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planning.lacity.org

May 19, 2022

Mrs. Gooch's Natural Food Markets, Inc.  
c/o Ryan Bissett (A)  
550 Bowie Street  
Austin, TX 78703

Westwood Market Place, LLC (O)  
11812 San Vicente Boulevard, #510  
Los Angeles, CA 90049

Stephen Allen Jamieson, Esq (R)  
Solomon, Saltsman & Jamieson  
426 Culver Boulevard  
Playa Del Rey, CA 90293

CASE NO. ZA-2021-6928-CUB  
CONDITIONAL USE - ALCOHOL  
1050 South Gayley Avenue  
Westwood Community Plan  
Zone: C4-2D-O  
C.D: 5  
D.M.: 132B149  
CEQA: ENV-2021-6929-CE  
Legal Description: Parcel B, Parcel Map  
2002-2196

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

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

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

a conditional use to authorize the sale of a full line of alcoholic beverages for off-site consumption and on-site consumption in association with instructional tasting events, all in conjunction with an existing grocery store in the C4-2D-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. Within 30 days of the effective date 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
7. **Authorization.** Approved herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption, and on-site consumption in association with instructional tasting events only, in conjunction with the continued operation of an existing approximately 17,412 square-foot grocery store, upon the following:
  - a. In addition to outdoor seating upon the property, outdoor seating in the public right-of-way shall be limited to a maximum of 10 seats along the Gayley Avenue frontage. A Revocable Permit from the Bureau of Engineering, Department of Public Works is required for the outdoor dining located in the public right-of-way. The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures. A copy of the approved Revocable Permit, including a plot plan and any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right of way as permitted by this grant.
  - b. The hours of operation are limited to 7 a.m. to 10 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. **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. Customer service desk, front desk or near the hostess station
  - c. Provided to the immediate neighbors, schools, and local Neighborhood Council.

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 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), the California Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD), or other similar ABC-approved training program. Upon completion of such training, the applicant shall request the Police Department, Department of Alcohol Beverage Control, or other agency to issue a letter to the Department of City Planning referencing Case No. ZA-2021-6928-CUB and identifying which employees completed the training. STAR or LEAD training shall be conducted for all new hires within three months of their employment and all employees every 24 months thereafter.
11. An electronic age verification device shall be purchased and retained on the premises available to determine the age of any individual and shall be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
12. Upon receipt of any violations issued by any City department or other public jurisdictions relating to such operation's alcohol service, the applicant shall submit a copy of the violation, within five business days, to the Development Services Center, Department of City Planning, for inclusion in the administrative case file.
13. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain

an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.

14. A camera surveillance system shall be installed, in consultation with the Los Angeles Police Department, 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. All data shall be made available to law enforcement agencies upon request.
15. No variance from parking requirements have been granted herein. Parking shall be subject to the determination of the Department of Building and Safety.  
  
A minimum of 95 parking spaces, 85 of which are for patrons and ten of which are for employees, shall be provided on site for the exclusive use of the market and shall be available during the hours the market is in operation as previously required in the prior grant (Case No. ZA 2001-4336-CUB)
16. The market shall comply with the applicable provisions of the Westwood Village Specific Plan.
17. Loading activities in the rear loading zone shall be minimized between 6 a.m. and 10 p.m. as volunteered by the applicant.
18. Adequate lighting shall be installed and maintained in all areas within the business in conformance with the LAMC. The lighting shall be such that it renders all objects and persons clearly visible.
19. The exterior windows and glass doors of the market shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height so as to permit surveillance into the restaurant by Police and private security.
20. No pennants, banners, ribbons, streamers, spinners or balloon signs are permitted.
21. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
22. Only the front door or entryway shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door, but shall be solid.
23. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
24. Loitering is prohibited on or around these premises or the area under the control of the applicant.

25. Signs shall be prominently posted in English, and the predominant language of the facility's clientele, if different, stating that California State law prohibits the sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the facility in the same language(s).
26. The adjoining sidewalk, parking lot, and the area under the applicant's control shall be routinely patrolled by employees of the market or security personnel for the purpose of monitoring loitering. Any problems associated with the store operation shall immediately be reported to the store manager who shall correct/remedy the problems.
27. 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.
28. 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.
29. The applicant(s) shall comply with Section 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.
30. The applicant/business operator/manager shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
31. Conditions of this grant shall be retained at all times on the premises and shall be made immediately available upon request by the LAPD, ABC, Building and Safety, or City Planning. The manager and all employees shall be knowledgeable of the conditions herein.
32. The applicant/business operator/manager of the premise permitted by this action shall maintain on the premise, and present upon request to any law enforcement officer, a copy of the business permit and insurance information.
33. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to

- discourage illegal and criminal activities and any exterior area, including accessory parking areas, over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
34. The applicant/business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.
  35. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all the ABC conditions as well as all the conditions of this grant. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.
  36. **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.
  37. Should there be a change in the ownership and/or the operator of the business, the property owner and/or 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 Development Services Center, 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 Development Services Center, 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.



38. Should there be a change in the ownership and/or the operator of the business, 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. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of 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 a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
39. 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 their own initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall file for a plan approval application together with associated fees, 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, the Los Angeles Police Department's corresponding division, and the local Neighborhood Council. 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.

40. **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 **JUNE 3, 2022**, 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](tel:(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](tel:(818)374-5050)

**West Los Angeles**  
West Los Angeles  
Development Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
[\(310\) 231-2598](tel:(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 May 3, 2022, 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 have been established by the following facts:

### BACKGROUND

The property is a level, irregular-shaped, interior, approximately 46,011 square-foot lot, with an approximately 375-foot frontage on the east side of Gayley Avenue and an approximately 55-foot frontage on the south side of Weyburn Avenue. Vehicle access to the property is via a single two-way driveway along Gayley Avenue and a single two-way driveway along Weyburn Avenue.

The property is developed with a one-story, 17,412 square foot Whole Foods Market and associated parking in a two-level parking structure. The market provides 34 outdoor dining seats.

The property is located in the Westwood Community Plan, which designates the site for Community Commercial Land Uses, having corresponding zones of CR, C2, C4, RAS3, and RAS4. The property is also located within the Westwood Village Specific Plan, the Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The property is also located within

a Transit Priority Area, a Tier 3 Transit Oriented Community, an Urban Agriculture Incentive Zone, the Westwood Business Improvement District, the Methane Buffer Zone of a Methane Hazard Site, a Liquefaction Zone, and within the Fault Zone of the Santa Monica Fault.

