

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
JONATHAN A. HERSHEY, AICP
THEODORE L. IRVING, AICP
CHARLES J. RAUSCH JR.
CHRISTINA TOY LEE

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

<http://planning.lacity.org>

January 8, 2021

Flaherty & O'Hara (A)
Aramark Services Inc.
610 Smithfield Street, Unit 15222
Pittsburg, PA 15222

The Irvine Company (O)
Fox Plaza LLC
111 Innovation
Irvine, CA 92617

Steve Rawlings (R)
Rawlings Consulting
26023 Jefferson Avenue, Unit D
Murrieta, CA 92562

CASE NO. ZA-2020-2932-CUB
CONDITIONAL USE
2121 South Avenue of the Stars Unit 180
West Los Angeles Planning Area
Zone : C2-2-O
C.D. : 5 – Paul Koretz
D.M. : 129B161, 132B161
CEQA: ENV-2020-2933-CE
Legal Description : Lot 1, Tract TR37916

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.1, I hereby APPROVE:

a Conditional Use Permit to allow the sale and dispensing of beer and wine for off-site consumption, in conjunction with an 814 square-foot convenience market with hours of operation from 6:00 a.m. to 8:00 p.m. daily in the C2-2-O 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, in conjunction with an 814 square-foot convenience market from the effective date of this grant. Subject to the following limitations:
 - a. The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m., daily.
8. After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. Prior to the utilization of this grant, a camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days.

10. 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.
11. **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:
 1. Entry, visible to pedestrians
 2. Customer service desk, front desk or near the reception area.

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.

12. **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.
13. 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.
14. The applicant shall be 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.
15. The applicant shall be responsible for maintaining the premises free of debris or litter.
16. 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.
17. 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-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
18. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of

Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.

19. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. 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 facility to discourage illegal and criminal activity on the subject premises 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 or truancy occur.
20. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, 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.
21. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
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. The exterior windows and glass doors of the location shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground so as to permit surveillance into the location by Police and private security.

ADMINISTRATIVE CONDITIONS

24. 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 floor plan, seating arrangement, or number of seats of the new operation.

25. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
26. **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 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
- a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, 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.
 - b. The owner and 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.
27. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. 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.
- b. 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.
- c. 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 (b).
- d. 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 (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **January 25, 2021**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Downtown
 Figueroa Plaza
 201 North Figueroa Street,
 4th Floor
 Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
 Marvin Braude San Fernando
 Valley Constituent Service
 Center
 6262 Van Nuys Boulevard,
 Room 251
 Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
 West Los Angeles Development
 Services Center
 1828 Sawtelle Boulevard,
 2nd Floor
 Los Angeles, CA 90025
(310) 231-2598

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

NOTICE

The applicant is further advised that 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 the statements made at the public hearing on **October 20, 2020** all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a **conditional use approval** under the provisions of **Section 12.24 W.1** have been established by the following facts:

BACKGROUND

The subject property is a level, irregular-shaped parcel of land, encompassing approximately 268,481.3 square feet (6.05 acres) of area, with a frontage of approximately 154 feet along the south side of Avenue of the Stars, a frontage of approximately 154 feet along the east side of Olympic Boulevard, and a frontage of approximately 154 feet along the west side of Galaxy Way.

The subject property is zoned C2-2-O with a land use designation of Regional Center Commercial. The subject property is located within a Transit Priority Area in the City of Los Angeles (ZI-2452), West Los Angeles Transportation Improvement and Mitigation (ZI-2192) and falls within the Century City South Specific Plan Area (ZI-1869). The subject site is in a Tier 3 Transit Oriented Community with a High Residential Market Area and High Non-Residential Market Area. The property is an Urban Agriculture Incentive Zone, a Special Grading Area (per Bureau of Engineering Grip Map A-13372). The property falls within a Methane Zone and is 0.8 kilometers from the Santa Monica Fault. The site is in the Century City Business Improvement District.

