



# WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

Mailing Date: SEP 15 2017

Case No.: CPC-2015-2714-VZC-SP-DRB-SPP-PA1-1A  
CEQA: ENV-2015-2715-MND  
Plan Area: Brentwood - Pacific Palisades

Council District: 11 - Bonin

**Project Site:** 15245 West Sunset Boulevard (1029-1049 North Swarthmore Avenue 1012-1032 North Swarthmore Avenue; 1023-1055 North Monument Street; 15229-15281 West Sunset Boulevard)

**Applicant:** Malibu Country Market, LLC c/o Elkins Kalt Weintraub, Reuben Gartside, LLP  
Representative: Margaret Taylor, Apex LA

**Appellant:** Ted Weitz, Protect Our Village

At its meeting of **September 6, 2017**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

A market offering the sale of a full line of alcoholic beverages for off-site consumption.

1. **Determined** based on the whole of the administrative record, that the Project was assessed in Mitigated Negative Declaration, ENV-2015- 2715-MND, adopted on April 28, 2016; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, Negative Declaration, or addendum is required for approval of the proposed project;
2. **Denied** the appeal and **sustained** the Planning Director's determination to conditionally approve the Plan Approval for the project;
3. **Adopted** the attached Conditions of Approval and Findings.

This action was taken by the following vote:

Moved: Halper  
Seconded: Waltz Morocco  
Ayes: Marguiles, Newhouse

**Vote:** 4 - 0



---

Cecilia Lamas  
Commission Executive Assistant

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the West Los Angeles Area Planning Commission is final and not further appealable.

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.

Attachments: Determination letter dated June 5, 2017

c: Griselda Gonzalez, City Planner  
Kenton Trinh, City Planning Associate

**DEPARTMENT OF  
CITY PLANNING**

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

CAROLINE CHOE  
RICHARD KATZ  
JOHN W. MACK  
SAMANTHA MILLMAN  
MARC MITCHELL  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

**CITY OF LOS ANGELES**  
CALIFORNIA



ERIC GARCETTI  
MAYOR

**EXECUTIVE OFFICES**

200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
DEPUTY DIRECTOR  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

*NOTE: The Director's Determination dated May 25, 2017 was issued in error and is superseded by the current Director's Determination.*

**DIRECTOR'S DETERMINATION  
PLAN APPROVAL**

June 5, 2017

**Applicant**

Malibu Country Market, LLC  
c/o Elkins Kalt Weintraub  
Reuben Gartside, LLP  
2049 Century Park East  
Los Angeles, CA 90067

**Property Owner**

Palisades Village Co., LLC  
c/o Caruso  
101 The Grove Drive  
Los Angeles, CA 90036

**Representative**

Margaret Taylor  
Apex LA  
5419 Hollywood Boulevard  
Los Angeles, CA 90027

**Case No.** CPC-2015-2714-VZC-SP-DRB-  
SPP-PA1

**CEQA:** ENV-2015-2715-MND

**Location:** 15245 West Sunset Boulevard

**Council District:** 11 – Bonin

**Neighborhood Council** None

**Community Plan Area:** Brentwood-Pacific Palisades

**Land Use Designation:** Community Commercial

**Zone:** [T][Q]C2-1VL

**Legal Description:** Arb 79, Lot PT LT A, Tract TR 9300

**Last Day to File an Appeal:** June 20, 2017

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.24-M, I have reviewed the project and, as the designee of the Director of Planning, I hereby:

**Approve** plans to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the operation of a 11,388 square-foot market in the [T][Q]C2-1VL Zone.

**Find** that the project was assessed in Mitigated Negative Declaration ENV-2015-2715-MND, adopted on April 28, 2016, and, pursuant to CEQA Guidelines Section 15162 and based on the whole of the administrative record, no subsequent Mitigated Negative Declaration is required for approval of the project.

The approval of the project is based upon the attached Findings and subject to the attached Conditions of Approval.

### **CONDITIONS OF APPROVAL**

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 Director of Planning to impose additional corrective Conditions, if, in the Director's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent properties.
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. **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 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.
- (ii) 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).

- (iii) 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 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 includes 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.

- 7. Authorized herein is the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a new 11,388 square-foot market, subject to the following limitations:
  - a. The hours of operation for the market shall be limited to 7:00 a.m. to 10:00 p.m. daily. Vendor deliveries shall be conducted between 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturday and Sunday in the alley and between 9:00 a.m. to 7:00 p.m. Monday through Sunday on Swarthmore Avenue.
  - b. No after-hour use is permitted except routine clean-up. This includes, but is not limited to, private or promotional events and special events, excluding any activities that issued film permits by the City.
- 8. 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 the dimensioned floor plan, seating arrangement or number of seats of the new operation.

