

# ATTACHMENT D

## CONDITIONAL USE PERMIT FOR ALCOHOL (CUB) ADDITIONAL INFORMATION/FINDINGS

### STUDIO CITY VILLAGE

11263 – 11325 Ventura Boulevard  
Los Angeles, CA 91604

#### PROJECT OVERVIEW/REQUEST

The Applicant, PCG Studio City Village, LLC (the “Applicant”), seeks to reutilize the existing ±23,891 SF tenant space within “Building A” (Anchor) for a new grocery market chain (“Sprouts”) including the sale of beer and wine for off-site consumption, demolish a ±1,064 SF portion of “Building A”, maintain the existing ±3,569 SF “Shops Building” and existing ±6,322 SF “Building B”, perform exterior façade and site improvements, provide new signage for anchor tenant and replace existing tenant signage, and reorganize the existing surface parking lot (the proposed “Project”), located at 11263 – 11325 Ventura Boulevard in Studio City (the “Subject Property”). Off-street parking is provided within the existing surface parking lot per Code. The Subject Property is located within the C2-1VL-RIO Zone within the geographic boundaries of the Ventura Cahuenga Boulevard Corridor Specific Plan (“Specific Plan”) further designated Neighborhood and General Commercial; and within the Los Angeles River Improvement Overlay district.

The Applicant requests the following discretionary approvals:

- a **CONDITIONAL USE PERMIT**, pursuant to **Los Angeles Municipal Code (“LAMC”) Section 12.24.W.1**, for the sale of beer and wine for off-site consumption in conjunction with the operation of a ±23,891 SF market.

Additionally, the Applicant is concurrently requesting **PROJECT PERMIT COMPLIANCE** findings, pursuant to LAMC Section 11.5.7 (C), to allow the proposed Project within the geographic boundaries of the Specific Plan (See “Attachment C”), and **WAIVER OF DEDICATION AND IMPROEMENT** findings, pursuant to LAMC Section 12.37 I.3 to waive the five-foot dedication and improvements along Ventura Boulevard, as required by the Mobility 2035 Plan (See “Attachment E”).

#### ADDITIONAL INFORMATION/FINDINGS

The following information has been developed pursuant to the City of Los Angeles’ *Special Instructions for Alcohol (CUB) & Adult Entertainment Establishments (CUX)* (CP-7773, dated 04/29/22) and LAMC Section 12.24.W.1.

#### GENERAL CONDITIONAL USE FINDINGS

**1. That 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 proposed Project is the reutilization of an existing tenant space within “Building A” (anchor) for a new grocery market chain “Sprouts” inclusive of exterior façade and site improvements. The Project includes the proposal for the sale of beer and wine for off-site consumption in conjunction with the operation of a ±23,891 SF market. The Conditional Use Permit request is to allow for beer and wine sales in conjunction with the operation of the market, with hours of operation and sales from 7 am to 10 pm Sunday through Saturday. The original use of the existing anchor building was a full-service grocery store. The proposed market, in a modernized and improved building, will bring back a use to the site that is beneficial to the surrounding neighborhood. The proposed market is the only new market within a 1,500-foot radius of the Subject Property. A market is an essential service that is beneficial to the community, city and region. Further, the proposed market is not in an over concentration area for providing off-site sales, of beer and wine and will be the only new market within the 1,500-foot radius that provides off-site sales of beer and wine. The proposed Market will serve neighboring commercial, and office uses, as well as, neighboring residential areas, that would otherwise need to drive east of Vineland Avenue, west of Laurel Canyon Boulevard or north of Moorpark Street, to locate an essential market with off-site sales of beer and wine. The proposed Project and request for off-site sales provides for a much-needed essential service that is beneficial to the community, city and region.

**2. That 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 request is for the sale and dispensing of beer and wine for off-site consumption in conjunction with the operation of a market. The market is the subject of the reutilization of the existing “Building A” (anchor), along with proposed exterior façade and site improvements. When completed, the updated Subject Property will include reutilizing the ±23,891 SF tenant space within “Building A” and maintaining the existing ±3,569 SF “Shops Building” and ±6,322 SF “Building B” totaling ±37,319 SF.

