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April 01, 2021

Tony Antoci (A)  
Nowhere Holdco LLC  
2430 East 11<sup>th</sup> Street  
Los Angeles, CA 90021

SL Retail Owner, LLC (O)  
c/o Milwood Management Corporation  
430 Park Avenue, Unit 201  
New York, NY 10022

Valerie Sacks (R)  
LiquorLicense.com  
2222 Damon Street  
Los Angeles, CA 90021

CASE NO. ZA-2020-4946-MPA  
MAIN PLAN APPROVAL

Related Cases: ZA-2020-4944-MCUP,  
ZA-2020-4948-MPA, ZA-2020-4950-MPA,  
ZA-2020-4952-MPA, ZA-2020-4954-MPA  
12833 West Ventura Boulevard, Unit 110  
(12833-12835 West Ventura Boulevard;  
4218-4220 North Coldwater Canyon  
Avenue; and 4230 North Coldwater  
Canyon Avenue)

Sherman Oaks-Studio City-Toluca Lake  
Cahuenga Pass Community Plan

Zone : C1.5-1VL-RIO

C.D. : 2

D.M. : 165B161

CEQA: ENV-2020-4947-CE

Legal Description: Lots A and PT 5,  
Blocks Arb 1 and Arb 2, Tracts PM  
353 and 1368

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

a Main Plan Approval to allow the sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting of a full line of alcoholic beverages in conjunction with a market.

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 of a full line of alcoholic beverages in conjunction with a new 11,825 square-foot market. The grant shall be subject to the following limitations:
  - a. The hours of operation shall be limited to 6:00 a.m. to 12:00 a.m., daily.
8. No after-hour use is permitted, 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. Official California State lottery games and machines are allowed.
11. There shall be no Adult Entertainment of any type pursuant to Los Angeles Municipal Code Section 12.70.
12. Any music, sound or noise which is under control of the applicant shall not violate 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 the property such as, noise barriers, sound absorbers or buffer zones.
13. A camera surveillance system shall be installed at all times 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 and are intended for use by the Los Angeles Police Department.
14. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
15. 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.
16. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
17. The exterior windows and glass doors of the location shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground so as to permit surveillance into the location by Police and private security. Notwithstanding this condition, exterior windows and glass doors of the location may be covered by sheer roll-up shades or other mechanisms to shield the patrons from excessive glare of the sun, if necessary.
18. **Complaint Log.** Prior to the utilization of this grant, a phone number and an 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 cash registers.

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. 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 of City Planning. Complaints shall be responded to within 24 hours.

- 19. **STAR/LEAD/RBS Training.** Within the first six months of operation or effectuation of the grant, 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 (3) months of their employment.
- 20. An electronic age verification device shall be 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.
- 21. 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 behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
- 22. 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.
- 23. 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 or truancy occur.

24. 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. All employees working in the restaurant shall be knowledgeable of these conditions and shall sign a document acknowledging receipt of these conditions.
25. Smoking tobacco or any non-tobacco substance including from electronic smoking devices is prohibited in or within 10 feet of any outdoor dining/entrance to the restaurant in accordance with Los Angeles Municipal Code Section 41.50 B2C. 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.
26. The applicant shall comply with California Labor Code Section 6404.5(b) which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, 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.
27. "No Smoking" signs shall be posted in English and in the predominant language of the facility's clientele, if different, at the front entrance and at any other entrance utilized by the public.

#### **ADMINISTRATIVE CONDITIONS**

28. **MVIP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E, 3 for Monitoring of Conditional Use Permits, Inspection, and Field Compliance Review of Operations shall be paid to the City.
  - a) Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b) The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

29. 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 here with 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.
30. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if 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, and a 500-foot notification radius, 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 Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
31. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- c) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

**TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **APRIL 16, 2021**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>. Public offices are located at:

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

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

**West Los Angeles**  
West Los Angeles Development  
Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

### NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on January 27, 2021, 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 Sections 12.24-M have been established by the following facts:

### BACKGROUND

The subject property is a level, irregular-shaped, approximately 173,157 square-foot parcel lot in the Studio City neighborhood. The property is bounded by Coldwater Canyon Avenue to the west, Ventura Boulevard to the south, the Sportsmen's Lodge Hotel to the east, and the Los Angeles River to the north. The property has a frontage of approximately 463 feet along Coldwater Canyon Avenue and 368 feet along Ventura Boulevard.

The property is zoned C1.5-1VL-RIO with a land use designation of Neighborhood Office Commercial within the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Plan Area. The property is also subject to the following: Ventura/Cahuenga Boulevard Corridor Specific Plan and River Implementation Overlay District. Pursuant to a Geographic Referral Form, the request for the Main Plan Approval is not considered a project under the Ventura/Cahuenga Boulevard Corridor Specific Plan. The site is located within an Urban Agriculture Incentive Zone, a Very High Fire Hazard Severity Zone, a Liquefaction Zone, and is 2.62 kilometers from the nearest fault (Hollywood Fault).

The project site will be developed into a new mixed-use shopping center known as The Shops at Sportsmen’s Lodge (as approved in Case No. DIR-2014-0886-SPP-SPPA-2A-M1) comprising of retail shops, restaurants, a grocery market, a bar/retail store, and fitness facilities. The shopping center will offer patrons an outdoor shopping and dining experiences. Adjacent to the project site is the historic Sportsmen’s Lodge Hotel, which provides lodging accommodations and event space for social and corporate events. The shopping center will also attract local residents and workers from the Los Angeles area. Upon completion, The Shops at Sportsmen’s Lodge will span 97,807 square-feet and will contain five new one-story commercial buildings and a two-story commercial building.

The subject market, Erewhon, will be an anchor tenant within the shopping center selling organic whole foods, prepared foods, and common household items. The subject project is a Main Plan Approval to allow the sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting in conjunction with Erewhon market within The Shops at Sportsmen’s Lodge. The instructional tastings will take place behind temporary barriers set up for that purpose and signs that identify the area for tastings and clarify age limitations will be prominently displayed. Additionally, tasting will only take place between the hours of 10:00 a.m. to 9:00 p.m., which is a requirement the ABC places on this license type. The market will encompass 11,825 square feet. There are 446 shared parking stalls provided by surface parking lot located north of the shopping center. The proposed hours of operation for the market will be between 6:00 a.m. to 12:00 a.m., daily.

The sale of alcoholic beverages at The Shops at Sportsmen’s Lodge was authorized by a Main Conditional Use Permit through Case No. ZA-2020-4944-MCUP. The MCUP authorizes the sale of alcoholic beverages for a maximum of ten (premises (eight restaurants, one grocery market, and one bar/retail store) with the following limitations:

- Five premises for beer and wine, on-site consumption
- Three premises for full line, on-site consumption
- One premise for full line, off-site consumption
- One premise for beer and wine, on-site consumption and off-site full line

The subject Main Plan Approval enables the Zoning Administrator to consider more closely the nature of each operation and to impose further conditions as necessary. The following Main Plan Approvals are currently pending for the site:

Case Number	Tenant Name	Tenant Type	License Type	Authorization Date
ZA-2020-4946-MPA	Sugarfish	Restaurant	Beer and wine, on-site	Pending
ZA-2020-4954-MPA	Tocaya Organica	Restaurant	Full-line, on-site	Pending
ZA-2020-4950-MPA	Uovo	Restaurant	Beer and wine, on-site	Pending
ZA-2020-4952-MPA	Hi Ho Cheeseburger	Restaurant	Beer and wine, on-site	Pending
ZA-2020-4946-MPA	Erewhon	Grocery Market	Full-line, off-site; Instructional Tasting	Pending
-	TBD	Bar/Retail Store	Beer and wine on-site; Full-line, off-site; Instructional Tasting	Pending
-	TBD	Restaurant	Beer and wine, on-site	Pending
-	TBD	Restaurant	Beer and wine, on-site	Pending
-	TBD	Restaurant	Full-line, on-site	Pending
-	TBD	Restaurant	Full-line, on-site	Pending

### **SURROUNDING PROPERTIES**

The surrounding properties are zoned C1.5-1VL-RIO, C2-1VL-RIO, [T][Q]CR-1VL-RIO, R3-1-RIO, R4-1VL, R4P-1VL-RIO, OS-1XL-RIO and [Q]P-1VL-RIO. These properties are characterized by level topography and fully improved streets.

