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planning.lacity.org

May 10, 2023

Asia Phoenix (A)  
Besties Vegan Paradise  
4882 W. Fountain Avenue  
Los Angeles, CA 90029

1262 Edgemont LLC (O)  
800 McGarry Street  
Los Angeles, CA 90021

Liliger Damaso (R)  
Liquor License Agents  
5243 East Beverly Boulevard,  
Los Angeles, CA 90022

CASE NO. ZA-2022-5466-CUB  
CONDITIONAL USE - ALCOHOL  
4882 West Fountain Avenue  
(4880-4884 West Fountain Avenue;  
1262 North Edgemont Street)  
Hollywood Community Plan  
Zone: C4-1D  
C.D: 13  
D.M.: 147B197  
CEQA: ENV-2022-5467-CE  
Legal Description: Arb 3, Lot 31, Shafer and  
Lanterman Tract

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 permit the sale of beer and wine for off-site consumption, in conjunction with an existing specialty market in the C4-1D 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 of beer and wine only for off-site consumption in conjunction with the continued operation of an existing approximately 1,861 square-foot specialty (vegan) market, upon the following:
  - a. The hours of operation are limited to 10:00 a.m. to 9:00 p.m. daily.
  - b. 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.
8. **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 keep and maintain a log of all calls and emails, detailing: (1) date and time complaint received; (2) nature of complaint, and (3) the date, time, and manner in which the complaint was resolved.

9. **STAR/LEAD Training.** Within six months of the effective date of this determination, 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-2022-5466-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.
10. 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.
11. 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.
12. There shall be no live entertainment of any type, including but not limited to live music, professional or amateur disc jockey, karaoke, topless entertainment, male or female performers or fashion shows.
13. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.01, 115.02, 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 upon request.

15. The establishment shall be maintained as a specialty food market, with an emphasis on the sales of consumable food items. At no time shall the establishment take on the aspect of a store where the emphasis of sales is on alcoholic beverages.
16. No variance from parking requirements have been granted herein. Parking shall be subject to the determination of the Department of Building and Safety.
17. 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.
18. 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.
19. 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.
20. 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.
21. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
22. Loitering is prohibited on or around these premises or the area under the control of the applicant. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State law prohibits 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 subject facility in the same language(s).
23. 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.
24. 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.
25. 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.
26. 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.

27. 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.
28. 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, 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.
29. The applicant/business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses.
30. 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.
31. **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.
32. 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.

33. 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 City Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
34. 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.

35. **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 **MAY 25, 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:

**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 April 27, 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 level, slightly irregular rectangular-shaped, corner, approximately 2,514 square-foot parcel of land with an approximately 42-foot frontage on the south side of Fountain Avenue and an approximately 57-foot frontage on the east side of Edgemont Street. The property varies in width from approximately 42 feet to 43 feet, north to south, respectively, and in depth from approximately 59 feet and 57 feet, east to west, respectively.

The property is developed with an approximately 4,236 square-foot two-story commercial building constructed circa 1945. There are no parking spaces on-site.

The property is located within the Hollywood Community Plan, and the associated General Plan Land Use Map designates the site for Neighborhood Office Commercial land uses, with corresponding zones of C1, C2, C4, P, PB, RAS3, and RAS4. A footnote on the Plan Map states: “[f]or properties limited to the 1XL and 1VL Height Districts, the recommended FAR is 1.5:1. This Plan designation emphasizes pedestrian-oriented use and design.” The property is further located within the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan – Subarea B (Mixed Use Boulevards) (ZI-2286), the Los Angeles State Enterprise Zone (ZI-2374), a Qualified Hubzone, Opportunity Zone, the Los Angeles Promise Zone, General Restaurant Beverage Program Eligible Area, and is approximately 0.88 kilometers from the Upper Elysian Park Fault.

The applicant seeks a conditional use to authorize the sale of beer and wine for off-site consumption in conjunction with the operation of an existing 1,861 square-foot specialty vegan market (Besties), with hours of operation from 10 a.m. to 9 p.m. daily.

According to information submitted by the applicant,

BESTIES Vegan Paradise is the first and only vegan marketplace in the country to sell products exclusively from 100% vegan brands - all of the products we sell are from independent companies that do not use any animal ingredients in anything that they make and never conduct any animal testing. We do not sell any products from companies owned by parent companies who make products that are not vegan or conduct animal testing. Every dollar spent at BESTIES Vegan Paradise goes towards building an entirely vegan economy free of human oppression, corporate profiteers, animal cruelty, and all of those putting profit over people.

Besties Vegan Paradise has been serving the needs of the surrounding community for several years. Surrounding properties are characterized by level topography and improved streets, and developed multi-family residential uses and commercial retail uses along Fountain Avenue.