The Subject Property is comprised of 7 lots that, when combined, equal 113,610 SF, located along the north side of Ventura Boulevard, within the C2-1LV-RIO zone; and the Ventura Cahuenga Boulevard Corridor Specific Plan further designated Neighborhood and General Commercial. The Subject Property is surrounded by similarly zoned properties improved with and occupied by commercial retail and office uses. The Subject Property designated Neighborhood and General Commercial within the Specific Plan is permitted a Floor Area Ratio (FAR) of 1:1. The proposed Project, with a total of ±37,319 SF of Floor Area has a Floor Area Ratio of 0.32:1 (37,319 SF / 113,610 SF Buildable Area), far below the permitted Floor Area for the Property.

The Subject Property located in the Neighborhood and General Commercial designation is permitted a maximum height of 45 feet; and buildings may exceed 30 feet with the prescribed provision of 10-foot stepbacks from the roof perimeter, for each 15-foot increment in height over 25 feet. The proposed exterior façade improvements include an increase in a portion of the existing “Building A’s” parapet height of 22 feet (per Building Records) to a maximum height of 30 feet; and an increase of 2 feet for the parapet of the existing to be maintained ±3,569 SF “Shops Building” ±6,322 SF “Building B” for a maximum height of 19.6 feet. As such, the provision for stepbacks is not applicable and the proposed maximum height on the Subject Property, of 30 feet for the anchor building, is in compliance with the Specific Plan.

In addition, the Transitional Height Requirements of the Los Angeles Municipal Code Section 12.21.1 A.10 apply, due to the C2 zoned Subject Property’s location within 200 feet of a lot classified in the RW1 Zone or more restrictive zone. The proposed Project has a maximum height of 30 feet inclusive of rooftop equipment, within 100-199 feet of the lot to the north, classified in the OS zone. Therefore, the proposed exterior façade improvements are in compliance with the Transitional Height Requirements.

The Project proposes reutilization of the existing ±23,891 SF tenant space within “Building A” (anchor) for a new grocery market. The proposed sale of beer and wine for off-site consumption is proposed to be sold within the market and stored within the markets dry/refrigerated storage areas at the north portion of the tenant space. The sale of beer and wine will be incidental to sale of food and other products.

The sale of beer and wine will be operated and supervised pursuant to the Conditional Use Permit requirements of the City of Los Angeles as well as the alcohol license issued by the California Department of Alcohol Beverage Control. Therefore, the Project will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. The proposed market is the only new proposed market within a 1,500-foot radius of the Subject Property. A market is an essential service that is beneficial to the community, city and region. Further, the proposed market is not in an over concentration area for providing off-site sales, of beer and wine and will be the only new market within the 1,500 foot radius that provides off-site sales of beer and wine. The proposed grocery market will serve neighboring commercial and office uses, as well as, neighboring residential areas, that would otherwise need to drive east of Vineland Avenue, west of Laurel Canyon Boulevard or north of Moorpark Street, to locate an essential market with off-site sales of beer and wine.

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

The Subject Property is located in the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass (the “Community Plan”) and within the Ventura Cahuenga Boulevard Corridor Specific Plan (“Specific Plan”). The Community Plan designates the Subject Property for General Commercial land uses, which generally allows for the development of commercial uses, including beer and wine sales with a Conditional Use Permit. As

stated in Finding 2 above, the market for which the subject Conditional Use Permit is requested complies with the applicable regulations, findings, standards and provisions of the Los Angeles Municipal Code and the Specific Plan. The proposed reutilization of an existing ±23,891 SF tenant space within “Building A” for use as a new grocery market substantially conforms with the purpose, intent and provisions of the General Plan, the Community Plan and the Specific Plan.