Adjoining the subject property to the north is the Los Angeles River and is designated for Open Space land uses. Across Coldwater Canyon Avenue, to the west, are properties established with commercial, office, and residential buildings. These properties are designated for Neighborhood Office Commercial, Neighborhood Commercial, and Medium Residential land uses. Across Ventura Boulevard, to the south, are properties established with one-story commercial buildings including a grocery market and bank. These properties designated for Neighborhood Office Commercial land uses. Adjoining the subject property to the east is the Sportsmen's Lodge Hotel and is designated for Neighborhood Office Commercial.

### **STREETS AND PUBLIC TRANSIT**

Coldwater Canyon Avenue, adjoining the subject property to the north, is a designated Avenue II, dedicated to a Roadway width of 56 feet and a Right-of-Way width of 86 feet, and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Ventura Boulevard, adjoining the subject property to the south, is a designated Boulevard II, dedicated to a Roadway width of 80 feet and a Right-of-Way width of 110 feet, and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Three Metro Local Bus Lines service the subject property with bus stops on the intersection of Coldwater Canyon Avenue and Ventura Boulevard. Metro Bus Line 167 provides daily north-south bus service for public transit commuters traveling between Studio City and Chatsworth. Metro Bus Lines 150 and 240 provides daily east-west bus service for public transit commuters traveling between Universal City, Northridge, and Woodland Hills.

### **Previous relevant cases, affidavits and orders on the subject property:**

Case No. DIR-2014-0886-SPP-SPPA-2A-M1 – On August 26, 2020, a Clarification Letter was issued that incorporates and supersedes the previous Modification under DIR-2014-886-SPP-SPPA-2A-M1 and modified Conditions 15.a. and 15.b. which relates to street dedication and improvements per LADOT correspondence. The initial decision approved Project Permit Compliance Review for the construction of a new 97,807 square-foot mixed-use shopping center with 24,251 square feet of restaurant space, 37,518 square feet of retail space, 30,000 square feet of health club space, and 6,038 square feet of accessory space with 446 shared parking spaces; Approve Specific Plan Adjustment to allow the construction of a new building with a maximum height of 33 feet in lieu of the maximum 30 feet allowed by the Specific Plan.

Case No. ZA-2020-4944-MCUP – On August 20, 2020, a Main Conditional Use Permit request was filed to allow the sale and dispensing of alcoholic beverages for a maximum of eight restaurants, one supermarket, and one bar/retail store. In total, the proposed restaurant space will encompass 16,191 square-feet and 608 interior seats, and 4,046 square-feet of outdoor patio space with 304 exterior seats. The supermarket will span 11,825 square-feet and the bar/retail store will span 2,680 square-feet. All ten establishments will operate between the hours of 6:00 a.m. and 1:00 a.m., daily. The case was heard concurrently with the subject request on January 27, 2021.

Case No. ZA-2020-4948-MPA – On August 20, 2020, a Main Plan Approval request was filed to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new 1,640 square-foot restaurant with 46 interior seats, a 320 square-foot outdoor patio with 32 exterior seats, and proposed hours of operation of 10:00 a.m. to 12:00 a.m. Sunday to Thursday and from 10:00 a.m. to 1:00 a.m. on Friday and Saturday. The case was heard concurrently with the subject request on January 27, 2021.

Case No. ZA-2020-4950-MPA – On August 20, 2020, a Main Plan Approval request was filed to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new 1,650 square-foot restaurant with 40 interior seats, a 276 square-foot outdoor patio with 20 exterior seats, and proposed hours of operation of 10:00 a.m. to 1:00 a.m., daily. The case was heard concurrently with the subject request on January 27, 2021.

Case No. ZA-2020-4952-MPA – On August 20, 2020, a Main Plan Approval request was filed to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new 1,370 square-foot restaurant with 51 interior seats and a 266 square-foot patio 24 exterior seats and hours of operation of 10:00 a.m. to 12:00 a.m. Sunday to Thursday and 10:00 a.m. to 1:00 a.m. Friday to Saturday. The case was heard concurrently with the subject request on January 27, 2021.

Case No. ZA-2020-4954-MPA – On August 20, 2020, a Main Plan Approval request was filed to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new 2,650 square-foot restaurant with 60 interior seats and a 615 square-foot patio 39 exterior seats and hours of operation of 9:00 a.m. to 12:00 a.m. Sunday to Wednesday and 9:00 a.m. to 1:00 a.m. Thursday to Saturday. The case was heard concurrently with the subject request on January 27, 2021.

Case No. DIR-2016-1896-DI-1A – On October 11, 2016, the City Planning Commission denied an appeal and sustained the Director of Planning's interpretation pursuant to LAMC Section 11.5.7 H, to conclude that a change of use which increases the parking requirements per Section 7.F when the requirement can be provided on-site either through automotive parking spaces or through bicycle parking spaces. The case was heard concurrently with the subject request on January 27, 2021.

Case No. DIR-2014-0886-SPP-SPPA-2A – On April 23, 2015, the South Valley Area Planning Commission granted the appeal in part by adding additional conditions and sustained the Director of Planning's determination of Project Permit Compliance and Project Permit Adjustment Conditional Approval for the redevelopment of a portion of the Sportsmen's Lodge site to accommodate a new shopping center. The project calls for the demolition of 56,000 square feet of restaurant and convention use and a 3,102 square-foot fire station.

Case No. DIR-2014-886-SPP-SPPA – On December 22, 2014, the Director of Planning approved a Project Permit Compliance Review with Conditions to permit the construction of a new 97,807 square-foot mixed-use shopping center with 24,251 square-feet of restaurant space, 37,518 square-feet of retail space, 30,000 square-feet of health spa space, and 6,038 square-feet of accessory space (i.e. hallways, elevators, etc.) with 446 parking spaces. In addition, a Specific Plan Adjustment was approved with Conditions to allow the construction of a new building with a maximum height of 33 feet in lieu of the maximum 30 feet allowed by the Ventura-Cahuenga Boulevard Corridor Specific Plan.

Ordinance No. 183,145 – On August 20, 2014, the ordinance was approved by City Council to allow for the establishment of River Improvement Overlay (RIO) districts within river or tributary (river) adjacent areas throughout the City. Among the purpose of a RIO district is to support the goals of the Los Angeles River Revitalization Master Plan, contribute to the environmental and ecological health of the City's watersheds, and establish a positive interface between river adjacent properties, pedestrians, and riverbanks and/or greenways.

Case No. DIR-2013-3240-SPP – On November 26, 2013, the Director of Planning approved plans to install illuminated channel letter and logo wall sign "River Walk."