The property was constructed in 1986 with a multi-level parking structure and one 34-story office building—Fox Plaza. On May 9, 2019, permit 19016-10000-01703 was issued for the subject site (unit number 180) and the adjoining café for the remodel of both units and to provide new exterior doors. The subject site, known as Fox Plaza Market, is a convenience market located on the ground floor having approximately 814 square feet of floor area. Parking for the convenience market is provided by the existing parking complex serving Fox Plaza. The subject site is located within the first story of the building.

The applicant is requesting a new Conditional Use Permit to allow the sale of beer and wine for off-site consumption, in conjunction with an 814 square-foot convenience market and hours of operation from 6:00 a.m. to 8:00 p.m., daily.

SURROUNDING PROPERTIES

The surrounding properties are within the C2-2-O, R4-2-O, [Q]CCS-O, R4-1L-O and R4-1VL-O Zones and are characterized by an elevated topography and fully improved streets. Properties to the north of the subject site across Avenue of the Stars are zoned R4-2-O and are improved with a two-story residential condominium structures. Properties to the east of the subject site beyond Galaxy Way are zoned R4-2-O, R4-1VL-O, and R4-1L-O and are improved with two-story condominiums and an InterContinental Hotel. Properties to the south of the subject site beyond the parking structure is the Twentieth Century Fox Studios complex zoned [Q]CCS-O. Properties abutting the subject site to the west are zoned C2-2-O and R4-2-O and are improved with two-story condominium buildings as well as the high-rise condominium complex "The Century."

STREETS

Avenue of the Stars, abutting the subject property to the north, is a designated Boulevard II dedicated to a roadway width of 80 feet and right-of-way width of 110 feet, and is improved with a curb, gutter, and sidewalk.

Galaxy Way, abutting the subject site to the east, is a designated Collector street dedicated to a roadway width of 40 feet and right-of-way width of 66 feet, and is improved with a curb, gutter, and sidewalk.

Olympic Boulevard, abutting the subject property to the west, is a designated Boulevard II dedicated to a roadway width of 80 feet and a right-of-way width of 110 feet, and is improved with a curb, gutter, and sidewalk.

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

Case No. ZA-2020-2063-CUB – On September 30, 2020, the Zoning Administrator approved a conditional use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant in the C2-2-O Zone, located at 2121 South Avenue of the Stars.

Cases on Surrounding Properties:

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages.

Case No. ZA-2005-9058-CUB-ZV-SPP-SPR – On June 22, 2006, the Zoning Administrator approved a conditional use to allow the sale of a full line of alcoholic beverages on the premises, including on-site food service, restaurant uses, and off-site in-house food service and retail sales (off-site is limited to the residential uses within Vesting Tentative Tract Map No. 63701), and a variance from Section 12.26-E.5 of the Los Angeles Municipal Code to permit parking for the residential uses at an off-site parking structure by lease in lieu of the require covenant in the C2-2-O Zone, located at 2055 Avenue of the Stars.

PUBLIC CORRESPONDENCE

Aviv Kleinman, Planning Deputy, Council District 5 – In an email dated October 14, 2020, the Council Office indicated their support for the request.

Terri Tippit, Chair, Westside Neighborhood Council – In a letter dated July 10, 2020, the Neighborhood Council indicated their support for the request.

PUBLIC HEARING

The public hearing was held on October 20, 2020 at 11:00 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the hearing was conducted entirely telephonically. 3 individuals participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. In attendance at the hearing was Mr. Steve Rawlings, representative for the applicant. Mr. Rawlings summarized the request as follows:

- The convenience store is located within the office building of Fox Plaza.
- The café use is already there and permitted; it is not a part of the request.
- This is a high security building.
- Exterior access to the building is closed at 6 p.m.; the building opens again at 6 a.m.
- All alcohol will be stored within the coolers of the convenience store.

There were no other persons in attendance to offer any additional testimony.

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.

- Fortified wine (greater than 16% alcohol) shall not be sold.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sale of non-alcoholic items. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- The single unit sales of malt liquors and/or malt-based products shall be prohibited.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/check-out clerk specifically assigned solely to that station.

