

**Hollywood United Neighborhood Council
Planning, Land Use, and Management Meeting
1 June 2017**

Agenda Item 7

Action requested: At 6263 Hollywood Blvd., the applicant of a 8,015 square-foot restaurant with 302 seats, requests an approval to delete conditions 9, 11, 12, 16, 17, 18, 19, 23, 24, 25 and 31 imposed by Case No. ZA-2009-1494 (CUB) approved on September 10, 2009 related to the sale and dispensing of a full line of alcoholic beverages for on-site consumption with proposed hours of operation from 8:00am to 2:00am Monday to Saturday and proposed live entertainment.

The requested conditional use permit translates to a **Type 47 and 48** California liquor license.

Type 47: ON SALE GENERAL – EATING PLACE – (Restaurant) Authorizes the sale of beer, wine, and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain sustainable kitchen facilities, and must make actual and sustainable sales of meals for consumption on the premises. Minors are allowed on the premises.

Type 48: ON SALE GENERAL – PUBLIC PREMISE – (Bar, Night Club) Authorizes the sale of beer, wine, and distilled spirits for consumption on the premise where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain. Food service is not required.

The CA Department of Alcoholic Beverage Control authorizes on- and off-sale alcohol licenses by census tract population.

According to ABC regulations, in order to issue a new license, census tracts must meet the following criteria:

License to sell beer, wine, and distilled spirits

On-sale: 1 license per 2000 residents

Off-sale: 1 license per 2500 residents

License to sell beer and wine

On-sale: No state limit

Off-sale: 1 license per 2500 residents

According to ABC's most updated report regarding active retail liquor licenses and the U.S. Census Bureau's most recent demographic data, census tract 1910.00 have an undue concentration of **Type 47, 48, and 21** (on-sale and off-sale beer, wine, and distilled spirits) within its tract limits.

Reporting District	Census Tract	Total Population	Active On-Sale (beer, wine, and distilled spirits)	Active Off-Sale (beer, wine, and distilled spirits)	Active On-Sale (beer and wine)	Active Off-Sale (beer and wine)
637 647	1910.00	3,751	21	5	11	0
			1 per 178 residents	1 per 750 residents	1 per 341 residents	N/A

Implications upon permit approval:

In census tract 1910.00, there is already an undue concentration of on- and off-sale liquor licenses, which is associated with the increased availability of and access to alcohol by underage youth, in addition to a host of other alcohol-related harms, such as driving under the influence, public intoxication, sexual assault, loitering, and other nuisance problems in areas of higher alcohol outlet density.

Reporting District	Census Tract	Retailer Name	Retailer Address	License Number	License Type
637 647	1910.00	Asa Meza	1716 N Vine St., Los Angeles, CA, 90028	488784	47
		Wood & Vine	6280 Hollywood Blvd., Los Angeles, CA, 90028	488042	47
		33 Taps	6263-63 Hollywood Blvd., Los Angeles, CA, 90028	532452	47
		Frolic Room	6245 Hollywood Blvd., Los Angeles, CA, 90028	123314	48
		Pacific Theatres	6233 Hollywood Blvd., Los Angeles, CA, 90028	30896	48
		W Hollywood	6250 Hollywood Blvd., Los Angeles, CA, 90028	482621	47
		Hollywood Burger	6250 Hollywood Blvd., Ste. 100, Los Angeles, CA, 90028	563060	47
		The Fonda Theater	6124 Hollywood Blvd., Los Angeles, CA, 90028	519799	47
		Sushi Ike	6051 Hollywood Blvd., Los Angeles, CA, 90028	568924	41

Prepared by Behavioral Health Services—Hollywood Prevention Team
 Gilbert Mora | Prevention Coordinator
 Melanie To | Prevention Specialist
 Noelle Maryne | Prevention Specialist