Case No. DIR-2010-1000-SPP-SPPA – On November 22, 2010, the Director of Planning approved Specific Plan Project Permit Compliance for the construction of a new two-story 30,000 square-foot gym; approved Specific Plan Adjustment for a height of 33 feet in lieu of maximum 30 feet allowed by the Specific Plan; approved a shared parking request to permit 567 spaces to be shared for Sportsmen's Lodge and the proposed gym in lieu of the 1,025 parking spaces required.

**Cases on Surrounding Properties (within 1000 feet):**

Case No. ZA-2016-1650-CUB – On August 14, 2016, the Zoning Administrator approved a Conditional Use to allow the sale of beer and wine for on-site consumption in conjunction with an existing 2,107 square-foot restaurant with a 463 square-foot outdoor patio, within the C1.5-1VL-RIO Zone, located at 12905 West Ventura Boulevard. The hours of operation limited to 7:00 a.m. - 11:00 p.m. Sunday through Thursday, and 7:00 a.m. – 12:00 a.m. Friday and Saturday; and patio hours 7:00 a.m. – 11:00 p.m. Friday and Saturday.

Case No. ZA-2015-2434-CUB – On February 5, 2016, the Zoning Administrator approved a Conditional Use to permit the sale of a full line of alcoholic beverages for on-site consumption in an existing 2,139 square-foot restaurant with a 748 square-foot outdoor dining area, within the C1.5-1VL-RIO Zone, located at 12745 West Ventura Boulevard. The hours of operation limited to 11:30 a.m. to 11:00 p.m. Sunday through Thursday, 11:30 a.m. to 1:00 a.m. and Friday and Saturday, and outdoor dining until 11:00 p.m. daily.

Case No. ZA-2014-0701-CUB – On July 25, 2014, the Zoning Administrator approved a Conditional Use to permit the sale of beer and wine for on-site consumption in conjunction with an existing 1,854 square-foot restaurant with a 240 square-foot patio area in the C2-1VL Zone, located at West 13045 Ventura Boulevard. The hours of operation limited to 7 a.m. to 7:30 p.m. daily.

Case No. ZA-2011-1714-CUB-1A – On May 15, 2012, the South Valley Area Planning Commission granted the appeal and approved a Conditional Use to allow the continued sale of beer and wine for on-site consumption at an 1,460 square-foot existing restaurant with 40 seats and an outdoor patio of 5 seats, within the C1.5-1VL Zone, located at 12930 West Ventura Boulevard #120. The hours of operation limited from 10:00 a.m. to 12 midnight, daily.

Case No. ZA-2010-2328-CUB-1A – On February 18, 2011, the South Valley Area Planning Commission denied the appeal and sustained the decision of the Zoning Administrator to approve a Conditional Use to allow the sale of beer and wine for on-and off-site consumption in conjunction with a 900 square-foot smoothie bar with 14 interior seats and 12 patio seats in the C1.5-1VL Zone, located at 12747 ½ Ventura Boulevard. The hours of operation limited from 7:00 a.m. to midnight, Monday through Saturday and 10:00 a.m. to 10:00 p.m. Sunday.

### **Agency Correspondence**

A letter was received from the Studio City Neighborhood Council, dated September 16, 2020. The letter stated in support of the restaurant "Pasta Uovo" to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new 1,650 sq. ft. restaurant with 40 indoor seats and 20 outdoor seats on a 276 square-foot patio and having the hours of operation from 10:00 a.m. to 1:00 a.m. daily.

A Conditions for Service Industry Establishments in Studio City was received signed by the applicant; representatives of Erewhon, Sugarfish, HiHi Cheeseburger, Pasta Uovo, and Tocaya; and the Chair of the Land Use Committee of the Studio City Neighborhood council that included the following conditions:

1. The authorized use shall be conducted at all times with due regard for the peaceful, quiet enjoyment of the neighborhood and users of the adjacent properties.
2. Exterior signs must comply with the Ventura/Cahuenga Boulevard Corridor Specific Plan or the Los Angeles Municipal Code whichever is more restrictive.
3. All graffiti on the site shall be removed or painted over within 24 hours of its occurrence. If painted, the paint shall be compatible with the existing paint color.

4. The use and development of the property shall conform with the floor plan submitted with these conditions to all regulatory agencies with jurisdiction.
5. No music or amplified sound shall be audible beyond the property lines.
6. Business shall close at 12:00 AM on Sunday through Thursday and close at 1:00 AM on Friday and Saturday.
7. All usage of outdoor seating areas shall cease at 12:00 AM, seven days per week.
8. A phone number for the property manager when can immediately address concerns with any of the tenants serving alcohol shall be prominently displayed at all entrances to the Property.
9. The manager and all employees shall be made aware of all these conditions. As a condition of employment, all employees must read and sign a statement that acknowledges their understanding of the conditions placed on the establishment. These forms must be maintained in a file on the premises and be available for public inspection during the hours of operation.
10. If there is a controlled access to an establishment, a door person limiting the ingress of the public, when a member of the public requests to see the posted permits, management is required to provide immediate access.
11. The owners shall consult with and abide by all regulatory agencies.
12. No opaque coverage of windows above three feet from the ground according to City code and the properties Conditions of Approval.
13. If alcohol is served outside, one trash can and a minimum of two commercially manufactured smokeless free standing cigarette containers must be placed in front of the location. a minimum of one commercially manufactured smokeless free standing cigarette containers must be placed in front of the location during the hours of operation. The establishment must be in compliance with the LAMC 41.50.
14. Outdoor serving areas must comply with LAMC 41.50.
15. Valet service provided by or for the establishment must abide LAMC 103.203 AND 103.203.1, Division 8, Article 3, Chapter 10.
16. No deliveries that engage a truck back-up alarm shall be allowed in the north parking lot area between the hours of 6:00 PM and 6:00 AM daily. No trash pick-up shall be allowed between the hours of 7:00 PM to 7:00 AM daily.
17. Hours of Operation for tenants identified at the time of the application: a. MCUP: 6am – 1am b. Erewhon: 6am – 12am c. Sugarfish: 10am – 12am Sunday through Thursday, 10am – 1am Friday and Saturday d. HiHo: 10am – 12am Sunday through Thursday, 10am – 1am Friday and Saturday e. Pasta Uovo: 10am – 1am f. Tocaya: 9am – 12am Sunday through Thursday, 9am – 1am Friday and Saturday
18. All Conditional Use Permits shall be submitted for mandatory review to the City Planning Department with notification to the Studio City Neighborhood Council.
19. All Conditional Use Permits must be reviewed on a regular basis by the governing agencies and the Studio City Neighborhood Council.
20. These covenants shall run with the CUP.

