, and with Height District No. 1VL. The zoning and plan use are consistent.

The subject property lies in an area for which a flood insurance rate map has not been prepared.

The request was granted a Negative Declaration by the City's Environmental Review Committee on June 3, 1987. I hereby agree with this action.

*Jon Perica*

JON PERICA  
Associate Zoning Administrator

JP:lmc

cc: Director of Planning  
County Assessor  
Councilman John Ferraro  
Fourth District  
Adjoining Property Owners

U 9 1 0 3 4 0 0 3 7 9

Adjacent Owners List 86-142<sub>A</sub>

Tract No. 9502

1 116,117  
Steven Restivo  
4346 Tujunga Ave.  
North Hollywood, CA 91604

2 115  
Johanna Weerts  
4453 Kraft Ave.  
North Hollywood, CA 91604

3 118,119  
Alvin Hotz  
891 San Pablo Dr.  
Lake San Marc, CA 92069

13 130  
Joseph Cunha  
4356 Kraft Ave.  
North Hollywood, CA 91604

14 131  
Byron Ryan  
4350 Kraft Ave.  
North Hollywood, CA 91604

15 132  
Thelma Spencer  
939 N Marposa Ave. #216  
Los Angeles, CA 90029

16 133  
Maxine Ryan  
4334 Kraft Ave.  
North Hollywood, CA 91604

Tract No. 7292

46 2 50-52  
George Philipson  
4525 Woodley Ave.  
Encino, CA 91436

47 1 53  
Sharon Rowihab  
C/O Mr. & Mrs. M.N. Rowihab  
13152 Hesby St.  
Sherman Oaks, CA 91403

48 2 53,54  
Joseph Kurkjian  
984 Fourth Ave.  
Los Angeles, CA 90019

55 2 89,90  
Hrair Aintablian  
15 Parkmor Rd.  
Pasas, CA 91302

Q.M.S. 86-142A  
6320 Van Nuys Bl. #408  
Van Nuys, CA 91401

Joseph Guntha  
4356 Kraft Ave.  
Studio City, CA 91604

Roxy Tuetken  
4360 Kraft Ave.  
Studio City, CA 91604

T. Flanagan  
SCRA  
P.O. Box 1374  
Studio City, CA 91604

Wendy Caspe  
4334 Kraft Ave.  
Studio City, CA 91604

Dolly Reed Wageman  
3833 Eureka Dr.  
Studio City, CA 91604

STATE OF CALIFORNIA  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
ALCOHOLIC BEVERAGE LICENSE

ON-SALE GENERAL EATING PLACE

VALID FROM

Mar 01, 2014

EXPIRES

Feb 28, 2015

VITELLOS INC  
13636 VENTURA BLVD  
# 419  
SHERMAN OAKS, CA 91423

RECEIPT# 2280492  
PAID - 2.26.15

TYPE NUMBER DUP

47 422811

AREA CODE

1933 05

RENEWAL

BUSINESS ADDRESS  
(IF DIFFERENT)

DBA: VITELLOS INC  
4349 TUJUNGA AVE  
NORTH HOLLYWOOD, CA 91604

CONDITIONS

OWNERS: VITELLOS INC



7  
RECEIVED  
MAR 24 2015  
PERMIT PROCESSING SECTION

**IMPORTANT INFORMATION**

**EFFECTIVE PERIOD:** This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit <http://www.abc.ca.gov/datport/LQSMENU.html>.

**RENEWAL NOTICES:** Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

**RENEWAL DATES:** It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above.

A penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

**RENEWAL PAYMENTS:** Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Avenue, Suite 100, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. "renewal") must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

**PERSONAL LICENSES:** It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

**POSTING:** Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

**CONDITIONS:** A copy of all applicable conditions must be kept on premises.

**LICENSEE NAME:** Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "D X OTHERS". All names are on file and available upon request from your local ABC office.