The applicant seeks a conditional use to authorize an upgrade from the sale of beer and wine only for off-site consumption and on-site consumption with instructional tastings, to the sale of a full line of alcoholic beverages for off-site consumption and on-site consumption with instructional tastings, in conjunction with an existing 17,412 square-foot grocery market (Whole Foods Market), providing 95 parking spaces in the C4-2D-O Zone. The market would be open 7 days a week, operating from 7:00 a.m. to 10:00 p.m., with loading hours from 6:00 a.m. to 10:00 p.m. No interior changes or additions to the existing structure are proposed.

According to information submitted by the applicant:

Whole Foods Market has operated at this location since 2002 with a Conditional Use Permit and an existing ABC License (Type 20) for the off-site consumption of beer and wine, and also pursuant to its existing tastings License, a Type 86.

The specialty grocery store will continue to fulfill a substantial demand for organic, natural, and health food products in which the grocery store operator specializes, and will feature meat and deli departments, an in-store bakery and kitchen.

Whole Foods Market will also continue to boost the local economy with greater job opportunities and increased tax revenues. A wide range of employment positions, from entry level to managerial, are necessary to staff the grocery store. The grocery store employs up to approximately 160 people to staff the numerous departments and provide customer service to patrons. As such, the grocery store will continue to add viable employment opportunities to the community.

Whole Foods Market is a value to the community and will continue providing uses that are beneficial to the neighborhood. The overall product offering provides a range of goods and services to the local community. The retail grocery store will continue operating between 7 a.m. and 10 p.m., daily and is requesting to have delivery / loading hours from 6 a.m. to 10 p.m., daily, to meet the needs of the surrounding community and ensure that local customers have convenient access to their neighborhood grocery store as needed. The sale of alcoholic beverages is currently and will continue to be an ancillary use to the tenant uses. The operations, with strict adherence to the imposed conditions and under proper management and supervision, will continue to enhance the environment of the surrounding neighborhood and provide a benefit to the community. These specialty grocery store will continue to offer a beneficial "on- stop" shopping experience in which nearby residents are able to purchase grocery items, medicine beverages and / or other necessary retail items.

This site has operated as a Whole Foods Market and has held a Conditional Use Permit to authorize the sale of beer and wine for off-site consumption for almost 20 years (since 2002). Thus, as this new request for a Conditional Use Permit does not

propose anything outside of that which was previously approved and operating, except authorizing the offsite sales of distilled spirits and ancillary instructional tastings.

According to the California Department of Alcoholic Beverage Control, License No. 384324, a Type 20 (issued December 17, 2002) and Type 86 (issued September 28, 2016) license, has been issued to the property and expires on November 30, 2022.

### **Surrounding properties**

Surrounding properties to the north and across Weyburn Avenue, east, across an alleyway and fronting on Broxton Avenue, south, and east, across Gayley Avenue, are all zoned C4-2D-O and generally characterized by a mix of one- and two-story commercial buildings and associated parking lots, having a mix of retail, restaurant, office, and personal service uses.

### **Streets**

Gayley Avenue, adjoining the property to the southwest, is designated as an Avenue II, dedicated to a width of 90 feet, and is improved with an asphalt roadway, concrete curbs, gutter, sidewalk and tree wells.

Weyburn Avenue, adjoining the property to the northwest, is designated as a Local Street - Standard, dedicated to a width of 80 feet, and improved with asphalt roadway, concrete curbs, gutter, and sidewalk.

Alley, adjoining the property on the to the northeast, is dedicated a width of 20 feet and improved with a concrete roadway.

### **Previous Cases, Affidavits, and Orders**

City Planning staff, utilizing the Department's Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions associated with the subject property and those within a 600-foot radius of the subject property and found the following:

#### **Subject Property:**

ZA 2001-4336(CUB) – On March 13, 2002, the Zoning Administrator approved a conditional use permit for the sale and dispensing of beer and wine for off-site consumption, in conjunction with a proposed 17,412 square-foot retail grocery market, with hours of operation from 8 a.m. to 10 p.m., on property located within the C4-2D-O Zone. The grant was term limited to 10 years, expiring on March 28, 2012.

ZA 2001-4336(CUB)(PA1) – On February 21, 2012, the Zoning Administrator approved a conditional use permit for the continued sale and dispensing of beer and wine for off-site consumption in conjunction with an existing grocery market, with hours of operation from 7 a.m. to 10 p.m. daily, on property located within the C4-2D-O Zone. The grant was term limited to 10 years, expiring on March 28, 2022.

Case No. CPC 96-0220 – On March 8, 1997, Ordinance No. 171,492 became effective, establishing the West Los Angeles Transportation Improvement and Mitigation Specific Plan.

Case No. CPC 12142(REV) – On October 19, 1989, Ordinance No. 165,171 became effective resulting in a change of zone to C4-2D, and the inclusion of “D” Development Limitations.

Ordinance No. 164,305 – On January 30, 1989, this ordinance became effective, resulting in amendments to the Westwood Village Specific Plan.

Ordinance No. 163,204 – On January 28, 1988, this ordinance was approved, resulting in the establishment of the Westwood Community Design Review Board.

Case No. ZA 87-1373(CUX) – On April 19, 1988, the Zoning Administrator approved a conditional use to authorize continued public dancing in conjunction with an existing restaurant (Baxter’s), for a limited term, expiring on July 30, 1991.

Case No. ZA 85-0136(CUX) – On June 20, 1985, the Zoning Administrator approved a conditional use to authorize public dancing in the basement lounge of an existing restaurant (Baxter’s), for a limited term, expiring on July 30, 1988.

Case No. CPC 27680 – On April 22, 1979, Ordinance No. 152,086 became effective resulting in a change of zone to C4-3.

Case No. CUB 77-235 - On October 3, 1977, the Zoning Administrator approved a conditional use to permit the sale and dispensing of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant (Jojos Restaurant) and incidental cocktail lounge, located in the basement area of a three-screen movie theater complex.

Case No. ZA 21569 – On March 20, 1975, the Zoning Administrator approved a variance to authorize required parking to be provided off-site by lease in lieu of recorded covenant and agreement, and to allow extended hours of operation, in conjunction with the conversion of a supermarket building into a four-screen movie theater.

Case No. CPC 21145 – On May 5, 1969, Ordinance No. 136,347 became effective, resulting in the property being given the “O” Oil Drilling District suffix, to the C2-3-O Zone.

