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Decision Date: July 26, 2024

Last Day to Appeal Decision: August 12, 2024

Scott Torrence (A)
CHAP4, LLC
9503 Jefferson Boulevard
Culver City, CA 90232

2474 Lincoln Blvd, LLC (O)
2474 Lincoln Boulevard
Venice, CA 90232

Brett Engstrom (R)
Engstrom Planning
1641 Paloma Street
Pasadena, CA 91104

CASE NO. ZA-2023-8371-CUB
CONDITIONAL USE PERMIT
2476 South Lincoln Boulevard
Venice Community Plan Area
Zone : [Q]C2-1-CDO
C.D. : 11 - Traci Park
D.M. : 108B149
CEQA: ENV-2023-8372-CE
Legal Description: FR Lot 20; TR 5930

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

a Conditional Use Permit to allow the sale of beer and wine for off-site consumption and ancillary on-site instructional tasting in conjunction with a 1,295 square-foot specialty wine retail store, in the [Q]C2-1-CDO Zone.

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs, or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale of beer and wine for off-site consumption and ancillary on-site instructional tasting in conjunction with a new 1,295 square-foot specialty wine retail store. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m., daily.
 - b. Indoor seating is prohibited.
 - c. Outdoor seating is prohibited.
8. After hour use shall be prohibited, except routine clean-up, food preparation, construction, inventory or other maintenance type activities. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.

9. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
10. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
11. There shall no Adult Entertainment of any type pursuant to LAMC Section 12.70.
12. There shall be no dancing, live entertainment, amplified music, karaoke, disc jockey, male or female performers or fashion shows permitted on the premises.
13. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days.
14. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
15. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
16. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
17. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
18. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

19. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
20. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sale location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
21. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
22. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
23. **Private Events.** Any use of the premises for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.

ADMINISTRATIVE CONDITIONS

24. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
25. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. At any time, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the

deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

26. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
27. A Plan Approval shall be required if there is any change in the property ownership and/or the business owner/operator for these premises, so as to evaluate the applicability of existing conditions and any review of potential changes in the mode and character of the new operation. Prior to any review, the local neighborhood council shall be notified and provided an opportunity for review and recommendation.
28. At any time during the period of validity of this grant, if it is determined that the operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application together with associated fees. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
29. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the

entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. Unless otherwise provided in Chapter 1A, Chapter 1 (General Provisions and Zoning), or in a project's conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 13A.2.7.G. of the Los Angeles Municipal Code provides:

A Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission, or City Council in connection with the granting of any action taken pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning), shall constitute a violation of this Chapter or Chapter 1 (General Provisions and Zoning) and shall be subject to the same penalties as any other violation of this Code.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and public comments received all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for approving a conditional use as enumerated in Section 12.24 W of the Municipal Code have been established by the following facts.

BACKGROUND

The property is comprised of two (2) lots measuring approximately 3,516 square feet located on Lincoln Boulevard in the Venice Community Planning Area. The subject property has a frontage of 50 feet along Lincoln Boulevard, and a frontage of 50 feet along the public alley. The property is zoned [Q]C2-1-CDO with a General Commercial land use designation within the Los Angeles Coastal Transportation Corridor Specific Plan Area, and the Lincoln Boulevard Community Design Overlay. The property is also located within the Transit Priority Area in the City of Los Angeles, and an Urban Agriculture Incentive Zone. The property is not located within a Very High Fire Hazard Severity Zone, Hazardous Waste Site, Landslide, High Wind Velocity Area nor within a Methane Hazard Zone. The subject property is located approximately 5.38 kilometers from the Santa Monica Fault. The property is developed with a single story 3,090 square foot commercial building with five (5) on-site shared parking spaces. The subject specialty wine retail store is 1,295 square feet.

The subject request includes a Conditional Use Permit to allow the sale of beer and wine for off-site consumption and on-site instructional tasting in conjunction with a new 1,295 square foot specialty wine retail store with proposed hours of operation from 8:00 a.m. to 11:00 p.m., daily, in the [Q]C2-1-CDO Zone.

SURROUNDING PROPERTIES

Surrounding properties are within the [Q]C2-1-CDO and RD1.5-1 zones and are generally developed with commercial and residential uses. The Properties to the north across the alley are zoned RD1.5 and are improved with residential structures. Properties to the south are zoned [Q]C2-1-CDO and are developed with commercial uses. The properties to the west are zoned [Q]C2-1-CDO and are developed with commercial uses and a church and school. The properties to the east across are zoned RD1.5 and are developed with residential uses.

STREETS

Lincoln Boulevard, adjoining the subject property to the west, is a designated Boulevard I with a dedicated right-of-way width of 136 feet and is improved with curb, gutter, and sidewalk.

The Public Alley, adjoining the subject property to the north, is 20-feet and is improved with asphalt roadway.

