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February 17, 2023

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CASE NO. ZA-2022-5556-CUB  
CONDITIONAL USE – ALCOHOL  
353-355 N La Brea Avenue  
Wilshire Community Plan  
Zone: C2-1VL  
C.D: 5 - Yaroslavsky  
D.M.: 138B181  
CEQA: ENV-2022-5557-CE  
Legal Description: Lot 4, TR 4924

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 12.24 W.1, I hereby APPROVE:

a conditional use to authorize the sale of beer and wine for off-site consumption and on-site instructional tasting, in conjunction with a retail market 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 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.** Authorized herein is a conditional use to allow the sale of beer and wine for off-site consumption with instructional on-site tasting, in conjunction with a 1,499 square-foot market, upon the following:
  - a. Hours of operation are limited to Monday (closed), Tuesday-Thursday 11am-10pm, Friday and Saturday 10am-10pm and Sunday 11 am-7pm.
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. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.

10. **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

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.

11. **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) or the California Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter to the Department of City Planning referencing Case No. ZA-2022-5556-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.
12. 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.
13. 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.
14. 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.
15. 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.

16. Trash pickup at the premises will be limited to 7 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday.
17. Vendor delivery of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. through 7:00 p.m. each day of the week.
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. 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.
20. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
21. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.

27. 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.
28. 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.
29. 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.
30. **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.
31. 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.

32. 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.
33. 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.

34. **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 **March 6, 2023**, 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:

<b>Downtown</b>	<b>San Fernando Valley</b>	<b>West Los Angeles</b>
Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 <a href="tel:(213)482-7077">(213) 482-7077</a>	Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 <a href="tel:(818)374-5050">(818) 374-5050</a>	West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 <a href="tel:(310)231-2598">(310) 231-2598</a>

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 **January 18, 2023**, 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 subject property is a rectangular-shaped lot of approximately 4,192 square feet, consisting of Lot 4 of the TR 4924 Tract. The subject property has approximately 40 feet of street frontage along the west side of N La Brea Avenue. The 1,499 square-foot tenant space occupies 26 feet of the street frontage located on the south side of a two tenant Building. The subject property is zoned C2-1VL and is located within the Wilshire Community Plan area which designates the property for General Commercial.

The property is located within the Wilshire Community Plan area and the Community Plan Map designates the property for General Commercial land uses corresponding to the C1.5,

C2, C4, RAS3, RAS4 and P zones. In addition, the project site is within and Local Emergency Temporary Regulations – Time Limits and Parking Relief and Transit Priority Area in the City of Los Angeles. It is not located within any other specific plans, overlays, or interim control ordinances.

The site is improved with a single one-story multi-unit commercial building of approximately 2,366 square-feet of floor area, of which the project occupies 1,499 square feet. A parking lot of 4 spaces is located at the rear of the building accessed via an alley between Oakwood Avenue to the north and Beverly Boulevard to the south. Properties along N La Brea Avenue are all zoned C2-1VL with a mix of one- and two-story commercial buildings.

The applicant seeks an authorization to allow the sale and dispensing of beer and wine for off-site consumption with instructional on-site tasting, in conjunction with a 1,499 square-foot wine shop and market, within the Wilshire Community Plan Area. Hours of Operation are Monday (closed), Tuesday-Thursday 11am-10pm, Friday and Saturday 10am-10pm and Sunday 11 am-7pm.

### **Surrounding properties**

Surrounding properties are one- and two-story mixed-use commercial buildings, with several residential, office and retail spaces around. Adjacent sites to the north, southeast, and south are developed similarly in the C2-1VL Zone, while the site across N La Brea Avenue to the east and northeast, although similarly zoned, is the site of a synagogue and ancillary buildings. Immediately west of the site across the alley are a mixture of two-story single- and multi-family homes zoned R2-1 fronting on the adjacent N Detroit St.

### **Streets**

La Brea Avenue, adjoining the property to the east is designated as an Avenue I, and dedicated a width of 100 feet, and fully improved.

An alley, adjoining the property to the west is dedicated a width of 20 feet, and fully improved.

### **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:**

No previous cases for site.

