

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
TIM FARGO
JONATHAN A. HERSHEY, AICP
PHYLLIS NATHANSON
CHARLES J. RAUSCH JR.
CHRISTINE M. SAPONARA
COURTNEY SHUM
CHRISTINA TOY LEE
JORDANN TURNER

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

VINCENT P. BERTONI, AICP
DIRECTOR
SHANA M.M. BONSTIN
DEPUTY DIRECTOR
ARTHI L. VARMA, AICP
DEPUTY DIRECTOR
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
planning.lacity.org

Decision Date: July 28, 2023

Appeal Period Ends: August 14, 2023

Mark Motsenbocker, (A)
Gelsons Market
13833 Freeway Drive
Santa Fe Springs, CA 91331

Philena Investment Holdings, LLC (O)
444 South Flower Street, Unit 2100
Los Angeles, CA 90071

Brett Engstrom (R)
LiquorLicense.com
2222 Damon Street
Los Angeles, CA 90021

CASE NO ZA-2023-1077-MPA
APPROVAL OF PLANS
12101 West Olympic Boulevard
West Los Angeles Planning Area
Zone: HJ(EC)
D.M.: 123B149
C.D.: 11 – Park
CEQA: ENV-2023-1078-CE
Legal Description: Lot C; Block: None;
Tract: PM 4059

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

based on the whole administrative record, that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, and there is no substantial evidence demonstrating that 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 site, or historical resources applies.

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby APPROVE:

plans to allow the sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting in conjunction with a new grocery store and the sale and dispensing of a full line of alcoholic beverages for on-site consumption within in accessory restaurant to the grocery store,

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 Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting in conjunction with a new 33,196 square-foot grocery store and the sale and dispensing of a full line of alcoholic beverages for on-site consumption within an accessory restaurant to the grocery store with a 1,285 square-foot indoor area and a 526 square-foot uncovered outdoor patio. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m., daily.
 - b. Indoor seating shall be limited to a maximum of 49 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. Outdoor seating shall be limited to a maximum of 24 seats. The final number of seats and their location may be modified by the Department of Building and Safety in order to provide accessibility and required clearances from existing structures.
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 provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.

10. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.
11. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
12. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
13. Only doors accessible from a street or public paseo shall be used for patron access from the exterior of the building. Any other exterior entry doors shall be equipped, on the inside, with an automatic locking device and shall be kept closed at all times. These doors shall not be used as a means of access by patrons to and from the premises. Temporary use of these doors for delivery of supplies or trash removal does not constitute a violation. Said doors are not to consist solely of a screen or ventilated security door, but shall be solid.
14. 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
15. The exterior windows and glass doors of the establishment shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
16. **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.
17. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
18. The applicant 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 behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

19. 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.
20. 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 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.
21. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
22. The Applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
23. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
24. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
25. Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
26. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
27. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). 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.

28. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
29. The grocery store shall be maintained as a bona fide grocery store, offering perishable food items for sale as well as a selection of packaged food, fresh food, and household items. Items for sale may include fresh and packaged meats, drinks, dairy products, produce, dry goods, sundries, paper goods, and other similar products.
30. The restaurant accessory to the grocery store shall be maintained as a bona fide eating place with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
31. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
32. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, performers or fashion shows.
33. The establishment shall be limited to ambient music or background music at a low volume.

ADMINISTRATIVE CONDITIONS

34. **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 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations of 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.
35. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided

to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

36. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

37. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the

deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (v) 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.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with Planning Staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, 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 an approval of plans under the provisions of Section 12.24-M have been established by the following facts:

BACKGROUND

The subject property is a relatively level, irregular-shaped, approximately 4.76-acre site (207,209 square feet), comprised of a single parcel. The property is bounded by Bundy Drive to the east and Olympic Boulevard to the south, with frontages of approximately 585 feet to the east and approximately 486 feet to the south. The site, known as West Edge, is a mixed-use project comprised of residential units, retail, uses, offices, and subterranean parking. The development has a total floor area of 807,200 square-feet, with a maximum height of 160 feet. The proposed grocery store with on-site restaurant will be assuming a 33,196 square-foot ground floor tenant space within the newly developed mixed-use building.

