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November 10, 2021

Michael Christopher, LLC (A/O)
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Studio City, CA 91604

Eddie Navarrette (R)
FE Design and Consulting
327 East 2nd Street #222
Los Angeles, CA 90012

CASE NO. ZA-2021-1064-CUB-CU
CONDITIONAL USE-BEVERAGE
14054 Ventura Boulevard
Sherman Oaks – Studio City – Toluca
Lake – Cahuenga Pass Planning Area
Zone : C2-1VL
D. M. : 165-B-153
C. D. : 4 - Raman
CEQA : ENV-2021-1065-CE
Legal Description: Lots 1&2, Arb 1,
Block B, Tract 4954

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

That based on the whole of the administrative record, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (reuse of an existing building), and that 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, hazardous waste sites or historic resources applies; and

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

a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site and on-site consumption in conjunction with a 965 square foot retail and liquor store with hours of operation from 8:00 a.m. to 12:00 a.m. (midnight) daily for offsite sales and from 10:00 a.m. to 9:00 p.m. daily for tastings; and,

Pursuant to Los Angeles Municipal Code Section 12.24-W,27, I hereby **APPROVE**:

a Conditional Use to allow a Commercial Corner Development with hours of operation from 8:00 a.m. to 12:00 a.m. daily, in lieu of 7:00 a.m. to 11:00 p.m. daily in the C2-1VL 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's Development Services Center 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 main 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. Fees required per LAMC 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 prior to the final clearance of this condition.

7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption, as well as the offering of in-store tastings pursuant to California Alcoholic Beverage Control (ABC) regulations, in conjunction with a proposed 965 square-foot retail and liquor establishment in the C2-1VL zone, subject to the following limitation:

The hours of operation shall be limited from 8:00 a.m. to 12:00 a.m. daily.

8. 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 and are intended for use by the Los Angeles Police Department.
9. Complaint Log. Prior to the utilization of this grant, 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. At any and all ticketing booths

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.

10. 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.
11. 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.
12. 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 outside of the subject facility.
13. Signs shall be posted in English and Spanish that California State Law prohibits the sale of alcoholic beverages to persons who are under 21 years of age.

14. 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. The name of the duty manager shall be listed in a conspicuous place near the entrance of the business for customers and other enforcement agencies.
15. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any LAPD officer, ABC investigator or inspector from the Department of Building and Safety. The manager and all employees of the business shall be knowledgeable of the conditions herein.
16. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
17. Parking shall be subject to the determination of the Department of Building and Safety and any prior actions taken on this subject property and all shall be to the satisfaction of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of LAMC Sections 12.21-A,4(g) and 12.26-E,1(b). No variance from the parking requirements has been granted herein.
18. 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.
19. Prior to the effectuation of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages 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.
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 LAMC (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.

21. No live music or performers shall be allowed on the premises.
22. 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.
23. 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.

ADMINISTRATIVE CONDITIONS

24. MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per LAMC 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.
 - 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/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.
25. 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.

26. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new 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 application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. 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.

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 (ii).
- 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 (ii).

- 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

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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 **November 29, 2021** unless an appeal therefrom is filed with the Department of City Planning. 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 Development Services Center. 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 September 22, 2021, 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 Sections 12.24-W,1 have been established by the following facts:

BACKGROUND

The subject property is a flat, rectangular parcel made up of two lots encompassing approximately 10,268 square feet of lot area. The project site has approximately 93 feet of street frontage along the south side of Ventura Boulevard and the east side of Hazeltine Avenue. The property is zoned C2-1VL and the site is currently improved with a one-story multi-tenant shopping center, with a surface parking lot. The subject request is a for a change of use from the existing pharmacy to a specialty liquor and retail market named "Bottle Dojo." The concept of the market will be a high-end liquor store offering specialty and international products in association with the owner/applicant's other full-service dining establishments located nearby. The tasting service will an integral portion of the establishment and will be regulated by the ABC Type 86 license. This will be similar in function to many Trader Joe's, BevMos, and other specialty retail stores which offer in-store tastings of a range of alcohol products.