Case No. ZA 19490 – On August 22, 1968, the Zoning Administrator approved a variance to authorize a modification of the terms and conditions of Case No. ZA 19436, to allow the relocation of non-covenanted parking from Lindbrook Avenue to a parking structure located on the southeasterly corner of Weyburn Avenue and Gayley Avenue.

Surrounding Properties:

Case No. DIR-2021-1463-RV – On October 6, 2021, the Director of Planning required modification of the restaurant/retail use (Habibi Café) located at 923-925 South Broxton Avenue, by the imposition of corrective conditions in order to mitigate adverse public nuisance impacts caused by the use, on property located within the C4-2D-O Zone. The matter was appealed to City Council, where a final determination is pending.

Case No. ZA-2019-5431-CUB-1A – On October 29, 2020, the West Los Angeles Area Planning Commission denied an appeal, sustained the action of the Zoning Administrator, and approved a conditional use to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with an existing theatre, on property located within the C4-2D-O Zone, at 1045 South Broxton Avenue.

Case No. ZA-2018-5948-CUB – On January 25, 2019, the Zoning Administrator approved a conditional use to allow the sale of a full line of alcoholic beverages for on-site consumption, with incidental off-site sales, in conjunction with a proposed restaurant, cooking school with ancillary cookery shop, on property located within the C4-2D-O Zone, at 1121 South Glendon Avenue.

Case No. ZA-2018-2813-CUB-CUX – On September 21, 2018, the Zoning Administrator approved conditional uses to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing, in conjunction with an existing restaurant, on property located within the C4-2D-O Zone, at 1071-1073 South Glendon Avenue.

Case No. ZA-2018-0453-CUB-1A – On September 20, 2018, the West Los Angeles Area Planning Commission denied an appeal, sustained the action of the Zoning Administrator, and approved a conditional use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new restaurant, on property located within the C4-2D-O Zone, at 1140 South Gayley Avenue.

Case No. ZA-2017-5460-CUB – On May 30, 2018, the Zoning Administrator approved a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, on property located within the C4-2D-O Zone, at 1037 South Broxton Avenue.

Case No. ZA 2017-0179(CUB)-1A – On August 28, 2017, the West Los Angeles Area Planning Commission granted an appeal in part and sustained in part the action of the Zoning Administrator, resulting in the approval of a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a restaurant and microbrewery, on property located within the C4-2D-O Zone, at 1099 Westwood Boulevard.

Case No. ZA 2016-2962(CUB)-1A – On August 10, 2017, the West Los Angeles Area Planning Commission granted an appeal in part and sustained the action of the Zoning Administrator in part, resulting in the approval of a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in



conjunction with a proposed restaurant, on property located within the C4-2D-O Zone, at 10959 West Kinross Avenue.

Case No. ZA 2016-3462(CUB) – On January 30, 2017, the Zoning Administrator approved a conditional use to allow the sale and dispensing beer and wine for on-site consumption in conjunction with an existing restaurant, on property located within the C4-2D-O Zone, at 1116 South Westwood Boulevard.

Case No. ZA 2016-2093(CUB)-1A – On January 4, 2017, the West Los Angeles Area Planning Commission denied an appeal, sustained the action of the Zoning Administrator, and approved a conditional use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant, on property located within the C4-2D-O Zone, at 1061 South Broxton Avenue.

Case No. ZA 2015-4433(CUB) – On April 18, 2016, 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, on property located within the C4-2D-O Zone, at 1110 South Gayley Avenue.

Case No. ZA 2014-4760(CUB)(DRB)(SPP) – On February 16, 2016, 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 expansion of an existing restaurant, in addition to Design Review approval and Specific Plan Project Permit Compliance, on property located within the C4-2D-O Zone, at 931-939 South Broxton Avenue.

Case No. ZA 2015-1400(CUB) – On October 20, 2015, 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, on property located within the C4-2D-O Zone, at 1122 South Gayley Avenue.

Case No. ZA 2013-4020(CUB) – On October 30, 2014, 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, on property located within the C4-2D-O Zone, at 1101 Glendon Avenue.

Case No. ZA 2013-2643(CUB) – On February 7, 2014, the Zoning Administrator approved a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, on property located within the C4-2D-O Zone, at 1001 Broxton Avenue.

Case No. ZA 2012-0134(CUB) – On June 13, 2012, 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 with live entertainment, on property located within the C4-2D-O Zone, at 1055-1059 South Broxton Avenue.

Case No. DIR 2002-4668(RV) – On March 28, 2003, the Director of Planning required modification of the restaurant/bar use (Madison's Neighborhood Grill) located at 1037



Broxton Avenue, by the imposition of corrective conditions in order to mitigate adverse public nuisance impacts caused by the use, on property located within the C4-2D Zone.

In addition, the following cases were also found to have involved consideration for alcohol:

ZA 2011-0048(PAB)	ZA 98-0765(CUB)	ZA 87-0878(E)
ZA 2011-1741(CUB)	ZA 98-0338(CUB)	ZA 87-0752(CUB)
ZA 2010-2406(CUB)	ZA 98-0307(CUB)	ZA 87-0540(E)
ZA 2010-2405(CUB)	ZA 97-0848(CUB)	ZA 87-0520(CUB)
ZA 2009-1875(CUB)	ZA 97-0425(CUB)	ZA 87-0508(CUB)
ZA 2008-0617(CUB)	ZA 95-0357(CUB)	ZA 86-0881(CUB)
ZA 2008-1345(CUB)	ZA 95-0324(CUE)	ZA 86-0850(CUB)
ZA 2007-4081(CUB)	ZA 95-0303(CUB)	ZA 86-0306(CUB)
ZA 2005-7848(CUB)	ZA 95-0250(CUB)	ZA 85-1055(E)
ZA 2005-7479(CUB)	ZA 95-0156(CUB)	ZA 84-0908(CUB)
ZA 2004-4683(CUB)(CUX)	ZA 94-0480(CUB)	ZA 84-179(E)
ZA 2004-1621(CUB)	ZA 94-0186(CUB)	ZA 84-137(E)
ZA 2003-9012(ZV)(CUB)	CPC 94-0094(CUB)	ZA 84-031(E)
ZA 2002-6873(CUE)	ZA 92-0442(CUB)	ZA 83-259(E)
ZA 2002-4595(PAB)	ZA 92-0441(CUB)	YD 82-121(CUB)
CPC 2002-2860(GPA)(SP)	ZA 92-0440(CUB)	ZA 81-036(E)
(SPE)(CUB)(ZAA)(SPR)	ZA 92-0023(CUB)	ZA 80-180(E)
ZA 2001-4336(CUB)	ZA 91-1149(CUE)	
ZA 98-0946(CUE)	ZA 87-1499(CUB)	

### **Correspondence**

Sachi R. Cooper, Land Use Committee Chair, Westwood Neighborhood Council – In a letter dated January 12, 2022, the Neighborhood Council expressed their support for the project and request.