#### **Surrounding Properties:**

Case No. ZA-2010-1748-CUB: On March 11, 2011, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of beer and wine

only for off-site consumption in conjunction with an existing mini-market in the C2-1VL Zone, located at 304 North La Brea Avenue.

Case No. ZA-2000-375-CUB-CCR: On August 22, 2000, the Zoning Administrator approved a conditional use permit to allow for a mini-shopping center/commercial corner project to permit the construction, use, and maintenance of a one-story, 1,455 square-foot convenience mart (without alcoholic beverages) in conjunction with an existing service station, located at 7020 West Beverly Boulevard.

Case No. ZA 1990-0773-CUB: On November 29, 1990, the Zoning Administrator approved a Conditional Use Permit for the sale and dispensing of beer and wine only for on-site consumption in conjunction with two restaurants, located at 345 North La Brea Avenue #101 and #106.

### **Correspondence**

The department has not received any written correspondences regarding the proposed project.

### **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 January 18, 2023 at 10:00 am. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. Four individuals participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

The hearing was attended by the applicants, Johnny Joselin and Keli Reynolds along with their representative, Kristie Ralph. Also in attendance was Dylan Sittig, Senior Planner from Council District 5.

The hearing started with comments from the Applicant who described the concept of the business. With a mission of helping customers experience a variety of beer and wine pairings, the market will offer a curated beer and wine tasting service where patrons are educated about the beer and wine pairings as they experience them. Patrons would consume beverages both onsite and be permitted to purchase beer and wine for offsite consumption as well. The business hopes to grow to allow for a wine subscription service with national shipping options, pursuant to future approvals from the ABC for each state of service, should it be required.

During the public comment period, only one comment was received from Dylan Sittig, Senior Planner from Council District 5. Mr. Sittig spoke in support of the application stating that the Council Office "appreciates the work that the applicant has made with the neighborhood

council and gained their support.” Mr. Sittig also stated that the Council Office believes that the use will “be a good neighbor and provide a valuable service to the community.”

At the conclusion of the hearing, the Zoning Administrator announced that she had reviewed the administrative record concerning the request and given the applicant’s description of their responsible operation of the market with a beer and wine license, the case would likely be approved.

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

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

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

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcoholic beverages for on-site 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.

- 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 subject property, zoned C2-1VL, is a rectangular-shaped lot of approximately 4,192 square feet, with approximately 40 feet of street frontage along the west side of North La Brea Avenue and backs onto a 20 foot wide improved alley. Properties along North La Brea Avenue are zoned C2-1VL with a mix of one- and two-story commercial buildings.

The site is improved with a single, one-story, two-unit commercial building with approximately 2,366 square-feet of total floor area. The project has a 26-foot wide storefront and occupies 1,499 square feet of floor area. A parking lot of four (4)

spaces is located at the rear of the building accessed via an alley between Oakwood Avenue to the north and Beverly Boulevard to the south.

The applicant seeks an authorization to allow the sale and dispensing of beer and wine for off-site consumption with instructional on-site tasting, in conjunction with a 1,499 square-foot market, within the Wilshire Community Plan Area. Hours of operation are Monday (closed), Tuesday-Thursday 11am-10pm, Friday and Saturday 10am-10pm and Sunday 11 am-7pm.

The shop will service the local community by offering the sale of wine and beer for off-site consumption and on-site instructional tastings as well as provide full time wine experts and a subscription-based wine club specifically curated to each customer's taste. Curated Wines will also offer specialized wine menus for off-site events such as birthday parties, weddings, and baby showers. In addition to bottled wine, Curated Wines will also sell a small variety of craft beer and non-alcoholic drinks, as well as prepackaged food and merchandise.

The location is desirable as a public convenience to the adjacent residential neighborhood supplementing other restaurants and commercial uses in the area. Furthermore, in many locations throughout the City, the availability of alcoholic beverages for take away is a desired amenity and expected by the general public. Moreover, the subject site and surrounding properties were planned, zoned, and subsequently developed for commercial uses such as the subject market. The subject property is also developed in a manner similar to surrounding properties – with retail, commercial, and restaurant uses that serve a diverse population within the City of Los Angeles.