The subject property is zoned C2-1VL and is located within the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan Area and the Ventura – Cahuenga Boulevard Corridor Specific Plan area. The project, though a change of use, is not subject to the Specific Plan as it does not result in additional required parking, which is exempted from the Specific Plan. The Community Plan Map designates the land use of subject lot for General Commercial uses, corresponding to the C1.5, C2, C4, CR, RAS3, RAS4, and P Zones. In addition, the project site is located within 4.3 kilometers of the nearest fault (Hollywood) and is in a BOE Special Grading Area; however, the scope of work will be limited to tenant improvements only.

SURROUNDING PROPERTIES

The surrounding properties to the north, east, and west are zoned C2-1VL, [Q]P-1VL, [Q]RD3-1, RD1.5-1, and R1-1 and are a mix of one-to-three story commercial developments at the corner of Ventura Boulevard and Hazeltine, one-to-two story multiple-family developments along the intersecting corridors, one-story single-family development behind multiple-family development off the corridors, and fully improved streets.

STREETS

Ventura Boulevard, adjoining the subject property to the north, is a designated Boulevard II, dedicated to a right-of-way width of 110 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Hazeltine Street, adjoining the subject property to the west, is a designated Local Street Standard, dedicated to a right-of-way width of 60 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Subject Property:

None.

Previous Cases, Affidavits, Permits, and Orders on the Surrounding Properties:

Staff utilized a 1,000-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. The following relevant cases were identified:

Case No. ZA-2010-309-CUB – On May 12, 2010, the Zoning Administrator approved a request to permit the sale of a full-line of alcohol for onsite consumption in conjunction with an existing restaurant at 14015 Ventura Boulevard.

Case No. ZA-1995-394-CUB – On September 20, 1995, the Zoning Administrator approved a request to permit the sale of a full-line of alcohol for onsite consumption in conjunction with an existing restaurant at 14015 W. Ventura Boulevard.

Public Hearing

A Notice of Public Hearing was sent to nearby property owners and/or occupants within 500 feet from the subject site for which an application for the subject request had been filed with the Department of City Planning. In conformance to 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 or via ZOOM on September 22, 2021 at approximately 9:30 a.m. All interested persons were invited to participate in the virtual hearing at which they could listen, ask questions, or present testimony regarding the project.

The hearing was attended by the applicant's representative. No local stakeholders or representative of the local City Council Office attended. The applicant's representative

stated that the use was to be located in a former pharmacy. It is across the street from a recently constructed Ralph's Market. The applicants are experienced operators and operate the adjacent restaurant and five other restaurants in the City. Many alcoholic drinks in bars and restaurants are made with alcohol brands which are not available at most liquor stores or markets. Their business model is to sell these off-brands. Thus, they are not in competition with the existing liquor stores, major retailers such as BevMo and markets such as the Ralph's across the street. The proposed tasting area will be the rear of the store to better control access. The tasting area will not be visible from the street. The Type 86 license allows tastings by manufacturers and are strict. There is to be no charge for tasting, the area must be separated from the retail area, only people over the age of 21 can be in the area, tastings cannot exceed one quarter ounce and only three tastings are permitted. We are OK with the Police Department's suggested conditions except for the one requiring a security guard. The store itself will be separate and independent of the adjacent restaurant. At the conclusion of the hearing, the Zoning Administrator approved the request as there was no opposition to it and the Police Department did not object to it.

Public Correspondence

On March 12, 2021, a letter was received from the Van Nuys Vice Division of the Los Angeles Police Department with no objection to the request. They requested 15 conditions of approval which were all included in the Conditions of approval except for the request for a security guard.

On April 16, 2021, a letter was received from the Sherman Oaks Neighborhood Council's Planning and Land Use Committee recommending approval of the request.

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.