The development of commercial uses, such as that of the Besties Vegan Paradise, is needed to keep pace with a growing population, and their proportionate needs. The proposed use at this location will allow the business to develop economically and meet the needs of area residents who benefit from having said use located within walking distance of their place of employment or residence.

A grant of the beer and wine request will allow for a completed shopping service that will be beneficial to the community. The addition of the project will blend into the existing collection of small size businesses serving the local communities and contribute to the variety of dining and shopping options. The subject site is located within an area that is established as a retail corridor that shares a similar massing, scale and intensity of uses. It is accessible by car, foot and public transit and also supported by surrounding commercial and residential uses.

The location is zoned for commercial uses, which permits convenience markets within its guidelines. The existing store is not undergoing any structural changes that will alter the size or height features of the establishment. The subject property falls

within the parameters outlined in the municipal code for commercial zones. The primary function of the establishment is a convenience market, and the current character and method of operation will not change with the herein authorization. Additionally, the current hours of operation from 10:00 am to 9:00 pm daily, prevents late night activity that might disturb the neighboring areas. The grant is requested to complete the product selection at the store and establish an all-inclusive experience for its clients. This assures a use that is both convenient to patrons and respects the welfare of the community.

The applicant understands the character of the neighborhood and is committed to help preserve such character through responsible service of alcohol as an ancillary use. This project will contribute to this neighborhood by serving the neighboring residents, local employees as well as visitors.

The applicant is fully aware of the responsibility of serving alcoholic beverages and will take all necessary measures to ensure it is cohesive with its neighboring establishments that also serve beer and wine as an ancillary service.

According to the submitted plans, the 1,861 square-foot market is located on the ground level, fronting on Fountain Avenue, and consists of 1,365 square feet of retail store area, 217 square feet of office, 168 square feet of storage, 46 square feet of kitchen area, 25 square feet of utility, and the remainder for restrooms and hallways. 40 square feet with the storage room is designated for alcohol storage. A wine display is depicted behind the counter.

### **Surrounding properties**

All of the surrounding property are located within Subarea B of the Vermont/Western SNAP Specific Plan and characterized by level topography and urban development. The property to the north, across Fountain Avenue, is zoned C2-1 and is developed with a one-story multi-tenant commercial building. Property to the east is zoned C4-1D and developed with a one-story multi-tenant commercial building. The property to the south, fronting on Edgemont Avenue, is zoned C4-1D, and developed with a two-story one-story multi-tenant commercial building. The properties to the west, across Edgemont Street, are zoned R3-1, and is developed with a one-story commercial building fronting on Fountain Avenue and a one-story duplex fronting on Edgemont Street. The northwest adjoining property, across the intersection of Fountain Avenue and Edgemont Street, is zoned R3-1 and developed with a church.

### **Streets**

Fountain Avenue, abutting the property to the north, is designated as a Collector Street, dedicated to a right-of-way width of 60 feet and improved with asphalt roadway, concrete gutter, curb, and sidewalk.

Edgemont Street, abutting the property to the west, is designated as a Collector Street, dedicated to a right-of-way width of 60 feet and improved with asphalt roadway, concrete gutter, curb, and sidewalk.

### **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:**

Case No. CPC-2016-1450-CPU – On August 18, 2021, the City Planning Commission approved amendments to the General Plan, including the Hollywood Community Plan, the Mobility Element, and the Framework Element, along with various zone changes and Specific Plan Amendments.

Ordinance 186,735 – Effective on October 5, 2020, resulting in amendments to the Vermont/Western Station Neighborhood Plan.

Ordinance 184,888 – Effective on June 7, 2017, resulting in an amendment to the map adopted by Ordinance No. 184,414.

Ordinance 184,414 – Effective on August 16, 2016, resulting in amendments to the Vermont/Western Station Neighborhood Plan.

Ordinance 184,385 – On August 16, 2016, Ordinance No. 184,271 was repealed.

Ordinance 184,271 – Effective on June 15, 2016, resulting in amendments to the Vermont/Western Station Neighborhood Plan.

Ordinance No. 182,960 – On April 2, 2014, City Council approved this ordinance, rescinding Ordinance No. 182,173.

Case Nos. CPC 97-0043(CPU) and CPC-2005-6082-CPU – On August 6, 2012, this Ordinance No. 182,173-SA31 became effective, adding "Q" Qualified Conditions and changing in Height District, resulting in a change of zone from C4-1D to zone of [Q]C4-2D. The "Q" Condition refers to compliance with the Vermont/Western SNAP, and the "D" Development limitation refers maximum FAR to a determination by the Vermont/Western SNAP.

Case No. CPC-2000-1976-SP – On November 29, 2000, Ordinance No. 173,749 was passed by City Council, establishing the Vermont/Western Station Neighborhood Plan.