		Create	6021 Hollywood Blvd., Los Angeles, CA, 90028	528223	48
		Florentine Gardens	5951 Hollywood Blvd., Los Angeles, CA, 90028	536457	47
		Ay-Do-No Korean Barbeque Restaurant	5911 Hollywood Blvd., Los Angeles, CA, 90028	531873	41
		Palm Thai	5900 Hollywood Blvd. B, Los Angeles, CA, 90028	510368	47
		Liquor To Go Go	5901 Hollywood Blvd., Los Angeles, CA, 90028	438093	21
		Trader Joe's	1600 N Vine St., Los Angeles, CA, 90028	470884	21
		The Argyle	1600 N Argyle Ave., Los Angeles, CA, 90028	500529	47
		1611 N El Centro	1611 N El Centro Ave., Los Angeles, CA, 90028	507451	47
		The Waffle	6255 W Sunset Blvd., Los Angeles, CA, 90028	449640	47
		The Well	6255 W Sunset Blvd., Los Angeles, CA, 90028	374873	47
		Hollywood Palladium	6211 Sunset Blvd., Los Angeles, CA, 90028	547571	47
		Roscoe's Chicken & Waffles	1514 N Gower St., Los Angeles, CA, 90028	103827	41
		Nariya Thai	6099 W Sunset Blvd., Los Angeles, CA, 90028	548295	41
		La Vida Liquor	6007 W Sunset Blvd., Los Angeles, CA 90028	240116	21

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		Raji's	5851 W Sunset Blvd., Los Angeles, CA 90028	306210	48
		Denny's Restaurant 114	5751 W Sunset Blvd., Los Angeles, CA, 90028	360708	41
		Chung's Miyako Sushi	6095 W Sunset Blvd., Los Angeles, CA, 90028	446679	41
		Oligarc	6095 ½ Sunset Blvd., Los Angeles, CA 90028	537736	21
		Sushi Nozawa	6115 W Sunset Blvd., Ste. 170, Los Angeles, CA 90028	550027	41
		Greenleaf Gourmet Chopshop	6201 Hollywood Blvd., Ste. 120, Los Angeles, CA, 90028	553704	47
		Neuehouse Hollywood	6121 Sunset Blvd., Los Angeles, CA 90028	554979	47
		SJWS Enterprises Inc.	1600 N. Vine St., Ste. 103, Los Angeles, CA 90028	555012	47
		CVS Pharmacy #10433	6201 Hollywood Blvd, Ste. 126, Los Angeles, CA 90028	561858	21
		Rubies & Diamonds	6125 W Sunset Blvd., Los Angeles, CA 90028	561908	41
		Sushi of Gari	6201 Hollywood Blvd., #118, Los Angeles, CA 90028	563097	41
		PDS & NH Tenant, LLC	6115 Sunset Blvd., Ste 100, Los Angeles, CA 90028	563736	47
		Feast Kitchen & Grill	6282 Hollywood Blvd., Los Angeles, CA 90028	565903	41
		Shake Shack	6201 Hollywood Blvd., Ste. 105, Los Angeles, CA 90028	568294	41

Sources

CA Department of Alcoholic Beverage Control
License Query System – Map Query

U.S. Census Bureau
American FactFinder, Selected Social Characteristics in the United States
2014 American Community Survey Estimates

Contact Information

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ALCOHOL OUTLETS

HOLLYWOOD UNITED

29,304
RESIDENTS



COUNCIL DISTRICTS

4 & 13

9
OFF-SALE OUTLETS



3 GENERAL

1 PER 9768

6 BEER & WINE

1 PER 4884

35
ON-SALE OUTLETS



15 GENERAL

1 PER 1954

20 BEER & WINE

1 PER 1466

DENSITY SUMMARY

37.5%
CENSUS TRACTS
OVERCONCENTRATED
IN OFF-SALE



62.5%
CENSUS TRACTS
OVERCONCENTRATED
IN ON-SALE



Census Track	Retailer Name	License Type
1891.02†§	Roosevelt Café	516756 40
1892.02†§	Greek Theatre	565401 47
1893.00	Locali	468491 20
	Pimai Thai Cuisine	470331 41
1894.00	Beachwood Market	39238 21
	Beachwood Café	516201 41
1895.00†§	Gelsons Market	249423 21
	Oaks Gourmet Market	522706 21
	Thai Pepper Restaurant	259801 41
	101 Coffee Shop	381579 41
	Papilles	514810 41
	Victors Square Hospitality LLC	562920 41
	La Poubelle	320806 47
	Taiyo	334599 47
	Birds Rotisserie Chicken Café	513773 47
	Franklin & Company	520643 47
	Best Western Hollywood	509651 48
	Gelsons Market	249423 86
1897.01‡	Tasteful Creations	329496 41
1902.01†§	7 Eleven 2173 18533	214415 20
	Village Pizzeria Hollywood	519588 41
	Josephs Café	238429 47
	Avalon Hollywood	259509 47
	Hollywood DB Inc	487118 47
	Tavern on Hollywood	524424 47
	The Redbury	536644 47
The Redbury	536656 48	
1903.01‡	7 Eleven 2173 18534	372229 20
	Rite Aid Store 5436	208540 21
	Yai Restaurant	511051 40
	Church of Scientology Celebrity Center International	290291 41