Captain Jonathan Tom, Commanding Officer, West Los Angeles Area, Los Angeles Police Department – In a letter dated September 30, 2021, the Police Department recommended conditions for adoption, in order to "assist the Department in maintaining the quality of life of the surrounding residential and business communities."

### **PUBLIC HEARING**

A Notice of Public Hearing was sent to abutting property owners and/or occupants residing near the subject site for which an application was filed with the Department of City Planning. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. A public hearing was held before the Zoning Administrator on May 3, 2022 at 10:30 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. Two individuals participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

Stephen Jaimeson, representative for the applicant, summarized the project and request as follows:

- A presentation was given, a copy of which has been attached to the administrative record.
- The applicant has operated the grocery store since 2002.
- They have operated with a beer and wine license since 2007.
- Have had on-site instructional tasting since 2016.
- Not requesting any changes to the existing conditions.
- Would like to expand the hours of operation.
- The store is not adjacent to any residential uses.
- We have reached out to the Council Office – they have not expressed any opposition.
- The Neighborhood Council supports the request.
- This is, and will remain, a grocery store.
- We are seeking a Type 21 license, and a re-issued Type 86 license.
- We ask that an alternative to LAPD STAR training be allowed.
- We also ask that this grant not be term limited.

The hearing was then opened to receive testimony from the general public:

Dylan Sittig, City Council District 5

- We are in support of the project.
- The grocery store is well operated.
- We support the expansion of the alcohol authorization.

At the conclusion of the hearing, the Zoning Administrator stated that he had reviewed the entirety of the administrative record concerning the property and request, and with consideration of the testimony received at this hearing, would approve 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:

- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- 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.
- 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/checkout clerk specifically assigned solely to that station.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

### **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 off-site consumption an on-site instructional tasting 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.

### **FINDINGS**

Following 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 is a level, irregular-shaped, interior, approximately 46,011 square-foot lot, with an approximately 375-foot frontage on the east side of Gayley Avenue and an approximately 55-foot frontage on the south side of Weyburn Avenue. Vehicle access to the property is via a single two-way driveway along Gayley Avenue and a single two-way driveway along Weyburn Avenue. The property is developed with a one-story, 17,412 square foot Whole Foods Market and associated parking in a two-level parking structure. The market provides 34 outdoor dining seats.

Surrounding properties to the north and across Weyburn Avenue, east, across an alleyway and fronting on Broxton Avenue, south, and east, across Gayley Avenue, are all zoned C4-2D-O and generally characterized by a mix of one- and two-story commercial buildings and associated parking lots, having a mix of retail, restaurant, office, and personal service uses.

The applicant seeks a conditional use to authorize an upgrade from the sale of beer and wine only for off-site consumption and on-site consumption with instructional tastings, to the sale of a full line of alcoholic beverages for off-site consumption and on-site consumption with instructional tastings, in conjunction with an existing 17,412 square-foot grocery market (Whole Foods Market), providing 95 parking spaces in the C4-2D-O Zone. The market would be open 7 days a week, operating from 7:00 a.m. to 10:00 p.m., with loading hours from 6:00 a.m. to 10:00 p.m. No interior changes or additions to the existing structure are proposed.

According to information submitted by the applicant:

Whole Foods Market has operated at this location since 2002 with a Conditional Use Permit and an existing ABC License (Type 20) for the off-site consumption of beer and wine, and also pursuant to its existing tastings License, a Type 86.

The specialty grocery store will continue to fulfill a substantial demand for organic, natural, and health food products in which the grocery store operator specializes, and will feature meat and deli departments, an in-store bakery and kitchen.

Whole Foods Market will also continue to boost the local economy with greater job opportunities and increased tax revenues. A wide range of employment positions, from entry level to managerial, are necessary to staff the grocery store. The grocery store employs up to approximately 160 people to staff the numerous departments and provide customer service to patrons. As such, the grocery store will continue to add viable employment opportunities to the community.

Whole Foods Market is a value to the community and will continue providing uses that are beneficial to the neighborhood. The overall product offering provides a range of goods and services to the local community. The retail grocery store will continue operating between 7 a.m. and 10 p.m., daily and is requesting to have delivery / loading hours from 6 a.m. to 10 p.m., daily, to meet the needs of the surrounding community and ensure that local customers have convenient access to their neighborhood grocery store as needed. The sale of alcoholic beverages is currently and will continue to be an ancillary use to the tenant uses. The operations, with strict adherence to the imposed conditions and under proper management and supervision, will continue to enhance the environment of the surrounding neighborhood and provide a benefit to the community. These specialty grocery store will continue to offer a beneficial "on- stop" shopping experience in which nearby residents are able to purchase grocery items, medicine beverages and / or other necessary retail items.

This site has operated as a Whole Foods Market and has held a Conditional Use Permit to authorize the sale of beer and wine for off-site consumption for almost 20 years (since 2002). Thus, as this new request for a Conditional Use

Permit does not propose anything outside of that which was previously approved and operating, except authorizing the offsite sales of distilled spirits and ancillary instructional tastings.

According to the California Department of Alcoholic Beverage Control, License No. 384324, a Type 20 (issued December 17, 2002) and Type 86 (issued September 28, 2016) license, has been issued to the property and expires on November 30, 2022.

Since its original approval in 2002 under Case No. ZA 2001-4336(CUB), the applicant has provided a variety of goods and services including, but not limited to dry goods, grocery items, household goods, deli, bakery, and beer and wine. The existing supermarket store offers a beneficial "one-stop" shopping experience in which nearby residents can purchase grocery items, medicine, beverages, and/or other necessary retail items. The request will allow the applicant to continue to offer a beneficial service to the surrounding and regional community by offering its patrons a full line of alcoholic beverages for off-site consumption and limited on-site consumption through instructional tasting events.

No complaints have been received concerning the operation of the supermarket or the availability of alcoholic beverages; the project enjoys the support of the local Neighborhood Council and City Council Office.