**NOTE:** If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at <http://www.abc.ca.gov/distmap.html>.

**NOTE:** CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR PERMANENTLY CLOSED.

License Serial# 754834



4/4/2015

Page 2

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MAR 24 2015  
Dept. of Alcohol & Tobacco Tax & Fee Collection

05. No pool or billiard tables may be maintained on the premises.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 15<sup>th</sup> DAY OF MARCH, 2005.

Vitelli Inc, Steve Lufman, President  
Applicant/Petitioner

\_\_\_\_\_  
Applicant/Petitioner

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MAR 24 2015  
PERMIT PROCESSING SECTION

Applicant(s):

MATT EISEN & BRADLEY ROEN

Company/Corporation:

VITELLO'S, INC.

Name of Restaurant/Bar, etc.:

VITELLO'S RESTAURANT

Address of Establishment:

4349 TOLUNGA AV. STUDIO CITY, CA 91604

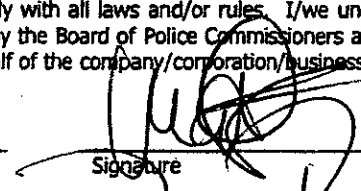
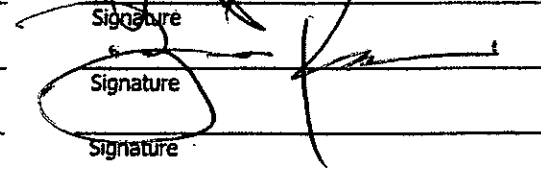
Hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
OPEN	11:00 A	11:00 A	11:00 A	11:00 A	11:00 P	10:00 A	10:00 A
CLOSE	10:00 P	10:00 P	10:00 P	10:00 P	11:00 P	11:00 P	10:00 P

**Fill out all information. If none, write NONE.**

- A. Type of Business Activity (night club, lounge, restaurant, etc.): RESTAURANT, SUPPER CLUB
- B. Type of Entertainment (hip hop, jazz, rock, rap, live dance, etc.): JAZZ, R+B, B'WAY, etc.
- C. I have a license from Alcohol Beverage Control (ABC). YES If yes, are there conditions? YES
- D. Number of Pool Tables 0
- E. Dance Floor Location and Size (200 square feet minimum) 425 #
- F. Number of Arcade Games 0
- G. Number of Games of Skill/Science (claw, etc.) & Type 0
- H. Cyber Café: Describe operation & set up. —
- I. Cyber Café: Number of Computer, Terminals, Workstations —
- J. Types of films to be shown & ratings. —
- K. Seating Capacity 319
- L. Admission Fee \$20-75
- M. Number of Bowling Lanes 0
- M. Parking Information OUR OWN PRIVATE PARKING LOT - VALET PARKING

**DECLARATION**

I/We submit this information about my/our business. The full text of the Los Angeles Municipal Code is available through the City's website at [www.cityofla.org](http://www.cityofla.org) under "City Charter, Rules & Codes." Chapter X of the Los Angeles Municipal Code contains many laws regulating Police Permits. I/We declare that we understand laws applicable to our business and permit(s). I/We have received a copy of Police Commission Board Rules for each permit application for which Board Rules exist. I/We further declare that I/we will comply with all laws and/or rules. I/we understand that failure to comply may place my/our existing permits in jeopardy and may necessitate disciplinary action by the Board of Police Commissioners and/or a criminal complaint filed with the City Attorney or District Attorney. I sign this document on my behalf or on behalf of the company/corporation/business, with full authority to do so.