Census Track	Retailer Name	License Type
1903.01‡ (cont.)	Relax Pub	464991 42
	The Blue Monkey Lounge	396649 48
1910.00†§	Liquor to Go Go	438093 21
	CVS Pharmacy #10433	561858 21
	Ay-Do-No Korean BBQ	531873 41
	Sushi of Gari	563097 41
	Sushi Ike	568924 41
	Asa Meza	488784 47
	33 Taps	532452 47
	Florentine Gardens	536457 47
	Greenleaf Gourmet ChopShop	553704 47
	Frolic Room	123314 48
	Pacific Theatres	30896 48
Create	528223 48	

* Off-Sale Beer and Wine Overconcentration
 † Off-Sale General Overconcentration
 ‡ On-Sale Beer and Wine Overconcentration
 § On-Sale General Overconcentration

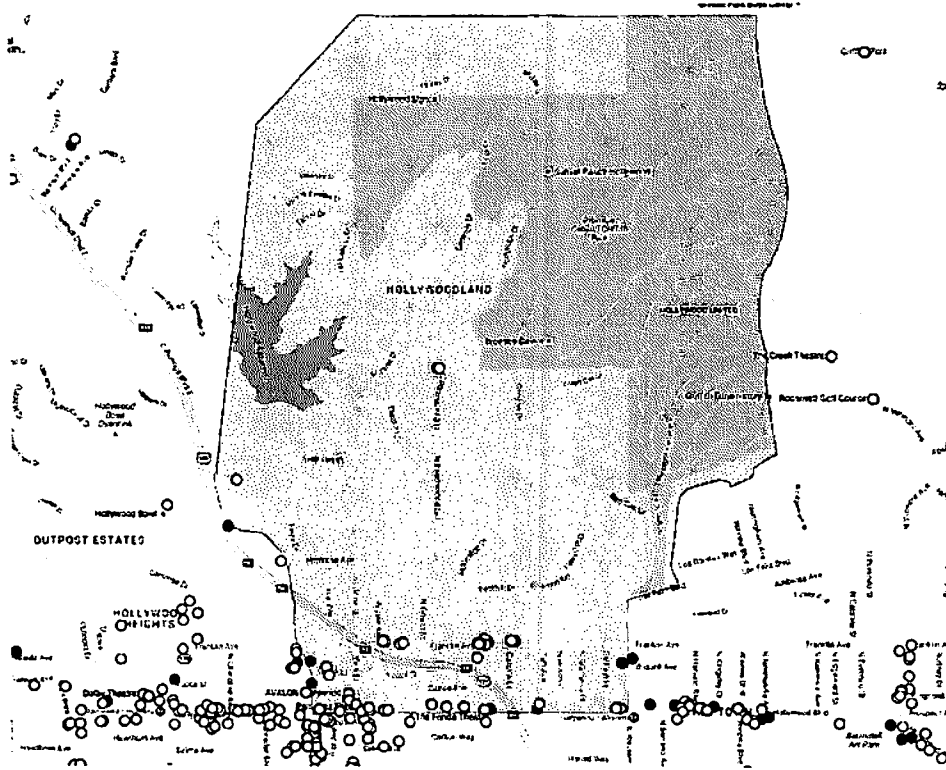


Off-Sale Limit: 1 off-sale beer and wine license per 2,500 inhabitants
 On-Sale Limit: 1 off-sale general license per 2,000 inhabitants

ALCOHOL OUTLETS

HOLLYWOOD UNITED

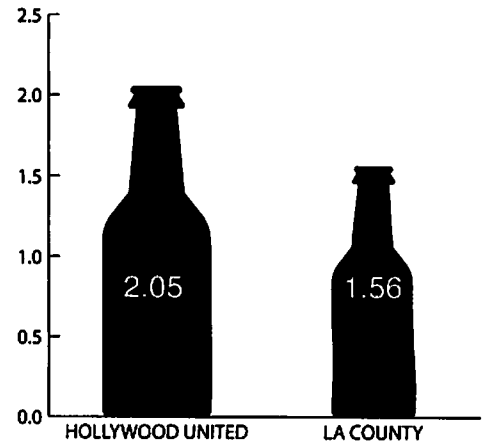
ALCOHOL DENSITY MAP



- OFF-SALE OUTLETS
- ON-SALE OUTLETS

AREA DENSITY
4.38 sq. mi.