The sale of alcoholic beverages was authorized at West Edge by the underlying approved Master Conditional Use Permit (Case No. CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-ZV-ZAD-SPR) on May 26, 2016, by the City Planning Commission. The Master Conditional Use Permit authorized alcoholic beverages for five on-site sales in conjunction with either 1) five restaurants or 2) four restaurants and a standalone bar, and three off-site sales in conjunction with three establishments.

The proposed project is a Main Plan Approval for the sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting in conjunction with a new grocery store and the sale and dispensing of a full line of alcoholic beverages for on-site consumption within an accessory restaurant to the grocery store. The grocery store will occupy a 33,196 square-foot tenant space with a proposed 1,285 square-foot indoor area with 49 seats and a 526 square-foot uncovered outdoor patio with 24 seats where alcohol will be sold and dispensed on-site. In

addition, the grocery store will include a taste master station reserved for on-site instructional tasting. Proposed hours of operation are from 7:00 a.m. to 11:00 p.m., daily.

The subject Plan Approval enables the Zoning Administrator to consider more closely the nature of each operation and to impose further conditions as necessary. To-date, no other Master Plan Approvals have been authorized on the site.

The subject property is located within the West Los Angeles Community Plan and has a land use designation of Hybrid Industrial. The site is further with the West Los Angeles Transportation Improvement and Mitigation Specific Plan (ZI-2192), the Exposition Corridor Transit Neighborhood Plan (ZI-2490), a Transit Priority Area (ZI-2452), the Exposition Corridor/Livable boulevards Streetscape Plan (ZI-2486). The site lies within 1.09 kilometers of the nearest known fault line (Santa Monica Fault).

SURROUNDING PROPERTIES

Properties to the north, east, and west are zoned Hybrid Industrial: Jobs Emphasis Zone (HJ:EC) and developed with three-story office buildings, single-story commercial retail buildings, and a gas station. Properties to the south are zoned New Industry Zone (NI:EC) and developed with four-story office buildings.

STREETS

Olympic Boulevard, adjoining the property to the south, is a Boulevard II dedicated to a width of 110 feet and is fully improved with curb, gutter, roadway, and sidewalk.

Bundy Drive, adjoining the property to the east, is an Avenue I dedicated to a width of 90 feet and is fully improved with curb, gutter, roadway, and sidewalk.

Previous zoning related actions on the subject property include:

Subject Property:

Case No. CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-ZV-ZAD-SPR – On May 26, 2016, the City Planning Commission approved a General Plan Amendment to the West Los Angeles Community Plan to change the land use designation from “Light Industrial” to “Community Commercial;” a Vesting Zone Change and Height District Change from M2-1 to (T)(Q)C2-2D; a Conditional Use Permit for a Major Development Project for the addition of more than 100,000 square-feet of non-residential floor area; a Conditional Use to permit 13 unmanned Wireless Telecommunications Facilities; a Master Conditional Use to permit the sale and dispensing of alcohol for 5 on-site sales in conjunction with either 1) 5 restaurants or 2) 4 restaurants and a standalone bar and 3 off-site sales in conjunction with three establishments; a Conditional Use for Live Entertainment to allow dancing, live music and/karaoke in conjunction with three establishments; a Site Plan Review, which creates or results in an increase of 50 or more dwelling units; a Zone Variance from 12.14-AB,3 to allow outdoor sales (including kiosks) in the C2 Zone; and a Special Permission for a Reduction of Off-Street Parking Spaces to allow for a 10 percent reduction in the required number of parking spaces for a commercial building not more than 1,000 feet from a fixed transit station, located in the in the (T)(Q)C2-2D Zone, at 12101 West Olympic Boulevard.

Surrounding Properties:

Staff utilized a 1,000-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. The following relevant cases were filed within the last 10 years and identified as being within 1,000 feet of the project site:

Case No. ZA-2013-1124-CUB – On September 24, 2019, the Zoning Administrator approved a Conditional Use to permit the sale of a full-line of alcoholic beverages for off-site consumption and to permit on-site instructional tastings for off-site licenses; and for on-site consumption of a full line of alcoholic beverages for tasting events, in conjunction with an existing retail store located in the M2-1 Zone, at 11850-11854 West Olympic Boulevard.