### **Public Correspondence**

Eleven correspondences were received in opposition of the proposed project, stating the following:

- The NC narrowly approved the request and there are new factors. Late hours were the fact that the center would be next to a hotel and offer services at later hours and now they intend to demolish hotel and build a mixed-use project.
- All other restaurant locations close at 10:00 or 11:00 p.m. and are not allowed to stay open until late; restrict hours to 10:00 p.m.
- Opposition of the sale of alcohol and the proposed hours.
- Attended several meetings of the Neighborhood Council and Studio City Residents Association; owners of the restaurants were vague.
- Area would be adversely affected by late night noise and increased criminal opportunity.
- The L.A. river is concrete and creates an echo from the area of the restaurant, noise is amplified to the neighborhood to the north, sound propagates unpredictably from the subject site.
- Quiet neighborhood will be affected by late hours.
- People often linger in parking lots after hours.
- Noise made worse by outdoor patio seating.
- Development does not care about the damage to the quality of life on the Studio City neighborhood.
- No need for hours past 10:00 p.m. but welcomes the addition of the market and restaurants to the area.
- Studio City is not a hot spot of late night venues
- Increase in drivers leaving while intoxicated and increase likelihood of accidents.
- Nightmare with late-night concerts, parties, and tour buses running all night.
- Quality of life has been negatively affected.
- Countless calls to management and the police, a waste of time as owners have never done anything to mitigate noise.
- Previously little outside seating, primarily all indoors and now there will be hundreds of outdoor seats
- Project drawings are not the same, original plan did not state ten restaurants, Sportsmen's hotel on the website shows outdated rendering of project, photos do not match.
- A wall at the north of the parking lot was recommended by Sportsman experts Veneklasen Accoustics in a report dated 2/6/15 to mitigate sound to the north, but recommendation disappeared.
- None of the Neighborhood Council members live near the project, nor were all facts presented to the committee or board, nothing ethical about making decisions based on board's statement, project details were kept from the neighbors by a Land Use Chair and Committee member, more than one member of the current Land Use Committee did not favor the hours but were afraid.
- Mr. Besley does not have a good relationship with the neighbors and does nothing to mitigate the noise and crime.

- Email acquired via the California Publics Records Request Act to demonstrate the bias for the development, against the neighbors on this project.
- Traffic at intersection at Ventura Boulevard and Coldwater Canyon.
- Planning Department is not interested on how these developments affect neighborhood -Harvard/Westlake parking and Weddington Golf and Tennis.
- Not enough parking.

One correspondence in support was received, stating the following:

- The Shops at Sportsmen's Lodge will be a very beautiful facility for the community.
- Should have flexibility and opportunity to remain open for business past midnight.
- Historically restaurants do not intend to nor will they stay open until 1:00 a.m., due to lack of business generated past a certain time but should be able to as most restaurant in community do without complaints from surrounding neighbors.

### **Public Hearing**

The hearing was held on January 27, 2021 at approximately 9:30 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Office of Zoning Administration Public Hearing was conducted entirely telephonically. The subject Main Conditional Use under Case No. ZA-2020-4946-MCUP was heard in conjunction with the following Main Plan Approvals: Case Nos. ZA-2020-4950-MPA, ZA-2020-4948-MPA, ZA-2020-4946-MPA, ZA-2020-4952-MPA, and ZA-2020-4954-MPA.

Valerie Sacks, the project representative, introduced the project and stated the following:

- Sportsman Lodge is an iconic Valley landmark.
- Past 10 years approvals were for physical improvements, incorporates the indoor and outdoor, the site has lots of landscaping.
- Intent of the Main Conditional Use is to develop a cohesive master plan and to have internal consistency throughout the project site, perspective tenants have predictability and the idea of cohesiveness.
- Each tenant has the same characteristics, locally owned and operated, have multiple locations and understand the community, experienced operators.
- Did outreach with the Studio City Neighborhood Council on September 16, 2020 and with the Land Use Committee on September 9, 2020.

Ben Besley, representative of Sportsman Lodge, stated the following:

- Of the proposed 10 tenants, five are here today and very excited to come to the Studio City neighborhood.
- They are all well regarded businesses, proud to have them.
- All have done outreach to the Neighborhood Council.
- Met with Shawn Smith, with LAPD, and he stated there is not a lot of activity in the area.
- The project will have a full-time security team.
- Erewhon market will be an anchor tenant and they want to sell alcohol and it is what the community expects.

- There will be no live entertainment nor dancing.

Ms. Sacks, introduced the following cases:

Case No. ZA-2020-4950-MPA (Pasta Uovo/Sugarfish)

- Pasta Uovo is a concept behind Sugarfish.
- Sugarfish is owned and operated by Sushi Nozawa, a popular restaurant.
- In 2012, Sushi Nozawa created the branch Sugarfish, provides high quality sushi and a price point that is more affordable.
- It has a streamline menu.
- There are 11 restaurants in southern California and three in New York.
- This is LA based and there is one in Studio City, this will be the twelfth one in Los Angeles.
- Pasta Uovo will provide a different cuisine, provide high quality ingredients and pasta, with a simplified menu.
- Pasta is egg based and from Italy.
- People praise their food and want a glass of wine with their food.
- Has a record of compliance.
- This will be their third location; there is currently one in Santa Monica and one in Miracle Mile.
- Met with the Studio City Neighborhood Council on September 16, 2020 and with Land Use Committee on September 9, 2020. The proposed hours of operation of 10:00 a.m. to 1:00 a.m. are the same as discussed with the Neighborhood Council.

Case No. ZA-2020-4948-MPA (Sugarfish)

- Sugarfish provides high quality sushi.
- This is a very popular restaurant with a big demand, community favorite.
- They are a responsible operator and are invested in the Los Angeles community.
- Sugarfish is in compliance with all ABC conditions.
- They are a very experienced operator.
- Met with the Studio City Neighborhood Council on September 16, 2020 and with Land Use Committee on September 9, 2020. The proposed hours of operation of 10:00 a.m. to 1:00 a.m. are the same as discussed with the Neighborhood Council.

Case No. ZA-2020-4946-MPA (Erewhon)

- Erewhon is smaller than the standard supermarket, smaller than Whole Foods and Pavillions.
- Erewhon will be the anchor of the center.
- They are locally owned and operated.
- There are six stores in Southern California.
- Erewhon has a good track record and success.
- It is a high end, upscale market and offers specialty curated foods.
- Believes in sustainability and health.
- There are none in the Valley and this will be a good addition.
- Erewhon is a responsible operator.

- Their primary focus is on groceries and not a lot of shelf space is dedicated for alcohol.
- The market specializes in different types of food.
- There will be no outdoor component and everything will be indoors.
- Met with the Studio City Neighborhood Council on September 16, 2020 and with Land Use Committee on September 9, 2020. The proposed hours of operation of 6:00 a.m. to 12:00 a.m. are the same as discussed with the Neighborhood Council.
- On-site tasting will only be limited times per year and the hours will be from 10:00 a.m. to 9:00 p.m., will not be in a dedicated part of the store, but it can be at the serving area, will be a cornered off with a temporary barrier and you will need to be the age of 21.
- To clarify, the serving area will be used for the customers to eat, but they cannot have alcohol in this area.

Case No. ZA-2020-4952-MPA (HiHo)

- HiHo is a hamburger concept created by Nozawa.
- It was launched at the same time as Pasta Uovo.
- There is one in Santa Monica and one in Miracle Mile and this will be the third location.
- HiHo has the same food concept of pure and quality ingredients, use 100% grass fed Wagyu beef.
- Met with the Studio City Neighborhood Council on September 16, 2020 and with Land Use Committee on September 9, 2020. The proposed hours of operation of 10:00 a.m. to 1:00 a.m. are the same as discussed with the Neighborhood Council.
- They look at the Sugarfish locations for managerial perspective.
- Customers want beer and wine to accompany their meals.