The project would play a notable role in enhancing the built environment by activating the currently vacant existing multi-tenant commercial building, providing a gathering space and destination for the growing population of residents, workers, and visitors in the area. The space would perform the beneficial function of fostering economic development and improving quality of life for the surrounding community by having a high quality retail option in an area where there is an increasingly high demand for such establishments. The proposed project does not include any changes to the building or concept of the commercial building.

The applicant is requesting a conditional use for the sale of beer and wine for off-site consumption with instructional on-site tasting, in conjunction with the retail market. The market offers a secondary beneficial "one-stop" shopping experience in which nearby residents can purchase a variety of "grab-n-go" items such as non-alcoholic drinks, prepackaged food and merchandise such as custom gift baskets, clothing, books, mixology barware, and trinkets. The request will allow the applicant to offer a beneficial service to the surrounding and regional community by offering its patrons beer and wine for off-site consumption, in addition to on-site consumption of alcoholic beverages in conjunction with instructional tasting.

As such, the Zoning Administrator finds that the sale of beer and wine with instructional tasting, and with strict adherence to the imposed conditions and under

proper management and supervision, will enhance the environment of the surrounding neighborhood and provide a benefit to the community, and the project will 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 subject property, zoned C2-1VL, is a rectangular-shaped lot of approximately 4,192 square feet, with approximately 40 feet of street frontage along the west side of N La Brea Avenue and backs onto a 20 foot wide improved alley. Properties along N La Brea Avenue are zoned C2-1VL with a mix of one- and two-story commercial buildings.

The site is improved with a single, one-story, two-unit commercial building approximately 2,366 square-feet of total floor area. The project has a 26 foot wide storefront and occupies 1,499 square feet of floor area. A parking lot of four (4) spaces is located at the rear of the building accessed via an alley between Oakwood Avenue to the north and Beverly Boulevard to the south.

Surrounding properties are one- and two-story mixed-use commercial buildings, with several residential, office and retail spaces around. Adjacent sites to the north, southeast, and south are developed similarly in the C2-1VL Zone, while the site across N La Brea Avenue to the east and northeast, although similarly zoned, is the site of a synagogue and ancillary buildings. Immediately west of the site across the alley are a mixture of two-story single- and multi-family homes zoned R2-1 fronting on the adjacent North Detroit Street.

The shop will service the local community by offering the sale of wine and beer for off-site consumption and on-site instructional tastings as well as provide full time wine experts and a subscription-based wine club specifically curated to each customer's taste. Curated Wines will also offer specialized wine menus for off-site events such as birthday parties, weddings, and baby showers. In addition to bottled wine, Curated Wines will also sell a small variety of craft beer and non-alcoholic drinks, as well as prepackaged food and merchandise.

The applicant seeks an authorization (Type 20 license) to allow the sale and dispensing of beer and wine for off-site consumption with instructional on-site tasting (Type 42 license), in conjunction with a 1,499 square-foot market, within the Wilshire Community Plan Area. Hours of Operation are Monday (closed), Tuesday-Thursday 11am-10pm, Friday and Saturday 10am-10pm and Sunday 11 am-7pm.

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.”

Given the compatible nature of the retail business to their commercial and residential neighbors and the limited on-site consumption from tastings, the request is appropriate. So long as the operator is mindful of and sensitive to their residential neighbors in daily operations, the approval of beer and wine sales for off-site consumption, and on-site consumption in conjunction with instructional tasting events should pose little disruption in the community.

The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with the addition of 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. 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 project site is located within the boundaries of the Wilshire Community Plan. The Community Plan designates the subject property for General Commercial land uses corresponding to the C1.5, C2, C4, RAS3, RAS4 and P Zones. The site is zoned C2-1VL and is thus consistent with the existing land use designation. The subject property is also located within a Los Angeles Transit Priority Area. It is not located within or subject to any other specific plans or interim control ordinances.

The Wilshire Community Plan text 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:

**Objective 2-1** Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

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

**Objective 2-2** Promote distinctive commercial districts and pedestrian-oriented areas.

**Policy 2-2.3** *Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.*

The proposed retail use is permitted in the C2 Zone and is in accordance with the above provisions of the Wilshire Community Plan. The project will support the needs of local residents and help to further solidify the surrounding area as a strong, viable commercial area, while also maintaining the aesthetic that defines the neighborhood. Additionally, the retail space will activate a previously vacant first floor storefront.