PUBLIC CORRESPONDENCE

On May 11, 2023, the Los Angeles Police Department (LAPD), West Los Angeles Area Vice Unit, submitted a non-opposition letter regarding the subject application. LAPD recommends the imposition of 19 operating conditions. Many of these are standard conditions of approval for projects involving the sale and dispensing of alcohol with the exception of the following conditions which are either specific to the subject project or alcohol-related conditions that would be regulated by the State Department of Alcoholic Beverage Control (ABC):

- No beer or malt beverages shall be sold in quantities of less than three units per sale.
- Hours of operation for on-site sales are daily 7:00 a.m. to 11:00 p.m.
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
- Applicant shall not require a minimum number of drinks to be purchased.
- The subject alcoholic beverage license shall not be exchanged for a public premise type license nor operated as a public premise.
- There shall be no exterior advertising or sign of any kind or type, including advertising directed 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.
- A six-month review/inspection shall be conducted to ensure permittee's compliance with all operating conditions.

On March 23, 2023, the Chair of the West Los Angeles Sawtelle Neighborhood Council Board of Directors submitted a resolution to support the Conditional Use request and waiver of public hearing for the subject request, stating that no excessive noise or crime is expected.

On April 11, 2023, the Planning & Transportation Deputy for Council District 11 submitted email correspondence supporting a hearing waiver for the subject application.

WAIVER OF PUBLIC HEARING

On June 7, 2023, the Chief Zoning Administrator acted to waive the required public hearing stating in part that:

Based on a preliminary review of the attached application, including plans and exhibits submitted therewith, and a review of the zoning and land use patterns in the area, I find

that the nature of the request is such that it appears that the proposal:

1. will not have a significant effect on adjoining properties or on the immediate neighborhood; and,
2. is not likely to evoke public controversy.

On the basis of this determination, and as provided in the Los Angeles Municipal Code, the public hearing on this application is hereby waived.

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 beer or malt beverages shall be sold in quantities of less than three units per sale.
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
- Applicant shall not require a minimum number of drinks to be purchased.
- The subject alcoholic beverage license shall not be exchanged for a public premise type license nor operated as a public premise.
- There shall be no exterior advertising or sign of any kind or type, including advertising directed 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.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in pertinent part:

“M. Development of Uses: (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site. On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning

Commission, whichever has jurisdiction at that time...”

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use plan approval process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the on- and off-site sale and/or dispensing of a full line of alcoholic beverages be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

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 is a relatively level, irregular-shaped, approximately 4.76-acre site (207,209 square feet), comprised of a single parcel. The property is bounded by Bundy Drive to the east and Olympic Boulevard to the south, with frontages of approximately 585 feet to the east and approximately 486 feet to the south. The site, known as West Edge, is a mixed-use project comprised of residential units, retail, uses, offices, and subterranean parking. The development has a total floor area of 807,200 square feet, with a maximum height of 160 feet. The proposed grocery store with on-site restaurant will be assuming a 33,196 square-foot ground floor tenant space within the newly developed mixed-use building.

The proposed project is a Main Plan Approval for the sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting in conjunction with a new grocery store and the sale and dispensing of a full line of alcoholic beverages for on-site consumption within an accessory restaurant to the grocery store. The grocery store will occupy a 33,196 square-foot tenant space with a proposed 1,285 square-foot indoor area with 49 seats and a 526 square-foot uncovered outdoor patio with 24 seats where alcohol will be sold and dispensed on-site. In addition, the grocery store will include a taste master station reserved for on-site instructional tasting. Proposed hours of operation are from 7:00 a.m. to 11:00 p.m., daily.

The sale of alcoholic beverages was authorized at West Edge by the underlying approved Master Conditional Use Permit (Case No. CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-ZV-ZAD-SPR) on May 26, 2016, by the City Planning Commission. The Main Conditional Use Permit authorized alcoholic beverages at a maximum of five on-site and three off-site establishments in the development. The subject Plan Approval enables the Zoning Administrator to consider more closely the nature of each operation and to impose further conditions as necessary. To-date, no other Master Plan Approvals have been authorized on the site.

The proposed grocery store with on-site eatery is within a well-designed, pedestrian-friendly, commercial development. The proposed project activates a ground-floor tenant space with a neighborhood-serving commercial use and the proposed patio with outdoor seating further enhances the lively, distinctive, pedestrian-oriented, mixed-used character of the area.

The proposed project will provide a service that is beneficial to the community, city, and region by keeping with the nature of the commercial development in the area which caters to a variety of needs and serves a mixture of nearby higher density residential uses, commercial and office uses, and visitors. The proposed grocery store and on-site eatery will provide a dining choice in the area that includes the option of enjoying an alcoholic beverage.