Case No. ZA-2020-4954-MPA (Tocaya)

- Launched its concept in Venice in 2016.
- Has 13 locations.
- They are local operators.
- Tocaya uses fresh, high quality food, and ingredients.
- Modern Mexican cuisine.
- Has vegan, gluten free, and vegetarian options.
- Alcohol is only 4% of gross receipt.
- Met with the Studio City Neighborhood Council on September 16, 2020 and with Land Use Committee on September 9, 2020. The proposed hours of operation of 9:00 a.m. to 12:00 a.m., Sunday through Wednesday; and 9:00 a.m. to 1:00 a.m., Thursday through Saturday are the same as discussed with the Neighborhood Council.

Four members of the public spoke in opposition of the project, stating the following:

- The property has a history of concern.
- This was approved for retail and now they are proposing restaurants with outdoor dining and all with the hours of operation until 1:00 a.m.
- Noise and traffic concerns.
- Alcohol should be served until 10:00 p.m.

- Should respect the neighborhood.
- Owners bought the property in 2008.
- Concerns regarding sound.
- They are bad neighbors; they need to be good neighbors.
- There is crime.
- The restaurants all sound terrific and have no issues but doesn't know why they need to operate so late, has concerns on hours.
- Other Erewhon hours are until 11:00 p.m. and the other restaurants locations operate until 10:00 p.m.
- Sound travels.
- The Neighborhood Council has no consideration for hours and consideration for the neighborhood and live five miles from the project site; did give approval, but the nuisance was ignored; have cozy relations with the project; questions if they are neutral; if the chair supports the project, the members go with the chair; bias.
- They are separated by the LA River and sound travels strangely there.
- Mall could back up to the river.
- It has an open concept and no landscaping will buffer the sound. Bad relationship with the site.
- Limit the hours to 10:00 p.m.
- Look forward to the restaurants, but when they proposed the hours, it was for the hotel and it will no longer be a hotel.
- Noise will disrupt the neighborhood.
- The restaurants are not party places, however, don't want to encourage that.

The Chair of the Land Use Committee, stated the following:

- All the applicants agreed to the 20 points set in the conditions.
- They are for service industry and these reflect the hours.
- The 20 points were read into the record and a copy would be emailed for the case file.

One member of the public spoke in favor of the project and stated the following:

- Many restaurants in the community comply with the 20 points.
- Some restaurants have the same hours.
- The 10:00 p.m. is their choosing for the restaurants.
- Similar to the Grove, it has high end dining, opens late at night, and proceeds upon demand.
- Fair for all businesses to be given the same opportunity for competition.

The Planning Deputy representing Council District 2, stated the following:

- They are supportive of the project.
- The project should have security, hotline, and on-site security measures and they should be re-enforced.
- Would like project to have a positive relationship with the community.
- Supportive of the Master Conditional Use.

In response to statements made during the hearing and questions raised by the Zoning Administrator, Mr. Besley stated the following:

- Has talked to Peter, Adele, and Patrice and they know how to contact him.
- This project is for alcohol, the past approval was for the development.
- If you look at the previously approved plans for the development, it had ten restaurants.
- Project was 150 feet further north but has been re-configured to be further from the river.
- All the restaurants are adjacent to the Ventura Boulevard.
- This is a commercial zoned property.
- Move activity to the south.
- Went back and forth with the Neighborhood Council to avoid noise.
- The parking wraps around the to the north and around to the east
- Parking lot to the right, adjacent to the west, has a shared parking agreement.
- Guests can self-park or valet.
- There will be on-site security at the shopping center and parking, and on-site security cameras.

The Zoning Administrator closed the public hearing stated the following:

- Cases would be held under advisement for a period of one week to review the proposed hours, pending the receipt of the 20 conditions that was stated by the Neighborhood Council member, and information regarding the on-site tasting.
- The conditions of the Main Conditional Use will be for the overall 10 venues, and each Main Plan Approval will have individual conditions.

Following the hearing, the project representative submitted information regarding ABC's instructional tasting license for off-site licenses. The representative also provided a list of establishments which has operating hours later in the evening prior to COVID-19:

- Casa Vega – 13301 Ventura Boulevard (open until 2:00 a.m.)
- Rain Studio Bar & Lounge – 12215 Ventura Boulevard (Thursday until 1:30 a.m., Friday-Saturday until 1:45 a.m.)
- Laurel Tavern - 11938 Ventura Boulevard (open until 1:00 a.m., daily)
- Black Market Liquor Bar - 11915 Ventura Boulevard (bar portion open until 1:00 a.m. weekends)
- The One Up - 13625 Ventura Boulevard (open until 2:00 a.m. Thursday – Sunday)
- Granville Restaurant – 12345 Ventura Boulevard (Case No. ZA-2014-1106-CUB-PA1 authorizes a 12:00 a.m. close Sun-Thursday, and a 2:00 a.m. close Friday and Saturday)
- Firefly - 11720 Ventura Boulevard (open until 2:00 a.m. Monday - Saturday, 1:00 a.m. close Sunday)

**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.

- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The quarterly gross sales of food shall not exceed the quarterly gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/check-out clerk specifically assigned solely to that station.

**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 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 sale of a full line of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

### **CONDITIONAL USE FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject market, Erewhon, will be an anchor tenant within the new The Shops at the Sportsmen's Lodge shopping center in Studio City. The center is comprised of outdoor retail shops, restaurants, a grocery market, a bar/retail store, and fitness facilities. The market, in conjunction with the shopping center, will be located along a major east-west commercial and transit corridor that connects individuals between Universal City and Woodland Hills.

The Main Plan Approval permits the sale and dispensing of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting in conjunction with the proposed 11,825 square-foot Erewhon market with hours of operation of 6:00 a.m. to 12:00 a.m., daily. The instructional tastings will take place behind temporary barriers set up for that purpose and signs that identify the area for tastings and clarify age limitations will be prominently displayed. Additionally, tasting will only take place between the hours of 10:00 a.m. to 9:00 p.m., which is a requirement the ABC places on this license type.

Pursuant to Case No. ZA-2020-4944-MCUP, the Zoning Administrator approved a Main Conditional Use Permit (MCUP) permitting the sale of alcoholic beverages at The Shops at the Sportsmen's Lodge for 10 establishments. While the sale of alcoholic beverages is already authorized by the MCUP, the subject Main Plan Approval allows the Zoning Administrator to consider more closely the nature of each venue's operation and to impose further conditions as necessary. The application, floor plans, and proposed operation of Erewhon market have been reviewed and conditions have been imposed accordingly.

The project will provide a beneficial service to the surrounding area by offering local residents, workers, and visitors access to organic whole foods, prepared foods, and common household items. The request to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting will be beneficial to the public. In addition, the market will complement the operation of the newly constructed shopping center, the adjacent Sportsmen's Lodge Hotel, and the surrounding commercial businesses along Ventura Boulevard, by contributing to the vibrancy and economic prosperity of the neighborhood. The market will contribute to the collection of tax revenue and increased employment opportunities in the region. As such, approval of the request will allow Erewhon market to provide a convenient and beneficial service.

The imposed conditions of approval in conjunction with the proposed market will ensure that the service of alcohol will not be disruptive to the community. These conditions address operational, security, monitoring, and concerns related to alcohol sales and off-site consumption. The market's operation, including the service of alcohol, will provide a beneficial service to the neighborhood and will be consistent with the commercial development of the area.

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 Main Plan Approval allows the sale and dispensing a full line of alcoholic beverages for off-site consumption with on-site instructional tasting at the proposed Erewhon market. The subject restaurant will occupy a tenant space within the newly constructed shopping center. The market will maintain a square footage of 11,825 with hours of operation of 6:00 a.m. to 12:00 a.m. The market's location, size, and height will conform with the design and layout of the newly constructed shopping center and will be compatible with the adjacent properties in the neighborhood.