The proposed project is a permitted use by the land use category in the Wilshire Community Plan. The conditional authorization for the sale of a beer and wine for offsite consumption in conjunction with a retail wine shop and market is allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support of the Wilshire Community Plan have been made herein. The conditional use is primary to the operation of a neighborhood beer and wine retailer, and is compatible with surrounding uses and permitted in the subject site's zone. Given the numerous conditions of approval, and the fact that tastings will be incidental to off-site sales, the proposed use can be deemed to be in harmony with the General Plan. Therefore, for these reasons, the Zoning Administrator finds that the project substantially conforms with the purpose, intent and provisions of the General Plan and the applicable community plan.

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

The applicant seeks an authorization to allow the sale and dispensing of beer and wine for off-site consumption with instructional on-site tasting, in conjunction with a 1,499 square-foot market, within the Wilshire Community Plan Area. Hours of Operation are Monday (closed), Tuesday-Thursday 11am-10pm, Friday and Saturday 10am-10pm and Sunday 11 am-7pm.

Surrounding properties are one- and two-story mixed-use commercial buildings, with several residential, office and retail spaces around. Adjacent sites to the north, southeast, and south are developed similarly in the C2-1VL Zone, while the site across North La Brea Avenue to the east and northeast, although similarly zoned, is the site of a synagogue and ancillary buildings. Immediately west of the site across the alley are a mixture of two-story single- and multi-family homes zoned R2-1 fronting on the adjacent North Detroit St. Diversity amongst uses is not uncommon in the C2 Zone, and while there are residential dwelling units located in close proximity to the subject site, the proposed project is separated by an improved alley and fronts on the similarly built commercial corridor.

The market provides a variety of retail goods, including gifts and alcohol. The sale of beer and wine for off-site consumption and on-site consumption in conjunction with instructional tasting will contribute to the collection of tax revenue, increased employment opportunities, and the cultural and commercial vibrancy of the neighborhood. Approval of the conditional use request the sale of beer and wine for off-site consumption and the on-site consumption in conjunction with instructional tasting, ancillary to a retail market will not adversely affect the welfare of the community.

A variety of commercial uses are an intrinsic part of these service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the sale of beer and wine for off-site consumption with instructional on-site tasting will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale beer and wine including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been recommended for consideration by the California Department of Alcoholic Beverage Control that regulate the sale of alcoholic beverages to prevent adverse impacts to the neighborhood. Other conditions imposed will maintain the order and ensure cleanliness of the project and its surroundings. Therefore, the granting of the request will not adversely impact 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 State Department of Alcoholic Beverage Control (ABC) licensing criteria for the subject Census Tract No. 2140.00, there are four on-site licenses and two off-site licenses allocated. There are currently 26 active license within this census tract, 22 for on-site and four for off-site alcohol sales. According to statistics provided by the Los Angeles Police Department's West Wilshire Division Vice Unit, within Crime Reporting District No. 715 which has jurisdiction over the subject property, a total of 28 crimes were reported in 2021 (22 Part I and 6 Part II crimes), compared to the Citywide Average of 149 crimes and the High Crime Reporting District Average of 179 crimes for the same period. Alcohol related Part II Crimes reported include Narcotics (0), Liquor Laws (0) Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (2), Moving Traffic Violations (0), and other offenses (1). 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.

Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience.

The site is also located in a census tract where the crime rate is substantially lower than the citywide average. The incorporation of conditions relative to the specific operation of the establishment was deemed necessary in order to ensure any possible adverse impact on the welfare of the surrounding area are addressed. The public safety measures to mitigate potential nuisance activities have been incorporated into the grant to assure better oversight. Thus, as conditioned, it is not anticipated that the sale of beer and wine for off-site consumption with instructional on-site tasting would adversely affect the community welfare.