The General Plan promotes the provision of services throughout the City in locations that are convenient to the public, but that do not negatively impact neighboring properties. The proposed sale of beer and wine is in association with the operations of an essential market, and substantially conforms with the purposes, intents, and provisions of the General Plan, Community Plan and the Specific Plan because it will support the needs of the surrounding neighborhood, community and regional area.

While the Community Plan does not specifically address the use of beer and wine permits, it does address the vision and objectives for development in the Community Plan area. For example, on page III-6, Goal 2 of the Community Plan is “ A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district.” In support of that Goal is Objective 2.1 “To conserve and strengthen viable commercial development.” In support of this Objective is Policy 2-1.1 “New commercial uses shall be located in existing established commercial areas or existing shopping centers.” The proposed Project seeks to reutilize an existing anchor building that is currently vacant in an outdated and underutilized shopping center with a new updated and modern design inclusive of an anchor tenant that is a nationally recognized market.

The Specific Plan similarly does not specifically address the granting of beer and wine permits and does not govern alcohol-selling uses. The Specific Plan does address its purposes, including “to assure a balance of commercial land uses in the Specific Plan area that will address the needs of the surrounding communities and greater regional area.” The proposed Project, including beer and wine sales within the market, is consistent with the aforementioned Goal, Objective and Policy of the Community Plan and purpose of the Specific Plan, as it will enhance the surrounding neighborhood which will thereby contributing to the viability of the local economy and support the needs of the community. The inclusion of beer and wine sales incidental to the operations of the market will strengthen the viability of the shopping center, as it offers a new essential market. The proposed beer and wine sales will serve the surrounding community and region and will meet the growing demand for goods and services conveniently located in close proximity to a mix of other uses in the area. Granting of the request will allow for the market to include a complete line of products inclusive of beer and wine. In light of the consistency of the Project with the aforementioned references to the General Plan, Community Plan and Specific Plan, the proposed Project substantially conforms with the purpose, intent and provisions of the General Plan, the Community Plan, and the Specific Plan.

**ADDITIONAL FINDINGS**

**1. Explain how the proposed use will not adversely affect the welfare of the pertinent community.**

The approval of the requested Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with the operation of a nationally recognized market will not adversely affect the welfare of the Studio City community but will rather benefit the economic welfare of the community inasmuch as it will help the facility meet the needs of the Studio City community. The Project will cater to the customers by providing an additional amenity incidental to the products offered by the market. As further elaborated in General Conditional Use Findings 1 and 2 above, the availability and sales of beer and wine will enhance the shopping experience for customers, and at the same time will be overseen by the market operator consistent with the conditions of approval of the requested Conditional Use Permit and state law. For these reasons, the sale of beer and wine will not adversely affect the welfare of the community but will rather operate with due regard to the welfare of the community and will be an asset to the neighborhood.

**2. Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments.**

The Subject Property is located within Census Tract 1436.06. According to the California Department of Alcoholic Beverage Control (“ABC”) licensing data and criteria as of March 3, 2023, four (4) off-sale retail license (grocery/liquor store) licenses are active in subject Census Tract 1436.06. Of these active licenses, none of the off-sale retail licenses are located within a 1,000-foot radius of the Subject Property. No alcoholic beverage license have previously been applied for at the Subject Property.

Generally, overconcentration is considered undue when the addition of a license will have adverse impacts to the surrounding neighborhood. Although the granting of the instant request will increase the number of licenses to dispense alcoholic beverages for off-site consumption that are currently active in this Census Tract, the sale of beer and wine within the market will be incidental to market sales. The license will not increase public access to off-site beer and wine sales in this Census Tract but will provide for additional convenience.

Accordingly, granting the subject request to allow the sale of a beer and wine for off-site consumption in conjunction with the operation of the market will not result in an unreasonable concentration of such establishments, but will provide numerous public benefits, such as locating a new essential market within an existing shopping center, with easy access to neighboring commercial and office uses, as well as residential neighborhoods. There is not an undue concentration of off-site sales of beer and wine in this Census Tract, and further, the establishment of a new essential market will be a benefit for the surrounding neighborhood, community and region as well as economic vitality, as previously discussed above.