<u>3/24/15</u>	<u>MATT EISEN</u>	
Date	Print Name	Signature
<u>3/24/15</u>	<u>BRADLEY ROEN</u>	
Date	Print Name	Signature
_____	_____	_____
Date	Print Name	Signature
_____	_____	_____
Date	Print Name	Signature



FORM: Agreement for the Granting of a Police Permit for Café Entertainment/Shows

LOS ANGELES POLICE COMMISSION—POLICE PERMITS  
100 W. FIRST ST., #147  
LOS ANGELES, CA 90012 (213) 996-1210

I/We, MAT EPSTEIN & BRADLEY KOEN  
[Applicant Name(s)]

owners of VITELLO'S, INC, known as VITELLO'S RESTAURANT  
[Company/Corporation] [Name of Restaurant/Bar/Club, etc.]

located at 4349 TUSUNGA AV. STANIS CITY, CA.  
[Address]

certify: THAT I/We am/are aware of the Adult Entertainment Zoning Ordinance, Los Angeles Municipal Code Section 12.70; THAT I/We have read and understand the Prohibition section of that ordinance, as set forth below; and THAT the present or proposed business for which the attached application has been completed is, to the best of my/our knowledge, not subject to the restrictions of said prohibition section.

"C. Prohibition. (Amended by Ord. No. 158,579, Eff. 1/23/84. No person shall cause or permit the establishment, substantial enlargement of transfer of ownership or control of an adult entertainment business within 1,000 feet of another adult entertainment business, or within 500 feet of a religious institution, school, or Public Park within the City of Los Angeles. No person shall cause or permit the establishment or maintenance of more than one adult entertainment business in the same building, structure or portion thereof, or the increase of floor area of any adult entertainment business in any building, structure or portion thereof containing another adult entertainment business.

No person shall cause or permit the establishment, or substantial enlargement of an adult entertainment business within 500 feet of any lot in a "A" or "R" zone, or within the "CR", "C1", or "C1.5" zones in the City of Los Angeles."

THAT in consideration for the granting of this permit, I/We do hereby agree:

- That our intention is to present LIVE MUSIC, JAZZ, etc. and that we will take whatever measures necessary to prevent the exhibition of less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the tops of the areolas;  
[Type of Entertainment]
- That we will take whatever measures necessary to prevent the LIVE MUSIC, JAZZ etc. from including the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts, or masturbation, actual or simulated;  
[Type of Entertainment]

That we will remove and not use the advertising of the prior owner or any other sign or advertisement which purports to describe the entertainment/shows as "Nude Dancing" or in any other way as being sexually oriented.

I/We, MAT EPSTEIN & BRADLEY KOEN have read the above conditions and have discussed them with members of the Police Commission Investigation staff and fully understand them. The full text of the Los Angeles Municipal Code is available through the City's website at [www.cityofla.org](http://www.cityofla.org). I/We have received a copy of this agreement.

<u>3/24/15</u> Date	<u>MAT EPSTEIN</u> Print Name	<u>[Signature]</u> Signature
<u>3/24/15</u> Date	<u>BRADLEY KOEN</u> Print Name	<u>[Signature]</u> Signature
_____ Date	_____ Print Name	_____ Signature
_____ Date	_____ Print Name	_____ Signature



**CITY OF LOS ANGELES  
NOTICE OF APPLICATION FOR  
POLICE COMMISSION PERMIT**



Notice is hereby given that application has been made to the Board of Police Commissioners for a Police Commission Permit.

PERMIT TYPE  
PERMIT NUMBER  
DATE OF NOTICE

BUSINESS LOCATION  
LEGAL NAME  
DBA

**Cafe Entertainment/Show**  
**000203451600018P519**  
**03/31/2015**

**4349 TUJUNGA AVE 91604-2752**  
**VITELLOS INC**  
**VITELLO'S RESTAURANT**

Police Area: 15 Council District: 2  
DSVD, Bureau Vice Coordinator

Neighborhood Council:  
scnc@empowerla.org

**Dates (if temporary event): Cafe Entertainment/Show**

**Any person who has comments, concerns, or objections about the issuance of this permit may contact the Commission Investigation Division (CID) WITHIN FIVE (5) DAYS.**

Email us at:

<mailto:pcpermits@lapd.lacity.org?subject=Notice of Application for Police Permit 000203451600018P519>

**CITY COUNCIL OFFICES**

Please contact CID as soon as you are aware of issues related to this application.