The following conditions are submitted for consideration:

- The hours of operation for off-site sales of a full line of alcoholic beverages shall be limited to 8:00 a.m. to midnight (12:00 a.m.) daily.
- The hours of operation shall be limited from 10:00 a.m. to 9:00 p.m. daily for onsite tastings of alcoholic beverages.
- Any alcoholic beverage sold or dispensed for on-site consumption shall be served by employees of the establishment. No self-service of alcohol is allowed.
- No person under 21 years of age shall sell or serve alcoholic beverages.

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 of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcoholic beverages for on- and 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

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 applicant is requesting a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with a proposed 965 square-foot liquor store and retail market with on-site alcohol tasting. The proposed hours of operation are from 8:00 a.m. to 12:00 a.m., daily and do not consist of late night hours of operation; onsite tastings will be limited to 10:00 a.m. to 9:00 p.m. pursuant to Type 86 license requirements.

The subject request is a for a change of use from the existing pharmacy to a specialty liquor and retail market named "Bottle Dojo." The concept of the market will a high-end store offering specialty and international products in association with the owner/applicant's other full-service dining establishments located nearby. The tasting service will an integral portion of the establishment and will be regulated by the ABC Type 86 license. This will be similar in function to many Trader Joe's, BevMos, and other specialty grocery and liquor stores which offer in-store tastings of a range of alcohol products.

A variety of goods and services is vital for the growth of any neighborhood and with an increase in retail choices, neighborhoods become more desirable to residents. The change of use from the prior pharmacy use to a specialty market provides neighboring residents and workers an additional specialty products store within a reasonable walking distance, while supporting small business growth.

The sale of alcohol will be a portion of the business model, as the store will offer other retail products for sale and conduct educational tastings. The location is suited for the proposed market, in that it promotes livability and convenience for residents and employees that furthers community and economic development. As such, the project will enhance the built environment in the surrounding neighborhood and will perform a function and provide a service that is beneficial to the surrounding community.

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 property is zoned C2-1VL and is located within the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan Area and Ventura – Cahuenga Boulevard Corridor Specific Plan area. The project, though a change of use, is not subject to the Specific Plan as it does not result in additional required parking, which is exempted from the Specific Plan. The Community Plan Map designates the land use of subject lot as General Commercial, corresponding to the C1.5, C2, C4, CR, RAS3, RAS4, and P Zones. In addition, the project site is located within 4.3 kilometers of the nearest fault (Hollywood) and is in a BOE Special Grading Area; however, no new or additional floor area is proposed and construction would consist of interior tenant improvements only.

The surrounding properties are a mix of one-to-three story commercial developments at the corner of Ventura Boulevard and Hazeltine, one-to-two story multiple-family developments along the intersecting corridors, one-story single-family development behind multiple-family development off the corridors, and fully improved streets. The subject properties to the north, east, and west are zoned C2-1VL, [Q]P-1VL, [Q]RD3-1, RD1.5-1, and R1-1 and are developed with improvements as described above.

The subject property is located in a commercial cluster of neighborhood-serving commercial uses, with frontage directly on Ventura Boulevard. The immediately abutting property to the south of the proposed market storefront is single-family development; however, the southerly alleyway buffers this use from the proposed market.

The sale and dispensing of a full line of specialty alcoholic beverages is not expected to contribute to the area's crime rate as the target customers are purchasing high-cost specialty liquors which are not generally available at markets or other liquor stores. The market's hours of operation are reasonable, and the conditions of the

grant require adequate security to discourage criminal and nuisance activity. Conditions of the grant also address noise and loitering and security. Conditions such as requirements for STAR training and security cameras will continue to be imposed to ensure that the project will not adversely affect or degrade adjacent properties. Therefore, the project's location, operations and other significant features will be compatible with and will not adversely affect adjacent properties or the surrounding neighborhood.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. The Framework Element includes Policy 7.3.2 which encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The subject property is zoned C2-1VL and is located within the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan Area and the Ventura – Cahuenga Boulevard Corridor Specific Plan area. The project, though a change of use, is not subject to the Specific Plan as it does not result in additional required parking, which is exempted from the Specific Plan. The Community Plan Map designates the land use of subject lot as General Commercial, corresponding to the C1.5, C2, C4, CR, RAS3, RAS4, and P Zones.