Previous relevant cases, affidavits, and orders on the subject property:

There were no relevant cases found on the subject site.

Cases on Surrounding Properties:

A search of relevant cases within 600-feet of the project site utilizing PTCS was conducted.

Case No. ZA-2018-5771-CUB-CU – On January 13, 2021, the Director of Planning approved a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption for a 3,000 square-foot restaurant having 142 seats; approved a Conditional Use Permit to allow deviations from the Mini Shopping Center and Commercial Corner requirements, as follows: 1) to allow tandem parking, 2) to not provide bicycle parking, and 3) to not provide a five-foot landscaped buffer abutting 1165 East Van Buren; and approved a Conditional Use Permit to allow a Public Parking area in the R2 zone, located at 1165 East Van Buren Avenue.

PUBLIC CORRESPONDENCE

After the public hearing, On July 23, 2024, the Venice Neighborhood Council submitted a letter stating the approval of a motion to support the subject request.

PUBLIC HEARING

A public hearing was held before the Zoning Administrator on June 4, 2024, at 10:00 a.m. via Zoom. The hearing was attended by the applicant's representative, Brett Engstrom.

Mr. Engstrom made the following statements:

- This is a request conditional use to sell beer and wine for off-site consumption and for on-site tasting.
- The specialty retail shop will sell hard to find and unique wines.
- The site has a C2 zone and is subject to the Lincoln Boulevard Corridor CDO.
- According to the floor plan, this will total 1,295 square feet of space that also includes sales areas and storage.
- There are five existing on-site parking spaces.
- The store will operate from 8 a.m. to 11 p.m., daily. The operator will have normal operating hours that are less than requested but these hours will allow for the operator to run the store during later than normal hours during special holiday events.
- The store will utilize an ABC Type 20 License for retail sales. An ABC Type 86 License will be utilized for on-site instruction tastings. ABC will impose more regulations for this, including limited hours of tastings from 10 a.m. to 9 p.m., daily.
- The applicant will comply with all LAPD STAR and ABC LEAD alcohol sales trainings.
- We met with the neighborhood council's land use committee and sent out notices to the 300-foot radius from the site. The Land Use Committee approved a motion to support the request. On June 18, we presented to the Full Board who approved

to support the request. We are following up with them to see if they can send a letter of support.

There were no public speakers during the public comment portion of the public hearing.

At the conclusion of the public hearing, the Zoning Administrator stated he would grant the request subject to standard conditions of approval.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the Zoning Administrator are located within Section 12.24 W of the Los Angeles Municipal Code. In order for the sale of beer and wine for off-site consumption and ancillary on-site instructional tasting be authorized, certain designated findings have to be made.

CONDITIONAL USE FINDINGS

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

The property is comprised of two (2) lots measuring approximately 3,516 square feet located on Lincoln Boulevard in the Venice Community Planning Area. The subject property has a frontage along Lincoln Boulevard, and a frontage along the public alley. The property is zoned [Q]C2-1-CDO with a General Commercial land use designation within the Los Angeles Coastal Transportation Corridor Specific Plan Area, and the Lincoln Boulevard Community Design Overlay. The property is

also located within the Transit Priority Area in the City of Los Angeles, and an Urban Agriculture Incentive Zone.

The property is developed with a single story 3,090 square-foot commercial building with five (5) on-site shared parking spaces. The subject specialty wine retail store is 1,295 square feet. There are no requests to change the physical structure of the building which is within the current built environment. The applicant is proposing tenant improvements to ensure that the site is suitable for the proposed use. The subject specialty wine retail store will operate within the hours of 8:00 a.m. to 11:00 p.m., daily. The hours are reasonable and within existing operating hours of the area. The operation will offer quality wines and specialty beverages, for off-site consumption, and will offer tastings in compliance with the Alcoholic Beverage Control regulations. The surrounding area of the Venice Neighborhood including the location of the subject site entails a variety of uses that are beneficial to residents, tourists, employees, and persons who frequent the area.

The surrounding land uses consists of commercial and residential uses. Surrounding properties are within the [Q]C2-1-CDO and RD1.5-1 zones and are generally developed with commercial and residential uses. The Properties to the north across the alley are zoned RD1.5 and are improved with residential structures. Properties to the south are zoned [Q]C2-1-CDO and are developed with commercial uses. The properties to the west across Lincoln Boulevard are zoned [Q]C2-1-CDO and are developed with commercial uses and a church and school. The properties to the east across are zoned RD1.5 and are developed with residential uses.

The approval of this request will allow the subject specialty wine retail store to provide an amenity to the community. It will offer unique and hard to get wines to the community. The operation will also allow for customers to sample high quality wines and/or specialty beverages and give them the option to purchase the product for off-site consumption.