A variety of commercial uses, including supermarkets, are an intrinsic part of the diversity of commercial uses necessary for the conservation, development, and success of a vibrant commercial area. A continuation of the authorization, along with the conditions addressing operational issues, will assure that the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the continued operation of the supermarket at the subject venue, will not be disruptive to the community.

Through the approval of these requests, the supermarket will continue to serve its patrons as well as contribute to the collection of tax revenue, increased employment opportunities, and the cultural character of the community. The continuation of the operation, with strict adherence to the imposed conditions and under proper management and supervision, will continue to enhance the environment of the surrounding neighborhood and provide a benefit to the community, and the project will continue to provide a service that is beneficial to the community, city or 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 is a level, irregular-shaped, interior, approximately 46,011 square-foot lot, with an approximately 375-foot frontage on the east side of Gayley Avenue and an approximately 55-foot frontage on the south side of Weyburn Avenue. Vehicle access to the property is via a single two-way driveway along Gayley Avenue and a single two-way driveway along Weyburn Avenue. The property is developed with a

one-story, 17,412 square foot Whole Foods Market and associated parking in a two-level parking structure. The market provides 34 outdoor dining seats.

Surrounding properties to the north and across Weyburn Avenue, east, across an alleyway and fronting on Broxton Avenue, south, and east, across Gayley Avenue, are all zoned C4-2D-O and generally characterized by a mix of one- and two-story commercial buildings and associated parking lots, having a mix of retail, restaurant, office, and personal service uses.

The applicant seeks a conditional use to authorize an upgrade from the sale of beer and wine only for off-site consumption and on-site consumption with instructional tastings, to the sale of a full line of alcoholic beverages for off-site consumption and on-site consumption with instructional tastings, in conjunction with an existing 17,412 square-foot grocery market (Whole Foods Market), providing 95 parking spaces in the C4-2D-O Zone. The market would be open 7 days a week, operating from 7:00 a.m. to 10:00 p.m., with loading hours from 6:00 a.m. to 10:00 p.m. No interior changes or additions to the existing structure are proposed.

According to information submitted by the applicant:

Whole Foods Market has operated at this location since 2002 with a Conditional Use Permit and an existing ABC License (Type 20) for the off-site consumption of beer and wine, and also pursuant to its existing tastings License, a Type 86.

The specialty grocery store will continue to fulfill a substantial demand for organic, natural, and health food products in which the grocery store operator specializes, and will feature meat and deli departments, an in-store bakery and kitchen.

Whole Foods Market is a value to the community and will continue providing uses that are beneficial to the neighborhood. The overall product offering provides a range of goods and services to the local community. The retail grocery store will continue operating between 7 a.m. and 10 p.m., daily and is requesting to have delivery / loading hours from 6 a.m. to 10 p.m., daily, to meet the needs of the surrounding community and ensure that local customers have convenient access to their neighborhood grocery store as needed. The sale of alcoholic beverages is currently and will continue to be an ancillary use to the tenant uses. The operations, with strict adherence to the imposed conditions and under proper management and supervision, will continue to enhance the environment of the surrounding neighborhood and provide a benefit to the community. These specialty grocery store will continue to offer a beneficial "on- stop" shopping experience in which nearby residents are able to purchase grocery items, medicine beverages and / or other necessary retail items.

This site has operated as a Whole Foods Market and has held a Conditional Use Permit to authorize the sale of beer and wine for off-site consumption for

almost 20 years (since 2002). Thus, as this new request for a Conditional Use Permit does not propose anything outside of that which was previously approved and operating, except authorizing the offsite sales of distilled spirits and ancillary instructional tastings.

On March 13, 2002, the Zoning Administrator approved a conditional use, Case No. ZA 2001-4336(CUB), to allow the sale and dispensing of beer and wine only for off-site consumption in conjunction with the operation of a supermarket with hours of operation from 8 a.m. to 10 p.m., daily. The grant was term limited for a period of 10 years. The authorization was approved an additional term of 10 years under a subsequent Approval of Plans, Case No. ZA-2001-4336(CUB)(PA1), on February 21, 2012. The supermarket currently maintains a Type 20 and Type 86 Alcohol License from ABC (License No. 384324) for the sale and dispensing of beer and wine for off-site consumption and on-site instructional tasting. The grocery store has been operating with the Type 20 license since December 2002.

According to the California Department of Alcoholic Beverage Control, "[t]he Instructional Tasting License allows the tasting of beer, wine and/or distilled spirits at off-sale licensed premises. The quantity and number of tastings that may be offered to consumers is limited. This license can only be held in conjunction with a qualified off-sale license.

State law requires that

"qualified suppliers (i.e.; "authorized licensees") or their designated agents to conduct "instructional tasting events" at off-sale retail locations holding the instructional tasting licenses, and to provide tastes of alcoholic beverages to consumers under very specific conditions, restrictions and limitations.

"A unique aspect of the instructional tasting license is that, while it will be applied for and held by a retail licensee, its core privileges require the involvement or participation of a qualified supplier. With that in mind, suppliers and retailers alike should be fully aware of existing tied-house laws that otherwise restrict or limit business relationships between the supply and retail tiers. A supplier shall in no way, directly or indirectly, pay, reimburse, or assist a retail licensee with any efforts associated with obtaining a type 86 license, nor shall instructional tasting events be used to, in any way, circumvent existing tied-house laws. Any payment made by a supplier to or on behalf of a retailer, directly or indirectly, in connection with an instructional tasting event, except as authorized or required for alcoholic beverage products to be used during the tasting event, shall be considered a violation of tied-house laws."

No complaints have been received concerning the operation of the supermarket or the current availability of alcoholic beverages; the project enjoys the support of the local Neighborhood Council and City Council Office. The Los Angeles Police Department has recommended a number of conditions to be incorporated into the grant for consideration. These recommended conditions have been incorporated into



the conditions of approval or incorporated into the list of recommended conditions for consideration by the Department of Alcoholic Beverage Control.

Given the compatible way in which the operator has conducted business in proximity to their neighbors and the longevity of their operation, some allowances are appropriate. So long as the operator is mindful of and sensitive to their neighbors, the sale of a full line of alcoholic beverages for off-site consumption should pose little disruption in the community.

The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with alcohol sales will be compatible with other uses in the surrounding community. 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. Further, conditions have been imposed to delineate steps to be taken if the operation of the restaurant is found to be noncompliant with these conditions. Conditions have also been recommended to the Department of Alcoholic Beverages Control for consideration as part of their license issuing process, which the applicant may also be subject to. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, 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.