The Community Plan text is silent with regards to alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. Approval of the conditional use permit request is consistent with Objective 2-1 of the Community Plan which aims to "strengthen viable commercial development."

The proposed store supports and strengthens the commercial character and identity of the Ventura and Hazeltine intersection. It will allow the revitalization of an existing multi-tenant building by occupying a vacant tenant space. Therefore, the proposed project is in conformance with the spirit and intent of the General Plan and other City policies which aim to promote the subject property and its immediate area with healthy and viable commercial activity.

ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES

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

The approval of the conditional use request will not adversely affect the welfare of the community. The property is zoned for commercial uses and will continue to be utilized as such with the proposed specialty liquor store. With oversight from the California Department of Alcoholic Beverage Control and the incorporation of a number of conditions with this grant, the project will be compatible with the character of the immediate neighborhood. Conditions have been incorporated into this grant to require security measures such as the installation of a surveillance system and deterrence of graffiti. In addition, the grant requires the installation of age verification device at the point of sale to deter underage drinking. Employees must also undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community.

The store would provide education about a new range of products and provide a desirable use for personal enjoyment and gifts. The addition of a full line of alcoholic beverage sales, with associated tasting, is integral to the proposed use, but will not adversely affect the surrounding community as tastings are very limited in the amount that can be served and the market will primarily serve a high-end, takeaway clientele. Therefore, it is expected that the off-site alcohol sales or the on-site tastings 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, four on-site and two off-site consumption licenses are allocated to subject Census Tract No. 1412.02. Currently there are eight on-site licenses and two off-site licenses in this Census Tract. The subject request entails a Conditional Use Permit (CUB) to allow sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed liquor store and would add an additional active license to the area. The proposed use, though the approval of the additional license would result in exceeding the ABC's criteria for off-site sales, the business model of the store to sell high-end, unavailable, specialty liquor, will not result in an over-

concentration as the only other off-site location within the 500-foot radius is the large Ralph's Market across the street. The business model of the new use is not aimed at competing with the larger markets and drug stores of the area with full line sales as the products sold at the requested location are not aimed at the general consumer.

As reported by the Los Angeles Police Department, which has jurisdiction over the subject property, within Crime Reporting District No. 985, a total of 256 crimes were reported in 2020 (215 Part I and 41 Part II crimes), compared to the Citywide Average of 141 crimes and compared to the High Crime Reporting District Average of 169 crimes. Alcohol related Part II Crimes reported include Liquor Laws (zero), Public Drunkenness (one), Disturbing the Peace (zero), Disorderly Conduct (two), DUI related (six), and other offenses (zero). 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. As can be seen, the alcohol offenses contribute to 21% of the part II crimes and 3.5% of the total number of offenses for the year.

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 ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. The Zoning Administrator is imposing a number of conditions of approval in order to prevent public drinking, and public drunkenness. Potential negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are already below average in this area and are further mitigated by the imposition of conditions requiring surveillance, responsible management, and deterrents against loitering and other nuisances. The conditions will safeguard the welfare of the community.

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 proposed specialty liquor store. The following sensitive uses are located within a 1,000-foot radius of the site:

Single Family Residences
Multi-Family Residences

The grant has been conditioned to protect the 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 security, noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will continue to contribute to a neighborhood and will 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 C, areas outside of a flood zone.

Inquiries regarding the matter shall be directed to Andrew Jorgensen, AICP, City Planner for the Department of City Planning at 818-374-9904 or Andrew.jorgensen@lacity.org.



CHARLES J. RAUSCH, JR.
Associate Zoning Administrator
CJR:AJ:ds

cc: Councilmember Raman
4th Council District
Adjacent Property Owners

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 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