The sale of a full line of alcoholic beverages at the proposed grocery store and on-site restaurant, in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues, will assure that the service of alcohol is not disruptive to the community. The area serves a mixture of uses which includes a concentration of residential and commercial uses. The operation of a grocery store and on-site café serving alcoholic beverages at this location will serve a function and provide a service that will be beneficial to the community which, in conjunction with the imposition of a number of conditions addressing operational conduct, will result in the enhancement of the built environment.

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 proposed grocery store with on-site eatery is located within a new mixed-use commercial development, West Edge. No new or additional floor area is proposed as a part of the Conditional Use permit and there are no physical alterations to the location, size or height of the building being requested through this Main Plan Approval.

The property where the proposed grocery store with on-site café is located is zoned HJ(EC) with a Land Use designation of Hybrid Industrial. Restaurant uses are permitted in the HJ(EC) zone and are compatible with the Hybrid Industrial land use designation. The proposed grocery store with on-site café is compatible with the surrounding development within West Edge, which features several ground floor restaurant uses. The on-site eatery with an outdoor patio use is compatible with the commercial character of the neighborhood and will add to and complement the various dining options, services and commercial amenities available in the area.

The subject use's emphasis will be grocery and food service. The proposed sale of a full line of alcoholic beverages for on- and off-site consumption will offer an incidental amenity and is reasonable given the establishment's location in a shopping and entertainment destination. As conditioned, the Main Plan Approval in conjunction with the subject establishment will complement and support the adjacent residential, commercial, and office uses. Conditions have been imposed in the grant to address nuisances, security, mode and character, and responsible management. A complaint number posted at the front of the grocery store and the maintenance of the complaint log will enable abutting neighbors and the community to inform the owner of complaints of the use. Furthermore, employees will be required to participate in training pertaining to alcohol sales. The hours of operation have been limited to 7:00 a.m. to 11:00 p.m., daily. Additionally, conditions requiring security cameras, adequate lighting, and responsible management practices ensure that the presence of alcoholic beverages will not degrade community safety.

As conditioned, the operation of the grocery store with on-site restaurant with the sale of a full-line of alcohol for on- and off-site consumption and on-site instructional tasting will

not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

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

The 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 Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The West Los Angeles Community Plan designates the subject property for Hybrid Industrial land uses with a corresponding zone of HJ(EC). The proposed project is consistent with the Exposition Corridor Transit Neighborhood Plan Specific Plan and is not subject to further review pursuant to the Specific Plan.

The Community Plan text is silent with regards to alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. Approval of the conditional use permit request is consistent with the following Objectives and Policies of the Community Plan:

Goal 2: *A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH PROMOTES ECONOMIC VITALITY, SERVES THE NEEDS OF THE COMMUNITY THROUGH WELL-DESIGNED, SAFE AND ACCESSIBLE AREAS WHILE PRESERVING HISTORIC AND CULTURAL CHARACTER.*

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

Objective 2-2: To promote distinctive commercial districts and pedestrian-oriented areas.

The proposed grocery store with on-site eatery is within a well-designed, pedestrian-friendly, commercial development. The proposed project activates a ground-floor tenant space and the proposed patio with outdoor seating further enhances the lively, distinctive, pedestrian-oriented, mix-used character of the area.

The ability to serve alcohol with meals furthers the Community Plan's aim to encourage activity in the area and provides an amenity for local residents, employees, and visitors to enjoy. With the conditions and limitations imposed by the Zoning Administrator, the surrounding properties should be protected from predictable impacts of the proposed use. Therefore, the proposed project is in conformance with the spirit and intent of the General Plan and other City policies which aim to promote the subject property and its immediate area with healthy and viable commercial activity.