Case No. CPC 86-0831(GPC) – On May 16, 1989, Ordinance No. 164,687 became effective, resulting in a change of zone to C4-1D.

#### **Surrounding Properties:**

Case No. ZA-2018-5582-CUB-SPP – On February 28, 2019, 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 new 777 square-foot

restaurant seating 24, with hours of operation from 10 a.m. to 12 a.m. (midnight) daily, and approved a Project Permit Compliance to allow a change of use from café to restaurant, on a property located at 4878 West Fountain Avenue.

Case No. ZA-2014-3264-CUB-SPP-1A – On September 1, 2016, the Central Los Angeles Area Planning Commission granted an appeal in part, sustained the Zoning Administrator’s decision, and approved a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new 2,490 square-foot restaurant seating 78 interior and 26 exterior, and a Project Permit Compliance Review for the change of use of an existing 2,490 square-foot thrift store to a restaurant, on a property located at 4845-4849 West Fountain Avenue.

Case No. ZA 89-0606(CUB) – On August 30, 1989, the Zoning Administrator approved a conditional use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing approximately 1,120 square-foot restaurant seating 42, with hours of operation from 11 a.m. to 10 p.m. daily, on property located within the C2-1 Zone, at 4908 Fountain Avenue.

Case No. ZAI 84-014-E – On February 7, 1984, the Zoning Administrator determined that a restaurant not to exceed a seating capacity of 100 persons located at 4870 Fountain Avenue was exempt from the provisions of Sections 12.21 and 12.24 of the Los Angeles Municipal Code.

Case No. ZAI 83-300-E – On October 25, 1983, the Zoning Administrator determined that a restaurant not to exceed a seating capacity of 100 persons located at 4908 Fountain Avenue was exempt from the provisions of Sections 12.21 and 12.24 of the Los Angeles Municipal Code.

### **Correspondence**

Peter Maxwell, Made Solid in LA – In a letter dated April 12, 2023, Mr. Maxwell expresses his support for the project and request.

Jose Barrancas, Mestizo Coffee - In a letter dated April 11, 2023, Mr. Barrancas expresses his support for the project and request.

Zilah Drahn, Plants & Spaces – In a letter dated April 11, 2023, Ms. Drahn expresses her support for the project and request.

Kyle Mueller, Program Director, Serve LA – In a letter dated April 10, 2023, Mr. Mueller expresses his support for the project and request.

Simona Boccuto – In a letter dated April 10, 2023, Ms. Boccuto expresses her support for the project and request.

Dori Lancaster – In a letter dated April 5, 2023, Ms. Lancaster expresses her support for the project and request.

Ashly Vasquez – In a letter dated April 4, 2023, Ms. Vasquez expresses her support for the project and request.

Stephanie Park, Chair, Planning and Land Use Management Committee, East Hollywood Neighborhood Council – In a letter dated December 26, 2022, the Neighborhood Council expressed their support for the project.

Raymundo Diaz – In an undated letter, Mr. Diaz expresses his support for the project and request.

Victoria Fleischer – In an undated letter, Ms. Fleischer expresses her support for the project and request.

Christophe Hosey – In an undated letter, Mr. Hosey expresses his support for the project and request.

Patricia Morales – In an undated letter, Ms. Morales expresses her support for the project and request.

James and Savannah Smolko – In an undated letter, the Smolkos express their support for the project and request.

Petition, containing 125 names in support of the project and request, collected between March 28, 2023, and April 3, 2023.

## **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 April 27, 2023 at 11:42 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. Eight individuals participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

Liliger Damaso, Liquor License Agents, representative for the applicant, summarized the project and request as follows:

- The applicant is filing for authorization to allow the sale of beer and wine for off-site consumption.
- This is an existing convenience store.
- No changes to the existing operation are proposed in conjunction with the request.
- This is a small, independent business that has operated for five years.
- The applicant has received multiple requests from patrons to sell beer and wine.
- A video surveillance system has already been installed.

In response to questions posed by the Zoning Administrator, the applicant's representative clarified that fortified wine may be offered for sale; that no alcoholic beverage consumption is proposed on adjacent properties; no signs would advertise the availability of beer and wine; the store would not operate as a deli and no foods would be prepared on-site for consumption on-site; no bar or lounge is proposed; and that the submitted floor plan would be revised to more accurately reflect the square-footage of the store.

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

Doug Haines

- I am opposed to the request.
- I would like the hearing notices to specify that hearings can be delayed but will heard on the noticed day.
- The area is saturated with alcoholic beverages.
- There is a market directly across the street that offers alcoholic beverages for off-site consumption.
- The area is surrounded by churches, which requires peace and quiet.
- Hope Street, located across the street, provides services to the homeless.
- Bringing more alcohol into an area that provides services to the homeless is counter-productive when many are dealing with alcohol addiction.