9. The Director of Planning reserves the right to require that the new owner or operator file a Plan Approval application, including a 500-foot notification radius, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or has changed in mode or character from the original approval or If at any time during the period of validity of this grant, should documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the 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 Director of Planning may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
10. **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. At any time, before, during, or after operating hours, 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 used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be 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 therein may result in denial of future requests to renew or extend this grant.
11. **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. 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 prior to the final clearance of this condition.
12. The Applicant shall submit copies of any violations, orders or citations issued by any City, County or State Department within one week of their issuance, for inclusion in the case file.
13. **Prior to the beginning of operations**, a camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes

shall be furnished to the Los Angeles Police Department upon request. The plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the Department of City Planning and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.

14. Only the front door 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 access for deliveries and trash removal.
15. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. 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 facility to discourage illegal and criminal activity on the subject premises 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.
16. **Prior to the beginning of operations**, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages 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.
17. **Prior to the beginning of operations**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state,

*We, the undersigned, have read and understood the conditions of approval to allow the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with the market, known as VINTAGE GROCERS, and agree to abide and comply with said conditions.*

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

18. **Prior to the beginning of operations**, 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
  - a. Entry, visible to pedestrians
  - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department. Complaints shall be responded to within twenty four hours.

19. Within the **first six months of the beginning of operations** at this establishment, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. CPC-2015-2714-VZC-SP-DRB-SPP-PA1, from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
20. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter and mount it on either the inside of the window of the subject site facing the street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.
21. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
22. Any music, sound or noise including amplified or acoustic music 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) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, 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.
23. 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. Signs shall be in English and in the predominant language of the facility's clientele.
24. The applicant shall be responsible for maintaining the area adjacent to premises over which they have control, free of litter.
25. Any public pay telephone on the property shall be located inside the building, not on the exterior.
26. No loading or unloading of deliveries shall be permitted along Sunset Boulevard.
27. Trash pick-up and compacting shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturday and Sunday.



## BACKGROUND

The subject property consist of three parcels totaling approximately 3.11 acres. The subject property is irregularly shaped and has frontages along Sunset Boulevard, Swarthmore Avenue, and Monument Street. The subject property is zoned [T][Q]C2-1VL and designated for Community Commercial land uses in the Brentwood-Pacific Palisades Specific Plan Area. The subject property is located in Commercial Village Subarea A of the Pacific Palisades Commercial Village and Neighborhoods Specific Plan Area. The subject property is also located in a Very High Fire Hazard Severity Zone, a Special Grading Area, and the Santa Monica Fault.

The subject property is currently under construction with the development of a mixed-use project composed of eight buildings (Buildings A through H) with a total floor area of 124,965 square feet, two levels of subterranean parking with 560 off-street parking spaces, and 29 on-street parking spaces, which was approved under Case No. CPC-2015-2714-VZC-SP-SPP-DRB. Case No. CPC-2015-2714-VZC-SP-SPP-DRB also included the approval of a Specific Plan Amendment that was adopted by City Council (Ordinance No. 184371) to amend the Pacific Palisades Commercial Village and Neighborhoods Specific Plan to add new definitions and create Commercial Village Subarea A with separate sign, alcohol, and streetscape standards. Pursuant to the approval, the sale of full-line alcoholic beverages for off-site consumption in Commercial Village Subarea A is subject to the review and decision by the Director of Planning through the Plan Approval process. As such, the applicant is requesting a Plan Approval to allow the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of an 11,388 square-foot market in Building H.

The adjacent properties to the north are zoned R1V1 and developed with single-family dwellings. The adjacent properties to the south are zoned C2-1VL and developed with commercial buildings. The adjacent properties to the east are zoned R1V1 and C1-1VL and developed with single-family dwellings and commercial buildings. The adjacent properties to the west are zoned [Q]R3-1 and C2-1VL and developed with multi-family dwellings and commercial buildings.

Sunset Boulevard is an Avenue II designated a right-of-way width of 86 feet and roadway width of 56 feet and fully improved.

Swarthmore Avenue is a Local Street designated a right-of-way width of 60 feet and roadway width of 36 feet and fully improved.

Monument Street is a Local Street designated a right-of-way width of 60 feet and roadway width of 36 feet and fully improved.

Previous zoning-related actions on the subject property include:

Ordinance No. 184371 – On June 21, 2016, the City Council adopted Ordinance No. 184371 to amend the Pacific Palisades Commercial Village and Neighborhoods Specific Plan to add new definitions and create a Commercial Village Subarea A with separate sign, alcohol, and streetscape standards.