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 Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Westwood Community Plan area. The Community Plan Area Map designates the property for Community Commercial land uses, with corresponding zones of CR, C2, C4, RAS3, and RAS4. The property is zoned C4-2D-O. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The Westwood Community Plan is silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following goals and policies of the Community Plan:

**Goal 2** A strong and competitive commercial sector which promotes economic vitality, and serves the needs of the community through well designed, safe and accessible areas while preserving the community's unique commercial, historic and cultural character.

**Objective 2-1** To conserve and strengthen viable commercial development in the community and to provide opportunities for new, compatible commercial development and services within existing commercial areas.

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

In approving the original conditional use permit under Case No. ZA 2001-4336(CUB) in 2002, the Zoning Administrator found that granting an authorization for the sale of beer and wine for off-site consumption was in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan; when it was subsequently extended through Case No. ZA-2001-4336(CUB)(PA1) in 2012, this finding was re-affirmed. The instant request only seeks upgrade the authorization from beer and wine to a full line of alcohol and to formally add limited on-site consumption associated with instructional tasting events. No substantial changes to land use policies within this community have occurred since the conditional use was granted in 2002 that would impact consideration of the current request.

The supermarket offers a beneficial "one-stop" shopping experience in which nearby residents can purchase grocery items, medicine, beverages, and/or other necessary retail items. The authorization will allow the supermarket to continue to offer a beneficial service to the surrounding and regional community by offering its patrons a full line of alcoholic beverages for off-site consumption, and limited on-site consumption through instructional tasting events.

The property is also located within the Westwood Village Specific Plan, the Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan. These plans are implementing documents and contain limited policies; the request for the sale of alcoholic beverages is not affected or addressed by these Plans.

The project will uphold the aforementioned goals and policies laid forth by the General Plan, Community Plan, and Specific Plan. Therefore, the requested conditional use conforms to the purpose, intent, and provisions of the applicable portions of the General Plan and Community Plan, and Specific Plan.

## **CONDITIONAL USE BEVERAGE FINDINGS**

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

The applicant seeks a conditional use to authorize an upgrade from the sale of beer and wine only for off-site consumption and on-site consumption with instructional tastings, to the sale of a full line of alcoholic beverages for off-site consumption and on-site consumption with instructional tastings, in conjunction with an existing 17,412 square-foot grocery market (Whole Foods Market), providing 95 parking spaces in the C4-2D-O Zone. The market would be open 7 days a week, operating from 7:00 a.m. to 10:00 p.m., with loading hours from 6:00 a.m. to 10:00 p.m. No interior changes or additions to the existing structure are proposed.

Surrounding properties to the north and across Weyburn Avenue, east, across an alleyway and fronting on Broxton Avenue, south, and east, across Gayley Avenue, are all zoned C4-2D-O and generally characterized by a mix of one- and two-story commercial buildings and associated parking lots, having a mix of retail, restaurant, office, and personal service uses.

No complaints have been received concerning the operation of the supermarket or the current availability of alcoholic beverages; the project enjoys the support of the local Neighborhood Council and City Council Office.

The approval of the Conditional Use request for the sale and dispensing of a full line of alcoholic beverages for off-site consumption, and limited on-site consumption in association with instructional tasting events, in conjunction with the subject supermarket will not adversely affect the welfare of the community. The supermarket has operated at the site for over two decades, offering a variety of fresh foods, grocery items, household goods, medicines, etc., to its patrons, including alcohol. With no proposed change in use or operations to the existing supermarket, the sale of alcoholic beverages for off-site consumption, and limited on-site consumption associated with tasting events, will continue to contribute to the collection of tax revenue, increased employment opportunities, and the cultural and commercial vibrancy of the neighborhood.

In conjunction with the approval of the request to authorize the sale of alcoholic beverages for off-site consumption, and limited on-site consumption associated with tasting events, 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. Further, conditions have been imposed to delineate steps to be taken if the operation of the supermarket is found to be noncompliant with these conditions. Additional conditions have been recommended for consideration by the Department of Alcoholic Beverage Control (ABC) in conjunction with their approval process. Conditions are intended to ensure that the continued use and operation of the supermarket 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. Adherence to and compliance with these conditions of approval will minimize the potential for adverse impacts on the surrounding community, and as a result, granting the request will not adversely affect the welfare of the pertinent community. Thus, as conditioned, it can be found that the proposed use, including the sale, dispensing, and off-site consumption of alcoholic beverages 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 State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, one (1) on-sale and zero (0) off-sale licenses are allocated to Census Tract No. 2652.04. There are currently 41 active retail licenses in this Census Tract:

(2)	Type 20	Off-site – Beer and Wine
(3)	Type 21	Off-site – Full Line
(13)	Type 41	On-site – Beer and Wine (Restaurant)
(10)	Type 47	On-site – Full Line (Restaurant)
(6)	Type 58	On-site – Caterer's Permit
(1)	Type 63	On-site – Beer and Wine for Hospital
(1)	Type 64	On-site – General Theatre
(1)	Type 68	On-site – Portable Bar
(1)	Type 75	On-site – General Brew-Pub
(1)	Type 77	On-site – Event Permit
(2)	Type 86	On-site – Instructional Tasting License

According to statistics provided by the Los Angeles Police Department's West Los Angeles Division Vice Unit, within Crime Reporting District No. 817, which has jurisdiction over the subject property, a total of 136 crimes were reported in 2021 (107 Part I Crimes and 29 Part II Arrests), compared to the Citywide Average of 149 crimes and compared to the High Crime Reporting District Average of 179 crimes. Alcohol related Part II Arrests reported include Narcotics (1), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (2), and other offenses (9). 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.