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 to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

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 was constructed in 1986 with a multi-level parking structure and one 34-story office building—Fox Plaza. The subject site, known as Fox Plaza Market, is a convenience market located on the ground floor having approximately 814 square feet of floor area. Parking for the convenience market is provided by the existing parking complex serving Fox Plaza. The subject site is located within the first story of the building.

The surrounding properties are characterized by an elevated topography and fully improved streets. Properties to the north of the subject site, across Avenue of the Stars, are improved with a two-story residential condominium structures. Properties to the east of the subject site, beyond Galaxy Way, are improved with two-story condominiums and an InterContinental Hotel. Properties to the south of the subject site, beyond the parking structure, is the Twentieth Century Fox Studios complex. Properties abutting the subject site to the west are improved with two-story condominium buildings as well as the high-rise condominium complex "The Century."

The applicant is requesting a Conditional Use permit to allow the sale of beer and wine for off-site consumption, in conjunction with an 814 square-foot convenience market and hours of operation from 6:00 a.m. to 8:00 p.m., daily.

The request enjoys the support of both the Westside Neighborhood Council and the local City Council Office.

Fox Plaza Market is a convenience market primarily patronized by people employed within the office building. The convenience market serves as an amenity to the site, providing convenience items and other consumer goods for office workers without their need to make additional stops after departing the property. The ability to sell beer and wine for off-site consumption to the office workers who also want to purchase other grocery and consumer goods products would provide

the benefit to the community by reducing additional trips to other sellers in the area. In doing so, the project will perform a function or provide a service that is essential and beneficial to the community, city and region.

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 property was constructed in 1986 with a multi-level parking structure and one 34-story office building—Fox Plaza. The subject site, known as Fox Plaza Market, is a convenience market located on the ground floor having approximately 814 square feet of floor area. Parking for the convenience market is provided by the existing parking complex serving Fox Plaza. The project abuts a café having 3,932 square feet with indoor seating for 75 that sells and dispenses beer and wine for on-site consumption on the first floor of the building.

The applicant is requesting a Conditional Use permit to allow the sale of beer and wine for off-site consumption, in conjunction with an 814 square-foot convenience market and hours of operation from 6:00 a.m. to 8:00 p.m., daily.

The request enjoys the support of both the Westside Neighborhood Council and the local City Council Office.

The convenience market occupies a modest floor area when considered with the scale of the overall property. The operations of the project would not disrupt the activities taking place in the rest of the property. The project primarily serves workers of the property and the project would not disturb the quiet enjoyment and safety of the surrounding neighbors nor the regular operations of the building. The hours of operation for the project are 6:00 a.m. to 8:00 p.m. which complements normal business hours as well as accommodates customers before and after the workday. The subject site is enclosed within the property, and the activities associated with the project will occur completely within the building.

Conditions have been incorporated into this approval to ensure responsible management and deter criminal activity. As conditioned, the sale of beer and wine for off-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety of the community.

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

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The Community Plan serves to preserve and enhance the character of residential and commercial zones in the area. The subject site is located within the West Los Angeles Community Plan Map and designates the land use as Regional Center Commercial. The area designated in the Plan as Regional Commercial is the Century City complex. It is approximately 99 acres in size and is generally bounded by Santa Monica Boulevard, Century Park West, the City of Beverly Hills, and Olympic Boulevard. It is primarily improved with high rise office buildings, two large hotels, an entertainment center and a regional shopping complex. Opportunities cited in the West Los Angeles Community Plan for the Century City South area are for the mitigation of vehicle miles traveled and convenient access to commercial uses.

While the Community Plan is silent with regard to alcohol sales in the Regional Center Commercial areas, the project is nevertheless consistent with the following Commercial Objectives and Policies of the Community Plan:

Objective 2-1: To conserve and strengthen viable commercial development and to provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.3: Ensure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

The project supports the objective and policies of the Community Plan by supporting the commercial viability of the existing convenience store. Through the addition of this in-demand product the economic success of the convenience market is strengthened, ensuring its viability. Therefore, the project conforms to the purpose, intent, and provisions of the applicable portions of the General Plan and Community Plan.