LIQUOR STORES PER SQUARE MILE



* Off-Sale Beer and Wine Overconcentration
 † Off-Sale General Overconcentration
 ‡ On-Sale Beer and Wine Overconcentration
 § On-Sale General Overconcentration

Jim Van Dusen

From: Gilbert Mora <gmora@bhs-inc.org>
Sent: Thursday, June 01, 2017 12:30 PM
To: George Skarpelos; Jim Van Dusen
Cc: Melanie To; Noelle Maryne; Sarah Blanch; 'Dana Sherrod'
Subject: Alcohol Conditions Motion
Attachments: Conditions Motion 11_2016.pdf; Final Conditions White Paper PDF.pdf; One pager final.pdf

Hey Jim & George,

I know we have brought this issue to the PLUM before, but we are still pushing this motion and it has gained some real momentum. I am going to ask to be put on the agenda for next PLUM meeting tonight to ask for support for this motion. I have attached the motion plus a few other things that help better explain the proposal and why it is so critical a tool for communities in negotiating CUB requests. Here is an article in LA CityWatch:

<http://www.citywatchla.com/index.php/los-angeles/13241-city-hall-alcohol-kills-isn-t-anybody-listening>

City Hall: Alcohol Kills, Isn't Anybody Listening?

JEAN FROST

18 MAY 2017

NEIGHBORHOOD POLITICS--In the four plus decades I have lived in Los Angeles, I've seen the huge impacts on our community -- both positive and negative -- of liquor stores, markets, and other retail alcohol establishments. We have many responsible and conscientious business owners that sell alcohol. But not all sellers are in that group.

Being able to manage how these businesses sell and serve alcohol is crucial, particularly considering the endless influx of more alcohol-related businesses into our crowded neighborhoods.

There are currently over 900 applications for new alcohol licenses in the City of Los Angeles. The challenge here is that the city and the state rarely if ever deny alcohol license applications. The state cannot provide any real monitoring of problems stemming from these establishments and the city has recently shut the door on public input concerning the acceptable practices of these licensees.

Most of us in LA have felt alcohol's impact in one way or another.

No one enjoys having to step over someone who is passed-out on the sidewalk while en route to their morning coffee or their children's afternoon theater performance. Nor do people like having their late night sleep ruined by loud music with folks screaming outside their window or seeing bunches of after-party red cups strewn throughout the neighborhood on a morning walk.

For years, committed community members, including LAPD and neighborhood councils, have worked with new business operators, sometimes for months, to reach mutually agreed upon operating standards for alcohol sales, known as "alcohol-specific conditions." This created a platform for dialogue between alcohol retailers and the community and a means of insuring a neighborhood's quality of life.

These conditions -- which for decades, through a public hearing process, were placed on alcohol permits to curtail problems such as late night nuisances and noise, loitering, or the sale of youth-attractive alcohol products -- are routine in cities throughout the state.

Unfortunately, the City of Los Angeles has recently taken the position that alcohol-specific conditions are no longer permissible, which ultimately silences community input into how alcohol is sold and served locally. In addition to refusing these standards for new businesses, alcohol-related conditions already in place for established businesses are deemed "unenforceable" -- the city is essentially stripping them out.

This is nothing short of outrageous and completely unacceptable. It flies in the face of our democratic process and our rights as residents, business owners, and property owners.

South Los Angeles residents have long protested the proliferation of liquor stores as well as the absence of healthful food and quality markets.

Downtown and Hollywood have some of the highest concentrations of bars, clubs, and other on-premise alcohol establishments along with the noise, nuisances, fighting, and crime that accompany it. The sale of single-serve containers to serial inebriates helps fuel the homelessness challenges in many parts of the city.

Westside communities suffer from high concentrations of crowded bars and restaurants that send noisy, drunk patrons out to litter, urinate, and worse in the yards of nearby residents.

Twelve of 15 Los Angeles City Council districts -- 1, 2, 4, 6, 7, 8, 9, 10, 12, 13, 14 and 15 - rank in the top tier for their incidence of three or more different alcohol-related harms -- violent crimes, vehicle crashes, deaths, emergency department visits, and hospitalizations, according to a recent County study.