Ashly

- I am in support of the project.
- This is about access to health vegan food.
- Alcohol has a better profit margin and will help the business stay viable.

Simona Boccuto

- Besties has helped to change the area.
- I don't think this negatively affect the neighborhood; I think that it will contribute to its improvement.
- This will provide a product that is not locally available.

Dori Lancaster

- I am a regular customer.
- I am in support of the project.
- The store will only sell vegan brands.
- This will help a small business to grow.

Jill

- I am in support of the project.
- There are other facilities in the area that offer alcohol for on-site consumption.
- The project will not result in additional impacts on the area.

Kyle Miner

- I represent Serve LA.
- We have a homeless services program across the street (Hope Center)
- We are in support of the project and request.
- We serve clients with addiction problems.

Fontana (applicant)

- I have been a vegan for 22 years.
- This requires a very specific diet.
- Products available nearby are not compatible with what would be sold here.
- We sell a variety of products; less than 20 brands of alcohol worldwide meet our standards.
- I have been in business for five years.

Following this testimony, the applicant's representative was given an opportunity to respond to comments given:

Liliger Damaso

- There is a market across the street that offers off-sale alcohol.
- That market serves a different demographic.
- Within the census tract, there is one licensee that has an off-sale license, but is not utilizing the privilege.
- The project is located in a General Restaurant Beverage Program area.

At the conclusion of the hearing, the Zoning Administrator took the matter under advisement until the close of the business day on Friday, April 28, 2023, in order for the applicant to submit a revised floor plan.

**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 person under 21 years of age shall sell alcoholic beverages.
- 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.
- The single unit sales of malt liquors and/or malt-based products shall be prohibited.
- Beer and wine in containers of less than 750 mL shall only be sold in manufacturer pre-packaged quantities of four or more.
- 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.

### **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 of beer and wine only for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

### **CONDITIONAL USE FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case 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 applicant seeks a conditional use to authorize the sale of beer and wine for off-site consumption in conjunction with the operation of an existing 1,861 square-foot specialty vegan market (Besties), with hours of operation from 10 a.m. to 9 p.m. daily.

The market has been in operation for five years, and the applicant states that he has received requests from his patrons to offer vegan beer and wine. The applicant further states that such products are not available in the area and represent a limited and unique line of products.

The applicant enjoys the support of the local Neighborhood Council and the many patrons who submitted a letter or signed a petition in support of the project and

request. One community member testified in opposition to the project, citing the availability of alcoholic beverages within the area, including an existing market located across the street; the location's proximity to several church uses; and its proximity to services provided to individuals experiencing homelessness who may also be suffering from addiction problems. The program director who provides services to the homeless testified in support of the project and request.

A variety of commercial uses, including markets, are an intrinsic part of the diversity of commercial uses necessary for the conservation, development, and success of a vibrant commercial area. The market contributes to the economic welfare of the community and adds economic vigor by drawing more customers to the area. The sale of beer and wine at this market will allow it to remain competitive with other establishments in the area. The market can continue to be a viable shopping option for patrons seeking vegan foods, including vegan beer or wine, which are not commonly available elsewhere. The market has been in operation for five years with no violations cited on the property.

In conjunction with the imposition of several conditions addressing operational and alcohol-related issues, the authorization will ensure that the service of alcohol is not disruptive to the community. Compliance with the conditions of operation will minimize the potential for disruptive impacts on the surrounding community.

Through the approval of this request, with strict adherence to the imposed conditions and under proper management and supervision, the market 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. Therefore, as conditioned, 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 is a level, slightly irregular rectangular-shaped, corner, approximately 2,514 square-foot parcel of land with an approximately 42-foot frontage on the south side of Fountain Avenue and an approximately 57-foot frontage on the east side of Edgemont Street. The property is developed with an approximately 4,236 square-foot two-story commercial building constructed circa 1945. There are no parking spaces on-site.

All of the surrounding property are located within Subarea B of the Vermont/Western SNAP Specific Plan and characterized by level topography and urban development. The property to the north, across Fountain Avenue, is zoned C2-1 and is developed with a one-story multi-tenant commercial building. Property to the east is zoned C4-1D and developed with a one-story multi-tenant commercial building. The property to the south, fronting on Edgemont Avenue, is zoned C4-1D, and developed with a two-story one-story multi-tenant commercial building. The properties to the west, across Edgemont Street, are zoned R3-1, and is developed with a one-story commercial

building fronting on Fountain Avenue and a one-story duplex fronting on Edgemont Street. The northwest adjoining property, across the intersection of Fountain Avenue and Edgemont Street, is zoned R3-1 and developed with a church.