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

The surrounding properties are characterized by an elevated topography and fully improved streets. Properties to the north of the subject site, across Avenue of the Stars, are improved with a two-story residential condominium structures. Properties to the east of the subject site, beyond Galaxy Way, are improved with two-story condominiums and an InterContinental Hotel. Properties to the south of the subject site, beyond the parking structure, is the Twentieth Century Fox Studios complex. Properties abutting the subject site to the west are improved with two-story condominium buildings as well as the high-rise condominium complex "The Century."

The applicant is requesting a Conditional Use permit to allow the sale of beer and wine for off-site consumption, in conjunction with an 814 square-foot convenience market and hours of operation from 6:00 a.m. to 8:00 p.m., daily.

The request enjoys the support of both the Westside Neighborhood Council and the local City Council Office.

The project, located along Avenue of the Stars in Century City, is located on the first floor of a corporate campus. The request would result in an enhancement to the diversity of groceries and other the consumer goods offered by the convenience market and is desired by customers. The project will continue to serve as a benefit to the community and positively impact the economic vitality of the area.

In conjunction with the approval of the request to authorize the sale of beer and wine only from the convenience market, the Zoning Administrator has imposed numerous conditions of approval that the owner/operator/manager is required to comply with. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Additional conditions have been recommended for consideration by the Department of Alcoholic Beverage Control (ABC) in conjunction with their license approval process. Conditions are intended to ensure that the use and operation of the convenience market is well integrated into the community as well as protect community members from potential adverse impacts associated with alcohol sales. Conditions imposed will require responsible operations and will maintain the order and ensure cleanliness of the project and its surroundings. Therefore, as conditioned, the sale of beer and wine for off-site consumption in conjunction with the convenience market 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, two (2) on-site and one (1) off-site consumption licenses are allocated to the subject census tract (Census Tract 2679.01). Currently there are forty-nine (49) on-sale licenses and four (4) off-sale licenses in this census tract. There is no history of an ABC license on the subject site.

Within 1,000 feet of the subject site, there are seven (7) alcohol-selling establishments. These establishments include one full-service grocery store (Ralph's) with licenses for on and off-site consumption of beer and wine as well as a Hyatt Hotel.

The number of active on-site ABC licenses within the census tract where the subject site is exceeds the ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience.

The project is located along Avenue of the Stars, a commercial corridor. Granting the request will not result in undue concentration as the project will provide a service and amenity that is highly desirable in the community. The policies surrounding the community emphasize the importance of strengthening existing businesses, which this project would directly contribute to. Although the number of existing licenses exceeds the number allocated to the subject census tract, the higher number of alcohol-serving establishments is to be expected in an area designated for regional commercial uses, having a higher density and variety of commercial uses.

According to statistics provided by the Los Angeles Police Department's West Los Angeles Division Vice Unit, within Crime Reporting District No. 848, which has jurisdiction over the subject property, a total of 22 crimes were reported in 2019 (17 Part I and 5 Part II crimes), compared to the total area average of 170 offenses for the same reporting period.

Part II alcohol-related crimes reported include, Other Assault (1), Forgery/Counterfeit (0) Embezzlement/Fraud (1), Stolen Property (0), Weapons Violation (0), Prostitution Related (0), Sex Offenses (0), Offenses Against Family (0), Narcotics (0), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (0), Moving Traffic Violations (0), Miscellaneous Other Violations (2) and other offenses (1). Of the 22 total crimes reported for the Reporting District, 0 arrests were made for driving under the influence.

The above statistics indicate that the crime rate in the Reporting District where the subject site is located is far lower than the city average and does not constitute a High Crime Reporting District. As a part of this approval, negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are minimized by the imposition of conditions that will safeguard the welfare of the community.

The project will not adversely affect community welfare because the market is a desirable use in an area designated for commercial uses. The market provides a convenience and positive amenity to workers and visitors and as conditioned, will not negatively impact the area. As such, 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.