According to information submitted by the applicant, the following are alcohol-serving establishments are located within a 1,000-foot radius of the site:

- BJS Chicago Pizzeria 939 Broxton Avenue
- Stop Market 958 Gayley Avenue
- California Pizza Kitchen 1001 Broxton Avenue
- AMI 1051 Broxton Avenue
- Rite Aid 5433 1005 Glendon Avenue
- TLT Food 1116 S Westwood Boulevard
- Barneys Beanery 1037 Broxton Avenue
- The Boiling Crab 1097 Glendon Avenue
- Roocos Tavern Westwood/Seventy 7 West 1000 Gayley Avenue
- Tender Greens 1109 Glendon Avenue
- Kazu Nori 1110 Gayley Avenue
- Native Foods Café 1114 Gayley Avenue
- Broxton 1099 Westwood Boulevard
- Tocaya Organica Westwood 1140 Gayley Avenue
- Fellow 1071 Glendon Avenue
- House of Meatballs 1076 Gayley Avenue
- Shahi 940 Broxton Avenue
- Northern Café Chinese Hot Pot 1061 Broxton Avenue
- Prince of Venice Pasta and Pizza 1091 Broxton Avenue
- Bollywood Bites Inc. 1051 Gayley Avenue
- Kaido 1049 Gayley Avenue
- Armand Hammer the Museum of the Art 10899 Wilshire Boulevard
- Geffen Playhouse 10886 Le Conte Avenue
- Ralphs 759 10861 Weyburn Avenue
- Trader Joes 234 1000 Glendon Avenue
- Skylight Gardens 1139 Glendon Avenue
- Target T2774 10861 Weyburn Avenue, Ste 101
- Pinches Tacos 1030 Glendon Avenue
- Violet 1121 Glendon Avenue

The number of active on-site ABC licenses within the census tract where the subject site is located exceeds 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. Approval of the request will not result in an increase in the number of licenses, as this represents a continuation of existing alcohol sales within a supermarket.

The above crime statistics indicate that the crime rate in the reporting district where the subject site is located is lower than the citywide average. No evidence has been submitted to the record establishing any nexus between the subject site or use and the area's crime rate. No comments from the community at-large were received

concerning either the crime rate or the concentration of alcoholic-beverage establishments in the area.

The subject location is within a highly-developed commercial area with a variety of restaurants and retail establishments, which have resulted in the existing on-site and off-site alcohol licenses to exceed the maximum number allocated. The supermarket will primarily focus on service to residents and local employees. No live entertainment will be conducted on the premises. The market's mode and character are not anticipated to generate noise or nuisance activity. Nevertheless, to safeguard the welfare of the community, negative impacts commonly associated with the sale of alcohol for off-site consumption such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions such as STAR/LEAD training, age verification, and security cameras. The State Department of Alcoholic Beverage Control also 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. As conditioned, allowing the sale of alcoholic beverages for off-site consumption at the subject location will benefit the public welfare and convenience because a successful restaurant business supports and economic vitality of the area.

Conditions have been imposed as part of this action, including alcohol-sales and service training, to help to safeguard the community and provide for a reasonable operation. Therefore, as conditioned, 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.

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 applicant seeks a conditional use to authorize an upgrade from the sale of beer and wine only for off-site consumption and on-site consumption with instructional tastings, to the sale of a full line of alcoholic beverages for off-site consumption and on-site consumption with instructional tastings, in conjunction with an existing 17,412 square-foot grocery market (Whole Foods Market), providing 95 parking spaces in the C4-2D-O Zone. The market would be open 7 days a week, operating from 7:00 a.m. to 10:00 p.m., with loading hours from 6:00 a.m. to 10:00 p.m. No interior changes or additions to the existing structure are proposed.

Surrounding properties to the north and across Weyburn Avenue, east, across an alleyway and fronting on Broxton Avenue, south, and east, across Gayley Avenue, are all zoned C4-2D-O and generally characterized by a mix of one- and two-story commercial buildings and associated parking lots, having a mix of retail, restaurant, office, and personal service uses.

According to information submitted by the applicant, the sensitive uses are located within a 1,000-foot radius of the site:

- The Commons LA Church 10962 Le Conte Avenue
- University Presbyterian Church 921 Westwood Boulevard #233
- Christian Science Reading room 1125 Glendon Avenue
- UCLA School of Dentistry 10833 Le Conte Avenue
- David Geffen School of Medicine at UCLA 10833 Le Conte Avenue

No communication or testimony was received from anyone representing the identified sensitive uses expressing concern or opposition to the project or request.

No complaints have been received concerning the operation of the supermarket or the current availability of alcoholic beverages; the project enjoys the support of the local Neighborhood Council and City Council Office.

The continuation of the existing supermarket's authorization for the sale of alcoholic beverages for off-site consumption, with limited on-site consumption associated with instructional tasting events, would have no new impact on the surrounding community or identified sensitive uses. Although the project site is near several residential uses and public and institutional uses, the existing supermarket has had no violations of the prior conditions of approval noted, and no complaints have been lodged. Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should 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. Numerous conditions, several of which have been recommended to ABC, have been incorporated into this grant to minimize the potential for adverse effects on the community. 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 the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, for the reasons given, 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 full line of alcoholic beverages.

#### **ADDITIONAL MANDATORY FINDINGS**

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



Inquiries regarding this matter shall be directed to Brenden Lau, Student Professional Worker for the Department of City Planning at [Brenden.lau@lacity.org](mailto:Brenden.lau@lacity.org).



JONATHAN A. HERSHEY, AICP  
Associate Zoning Administrator

JAH:ES:BL

cc: Councilmember Paul Koretz  
Fifth Council District  
Adjoining Property Owners