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

The subject establishment is located in a neighborhood characterized by mixed-use

development encouraging pedestrian activity through ground-floor retail and commercial uses. Approval of the Main Plan Approval for the sale of a full line of alcoholic beverages at this location does not represent the introduction of a use that is uncommon to the area. The proposed grocery store with on-site eatery seeks to provide a quality food service option for residents, employees, and visitors. The grant imposes conditions which require a surveillance system, responsible management, and deterrents against underage drinking. Employees will undergo training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) or Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs (LEAD). Other conditions related to excessive noise, preventing litter, and loitering will safeguard the surrounding residential community. In addition, by providing a 24-hour hot line, the community will be able to communicate with the operator in regards to any complaints or concerns due to the operation. The approval of the application at this location will not adversely affect the economic welfare of the community because the subject restaurant will continue to add economic vigor to the local economy. For the reasons stated above, the proposed use will not adversely affect the overall welfare of the surrounding community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control’s guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing, criteria two on-sale and one off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2676. Currently there are 21 active on-site and 13 off-site licenses in this Census Tract. The subject request is for a Main Plan Approval to allow the sale and dispensing of a full line of alcohol for off-site consumption and on-site instructional tasting in conjunction with a new grocery store and the sale and dispensing of a full-line of alcohol for on-site consumption within an accessory restaurant to the grocery store, which would result in additional ABC licensing within the census tract.

According to information submitted by the applicant, within 1,000 feet of the subject site, the following establishments have an ABC license:

Alcohol Establishment	License Type	Address
Chevron Mart	On-site – Beer & Wine	11951 West Olympic Boulevard
Shell Gas Mart	Off-site – Full Line	11944 West Olympic Boulevard

The number of active on-site ABC licenses within the census tract where the subject site is located exceeds ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial destinations, such as West Los Angeles, are supported by a significant resident, employee, and visitor population. ABC has discretion to approve an application

if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking and driving under the influence, as well as other preventative measures to protect the public.

As reported by the Los Angeles Police Department, West Los Angeles Division, which has jurisdiction over the subject property, within Crime Reporting District No. 881, a total of 433 crimes were reported in 2022 (263 Part I and 170 Part II crimes), compared to the Citywide Average of 156 crimes and compared to the High Crime Reporting District Average of 187 crimes. Alcohol related Part II Crimes reported include Narcotics (35), Liquor Laws (0), Public Drunkenness (17), Disturbing the Peace (0), Disorderly Conduct (14), Gambling (0), DUI related (3), and other offenses (22). 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 above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average. However, no evidence was submitted for the record establishing any link between the subject site and the area’s crime rate. In fact, the Los Angeles Police Department submitted a letter of non-opposition for the subject application. Potential negative impacts commonly associated with the sale of alcoholic beverages, such as public drunkenness, illegal sale or use of narcotics, drugs or alcohol, and disturbing the peace, are already below average in this area and are further reduced by the imposition of conditions requiring surveillance, responsible management, and deterrents against loitering. The conditions will safeguard the welfare of the community. As conditioned, allowing the sale of alcoholic beverages for on- and off-site consumption at the subject location will benefit the public welfare and convenience and encourage the viability of a new amenity within the existing neighborhood.

- 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.**

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

Schools/Day Care	
Westview School	11801 Mississippi Avenue
Wildwood School	11811 West Olympic Boulevard
Religious Institutions	
New West Charter School	1905 Armacost Avenue
Hospitals	
N/A	N/A
Parks and Recreation	
Rockreation	11866 La Grange Avenue

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. While there are sensitive uses in close proximity to the project site, the project has been conditioned to be compatible with the surrounding community. Conditions related to noise, loitering, and security have been imposed to respond to potentially excessive or disruptive behavior. Therefore, as conditioned, the project will not

detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

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

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA
90012
planning.figcounter@l
acity.org

Van Nuys DSC
(818) 374-5050
6262 Van Nuys
Boulevard
Van Nuys, CA
91401
planning.mbc2@la

West Los Angeles
DSC (CURRENTLY
CLOSED)
(310) 231-2901
1828 Sawtelle
Boulevard
West Los Angeles,

city.org

CA 90025
planning.westla@la
city.org

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](https://www.lacity.org/buildla) portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal
Filing



QR Code to
Forms for In-
Person Appeal
Filing



QR Code to
BuildLA
Appointment
Portal for
Condition
Clearance

Inquiries regarding the matter shall be directed to Jaime Espinoza, Planning Staff for the Department of City Planning at (213) 978-1357 or Jaime.Espinoza@lacity.org.

A handwritten signature in blue ink, appearing to read 'Courtney Shum', written in a cursive style.

COURTNEY SHUM
Associate Zoning Administrator

CS:JE:ss

cc: Councilmember Traci Park
Eleventh Council District
Adjacent Property Owners