The applicant seeks a conditional use to authorize the sale of beer and wine for off-site consumption in conjunction with the operation of an existing 1,861 square-foot specialty vegan market (Besties), with hours of operation from 10 a.m. to 9 p.m. daily.

According to the submitted plans, the 1,861 square-foot market is located on the ground level, fronting on Fountain Avenue, and consists of 1,365 square feet of retail store area, 217 square feet of office, 168 square feet of storage, 46 square feet of kitchen area, 25 square feet of utility, and the remainder for restrooms and hallways. 40 square feet with the storage room is designated for alcohol storage. A wine display is depicted behind the counter.

According to information submitted by the applicant,

BESTIES Vegan Paradise is the first and only vegan marketplace in the country to sell products exclusively from 100% vegan brands - all of the products we sell are from independent companies that do not use any animal ingredients in anything that they make and never conduct any animal testing. We do not sell any products from companies owned by parent companies who make products that are not vegan or conduct animal testing. Every dollar spent at BESTIES Vegan Paradise goes towards building an entirely vegan economy free of human oppression, corporate profiteers, animal cruelty, and all of those putting profit over people.

The development of commercial uses, such as that of the Besties Vegan Paradise, is needed to keep pace with a growing population, and their proportionate needs. The proposed use at this location will allow the business to develop economically and meet the needs of area residents who benefit from having said use located within walking distance of their place of employment or residence.

The addition of the project will blend into the existing collection of small size businesses serving the local communities and contribute to the variety of dining and shopping options. The subject site is located within an area that is established as a retail corridor that shares a similar massing, scale and intensity of uses. It is accessible by car, foot and public transit and also supported by surrounding commercial and residential uses.

The primary function of the establishment is a convenience market, and the current character and method of operation will not change with the herein authorization. Additionally, the current hours of operation from 10:00 am to 9:00 pm daily, prevents late night activity that might disturb the neighboring areas. The grant is requested to complete the product selection at the store and establish an all-inclusive experience for its clients. This assures a use that is both convenient to patrons and respects the welfare of the community.

The applicant understands the character of the neighborhood and is committed to help preserve such character through responsible service of alcohol as an ancillary use. This project will contribute to this neighborhood by serving the neighboring residents, local employees as well as visitors.

The applicant is fully aware of the responsibility of serving alcoholic beverages and will take all necessary measures to ensure it is cohesive with its neighboring establishments that also serve beer and wine as an ancillary service.

The applicant has clarified that fortified wine may be offered for sale; that no alcoholic beverage consumption is proposed on adjacent properties; that no signs would advertise the availability of beer and wine; and that the store would not operate as a deli and no foods would be prepared on-site for sale and consumption on-site.

The applicant's stated intent is to make available a selection of beer and wine that is compatible with a vegan diet and which are also manufactured according to a set of ethical and environmental standards.

The applicant enjoys the support of the local Neighborhood Council and the many patrons who submitted a letter or signed a petition in support of the project and request. One community member testified in opposition to the project, citing the availability of alcoholic beverages within the area, including an existing market located across the street; the location's proximity to several church uses; and its proximity to services provided to individuals experiencing homelessness and who may also be suffering from addiction problems.

The market located on the opposite side of Edgemont Street, "One Stop Market", maintains a Type 20 Department of Alcoholic Beverage Control (ABC) license, for the sale of beer and wine for off-site consumption, the same as being requested by the applicant. This market also directly faces the Fountain Avenue Baptist Church, located on the north side of Fountain Avenue, which is also the location of the Hope Center, who offers meals and showers to the community. The program director of Serve LA, which provides services to the homeless through the Hope Center, has expressed support for the project and request. No communications from other sensitive uses within the immediate area have been received.

The applicant has indicated on their application materials that they intend to offer single cans or small quantities of wine for sale. Small unit sales of alcoholic beverages, including beer and wine, can be problematic and lends itself to the consumption of alcoholic beverages in public. Given that homeless services are provided in the immediate vicinity and the existence of a market across the street that offers beer and wine for off-site consumption, care must be taken to minimize the potential for contributing to negative and nuisance activities associated with alcohol consumption, while still allowing sales to responsible patrons. As such, a recommendation is being made to the Department of Alcoholic Beverage Control that single-unit sales of malt-based products be prohibited and that beer and wine in

containers of less than 750 mL be only sold in manufacturer pre-packaged quantities of four or more.

