

## Findings/Special Requirements

Alcohol & Entertainment Establishments - Class 2 Conditional Use Permit  
*Los Angeles City Planning | CP13-7773 [1.22.2024]*

### Findings

The decision maker must decide if the facts presented in the record support the findings (i.e., criteria for approval) established in the LAMC. On a separate sheet, provide a detailed justification/explanation of how the proposed project conforms with the following:

- 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 site is located on Vanowen Street Between Calhoun and Hazeltine Ave. The site is located within the Van Nuys-North Sherman Oaks Community Plan. The site is designated for Neighborhood Office Commercial land uses and is zoned C2-1VL. The site offers many services in the area.

This existing market is currently authorized for the off-site sale of a beer and wine, and we are requesting to add distilled spirits to its current offerings. The small amount will be located behind the sales counter only. This full-service market has been in the community for many years, and will continue to service this community.

As such, the project will have no detrimental impact on the built environment in the surrounding neighborhood and will perform a function or provide a service to surrounding businesses and employees, shoppers and residents that is essential or beneficial to the surrounding community.

- 2. The project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.**

The proposed project is requesting to expand its beverage department to its existing market with a remodel. The project will be compatible to its surrounding uses

The market will operate Monday through Sunday from 7:00 a.m. to 11p.m. daily.

The project includes a conditional use request to allow the sale of distilled spirits and to an existing floor area of 1,160 S.F. market.

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

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There are eleven elements of the General Plan. Each of these Elements establishes policies 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 in the form of Code Requirements of the Los Angeles Municipal Code.

Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Van Nuys-North Sherman Oaks-Pass Plan Map] designates the property for neighborhood Office Commercial land use with the corresponding C2 C4, RAS3, RAS4, P, and PB. . The project is not located within a Specific Plan. However the proposed project is not subject to provisions of a specific Plan, and given the numerous conditions of approval, and the fact that this request is for the sale of a full line of alcoholic beverages incidental to food service, the proposed project substantially conforms with the purpose, intent and provision of the General Plan.

### Supplemental Findings

In addition to the above findings for approval, the decision maker must also consider the following matters. The information is required but should not be considered as a limitation upon materials to be submitted. The applicant is encouraged to include any additional relevant materials.

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

The approval of a Conditional Use Permit allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with the operation of an 1,160 square-foot market and in the C2-1VL Zone, will not adversely affect the welfare of the community. As noted under Finding No. 2, the site's location is in the midst of offices, a regional shopping center and other commercial uses. The mode and character of the proposed market consists of a variety of items and services for the nearby residents and area.. Hours of operation will be to 7am a.m. -11pm daily. The applicant is an experienced and responsible. Based on the proposed mode and character of the business and the site's location in a Neighborhood Office Commercial area, the proposed use will not adversely affect the 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**

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**establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of Alcoholic Beverage Control licensing criteria, 3 off-site licenses are allocated to the subject Census Tract No. 1279.10, which 3 exist and we are one of the three. This will not increase the number since it is only a change of license type.

The location is proper in relation to adjacent uses and the development of the community as the land uses in the immediate area are characterized by a wide variety of entertainment, retail, office, multi-family residential and neighborhood commercial uses including a movie theater. The conditions imposed by the Zoning Administrator in conjunction with this approval. Additionally, the applicant has voluntarily agreed to numerous conditions that were included in the application related to the service of a full line of alcoholic beverages that will further reduce any potential crime issues including: no sale of "fortified" wine; no outdoor signage advertising the sale of alcohol; and the quarterly gross sales of alcoholic beverages will not exceed the gross sales of food.

Over-concentration can be undue when the addition of a license will negatively affect a neighborhood. Over concentration is not undue when the approval of a license does not negatively affect an area, but rather such a license benefits the public welfare and convenience. The census tract is not over-concentrated, the project will not adversely affect the community welfare because the proposed restaurant is a desirable use in an area designed for such.

Moreover, the crime rate in the census tract where the market is located is below the citywide average and is not a high crime area. The subject site has not been the subject of any criminal or nuisance activity and no site specific evidence was submitted for the record to suggest that the off-site sale of a full line of alcoholic beverages in connection with the existing market would result in an over-concentration that would contribute to crime or nuisance activity in the area. No link has been established between the subject site and the level of crime within the census tract where the site is located. The conditions of approval will ensure that the restaurant is operated with due regard for surrounding uses and does not contribute to crime or nuisance activity.

**6. The proposed use will not detrimentally affect nearby residentially zoned**

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**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.**

This site has been in the community with a beer and wine license for many years. The Conditions of approval have been imposed to address noise, security and safety and it is not anticipated that the sale of alcoholic beverages in the proposed restaurant will detrimentally affect nearby residential areas or other land uses in the area.