The proposed use on the subject site in conjunction with the conditions that are imposed. These conditions address mode and character, responsible operation, and address noise and nuisances. There will be no patron dancing, no after-hours use of the subject site, except for routine clean-up, and the requirement that at least one on-duty manager with authority over the activities within the facility be on the premises at all times that the specialty wine retail store is open for business. These conditions will assure that the availability of beer and wine for off-site consumption will not be detrimental to the community. Therefore, the availability of beer and wine for off-site consumption and on-site instructional sampling/tasting in conjunction with the specialty wine retail store will provide a service to the local community, employees, patrons and residents in the neighborhood.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject specialty wine retail store will be compatible with the surrounding neighborhood and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety. The property is developed with a single story 3,090 square-foot commercial building with five (5) on-site shared parking spaces. The subject specialty wine retail store is 1,295 square feet. The property is zoned [Q]C2-1-CDO with a General Commercial land use designation within the Venice Community Planning Area.

The Conditional Use authorizes the sale of beer and wine for off-site consumption and ancillary on-site instructional tasting in conjunction with a new 1,295 square-foot specialty wine retail store with proposed hours of operation from 8:00 a.m. to 11:00 p.m., daily, as part of the conditional use grant. Surrounding land uses consist of a variety of commercial and residential uses. Surrounding properties are within the [Q]C2-1-CDO and RD1.5-1 zones and are generally developed with commercial and residential uses. The Properties to the north across the alley are zoned RD1.5 and are improved with residential structures. Properties to the south are zoned [Q]C2-1-CDO and are developed with commercial uses. The properties to the west across Lincoln Boulevard are zoned [Q]C2-1-CDO and are developed with commercial uses and a church and school. The properties to the east across are zoned RD1.5 and are developed with residential uses.

This grant includes conditions of approval that encourages responsible management, ensure mode and character, address potential nuisances, and deter criminal activity. These conditions will ensure that the operation will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety by ensuring security and safety, provide STAR training, and responsible management. In addition, a 24-hour complaint hotline telephone number and email address are required to be posted on the site to allow the community to inform the applicant/operator of any complaints due to the operation of the subject specialty store. The conditions of the grant will ensure that the location and other characteristics of the use of the subject site will be compatible with and will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

The City of Los Angeles' General Plan consists of elements that dictates policies that provides the regulatory environment in managing the City and addressing environmental issues. The subject site is zoned [Q]C2-1-CDO and is located in the Venice Community Plan Area, the Los Angeles Coastal Transportation Corridor Specific Plan Area, and the Lincoln Boulevard Community Design Overlay. The property is also located within the Transit Priority Area in the City of Los Angeles, and an Urban Agriculture Incentive Zone.

The grant allows a Conditional Use Permit to allow the sale of beer and wine for off-site consumption and ancillary on-site instructional tasting in conjunction with a new 1,295 square-foot specialty wine retail store with proposed hours of operation from 8:00 a.m. to 11:00 p.m. daily, in the [Q]C2-1-CDO Zone.

The Venice Community Plan Map designates the property for General Commercial land use with the corresponding zones of C1.5, C2, C4, RAS3, and RAS4 and limited to Height District No. 1. The land use designation and surrounding zoning permits for a variety of mixed commercial and residential uses including the proposed specialty wine retail store. The Venice Community Plan does not clearly discuss alcohol sales however, the conditional authorization for the sale and dispensing of beer and wine for off-site consumption and on-site instructional tasting within the subject site is allowed through the approval of the Zoning Administrator, subject to certain findings.

The purpose of the Venice Community Plan is to promote an arrangement of land uses, streets and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community. The proposed use of the subject site is consistent with and aids to advance the following goal, objective, and policy identified in the Venice Community Plan.

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|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Goal 2</i> | <i>A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.</i> |
| <i>Objective 2-1</i> | <i>To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.</i> |
| <i>Policies 2-1.1</i> | <i>New commercial uses shall be located in existing established commercial areas or shopping centers.</i> |
| <i>Policies 2-1.3</i> | <i>Ensure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.</i> |

The availability of the sale and dispensing of beer and wine for off-site consumption and ancillary on-site instructional tasting is often an expected amenity of retail establishments that aims to cater a providing such specialty items. Moreover, the proposed use will contribute to furthering the development of the area. Therefore, the use of the subject site conforms to the intent, purpose, and provisions of the General Plan and the Venice Community Plan and advances the goals and policies and intent of the plan by offering a service that will address the needs of the visitors and residents in the community.

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

Chapter 4 Fine + Rare Supply aims to create a retail space for patrons to purchase quality wines and specialty drinks. The location of the site is convenient to a large

population because it is located along a major street, Lincoln Boulevard which is a heavily traveled commercial corridor. Furthermore, the specialty wine retail store is connected with other major thoroughfares.