The market's emphasis will be on food sales in general, in conjunction with the sale of beer and wine for off-site consumption, is reasonable given the market's location in a commercially zoned area. Conditions have been imposed or recommended to the ABC to minimize the potential for negative impacts associated with the availability of alcoholic beverages within the neighborhood. Conditions such as alcoholic beverage sales training, electronic age verification, security cameras, visibility into the market, interior and exterior lighting, prohibitions against loitering, and signage prohibiting loitering and public drinking have been imposed, and conditions prohibiting exterior advertisement of alcoholic beverages and minimum beverage size requirements have been recommended to the ABC for imposition. Complaints regarding the operation of the market can seek resolution through a complaint hotline that is required to be maintained by the applicant. Should the operation of the authorized market become problematic, the authorization can be revisited by the Zoning Administrator.

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. Further, conditions have been imposed to delineate steps to be taken if the operation of the market 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 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 Hollywood Community Plan area. The associated General Plan Land Use Map designates the property for

Neighborhood Commercial land uses, with corresponding zones of C1, C2, C4, P, PB, RAS3, and RAS4. The property is zoned C4-2D. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The Hollywood 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. The General Plan Land Use Map for the Hollywood Community Plan anticipates Neighborhood Commercial uses on the property, including those within the C4 Zone. The existing market is a permitted use within this Zone. LAMC Section 12.24 authorizes consideration for the sale of alcoholic beverages, including beer and wine, for off-site consumption within the C4 Zone, upon affirmative findings required by that Section of the Code. The required affirmative findings have been made herein.

The grocery store offers a beneficial "one-stop" shopping experience in which patrons can purchase specialty vegan grocery items, beverages, and/or other necessary retail items. The market has contributed to the economic vitality of the neighborhood and has added to its diversity for five years. The required findings in support have been made and the operation has been imposed with conditions of approval to minimize potential impacts on the surrounding neighborhood. Therefore, as conditioned, the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

#### **ALCOHOL BEVERAGE FINDINGS**

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

The applicant seeks a conditional use to authorize the sale of beer and wine for off-site consumption in conjunction with the operation of an existing 1,861 square-foot specialty vegan market (Besties), with hours of operation from 10 a.m. to 9 p.m. daily.

All of the surrounding property are located within Subarea B of the Vermont/Western SNAP Specific Plan and characterized by level topography and urban development. The property to the north, across Fountain Avenue, is zoned C2-1 and is developed with a one-story multi-tenant commercial building. Property to the east is zoned C4-1D and developed with a one-story multi-tenant commercial building. The property to the south, fronting on Edgemont Avenue, is zoned C4-1D, and developed with a two-story one-story multi-tenant commercial building. The properties to the west, across Edgemont Street, are zoned R3-1, and is developed with a one-story commercial building fronting on Fountain Avenue and a one-story duplex fronting on Edgemont Street. The northwest adjoining property, across the intersection of Fountain Avenue and Edgemont Street, is zoned R3-1 and developed with a church. Beyond the immediately surrounding commercial-use properties, the affected area is predominantly developed with multi-family residential uses.

The applicant enjoys the support of the local Neighborhood Council and the many patrons who submitted a letter or signed a petition in support of the project and request. Voices in support of the project included a combination of local business

owners, local residents, and area residents. One community member testified in opposition to the project, citing the availability of alcoholic beverages within the area, including an existing market located across the street; the location's proximity to several church uses; and its proximity to services provided to individuals experiencing homelessness and who may also be suffering from addiction problems. The program director of Serve LA, which provides services to the homeless at the Hope Center, voiced support for the project.

The responsible sale of beer and wine at the specialty market will enhance the neighborhood by supporting an existing business that activates a commercial tenant space along Fountain Avenue. The sale of alcohol provides an additional service that many patrons often expect in markets. The project will enhance the viability of the area and surrounding businesses by supporting an existing business. Market uses, including alcohol sales, are an intrinsic part of the service amenities necessary for the success of a vibrant commercial areas.

In conjunction with the approval of the request to authorize the sale of beer and wine only from the market, the Zoning Administrator has imposed numerous conditions of approval that the owner/operator/manager is required to comply with. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the market 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 market is well integrated into the community as well as protect community members from potential adverse impacts associated with alcohol sales. Conditions imposed will require responsible operations and will maintain order and ensure cleanliness of the project site 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.

5. **The proposed use will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in an 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 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.**

The applicant seeks a conditional use to authorize the sale of beer and wine for off-site consumption in conjunction with the operation of an existing 1,861 square-foot specialty vegan market (Besties), with hours of operation from 10 a.m. to 9 p.m. daily.

According to the California Department of Alcohol Beverage Control (ABC) licensing criteria, two on-sale consumption licenses and one off-site consumption license is allocated to the subject Census Tract No. 1912.03. There are currently three on-sale and two off-sale active licenses within the Census Tract.