Pursuant to Case No. ZA-2020-4944-MCUP, the Zoning Administrator approved a Main Conditional Use Permit (MCUP) permitting the sale of alcoholic beverages at The Shops at the Sportsmen's Lodge shopping center for 10 establishments. While the sale of alcoholic beverages is already authorized by the MCUP, the subject Main Plan Approval allows the Zoning Administrator to consider more closely the nature of each venue's operation and to impose further conditions as necessary.

The subject property where the market will be located in is zoned C1.5-1VL-RIO with a land use designation of Neighborhood Office Commercial. Market uses are permitted in the C1.5-1VL-RIO zone and are compatible with the Neighborhood Office Commercial designation. The subject market will complement the commercial tenants of The Shops at the Sportsmen's Lodge shopping center, the adjacent Sportsmen's Lodge Hotel, and the commercial establishments along Ventura Boulevard, which feature restaurants, a coffee shop, gas station, grocery market, bank, and office space. The market's operation is characteristic of the commercial character of community, adding to the variety of amenities in the neighborhood. The market will provide access to organic whole foods, prepared foods, and common household items that will attract commercial investment.

As authorized by the MCUP and Main Plan Approval, 10 establishments, including the subject market, Erewhon, are permitted to operate from 6:00 a.m. to 1:00 a.m., daily within The Shops at the Sportsmen's Lodge shopping center. Public testimony from the public hearing and correspondence received have indicated concerns of the hours proposed, noise, crime, and several other issues, as described in the Public Correspondence and Public Hearing Section of this determination letter. There are no records indicating that establishments within the shopping center with similar hours have a detrimental effect on public welfare and safety. These operating hours are, in fact, common in vibrant commercial areas of the City. Conditions have been imposed to address security, safety, monitoring, and responsible management practices pertaining to the sale and dispensing of a full line of alcoholic beverages for off-site consumption with on-site instructional tasting. As a result, the hours of operation will not negatively affect the public health, welfare, or safety of nearby communities nor further degrade adjacent properties.

The project will operate as a market with incidental sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting. It is a service which is generally in demand by market patrons and provided in commercial districts. As conditioned, the Main Plan Approval in conjunction with the subject market 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 market 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. As conditioned, the operation of the market with the sale of a full line of alcoholic beverages for 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 twelve elements of the General Plan establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan Area, and designates the land use as Neighborhood Office Commercial with corresponding zones C1, C1.5, C2, C4, RAS3, RAS4, and P Zones and Height District No. 1VL.

The project site is zoned C1.5-1VL-RIO and thus is in conformance with the land use designation. One of the Visions emphasized in the Community Plan is to improve the function, design and economic vitality of commercial corridors such as Ventura Boulevard. In regards to the construction of new commercial developments, the Community Plan acknowledges the unsightliness of some of these projects due to the lack of landscaping, architectural character, and scale. It addresses this concern by identifying opportunities that support efforts to preserve and rehabilitate commercial historic structures and create pedestrian/friendly shopping areas through the incorporation of street trees, benches, convenient parking/access, and maintaining retail frontage at the ground level. With the subject Main Plan Approval request allowing the sale and dispensing of a full line of alcohol for off-site consumption with on-site instructional tasting, Erewhon market will contribute to the array of retail and dining amenities provided by the new shopping center, The Shops at the Sportsmen's Lodge, developed on the project site. The market will promote the economic prosperity of the neighborhood and introduce organic and prepared foods within an established commercial area. Erewhon market will conform with the design and character of the shopping center and will be compatible with the scale of the commercial businesses along Ventura Boulevard. In addition, Erewhon market, in conjunction with The Shops at the Sportsmen's Lodge, will complement the operations of the historic Sportsmen's Lodge Hotel located adjacent to the shopping center to the east. In whole, the shopping center and subject market will complement the lodging and event space use of the hotel, providing guests a organic whole foods and prepared foods.

The Community Plan text is silent with regards to alcohol sales, therefore in such cases the Zoning Administrator must interpret the intent of the Plan. Approval of the applicant's request is consistent with the Plan's goals, objectives, and policies, including:

- Goal 2:** 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.
- Objective 2-1:** To conserve and strengthen viable commercial development.
- Policy 2-1.1:** New commercial uses shall be located in existing established commercial areas or existing shopping centers.
- Policy 2-1.3:** Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

Pursuant to a Geographic Referral Form, the subject request for the Main Plan Approval is not considered a project under the Ventura/Cahuenga Boulevard Corridor Specific Plan. Nonetheless, Erewhon market, will function primarily as market for the community and will be compatible with existing uses and developments along Ventura Boulevard.

The project supports the Community Plan's Commercial Goals, Objectives and Policies by providing a desirable and beneficial service to the community. It will contribute to the commercial vibrancy and economic investment of the neighborhood while selling whole organic foods with incidental sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting. The required findings have been made and the operation has been imposed with conditions of approval. Therefore, the project conforms to the purpose, intent, and provisions of the General Plan and the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan

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

Approval of the Main Plan Approval for the sale and dispensing of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting in conjunction with the subject market will not adversely affect the welfare of the community. Similar to many of the uses located along Ventura Boulevard and within The Shops at Sportmen's Lodge, the incidental service of alcohol will not be new or uncommon in the neighborhood. It is a service that is commonly requested by patrons and is therefore offered to enhance patrons' shopping experience. The sale and dispensing of a full line of alcoholic beverages for off-site consumption with on-site instructional tasting will be ancillary to food sale. As such, Erewhon will complement the commercial character of the neighborhood as well as contribute to the collection of tax revenue and the increase of employment opportunities in surrounding area.

With oversight for the California Department of Alcoholic Beverage Control (ABC) and conditions which have been imposed upon the market, the project will be compatible with the character of the immediate neighborhood. Such conditions include the requirement of security measures such as a surveillance system and deterrence of graffiti and loitering. In addition, the grant requires the use and maintenance of an age verification device to deter underage purchases and drinking. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department, LEAD (Licensee Education on Alcohol and Drugs) training, or RBS (Responsible Beverage Service) provided by the Department of Alcoholic Beverage Control. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare, and safety of the community. Therefore, it is expected that the sale and dispensing of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting will not adversely affect the welfare of the pertinent 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 State Department of Alcoholic Beverage Control (ABC) licensing criteria, there are four on-site and two off-site licenses allocated to the subject census tract (Census Tract No. 1439.01). Currently there are 35 on-site licenses and five off-site licenses in this census tract.

The subject site is located in a census tract where the number of active on- and off-site licenses exceeds ABC guidelines. The subject site is located on Ventura Boulevard in Studio City, a highly developed commercial corridor with retail businesses, restaurants, and entertainment venues. Concentration can be undue when the addition of licenses will negatively impact a neighborhood. Concentration is not undue, however, when a determination is made that the ABC license(s) will not negatively impact an area, but rather such license benefits the public welfare and convenience. The subject site is being improved with a new shopping center that includes Erewhon market as well as numerous restaurants, retail stores, and a gym. The market will provide the community an access to organic whole foods, prepared foods, and common household items. The proposed sale of alcoholic beverages will be ancillary to food sales and will enhance patrons shopping experience. As such, the proposed sale of a full line of alcoholic beverages for off-site consumption with on-site instructional tasting will not contribute an undue concentration of alcohol licenses as it will contribute to the commercial vibrancy of the surrounding community.