The applicant is requesting a Conditional Use Permit to allow the sale of beer and wine for off-site consumption and ancillary on-site instructional tasting in conjunction with a new 1,295 square-foot specialty wine retail store with proposed hours of operation from 8:00 a.m. to 11:00 p.m., daily, in the [Q]C2-1-CDO Zone. The project does not include any form of live entertainment and dancing is prohibited.

The grant imposes conditions that requires security measures to ensure that the use is compatible with the surrounding area and not injurious, this includes the requirement that all employees participate in training. The addition of the sale and dispensing of beer and wine for off-site consumption and ancillary on-site instructional tasting will serve as an added convenient amenity to the community. The applicant is responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses and will ensure that the subject site does not become a nuisance to the community. Additionally, the condition requiring the operator provide a contact number will allow the community to communicate complaints and concerns due to the operations of the subject site. In an effort to address potential noise impacts, the Zoning Administrator has imposed conditions to safeguard peaceful enjoyment and quality of life for neighboring properties. Therefore, as conditioned by this grant, the request for the sale and dispensing of beer and wine for off-site consumption and on-site instructional tasting will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, three (3) on-sale and one (1) off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2738.00. Data provided on the ABC's License Query System indicate that there are two (2) existing on-site and three (3) existing off-site alcoholic beverage licenses within the subject Census Tract.

The following alcohol establishments are located within 1000-feet of the subject site:

| | | |
|-----------------------------|----------------------------|---------|
| • Costco | 13401 Washington Boulevard | Type 21 |
| • Night + Market Sahm | 2533 Lincoln Boulevard | Type 41 |
| • The Lincoln Cocktail Bar | 2536 Lincoln Boulevard | Type 47 |
| • 26 Beach Restaurant | 3100 Washington Boulevard | Type 41 |
| • Wirin Thai Restaurant | 2308 Lincoln Boulevard | Type 41 |
| • 401K Food and Wine | 2553 Lincoln Boulevard | Type 41 |
| • Day & Night Liquor & Mart | 1002 Venice Boulevard | Type 21 |

According to statistics provided by the Los Angeles Police Department Pacific Division, which has jurisdiction over the subject property within Crime Reporting District No. 1443, a total of 141 crimes were reported in 2023 (120 Part I Crimes and 21 Part II Arrests) compared to the citywide average of 162 crimes and arrests and the high crime average of 194 crimes for 2023. In 2023, there were (3) Narcotics, (0) Liquor Law, (1) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, and (8) DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Concentration can be undue when the addition of a license will negatively impact a community. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license will benefit the public welfare and convenience. The subject site is located within a Census Tract where the number of active off-site ABC licenses exceeds ABC guidelines above the number allocated for the census tract. The crime rate in the reporting district where the subject site is located is lower than those rates identified for the City. No evidence was submitted to the record establishing any link between the subject site and the area's crime rate. The request is to authorize the sale and dispensing of beer and wine for off-site consumption and ancillary on-site instructional tasting in conjunction with a proposed specialty wine retail shop, rather than on-site consumption uses such as lounges, bars or nightclubs. The sale, dispensing and off-site consumption and on-site tasting of beer and wine within the specialty store is not expected to result in any nuisance activity or contribute to the areas crime rate.

The specialty wine retail store is located along a commercial corridor where there is a concentration of retail, entertainment, restaurants, and offices, therefore an establishment such as the subject site is anticipated. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are addressed by the conditions imposed by this grant. Furthermore, the conditions imposed to mitigate the operations, on-site instructional tasting and the off-site consumption will ensure that the use will be beneficial to the community and contribute to the continued development of the area. Therefore, the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City.

6. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The project site is zoned for commercial uses and will be utilized as such with the proposed use of the subject site. There are residential and sensitive uses located within a 1000-foot radius of the subject site. The approval of the grant is not anticipated to impact the sensitive uses or residentially zoned communities negatively by the sale, dispensing of beer and wine for off-site consumption ancillary and on-site tasting in conjunction with the subject specialty wine retail store. The project is consistent with the zoning and in keeping with the existing uses adjacent to the project site. The Zoning Administrator has considered the distance of the subject establishment from the nearby sensitive uses. The conditions of the grant address safety, noise and security to protect the health, safety and welfare of the community. The availability of beer and wine for off-site consumption and on-site tasting will contribute to the continued development of the Venice community and will serve residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside a flood zone.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012
planning.figcounter@lacity.org

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401
planning.mbc2@lacity.org

West Los Angeles DSC
(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025
planning.westla@lacity.org

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's **BuildLA** portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal
Filing



QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA Appointment
Portal for Condition Clearance

Inquiries regarding the matter shall be directed to Michelle Carter, Department of City Planning at michelle.carter@lacity.org or (213) 978-1262.



HENRY CHU
Associate Zoning Administrator

HC:MC:nm

cc: Councilmember Traci Park
Eleventh Council District
Adjoining Property Owners

FLOOR PLAN // 01