**LAPD AREAS objecting to the granting of the permit:**

Contact CID. Specify objection on 15.2. Include arrest reports, preliminary investigative reports, injury reports, CAD runs, calls for service reports, citizen complaints, etc.

**PUBLIC & NEIGHBORHOOD COUNCILS**

Contact CID as soon as possible. Your general communications are public documents subject to posting on the City's website. You are not required to provide personal information in order to comment.

Objections may or may not be cause to deny a Police Commission Permit. However, conditions governing the operation of the business may be imposed based on verifiable adverse information of the applicant. (New applicants are not responsible for previous owner actions.)

**DO YOU WANT TO FOLLOW THIS ITEM?**

Email us to receive meeting notices and agenda for the Police Permit Review Panel.

<mailto:v8241@lapd.lacity.org?subject=Add Me to PPRP Email List>

Or call (213) 236-1400.

**MAIL**

LAPD POLICE COMMISSION  
PERMITS & RECORDS  
100 W. FIRST ST., ROOM 147  
LOS ANGELES, CA 90012

**PHONE**

(213) 996-1210

**EMAIL**

[pcpermits@lapd.lacity.org](mailto:pcpermits@lapd.lacity.org)

Investigator:  
William Huang

=====

**ABOUT POLICE PERMITS**

Some businesses are required to obtain a police permit before starting operation. The police permit application process allows the City to obtain information concerning ownership of a business and to inspect the ongoing operation during normal business hours. A background check is also performed during the processing of the application. On October 15, 2014, a procedure was adopted to inform neighborhood councils of First Amendment\* applications pending action by the Police Permit Review Panel.



The select descriptions below are provided to answer common questions. The descriptions are general and do not contain the full details and requirements of the Los Angeles Municipal Code. The Los Angeles Municipal Code is available at [cityofla.org](http://cityofla.org), under City Government --> "City Charter, Rules and Codes."

=====FIRST AMENDMENT PERMITS=====

\* "First Amendment Permits" are permits for business activities which have been deemed to be protected under the First Amendment to the Constitution ("free speech"). These applications generally are processed within 30 days from the date of receipt of a complete application by the Board of Police Commissioners. Persons objecting to the granting of these permits should present reason(s) for the objection quickly.

CAFE ENTERTAINMENT/SHOW (LAMC 103.102)\*

Live entertainment. Includes a disc jockey (DJ) to the extent the DJ performs for/entertains the public. Includes karaoke.

CAFE ENTERTAINMENT/SHOW-ADULT (LAMC 103.102)\*

Is the Cafe Entertainment/Show permit at an establishment where the applicant has indicated that entertainment will include a person who performs specified sexual activities or displays specified anatomical parts in the business. See LAMC 103.01. Shall conform to additional requirements.

PICTURE ARCADE (LAMC 103.101)\*

Coin-type or electrically controlled still or motion picture machines, image producing devices maintained to display images, or still or motion pictures to five or fewer persons per machine at any one time.

PICTURE ARCADE-ADULT (LAMC 103.101)\*

Is the Picture Arcade permit at an establishment where the applicant has indicated the picture arcade has displays which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical parts. See LAMC 103.01.

MOTION PICTURE SHOW (LAMC 103.109)\*

Exhibiting motion pictures to the public in any theater, show house or other place of entertainment.

MOTION PICTURE SHOW-ADULT (LAMC 103.109)\*

Is the Motion Picture Show permit at an establishment where the applicant has indicated that a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical parts. See LAMC 103.01.

WHY AM I RECEIVING THIS NOTICE?

Traditionally, notices of application for police permits were sent by hard copy. Through the use of email, more stakeholders can be notified without causing delay in the processing of a permit application. No action is required unless you wish to comment on the application.