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 continue to be utilized as such with the continued operation of the convenience market. The following sensitive uses and alcohol-selling establishments are located within a 1,000-foot radius of the site:

Residential Uses

Single-family units	Century Park, Fox Hills Drive, Lauriston Avenue, Orton Avenue, Calvin Avenue
Multi-family units and Condominiums	Avenue of the Stars, Galaxy Way, Olympic Boulevard, Century Park, Fox Hills, Keswick Avenue
Hotels	Galaxy Way, Avenue of the Stars, Olympic Boulevard, Century Drive

Sensitive Uses

None

Alcohol Selling Establishments

Hinoki & The Bird	10 West Century Drive
Hyatt Regency Century Plaza	2025 Avenue of the Stars
Intercontinental Hotel	2151 Avenue of the Stars
Craft LA	10100 Constellation Boulevard
Ralph's Grocery	10309 West Olympic Boulevard
The Stand	2000 Avenue of the Stars #A
Cuvee 2	2000 Avenue of the Stars

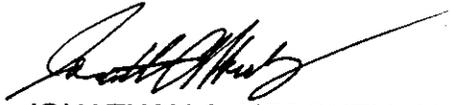
No communication from any of the identified residential or sensitive uses were received referencing the request.

Consideration has been given to the distance of the subject establishment from the above-referenced alcohol-serving establishments and sensitive uses. The grant has been well-conditioned, which will protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to the surrounding community and will continue to serve the neighboring 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 in Zone X, an area of minimal flood hazard.

Inquiries regarding this matter shall be directed to Obiamaka Ude, Planning Staff for the Department of City Planning at (213) 978-1394.



JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator

JAH:EA:OU:BK

cc: Councilmember Paul Koretz
Fifth Council District
Adjoining Property Owners
Interested Parties

FOX PLAZA - MARKETPLACE

01.14.18



PROJECT NAME	FOX PLAZA - MARKETPLACE
PROJECT ADDRESS	2121 AVENUE OF THE STARS, SUITE 180, LOS ANGELES, CA 90087
OWNER	FOX PLAZA - MARKETPLACE
DESIGNER	FOX PLAZA - MARKETPLACE
DATE	01.14.18
SCALE	AS SHOWN
PROJECT NO.	2018-001
DRAWING NO.	01
DATE	01.14.18
BY	[Signature]
CHECKED BY	[Signature]
APPROVED BY	[Signature]
TITLE	EXHIBIT 'A'

01.14.18

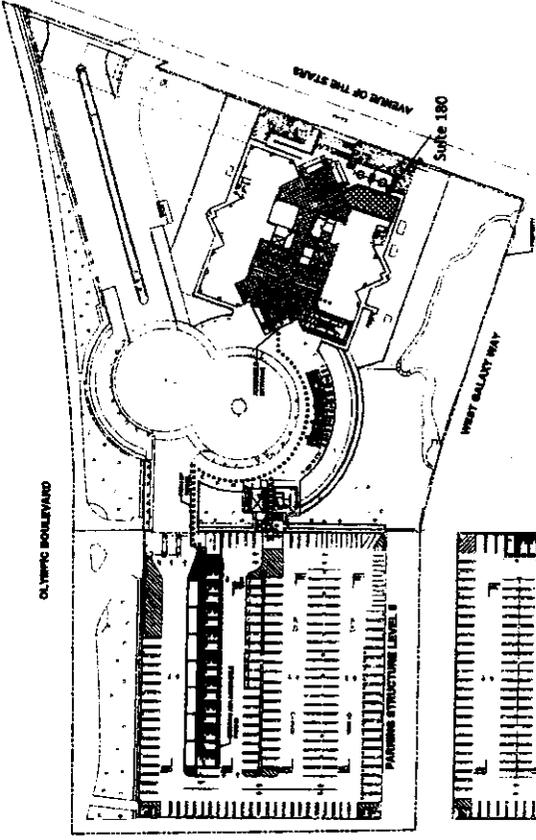


EXHIBIT "A"
 Page No. 1 of 2
 Case No. 2018-001 (CWS)