**3. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.**

**ATTACHMENT D – Conditional Use Permit for Alcohol (CUB)**  
*Additional Information/Findings*

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The subject request will not detrimentally affect nearby residential zones or uses. The Subject Property is located within the C2-1VL-RIO zone and within the Ventura Cahuenga Boulevard Corridor Specific Plan further designated Neighborhood and General Commercial; surrounded by properties within the same or similar zone classification. The properties immediately surrounding the Subject Property are characterized by commercial uses on the south, east and west, all of which are 1- and 2-story commercial retail and office buildings. Abutting the Subject Property to the north is the Los Angeles County Flood Control otherwise referred to as the “LA River”. Across the “LA River” is a single-family residential neighborhood.

The proposed beer and wine sales is for consumption off-site. The proposed off-site sales of beer and wine is in conjunction with a nationally recognized market. The Project will also operate with due regard to its customers, and surrounding properties, in compliance with the anticipated conditions of approval of the Conditional Use Permit. Therefore, the proposed use will not detrimentally affect nearby residential zones or communities in the area.

**QUESTIONS REGARDING THE PHYSICAL DEVELOPMENT OF THE SITE**

- a. What is the total square footage of the building or center the establishment is located in?**

The proposed Project includes reutilization of the existing ±23,891 SF tenant space w/in “Building A” for use as a new grocery market; and maintenance of the existing ±3,569 SF “Shops Building” and existing ±6,322 SF “Building B”.

- b. What is the total square footage of the space the establishment will occupy?**

Beer and wine sales are proposed within a portion of the ±23,891 SF market.

- c. What is the total occupancy load of the space as determined by the Fire Department?**

Please refer to the fixture plans included in the Project plans for the occupancy load of each of the spaces in which beer and wine will primarily be sold.

- d. What is the total number of seats that will be provided indoors? Outdoors?**

Seats provided on site for the market will not be for the consumption of beer and wine. No on-site beer and wine consumption will be permitted. Therefore, this question is not applicable to the request for off-site sales.

- e. If there is an outdoor area, will there be an option to consume alcohol outdoors?**

No.

- f. If there is an outdoor area, is it on private property or the public right-of-way, or both?**

N/A.

**i. If an outdoor area is on the public right-of-way, has a revocable permit been obtained?**

N/A.

**g. Are you adding floor area? If yes, how much is enclosed? Outdoors?**

The proposed Project includes reutilization of the existing ±23,891 SF tenant space within “Building A” for use as a new grocery market; and maintenance of the existing ±3,569 SF “Shops Building” and existing ±6,322 SF “Building B”.

**h. Parking**

**i. How many parking spaces are available on the site?**

100 automobile parking spaces are provided on site.

**ii. Are they shared or designated for the subject use?**

The on-site automobile parking spaces are shared between all existing buildings on site and will continue to be shared.

**iii. If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety?**

Currently there are 151 parking spaces provided on site for the existing uses. With the development of the proposed Project, the total of 100 parking spaces will be provided on site for shared use.

**iv. Have any arrangements been made to provide parking off-site?**

No; Not Applicable.

**1. If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety?**

Not Applicable.

**Note:** *Required parking must be secured via a covenant pursuant to LAMC 12.26 E 5. A private lease is only permitted by a Zone Variance.*

**2. Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.**

Not Applicable.

**3. Will valet service be available? Will the service be for a charge?**

Not Applicable.

**i. Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or parks?**

No.

- j. For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other Adult Entertainment Businesses as defined by LAMC 12.70 B17?

Not Applicable.

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**QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT**

- a. What are the proposed hours of operation and which days of the week will the establishment be open?

	M	T	W	Th	F	Sat	Sun
Proposed Hours of Operation	7:00 am till 10:00 pm						
Proposed Hours of Alcohol Sale	7:00 am till 10:00 pm						

- b. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify:

No.