According to statistics provided by the Los Angeles Police Department's North Hollywood Division, within Crime Reporting District No. 1591 which has jurisdiction over the subject property, a total of 306 crimes were reported in 2020 (208 Part I and 98 Part II crimes), compared to the Citywide Average of 141 crimes and the High Crime Reporting District Average of 169 crimes for the same period. Part II Arrests reported include (6) Narcotics, (0) Liquor Laws, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, (5) DUI related, and (17) other offenses. 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 site is located in a reporting district where the crime rate is above the Citywide Average. However, no evidence was submitted for the record establishing a link between the subject property and the area's crime rate. Out of 306 Part I and II Crimes over the last year, zero crimes were attributed to public drunkenness and five (5) crimes were DUI related. These incidents are not necessarily directly attributable to the sale of alcoholic beverages within the subject property and may be attributed to other alcohol-serving businesses along Ventura Boulevard. As stated, the sale of alcoholic beverages at Erewhon will be ancillary to food sales. The conditions of the grant address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. As such, approval of the request will not contribute to the area's crime rate and will therefore not result in an undue concentration of licensed premises.

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 project site is currently developed with and zoned for commercial uses and is located within the Sherman Oaks - Studio City -Toluca Lake - Cahuenga Pass Community Plan with an underlying land use designation of Neighborhood Office Commercial. The subject market, Erewhon, will be consistent with the land use designation, complementing the commercial activities established by The Shops at Sportmen's Lodge and along Ventura Boulevard. In conjunction with the new shopping center, the market will promote the vibrancy and economic prosperity of the surrounding area by providing a premier dining destination for local residents and workers, contributing to the collection of tax revenue, and the increase of employment opportunities. The following sensitive uses were observed within a 1,000-foot radius of the subject property:

Mission Renaissance Fine Art School	12930 Ventura Boulevard #116
Youth Academy of Dramatic Arts	12745 Ventura Boulevard
McPhee international Vocal Studios	12751 Ventura Boulevard

Tumble Kick Martial Arts & Gymnastics	12503 Ventura Boulevard
Elite ESports & Gaming Lounge	12503 Ventura Boulevard
Weddington Gold & Tennis; Nikki's Tennis Crew	4141 Whitsett Avenue
Harvard Westlake School	3700 Coldwater Canyon Avenue

The following alcohol beverage outlets were observed within a 1,000-foot radius of the subject property:

Arts Delicatessen Inc	12224 Ventura Boulevard
Ralphs 701	12842 Ventura Boulevard
Jerry's Famous Deli	12655 Ventura Boulevard
Vons 1674	4033 Laurel Canyon Boulevard
Serra's Dine and Dance	12449 Ventura Boulevard
California Pizza Kitchen	12265 Ventura Boulevard
Ramanov Restaurant	12229 Ventura Boulevard
Elite Premier Restaurant	12743 Ventura Boulevard
Sportsmen's Lodge	12825 Ventura Boulevard
Chin Chin Restaurant	12215 Ventura Boulevard
Bokado by Frank Leon	12341 Ventura Boulevard
Rocco's Tavern	12514 Ventura Boulevard
CVS Pharmacy 9675	12143 Ventura Boulevard
Chipotle Mexican Grill	12175 Ventura Boulevard
Mexicali Cocina Cantina and Umami	12159 Ventura Boulevard
Burger Valli	12159 Ventura Boulevard
Six Studio City	12650 Ventura Boulevard
Time Square 2011	12215 Ventura Boulevard
Shiki Sushi	12745 Ventura Boulevard
Pizza Rev	12103 Ventura Boulevard
Flask Fine Wines	12194 Ventura Boulevard
Granville Café	12345 Ventura Boulevard
Accolade Brands	12725 Ventura Boulevard
Flavor of India	12321 Ventura Boulevard
Green Apple China Bistro	12265 Ventura Boulevard
South Cloud Restaurant	12254 Ventura Boulevard
Shanghai Rose Dim Sum	12229 Ventura Boulevard

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses and alcohol beverage outlets. While there are residential dwelling units and hotel rooms 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 excessive and disruptive behavior. Incorporated into this grant are conditions that require security measures such as the provision of private security, installation of surveillance cameras and other conditions that address noise, safety and security. In addition, to avoid late night noise impacts on surrounding residential uses, the hours of operation have been limited to 12:00 a.m. daily. Therefore, as conditioned, the

project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

### **FLOOD HAZARD**

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 outside of a flood zone.

Inquiries regarding this matter shall be directed to Jessica C. Jimenez, Planning Staff for the Department of City Planning at (213) 978-1368, or at [Jessica.jimenez@lacity.org](mailto:Jessica.jimenez@lacity.org).