The Zoning Administrator has imposed conditions of approval to minimize alcohol-related impacts on the surrounding community and recommended others to the Department of Alcoholic Beverage Control for consideration when they issue a license for this retailer. The compliance with the conditions will help to safeguard the welfare of the community. As conditioned, allowing the sale of beer and wine for off-site consumption with instructional on-site tasting at the subject location will benefit the public welfare and convenience because a successful retail business supports the economic vitality of the area.

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 an authorization to allow the sale and dispensing of beer and wine for off-site consumption with instructional on-site tasting, in conjunction with a 1,499 square-foot market, within the Wilshire Community Plan Area. Hours of Operation are Monday (closed), Tuesday-Thursday 11am-10pm, Friday and Saturday 10am-10pm and Sunday 11 am-7pm.

Immediately surrounding properties are one- and two-story mixed-use commercial buildings, with several residential uses in nearby neighborhoods. Adjacent sites to the north, southeast, and south are developed similarly in the C2-1VL Zone, while the site across North La Brea Avenue to the east and northeast, although similarly zoned, is the site of a synagogue and ancillary buildings. Immediately west of the site across the alley are a mixture of two-story single- and multi-family homes zoned R2-1 fronting on the adjacent North Detroit St. Diversity of uses is not uncommon in the C2 Zone, and while there are residential dwelling units located in close proximity to the subject site, the proposed project is separated by an improved alley and fronts on the similarly built commercial corridor.

The market provides a variety of retail goods, including beer and wine related gifts. The sale of beer and wine for off-site consumption in conjunction with instructional tasting will contribute to the collection of tax revenue, increased employment opportunities, and the cultural and commercial vibrancy of the neighborhood. Approval of the conditional use request the sale of beer and wine for off-site consumption in conjunction with instructional tasting, ancillary to a retail market will not adversely affect the welfare of the community.

A variety of commercial uses are an intrinsic part of these service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the sale of beer and wine for off-site consumption with instructional on-site tasting will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale beer and wine including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been recommended for consideration by the California Department of Alcoholic Beverage Control that regulate the sale of alcoholic beverages to prevent adverse impacts to the neighborhood. Other conditions imposed will maintain the order and ensure cleanliness of the project and its surroundings. Therefore, the granting of the request will not adversely impact the welfare of the pertinent community.

In addition to the numerous residential dwellings along neighboring streets, according to information submitted by the applicant, the following sensitive uses are located within a 1,000-foot radius of the site:

### Sensitive Uses

- Hazon Ovadya Congregation 7210 North Beverly Blvd
- Torah Ohr 7200 North Beverly Blvd
- Congregation Kehilas Yaakov 7211 North Beverly Blvd
- Congregation Levi Yitzchok 356 North La Brea Avenue
- Kollel Yechiel Yehuda 345 N La Brea Avenue
- Congregation Shaarei Torah 334 North La Brea Avenue
- Mikvah 360 N La Brea Avenue
- Residential Uses Multiple locations on Detroit Street  
And Oakwood Avenue

Further, according to additional information submitted by the applicant, the following establishments possess an ABC license for the sale of alcoholic beverages within a 1,000-foot radius of the project property:

### ABC Licenses:

- Wirtshaus German Restaurant & Beer Garden  
On-Site Beer and Wine (Type 41) 345 N La Brea Avenue
- Cinnamon Indian Cuisine  
On-Site Beer and Wine (Type 41) 7233 Beverly Blvd
- La Brea Kosher Market  
Off-Site Beer and Wine (Type 20) 410 N La Brea Avenue

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. 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, 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 in Zone C, areas of minimal flooding.

Inquiries regarding the matter shall be directed to Darby Whipple, Planning Staff for the Department of City Planning at (213) 978-1475 or [Darby.Whipple@LACity.org](mailto:Darby.Whipple@LACity.org).