TITLE SHEET
 & SITE PLAN

DATE	01.14.18
BY	[Signature]
CHECKED BY	[Signature]
APPROVED BY	[Signature]

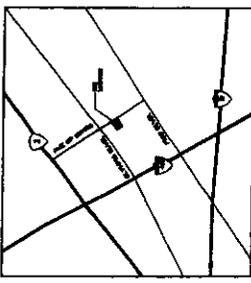


PROJECT NAME: FOX PLAZA - MARKETPLACE
PROJECT ADDRESS: 2121 AVENUE OF THE STARS, SUITE 180, LOS ANGELES, CA 90087
OWNER: FOX PLAZA - MARKETPLACE
DESIGNER: FOX PLAZA - MARKETPLACE
DATE: 01.14.18
SCALE: AS SHOWN
PROJECT NO.: 2018-001
DRAWING NO.: 01
DATE: 01.14.18
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

PROJECT LOCATION: The project is located at the intersection of Olympic Boulevard and West Galatry Way, adjacent to the Avenue of the Stars. The site is bounded by Olympic Boulevard to the north, West Galatry Way to the east, and the Avenue of the Stars to the south. The project consists of a multi-story office building and two parking structures. The site is currently vacant and is being developed for office use. The project is situated in a prime commercial area with excellent access to major transportation routes, including the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is also within walking distance of the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is situated in a prime commercial area with excellent access to major transportation routes, including the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is also within walking distance of the Harbor Freeway (I-10) and the Harbor Freeway (I-105).

PROJECT LOCATION: The project is located at the intersection of Olympic Boulevard and West Galatry Way, adjacent to the Avenue of the Stars. The site is bounded by Olympic Boulevard to the north, West Galatry Way to the east, and the Avenue of the Stars to the south. The project consists of a multi-story office building and two parking structures. The site is currently vacant and is being developed for office use. The project is situated in a prime commercial area with excellent access to major transportation routes, including the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is also within walking distance of the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is situated in a prime commercial area with excellent access to major transportation routes, including the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is also within walking distance of the Harbor Freeway (I-10) and the Harbor Freeway (I-105).