And alcohol-related problems pose hardships across LA. In fact, each year alcohol-related problems take approximately 2,800 lives in the county, accounting for approximately 80,000 years of potential life lost, and costing the county an estimated \$10.3 billion a year. That's \$1,000 every year for every child and adult in the county!

LA is one of the only cities in California that prohibits local conditions and this is extremely disempowering for our communities.

These conditions are in many cases our only protection from alcohol-related problems since we absolutely cannot rely on the state to manage those problems for us.

To rectify the situation and restore our community voice in these important decisions, a "conditions motion" is circulating and gaining momentum across the city. The motion asks City Council to return to its former practice of allowing alcohol-specific conditions, and to cease stripping existing conditions.

Conditions are good for businesses. Allowing the community to come to a consensus with a new business operator around key practices helps speed the "path to yes." Getting critical community buy-in facilitates the successful establishment of new alcohol businesses. And when businesses negotiate conditions at the local level, they don't have to renegotiate at the state level, which saves them time and money, and ultimately encourages more growth and development.

Recently the South Los Angeles Alliance of Neighborhood Councils (SLAANC) voted in favor of this motion. It also has the support of the Zapata-King Neighborhood Council, along with 15 other neighborhood and area councils, including the Westside Regional Alliance of Councils (WRAC), and nearly 20 public health agencies including Children's Hospital of Los Angeles, and alcohol industry watchdog, Alcohol Justice. This motion is critical to ensure that our community's longstanding efforts to address alcohol problems are not dissolved.

The Valley Alliance of Neighborhood Councils and other alliances will soon have an opportunity to support this motion. This way we can get the city to again start honoring these standards.

I urge the VANC board and others to join with SLAANC and WRAC and all the other neighborhoods in standing up for our communities and businesses by supporting this motion.

We deserve to have our voices heard again.

(Jean Frost is a long time resident of West Adams and chair of the Policy Committee for NANDC, the West Adams neighborhood council organization.) Edited for CityWatch by Linda Abrams.

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“The difficulties of life are intended to make us better, not bitter.”

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Conditional Use Beverage (CUB) Permits for Alcohol

Authority of City Zoning Administrators to Impose Conditions of Approval to Mitigate Potential Land Use Impacts Arising from the Sale or Service of Alcoholic Beverages That Are Adverse to Public Health, Safety and Welfare

MOTION:

Whereas, the City of Los Angeles has imposed land use conditions in Conditional Use Beverage (CUB) permits for decades to protect public health, safety and welfare by mitigating potential impacts due to the sale or service of alcohol, as recommended by the LAPD, Council Offices, neighborhood councils, community councils, and local residents; and

Whereas, Zoning Administrators now unilaterally and without notice use the Plan Approval Process to remove previously-imposed conditions designed to avoid or mitigate actual or potential land use impacts adverse to public health, safety and welfare; and

Whereas, municipalities throughout the State of California have and continue to impose land use conditions to mitigate adverse impacts that may otherwise arise from the sale or service of alcohol, including the Cities of Santa Monica, West Hollywood, Palmdale, Lancaster, Huntington Park, Montebello, Orange, San Bernardino, Pinole, Ventura, San Buenaventura, Santa Cruz, Hayward, Walnut Creek, Watsonville, and the County of Los Angeles, among others; and

Whereas, the City's current practice undermines the ability of the City and local communities to protect against potential land use impacts that are adverse to public health, safety and welfare, including but not limited to potential nuisances, by restricting the imposition of conditions on, among other things, hours of sale of alcohol, happy hours, container sizes, types of alcohol sold, and other similar rules and regulations, despite the efficacy of such conditions in avoiding or mitigating potential adverse impacts arising from the sale or service of alcohol; and

Whereas, California courts have repeatedly affirmed that municipalities have broad police powers to impose land use conditions that protect against potentially adverse impacts on public health, safety and welfare arising from the sale or service of alcohol; and

Whereas, the California Department of Alcoholic Beverage Control (ABC) has not advised the City that the imposition of such land use conditions interferes with ABC's enforcement of State law; and

Whereas, the City's current practice not only impairs the ability of the LAPD, Council Offices, and communities to protect public health, safety and welfare, but also interferes with the ability of CUB applicants to garner support for their projects by negotiating for the imposition of mutually agreed-upon conditions, which forces communities to oppose projects they could otherwise support with proper conditions:

Now, therefore, be it Resolved that the [Insert Neighborhood or Community Council Name Here] calls upon the City Council to adopt a policy to: (1.) Authorize the imposition of land use conditions that protect public health, safety and welfare by mitigating potential adverse impacts from the sale or service of alcohol, consistent with the practice of other jurisdictions statewide; (2.) Maintain and enforce previously-imposed CUB conditions on the sale or service of alcohol; and (3.) Prohibit the removal of previously-imposed conditions outside the public processes mandated under the City Charter and Zoning Code. In lieu of policy change, the Neighborhood Council calls upon the City Council to form an independent commission with appropriate membership to investigate recent case law regarding the authority of California municipalities to place alcohol-related conditions on the establishment of new alcohol licenses in their communities; also to review current practices of municipalities in imposing such conditions and report their findings to the council within six months.

ALCOHOL CONDITIONS

A tool to protect communities from alcohol problems

Excessive alcohol consumption creates costly public health and safety challenges for Los Angeles communities and is associated with a range of consequences such as drunk driving, vehicle crashes, injuries and neighborhood disturbances.

 **2,800 LIVES**
lost annually in LA County due to alcohol.

 **\$10.3 BILLION**
LA County's annual cost to manage alcohol issues alone. This equates to about **\$1,000** annually per county resident.




Alcohol Conditions: A Proven Approach to Mitigating Community Harms

Communities can reduce the negative impacts of alcohol by placing **"alcohol-specific" conditions**, or performance standards, on new alcohol businesses' Conditional Use Beverage Permit (CUB).

Through the CUB process, residents, law enforcement and neighborhood councils can negotiate reasonable conditions to promote economic success, while minimizing threats to health, safety and quality of life for surrounding areas.

The City of Los Angeles is one of the only municipalities in California that does not allow these types of conditions (see reverse).

▶ Benefits of alcohol-specific conditions

-  **Create a "path to yes"** where communities can welcome new alcohol businesses with the proper safeguards in place.
-  **Protect youth** from targeted advertising and youth-attractive products.
-  **May reduce CUB community protests**, which are costly and slow the approval process.

▶ Examples of alcohol-specific conditions



Restrictions on "single serves"

Single cans or bottles of alcohol have been shown to attract problem drinkers and youth, as they are inexpensive and ready for immediate consumption.



Designated hours of alcohol sales

New businesses and communities can determine mutually agreeable hours of alcohol sales to align with the need and character of the surrounding neighborhood.



Training for all employees

Requiring all alcohol-handling employees to complete ABC approved training improves compliance with alcohol laws, including sales to minors and intoxicated patrons.

The City of Los Angeles Says “No” to Alcohol-Specific Conditions



The City of Los Angeles, California’s largest city, is one of the only municipalities in the state that does not allow alcohol-specific conditions on CUBs — leaving communities without input into how alcohol is sold and served. The City’s position is based on outdated case law and is counter to the practice of virtually every other California municipality.

▶ Sample of California’s largest cities that allow alcohol-specific conditions

San Francisco | Fresno | Sacramento | Long Beach | Oakland | Stockton | Chula Vista | San Bernardino

▶ Sample of local cities/municipalities that allow alcohol-specific conditions

LA County | Santa Monica | Beverly Hills | West Hollywood | Pasadena | Burbank | Lancaster | Huntington Beach

What Needs to Change?

Neighborhood Councils, Community Councils, Coalitions and Public Health Agencies throughout Los Angeles, including the Westside Regional Alliance of Councils (WRAC), are calling on the City of Los Angeles to change its practice and allow alcohol-specific conditions on CUBs. Support for this initiative is rapidly expanding throughout the City.

▶ Get Involved!

Join this grassroots effort and help give Los Angeles communities a voice in determining the role of alcohol in their neighborhoods. To learn more about getting involved in this effort, email impact@publicstrategies.org

ABOUT THE WESTSIDE IMPACT PROJECT

The Westside Impact Project is a community initiative that aims to reduce alcohol-related problems on the Westside of Los Angeles. The Westside Impact Project is funded by the County of Los Angeles, Department of Public Health, Substance Abuse Prevention and Control, and is being implemented by the **Institute for Public Strategies**, a Southern California-based non-profit with 25 years of experience helping communities make lasting improvements in health, safety and quality of life.



WESTSIDE IMPACT PROJECT