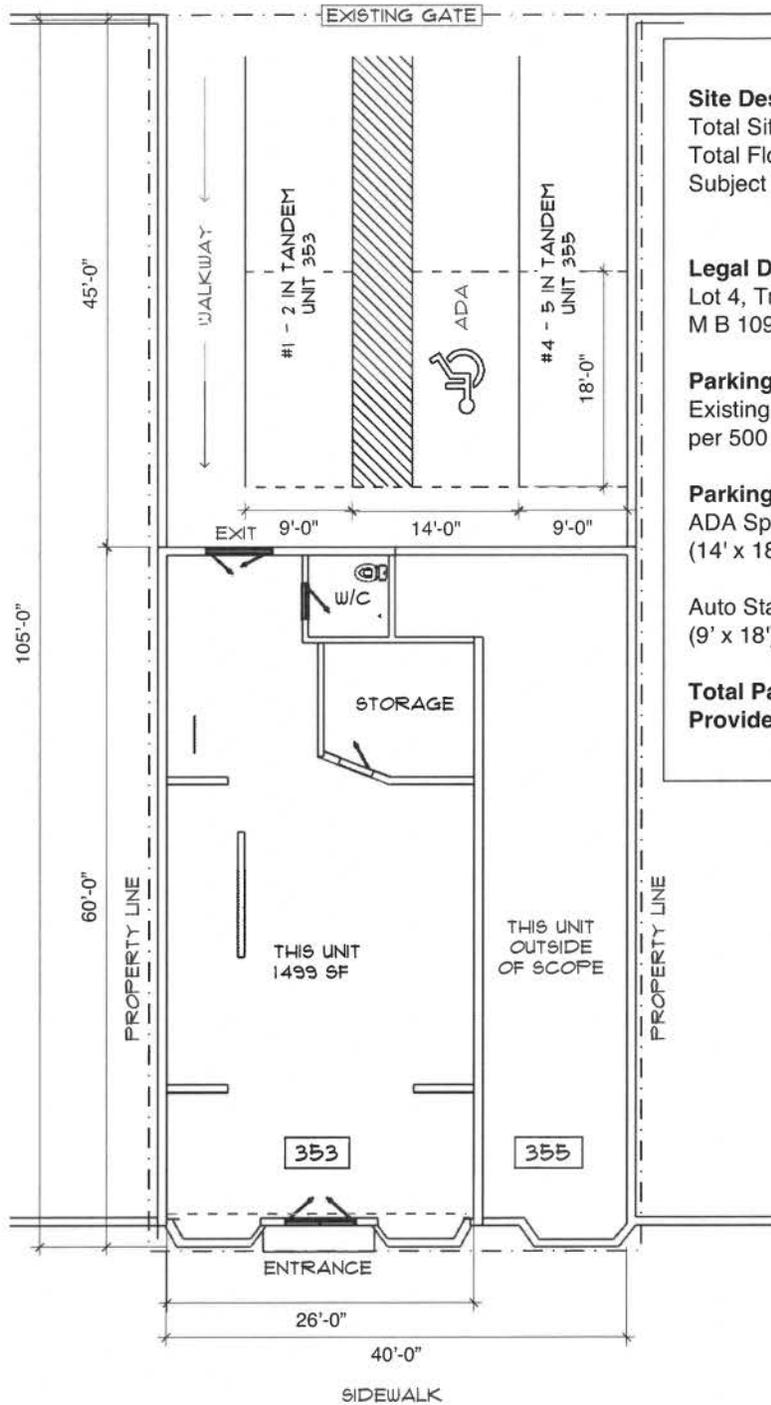


CHRISTINE M. SAPONARA  
Associate Zoning Administrator

CMS:JAH:dkw

cc: Councilmember Katy Yaroslavsky  
Fifth City Council District  
Adjacent Property Owners

ALLEY



**Site Description:**

Total Site Area: 4,190 sq ft  
Total Floor Area: 2,340 sq ft  
Subject Premises Floor Area:  
1,499 sq ft