SITE / PARKING PLAN

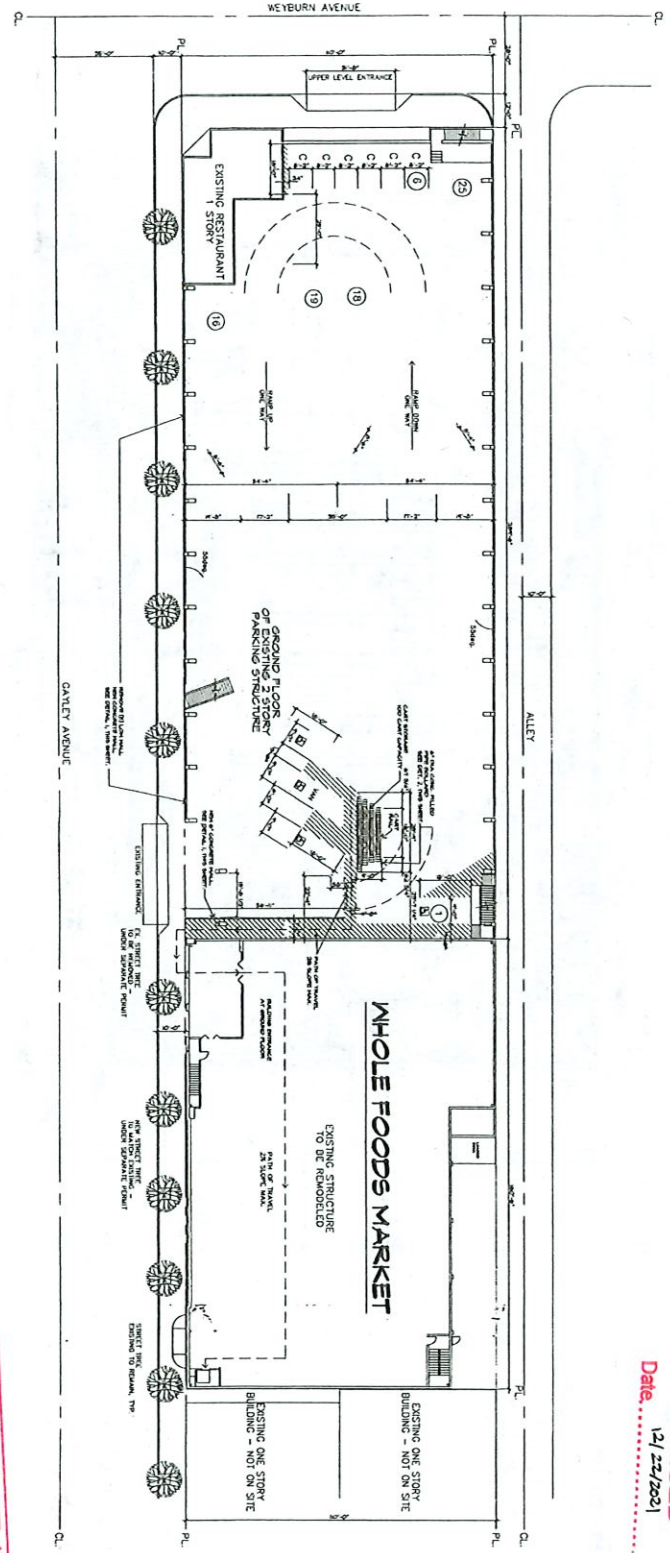


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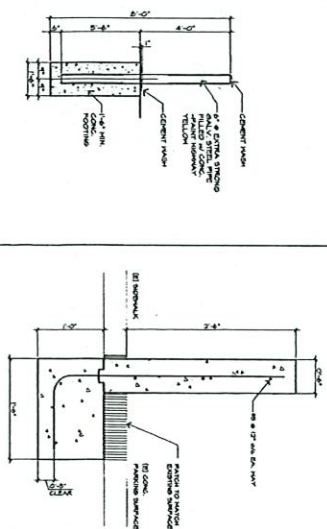
SD-1a  
 3409

**Whole Foods # 27**  
 1050 GAYLEY AVENUE  
 LOS ANGELES, CA 90024

**LESTER PALEY AND ASSOCIATES**  
 PLANNING AND ENGINEERING  
 12410 BURBANK BLVD., NORTH HOLLYWOOD CA 91607 (818) 506-5447

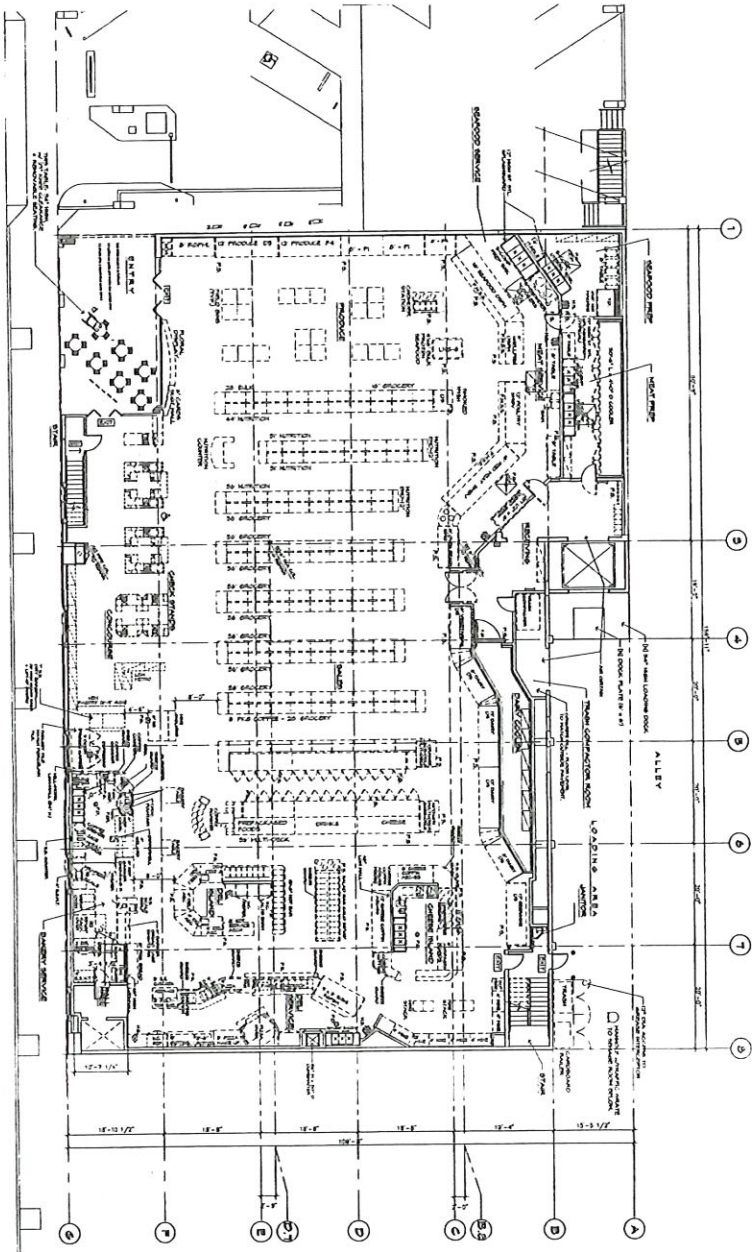


CONC. BOLLARD DETAIL 2 CONC. LOW-WALL DETAIL 1



**PARKING ANALYSIS**

FIRST FLOOR	GROSS AREA	BASEMENT	GROSS AREA	STORAGE ROOMS, STAIRS & ELEVATOR	AREA REQUIRING PARKING	AREA REQUIRING PARKING	AREA REQUIRING PARKING	CARS REQUIRED	CARS PROVIDED
	15315 SQ. FT.		10564 SQ. FT.	4600 SQ. FT.	5794 SQ. FT.	21292 SQ. FT.	21292 SQ. FT.	85 CARS	85 CARS



**REVISED**  
Date: 12/21/2021

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