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**Note:** *An establishment that allows for dancing needs a conditional use pursuant to 12.24 W.18.*

- c. Will there be minimum age requirements for entry? If yes, what is the minimum age requirement and how will it be enforced?

No.

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- d. Will there be any accessory retail uses on the site? What will be sold?

Accessory retail uses will be located on the same site within the existing 3,569 SF "Shops Building" and the 6,322 SF "Building B".

- e. Security

- i. How many employees will you have on the site at any given time?

Approximately 25-30 employees.

- ii. Will security guards be provided on-site?

No.

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1. If yes, how many and when?

Not Applicable.

- iii. Has LAPD issued any citations or violations? If yes, please provide copies.

No.

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- f. Alcohol



**ATTACHMENT D – Conditional Use Permit for Alcohol (CUB)**  
*Additional Information/Findings*

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- i. **Will there be beer & wine only, or a full-line of alcoholic beverages available?**  
\_\_\_\_\_ Beer and Wine only. \_\_\_\_\_
- ii. **Will “fortified” wine (greater than 16% alcohol) be sold?**  
\_\_\_\_\_ No. \_\_\_\_\_
- iii. **Will alcohol be consumed on any adjacent property under the control of the applicant?**  
\_\_\_\_\_ No. \_\_\_\_\_
- iv. **Will there be signs visible from the exterior that advertise the availability of alcohol?**  
\_\_\_\_\_ No. \_\_\_\_\_
- v. **Food**
1. **Will there be a kitchen on the site?**  
\_\_\_\_\_ Yes, for prepared meals sold by the market. \_\_\_\_\_
2. **Will alcohol be sold without a food order?**  
\_\_\_\_\_ Yes \_\_\_\_\_
3. **Will the sale of alcohol exceed the sale of food items on a quarterly basis?**  
\_\_\_\_\_ No. \_\_\_\_\_
4. **Provide a copy of the menu if food is to be served.**  
\_\_\_\_\_ N/A. \_\_\_\_\_
- vi. **On-Site**
1. **Will a bar or cocktail lounge be maintained incidental to a restaurant?**  
\_\_\_\_\_ N/A. \_\_\_\_\_
- a. **If yes, the floor plans must show the details of the cocktail lounge and the separation between the dining and lounge facilities.**  
\_\_\_\_\_ N/A \_\_\_\_\_
2. **Will off-site sales of alcohol be provided accessory to on-site sales (“Take Out”)?**  
\_\_\_\_\_ No. \_\_\_\_\_
- a. **If yes, a request for off-site sales of alcohol is required as**

well.

Not Applicable.

3. Will discounted alcoholic drinks (“Happy Hour”) be offered at any time?

No.

vii. Off-Site

1. Will cups, glasses or other containers be sold which might be used for the consumption of alcohol off the premises?

Yes.

2. Will beer or wine coolers be sold in single cans, or will wine be sold in containers less than 1 liter (750 ml)?

Yes.

- viii. Contact the CA Department of Alcoholic Beverage Control (ABC) regarding its requirements -- <http://www.abc.ca.gov/>.

**CALDERA BILL (CA Business and Professions Code Section 23958 and 23958.4)**

- a. Is this application a request for on-site or off-site sales of alcoholic beverages?

Off-site sales only.

- i. If yes, is the establishment a bona-fide eating place (restaurant) or hotel/motel?

No.

1. If no, contact the CA Department of Alcoholic Beverage Control (ABC) to determine whether the proposed site is located in an area whereby:

a. issuance of a license to serve alcohol on-site or off-site would tend to create a law enforcement problem, or

b. if issuance would result in, or add to an undue concentration of licenses.

So noted.

- b. If ABC has determined that an eligible use is in an area of high crime or undue concentration of licenses, the City Council will need to make the finding that the issuance of the license is required for public convenience or necessity.

So noted.

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