**Legal Description:**

Lot 4, Tract No. 4924  
M B 109-30/31

**Parking Required:**

Existing Retail, 1,500 sq ft (1  
per 500 sq ft) = 3 spaces

**Parking Provided**

ADA Spaces  
(14' x 18') = 1

Auto Standard Spaces  
(9' x 18') = 2

**Total Parking Spaces  
Provided = 3**

**PLOT PLAN LA BREA AVE**

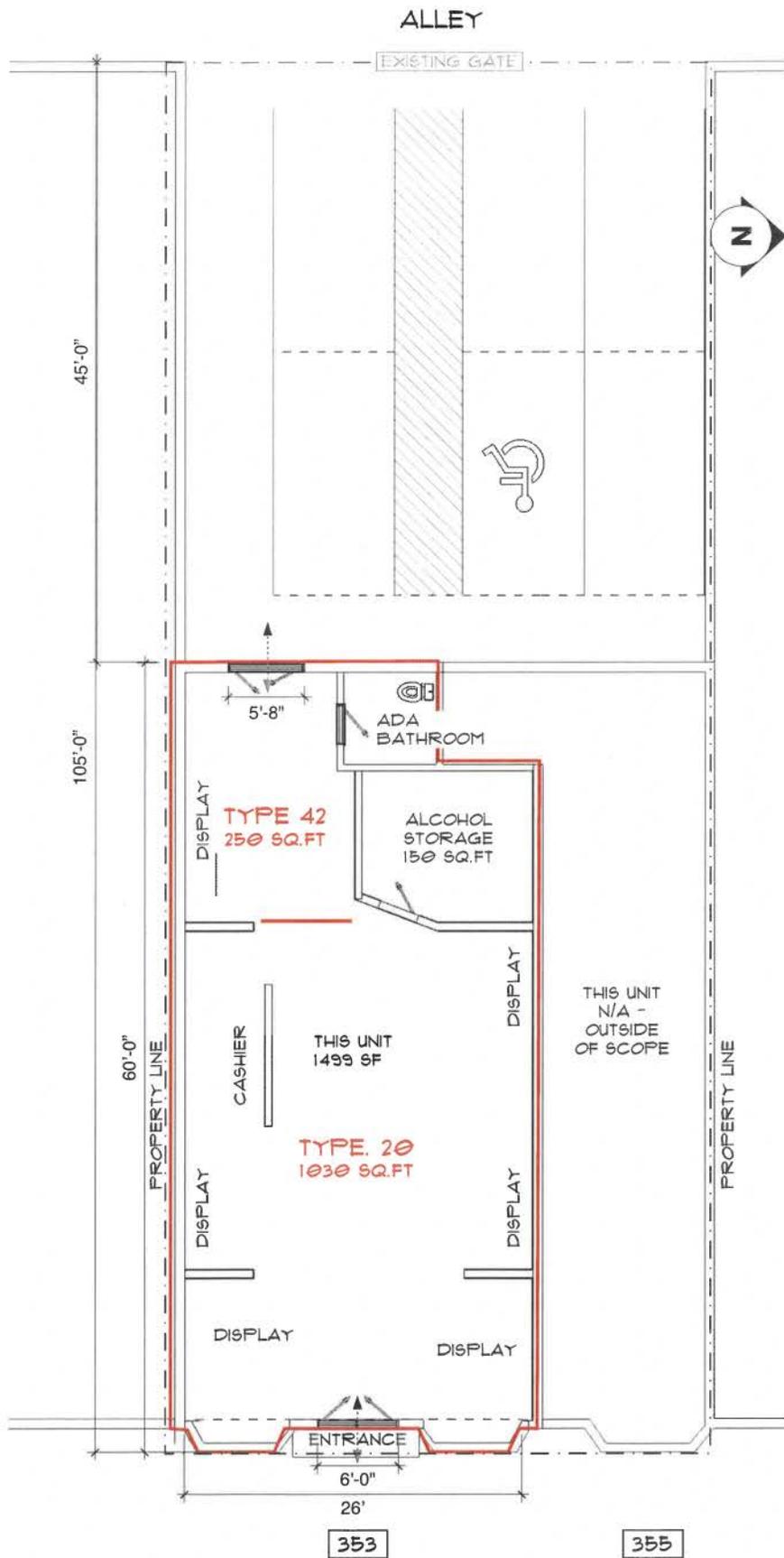
Address: 353 N. LA Brea Ave, LA 90036  
APN : 5525033003

SCALE:

**EXHIBIT "A"**

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Case No. ZA-2022-5556-CUB

*Christine M. Dapontara*



# FLOOR PLAN

Address: 353 N. LA Brea Ave, LA 90036  
 APN : 5525033003

LA BREA AVE

SCALE: 1/8" = 1'-0"

**EXHIBIT "A"**  
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 Christine M. Lapomera