Ordinance No. 184368 – On June 14, 2016, the City Council adopted Ordinance No. 184368 to allow a Zone Change establishing the community design overlay development regulations as [Q] qualified to various parcels fronting Riverside Drive in Council District Four.

Case No. CPC-2015-2714-VZC-SP-SPP-DRB – On April 28, 2016, the City Planning Commission approved a Specific Plan Amendment to amend the Pacific Palisades Commercial Village and Neighborhoods Specific Plan, a Vesting Zone Change to change

the zones from C2-1VL and R3P-1VL to [T][Q]C2-1VL for the entirety of Commercial Village Subarea A, and a Specific Plan Project Permit Compliance and Design Review to allow the construction of a mixed-used development composed of eight new buildings with a total area of 116,215 square feet, including public access ways and landscaping.

Case No. AA-2015-3312-PMLA – On April 1, 2016, the Advisory Agency approved a Parcel Map for a maximum of four parcels to allow the construction of eight dwelling units at 17,500 square feet and non-residential uses at 107,465 square feet for a total project size of 124,965 square feet.

Previous zoning-related actions in the surrounding area include:

Case No. ZA-2006-5586-CUB-ZV – On January 22, 2007, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for off-site consumption in conjunction with a 993 square-foot retail gourmet shop and deli located at 1017 North Swarthmore Avenue.

Case No. ZA-2004-5849-CUB – On December 21, 2004, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with a 1,200 square-foot restaurant located at 863 North Swarthmore Avenue.

## 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 zoned [T][Q]C2-1VL and designated for Community Commercial land uses in the Brentwood-Pacific Palisades Community Plan Area. The subject property is located in Commercial Subarea A of the Pacific Palisades Commercial Village and Neighborhoods Specific Plan Area. The subject property is currently under construction with a 124,965 square-foot mixed-use project composed of eight buildings (Building A through H).

The applicant is requesting a Plan Approval to allow the sale of a full line of alcohol beverages for off-site consumption in conjunction with the operation of a new 11,388 square-foot market with hours of operation from 7:00 a.m. to 10:00 p.m., daily, in Building H. The project will provide a service that is beneficial to the community by offering access to a variety of groceries and other retail items. The project will have a deli, bakery, and juice bar that will provide the added service of prepared food to its customers. The conditions of approval will address the operation of the project and any alcohol-related issues. As such, the project will enhance the built environment in the surrounding neighborhood.

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

There are no proposed changes to location, size, or height of the subject building. The only proposed change will be the added operation of a new market with the sale of a full-line of alcohol beverages for off-site consumption. The project will be compatible with the other uses on the subject property, which will include a variety of residential and commercial uses. The project will also be compatible with the uses on the surrounding

properties. The adjacent properties to the north and east are zoned R1V1 and developed with single-family dwellings. The adjacent properties to the south are zoned C2-1VL and developed with retail stores, restaurants, banks, nail salons, cleaners, and other types of commercial uses. The adjacent properties to the west are zoned [Q]R3-1 and developed with multi-family dwellings.

There are several other grocery stores in the vicinity that cater to the neighborhood. The project will provide a new option that will allow residents living nearby to be within walking distance of their everyday grocery shopping needs, including alcoholic beverages. The project will also provide those residents, and visitors frequenting the area, with access to a deli, bakery, and juice bar. The grant incorporates conditions that will prevent the operation of the project from becoming a nuisance. As such, the project will not adversely affect or further degrade the adjacent properties, surrounding neighborhood, or public health, welfare, and safety.

3. **The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable 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. Objective 7.3 of the Framework Element sets a goal to "maintain and enhance the existing businesses in the City" and Policy 7.3.2 seeks to "retain existing neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Brentwood-Pacific Palisades Community Plan designates the subject property for Community Commercial land uses with the corresponding zones of CR, C2, C4, P, PB, RAS3, and RAS4 and Height District No. 1. The subject property is planned and zoned for commercial uses such as the proposed market. The Brentwood-Pacific Palisades Community Plan is silent with regards to the sale of alcoholic beverages. The Community Plan aims to promote economic well-being and public convenience through allocating and distributing commercial lands for retail, service, and other facilities in quantities and patterns based on accepted planning principles and standards.

The subject property is also located in Commercial Village Subarea A of the Pacific Palisades Commercial Village and Neighborhoods Specific Plan area. The Specific Plan limits the number of alcohol use approvals for the sale of a full-line of alcoholic beverages for off-site consumption in Commercial Village Subarea A to two (2) unless otherwise adjusted. The project will be the first establishment in Commercial Village Subarea A to sell a full-line of alcoholic beverages for off-site consumption. Given the various conditions of approval, and the fact that this request is for the sale of alcoholic beverages incidental to a market, the project will substantially conform with the purpose, intent and provisions of the General Plan, Brentwood-Pacific Palisades Community Plan, and Pacific Palisades Commercial Village and Neighborhoods Specific Plan.