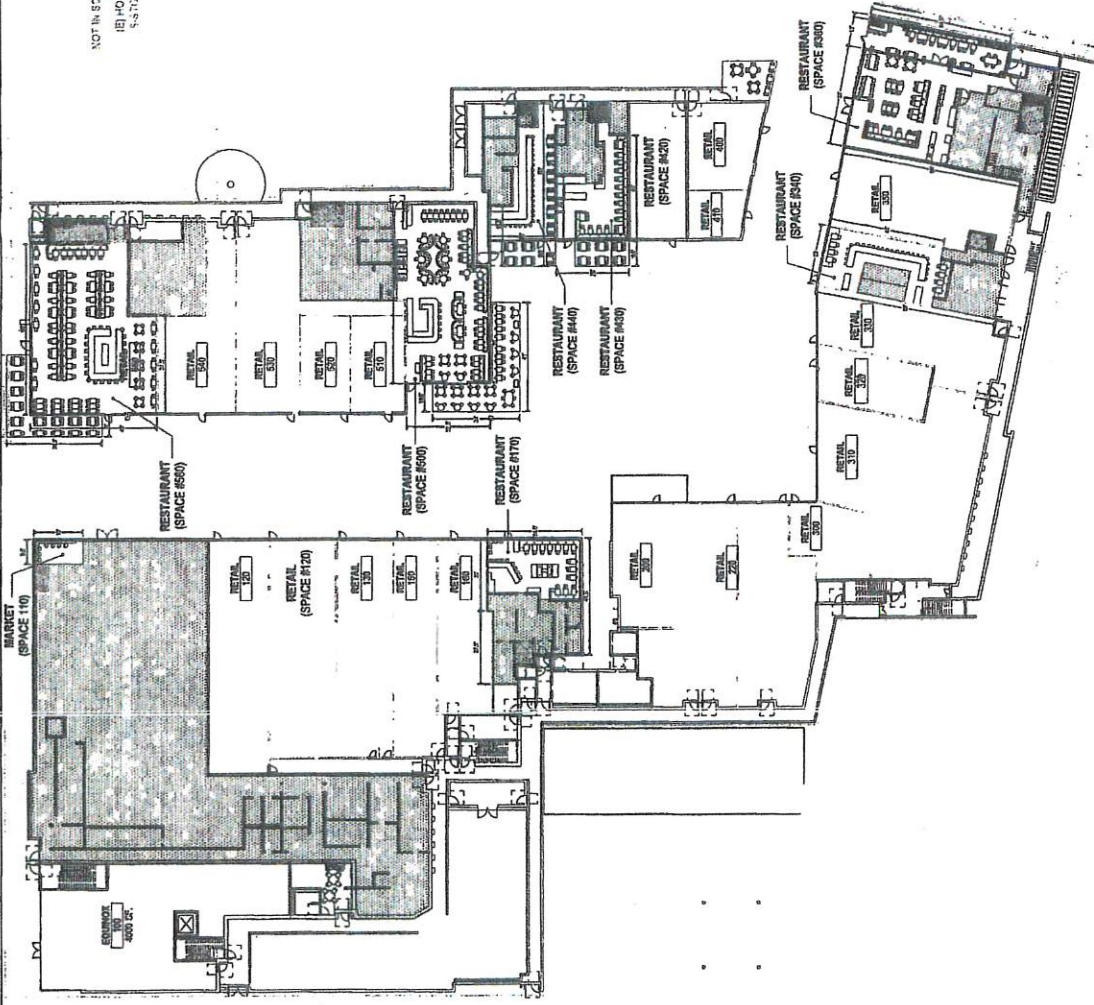


**CHRISTINA TOY LEE**  
Associate Zoning Administrator

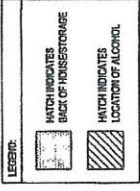
CTL:JP:JJ:bk

cc: Councilmember Paul Krekorian  
Second Council District  
Adjoining Property Owners  
Interested Parties

NOT IN SCOPE  
 (E) HOTEL  
 (E) EXTER



**DESCRIPTION:**  
 A NUMBER OF CONDITIONS ARE IDENTIFIED AS TO THE INTERPRETATION, CONSTRUCTION OF THIS PLAN. A FULL LINE OF ADDITIONAL REVISIONS ARE UP TO THE USER, AND ARE SUBJECT TO THE USER'S OWN RISK. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.



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Page No. 1 of 3  
 Case No. ZA-2008-4946

**OVERALL LEASING PLAN**  
 (Level 1)

December 07, 2020



**SHOPS AT SPORTSMEN'S LODGE**  
 1203 W. VENTURA BLVD, STURRO CITY, CA 95061





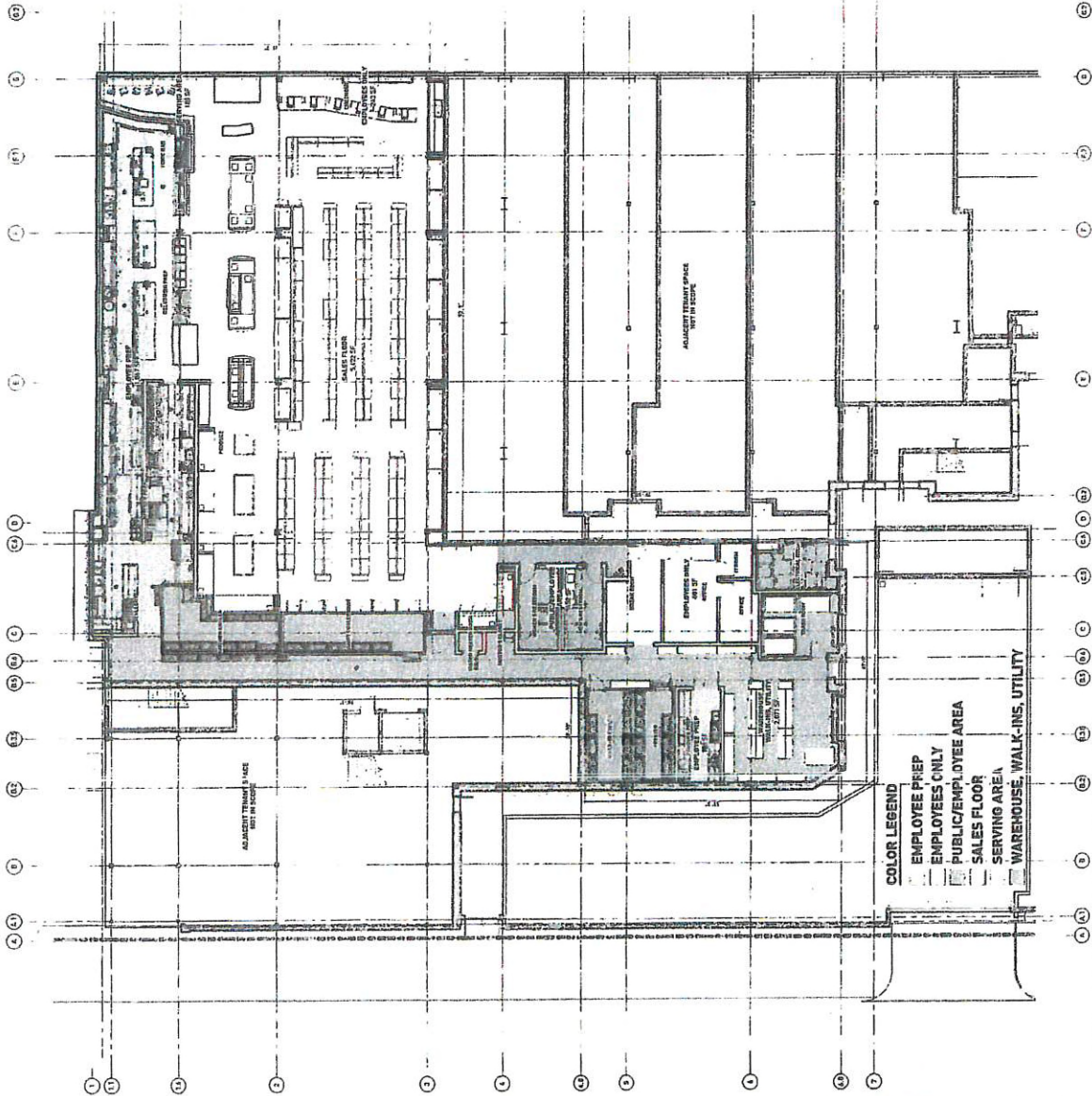
Area Name	Area
SALES FLOOR	5,422 SF
PUBLIC/EMPLOYEE AREA	452 SF
EMPLOYEE PREP	188 SF
EMPLOYEES ONLY	1,867 SF
EMPLOYEES ONLY	243 SF
EMPLOYEES ONLY	401 SF
WAREHOUSE, WALK-INS, UTILITY	2,871 SF
SERVING AREA	180 SF
	11,825 SF

SHELVING	
LIQUOR SHELVING	23'-0"
NUTRITIONAL SHELVING	90'-0"
GROCERY SHELVING	424'-0"
CHECKOUT SHELVING	178'-0"
WAREHOUSE SHELVING	124'-0"

COLD DISPLAY	
DELI CASES	70'-0"
FROZEN FOOD CASES	15'-0"
DAIRY CASE	27'-5"
NUTRITIONAL CASE	8'-0"
GRAB-N-GO CASES	42'-0"

PRODUCE	
DRY PRODUCE	64'-0"
REFRIG. PRODUCE	44'-0"

PREPARED FOODS	
DELI	41'-5"
SALAD BAR	29'-6"
WARM ISLAND	38'-7"
GOLD ISLAND	38'-7"



**COLOR LEGEND**  
 EMPLOYEE PREP  
 EMPLOYEES ONLY  
 PUBLIC/EMPLOYEE AREA  
 SALES FLOOR  
 SERVING AREA  
 WAREHOUSE, WALK-INS, UTILITY

**EXHIBIT A**  
 Page No. 3 of 3  
 Date No. 24-08-2020

CUB PLAN 10  
 CITY SUBMITTAL: 05/22/2020