According to information submitted by the applicant, the following establishments possess an active ABC license within a 1,000-foot radius of the subject site:

- Type 20      One Stop Market              4900 Fountain Avenue
- Type 41      Sabor Latinos                      4906-08 Fountain Avenue
- Type 41      Found Oyster LLC                4878 Fountain Avenue
- Type 47      Adelaine Arlo LLC                4845 Fountain Avenue

According to statistics provided by the Los Angeles Police Department, which has jurisdiction over the subject property, within Crime Reporting District No. 1163, a total of 87 crimes were reported in 2022 (59 Part I Crimes and 28 Part II Arrests), as compared to the citywide average of 156 crimes and a citywide High Crime Reporting District average of 187 crimes. Part II Arrests reported include Narcotics (3), Liquor Laws (1), Drunkenness (5), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), Driving Under the Influence (2), Moving Traffic Violations (0) and Other Violations (4). 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.

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

Nevertheless, to safeguard the welfare of the community and provide for a reasonable operation, conditions have been imposed as a part of this approval. Negative impacts commonly associated with the availability of alcohol such as criminal activity, public drunkenness, and loitering are minimized through compliance with public safety measures to mitigate nuisance and criminal activities, such as participation in a STAR/LEAD/RBS Training Program, age verification, security cameras, and staff monitoring, which have been incorporated into the grant by the Zoning Administrator to assure better oversight in conjunction with this approval. The ABC 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. The Zoning Administrator has also made recommendations related to the sale and distribution of alcohol for further consideration by the ABC as conditions on the alcohol license. These imposed conditions are a necessary and integral part of this action and requires diligent

compliance on the part of the applicant for effectiveness. 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 market business supports the economic vitality of the area. 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 the sale of beer and wine for off-site consumption in conjunction with the operation of an existing 1,861 square-foot specialty vegan market (Besties), with hours of operation from 10 a.m. to 9 p.m. daily.

All of the surrounding property are located within Subarea B of the Vermont/Western SNAP Specific Plan and characterized by level topography and urban development. The property to the north, across Fountain Avenue, is zoned C2-1 and is developed with a one-story multi-tenant commercial building. Property to the east is zoned C4-1D and developed with a one-story multi-tenant commercial building. The property to the south, fronting on Edgemont Avenue, is zoned C4-1D, and developed with a two-story one-story multi-tenant commercial building. The properties to the west, across Edgemont Street, are zoned R3-1, and is developed with a one-story commercial building fronting on Fountain Avenue and a one-story duplex fronting on Edgemont Street. The northwest adjoining property, across the intersection of Fountain Avenue and Edgemont Street, is zoned R3-1 and developed with a church. Beyond the immediately surrounding commercial-use properties, the affected area is predominantly developed with multi-family residential uses.

According to information submitted by the applicant, in addition to surrounding residential uses, the following sensitive uses are located within a 600-foot radius of the site:

- Church of Scientology – 1308 L Ron Hubbard Way
- Reality LA Hope Center – 4903 Fountain Avenue
- Fountain Avenue Baptist Church – 4903 Fountain Avenue
- Kairos Hollywood – 4903 Fountain Avenue
- Realty LA Church Office – 1313 North Edgemont Street
- Foundation for Early Childhood Day Care – 1220 North Berendo Street

No communication or testimony from any representative representative of the above-noted sensitive uses have voice concern or opposition to the project or request. The program director of homeless services provided out of the Hope Center voiced

support for the project. The local Neighborhood Council has expressed support for the request. Additional expressions in support of the project included a combination of local business owners and local and area residents.

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, and as conditioned, 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 in Zone C, areas determined to be outside the 500-year flood plain.

Inquiries regarding this matter should be directed to Danalynn Dominguez at (213) 978-1340 or [danalynn.dominguez@lacity.org](mailto:danalynn.dominguez@lacity.org).



JONATHAN A. HERSHEY, AICP  
Associate Zoning Administrator

JAH:DK:DD:ds

cc: Councilmember Hugo Soto-Martinez  
Fifth District  
Adjacent Property Owners

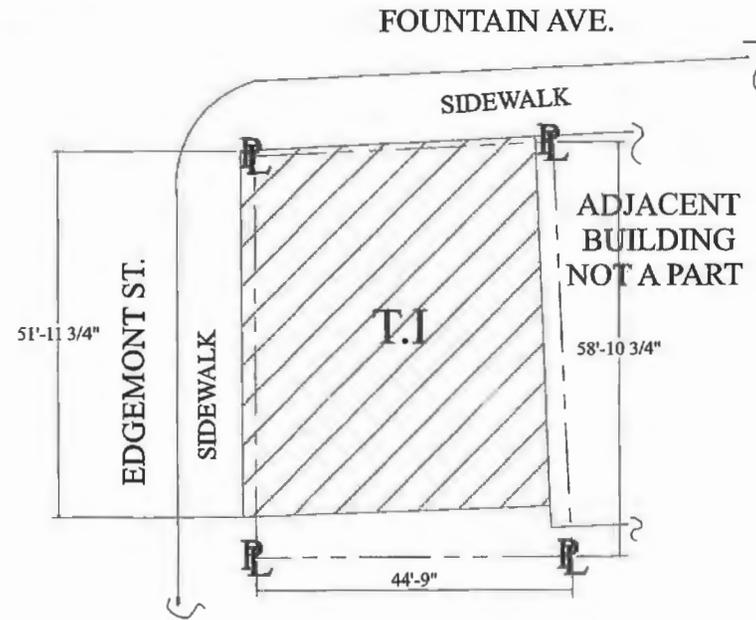
LEGAL DESCRIPTION:

ZONE: C4-1D  
 APN: 5540012003  
 TRACT: SHAFER AND  
 LANTERMAN TRACT  
 BLOCK: NONE  
 LOT: 31

SUMMARY TABLE	
CUSTOMER AREA 1	836 SQ. FT.
CUSTOMER AREA 2	529 SQ. FT.
UTILITY	25 SQ. FT.
OFFICE/STORAGE	217 SQ. FT.
BEER & WINE STORAGE	40 SQ. FT.
STORAGE	168 SQ. FT.
KITCHEN	46 SQ. FT.
MARKET	1,861 SQ. FT.



**EXHIBIT "A"**  
 Page No. 1 of 2  
 Case No. 2A-2022-546-CUS



RECEIVED  
 4-27-23

SITE PLAN  
 1/8" = 1'

PLANS BY:  
 PATRICK E. PANZARELLO  
 CONSULTING SERVICES  
 PO BOX 1085  
 SUN VALLEY, CA 91351  
 PatrickEPanzarelloCS.com  
 (818) 310-8589  
 PatrickPanzarello@gmail.com

BESTIE'S VEGAN MARKET  
 4882 FOUNTAIN AVE., LOS ANGELES, CA 90022

APPLICANT: LIQUOR LICENSE AGENTS  
 (310) 975 - 8589

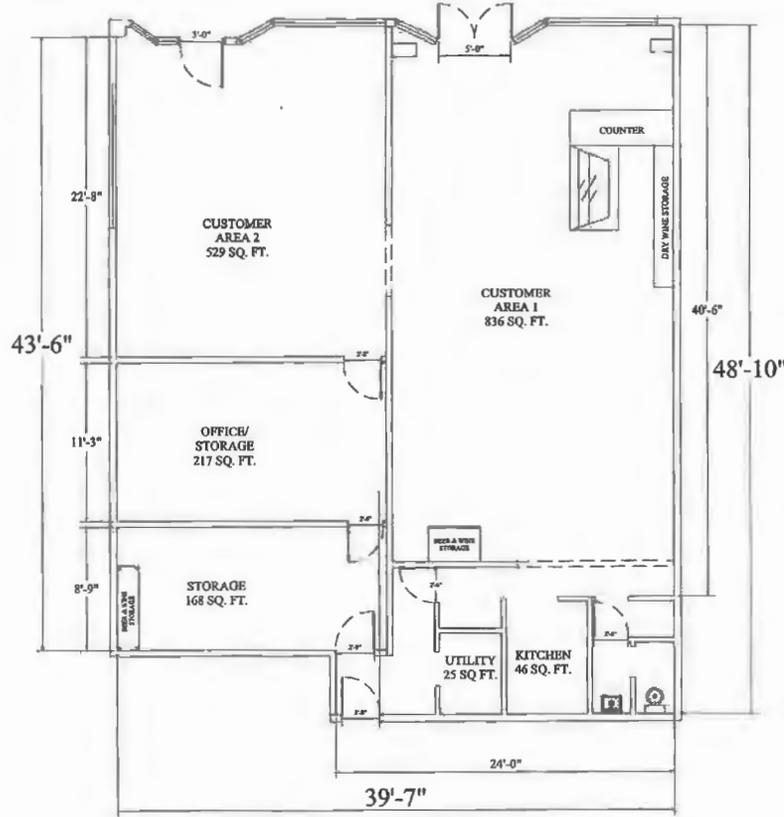
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**EXHIBIT "A"**  
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 Case No. 2A-2022-5466-CWS

SUMMARY TABLE	
CUSTOMER AREA 1	836 SQ. FT.
CUSTOMER AREA 2	529 SQ. FT.
UTILITY	25 SQ. FT.
OFFICE/STORAGE	217 SQ. FT.
BEER & WINE STORAGE	40 SQ. FT.
STORAGE	168 SQ. FT.
KITCHEN	46 SQ. FT.
MARKET	1,861 SQ. FT.



RECEIVED  
 4-27-23

**FLOOR PLAN**  
 1/4" = 1'

PLANS BY:  
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