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

The sale of a full-line of alcoholic beverages will be located in the Commercial Village Subarea A of the Pacific Palisades Commercial Village and Neighborhoods Specific Plan

Area, which is currently under construction with a mix of residential and commercial uses. The sale of a full-line of alcohol beverages at this location will not be uncommon to the area. The project will provide grocery shopping and prepared food options for residents, employees, and visitors. The grant imposes conditions that 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) Program. Other conditions related to excessive noise, littering, and loitering will safeguard the residential community in and around the buildings. Furthermore, by providing a 24-hour hot line, the community will be able to communicate with the operator regarding any complaints or concerns due to the operation. As such, the project will not adversely affect the economic welfare of the community because the proposed market will continue to add economic vigor to the local economy.

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 State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, three (3) on-sale and two (2) off-sale licenses are allocated to Census Tract 2625.01. There are currently three (3) on-sale and one (1) off-sale licenses in this Census Tract. The number of licenses authorized in this Census Tract has not been exceeded.

According to the statistics provided by the Los Angeles Police Department, within Reporting District No. 802, which has jurisdiction over the subject property, a total of 60 crimes were reported in 2015, compared to the citywide average of 181 crimes and high crime reporting district average of 217 crimes for the same period. In 2015, there were 1 Narcotics Drug Law, 0 Liquor Law, 0 Drunkenness, 0 Disturbing the Peace, 0 Disorderly Conduct, and 1 DUI-related arrests. 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 crime rate numbers are substantially lower than those rates identified for the City. Nonetheless, the public safety measures to mitigate nuisance and criminal activities have been incorporated into the grant to assure better oversight.

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 following sensitive uses were observed within a 1,000-foot radius of the subject property:

- Palisades Elementary Charter School
- Methodist Preschool of Pacific Palisades

- Village School
- Corpus Christi Catholic School
- Community United Methodist Church of Palisades
- Corpus Christi Catholic Church
- Palisades Branch Library
- Los Angeles Fire Department Station 69

Consideration has been given to the distance of the project from the above-referenced sensitive uses. The grant has been well-conditioned and will protect the health, safety, and welfare of the surrounding area. The sale of a full line of alcoholic beverages will be incidental to the sale of groceries and other retail items as well as prepared food options. The project will not detrimentally affect nearby residentially-zoned properties and other types of sensitive uses.

#### **TIME LIMIT – OBSERVANCE OF CONDITIONS – LAPSE OF PRIVILEGES**

All terms and conditions of the Director's Determination 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 this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

#### **TRANSFERABILITY**

This determination 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 that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

#### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a 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 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, or the approval may be revoked.

**The Director's Determination in this matter will become effective and final fifteen (15) days after the date of mailing unless an appeal therefrom is filed with the Department of City Planning.** 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 Determination, 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://cityplanning.lacity.org>. Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard,  
Room 251  
Van Nuys, CA 91401  
(818) 374-5050

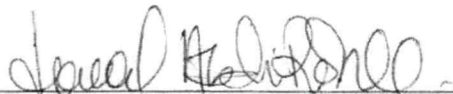
West Los Angeles  
Development Services  
Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2912

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles, in West Los Angeles, or at the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center through the Department of City Planning website at <http://cityplanning.lacity.org> or by calling (213) 482-7077, (310) 231-2598, or (818) 374-5050. The applicant is further advised to notify any consultant representing you of this requirement as well.

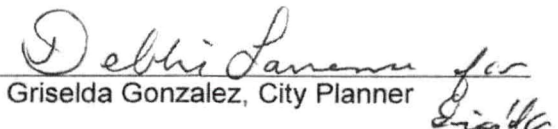
The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP  
Director of Planning

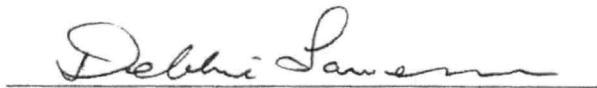
Approved by:

  
Faisal Roble, Principal City Planner

Reviewed by:

  
Griselda Gonzalez, City Planner  
*Griselda Gonzalez*

Reviewed by:

  
Debbie Lawrence, AICP, Senior City Planner

Prepared by:

  
Kenton Trinh, City Planning Associate  
[kenton.trinh@lacity.org](mailto:kenton.trinh@lacity.org)