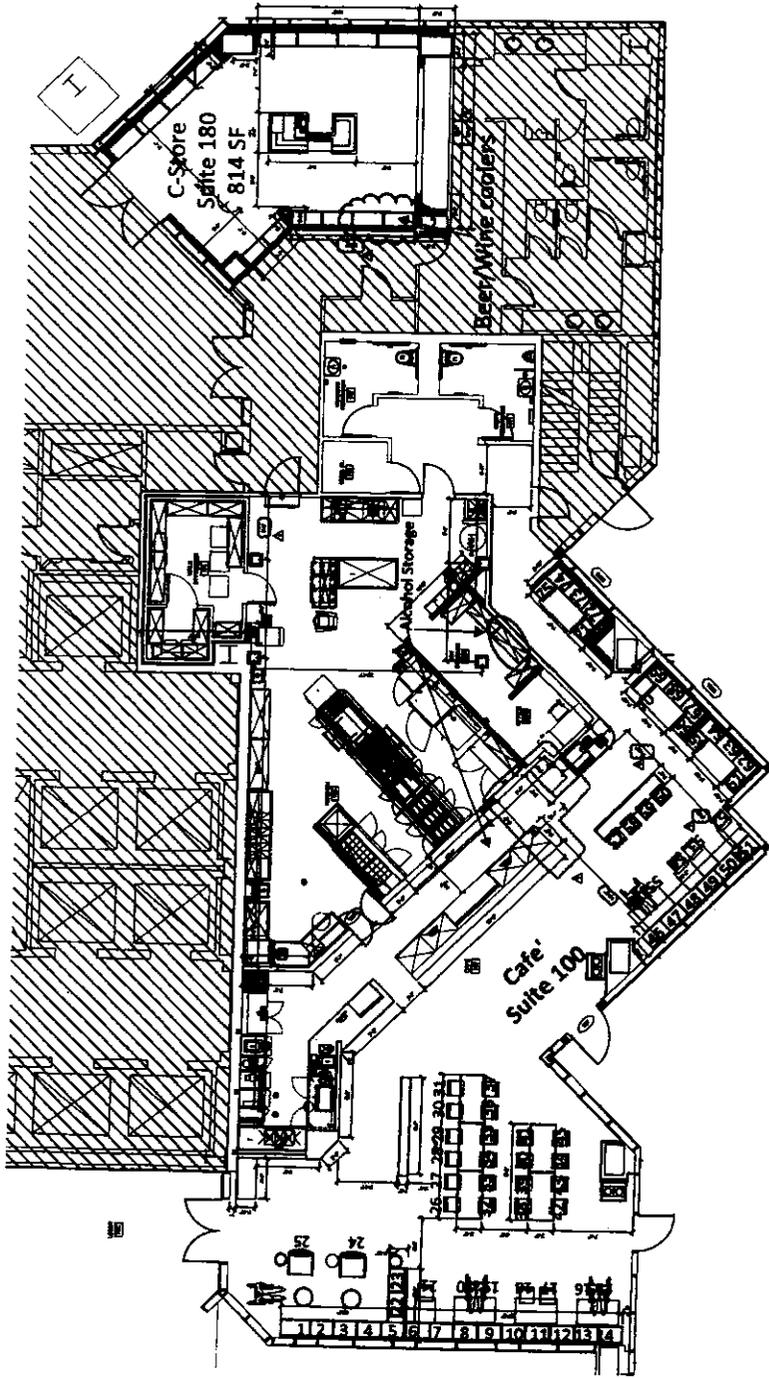
PROJECT LOCATION: The project is located at the intersection of Olympic Boulevard and West Galatry Way, adjacent to the Avenue of the Stars. The site is bounded by Olympic Boulevard to the north, West Galatry Way to the east, and the Avenue of the Stars to the south. The project consists of a multi-story office building and two parking structures. The site is currently vacant and is being developed for office use. The project is situated in a prime commercial area with excellent access to major transportation routes, including the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is also within walking distance of the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is situated in a prime commercial area with excellent access to major transportation routes, including the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is also within walking distance of the Harbor Freeway (I-10) and the Harbor Freeway (I-105).



PROJECT LOCATION: The project is located at the intersection of Olympic Boulevard and West Galatry Way, adjacent to the Avenue of the Stars. The site is bounded by Olympic Boulevard to the north, West Galatry Way to the east, and the Avenue of the Stars to the south. The project consists of a multi-story office building and two parking structures. The site is currently vacant and is being developed for office use. The project is situated in a prime commercial area with excellent access to major transportation routes, including the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is also within walking distance of the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is situated in a prime commercial area with excellent access to major transportation routes, including the Harbor Freeway (I-10) and the Harbor Freeway (I-105). The project is also within walking distance of the Harbor Freeway (I-10) and the Harbor Freeway (I-105).

NO.	REVISION	DATE	BY	CHECKED BY	APPROVED BY
1	ISSUED FOR PERMITTING	01.14.18	[Signature]	[Signature]	[Signature]
2	ISSUED FOR PERMITTING	01.14.18	[Signature]	[Signature]	[Signature]
3	ISSUED FOR PERMITTING	01.14.18	[Signature]	[Signature]	[Signature]
4	ISSUED FOR PERMITTING	01.14.18	[Signature]	[Signature]	[Signature]
5	ISSUED FOR PERMITTING	01.14.18	[Signature]	[Signature]	[Signature]

FOX PLAZA - MARKETPLACE
 2121 AVENUE OF THE STARS
 LOS ANGELES, CA 90087



① CAFE & C-STORE - DIMENSION PLAN

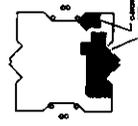


EXHIBIT "A"
 Page No. 2 of 2
 Case No. 02-2012-1212 (CSP)

A3.2

FOX PLAZA - MARKETPLACE
 2121 AVENUE OF THE STARS
 LOS ANGELES, CA 90087





COVID-19 UPDATE

Interim Appeal Filing Procedures

PA 2020

Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. **Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment