



FINDINGS / SPECIALIZED REQUIREMENTS:

PLAN APPROVAL FOR ALCOHOL AND ADULT ENTERTAINMENT ESTABLISHMENTS (PA/PAD/PAB)

ZONE CODE SECTIONS: 12.24 M for alcohol establishments subject to 12.24 W1 or 12.24 X2, or for adult entertainment establishments subject to 12.24 W18.

The Plan Approval Findings/Justification is a required attachment to the *DEPARTMENT OF CITY PLANNING APPLICATION(CP-7771.1)*

Public Notice Requirements: This entitlement requires notification of property owners abutting the project site. Please note the original or most recent decision letter may specify a different notice requirement that may be greater.

Continuing Term-Limited Conditional Uses (ZA Memo 122): This form is to be completed when utilizing the provisions established in ZA Memorandum No. 122. The memorandum allows for applicants to continue any **still valid** approval that has been term-limited, through the Plan Approval procedure. Applicants are advised that the Plan Approval must take effect **before** the original approval expires in order for it to remain valid – there can be no lapse in time. For example, if the original approval dated 1/1/2010 was approved for a term-limit of 5 years (expiring on 1/1/2015), and if the average case processing time is 1 year, the applicant would be advised to file **latest** on 1/1/2014. Therefore, filing **well before** the expiration date is strongly recommended.

ADDITIONAL INFORMATION/FINDINGS FOR APPROVAL OF A PLAN APPROVAL:

In order to grant your request, the following additional information and findings must be provided on this form and/or on a separate sheet:

1. Original Approval

- Provide a copy of the original entitlement, together with any appeals.
- If there is no original entitlement, and the Plan Approval is being filed on a Deemed-to-be-Approved Conditional Use establishment (PAD), provide a copy of the Building Permit, Certificate of Occupancy, or other documentation that originally permitted the use.

2. Condition Compliance (*on a separate sheet*)

- Provide supplemental information that verifies compliance with all current conditions of approval. List the condition number, the text of the condition, and an explanation or documented proof of how the condition has been met.
- *For example:* Condition 22 – No dancing or dance floor is permitted.
Proof: The attached floor plan and accompanying photos show fixed seats and tables throughout the venue with no room for a dance floor or dancing.

3. Findings (*on a separate sheet*)

a. General Conditional Use

- i. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.
- ii. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

b. **Additional Findings**

- i. Explain how the approval of the application will not result in, or contribute to an undue concentration of such establishments.
- ii. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.

4. **Questions Regarding the Physical Development of the Site**

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

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

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

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

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

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

- g. If an outdoor area is on the public right-of-way, has a revocable permit been obtained? _____
- h. Are you adding floor area? _____ If yes, how much is enclosed? _____ Outdoors?

i. **Parking**

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

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

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

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

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

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

- 2. Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.
- 3. Will valet service be available? _____ Will the service be for a charge?

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

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

5. **Questions Regarding the Operation of the Establishment**

a. Has the use been discontinued for more than a year? _____

i. If yes, **it is not eligible** for the Plan Approval process.

ii. If no, the applicant may be required to prove that the discontinuance of the use did not occur – see LAMC section 12.23 B9 or 12.24 Q.

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

| | M | Tu | W | Th | F | Sa | Su |
|--------------------------------|----------|-----------|----------|-----------|----------|-----------|-----------|
| Proposed Hours of Operation | | | | | | | |
| Proposed Hours of Alcohol Sale | | | | | | | |

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

▪ **Note:** An establishment that allows for dancing needs a conditional use pursuant to LAMC section 12.24 W18.

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

e. Will there be any accessory retail uses on the site? _____ What will be sold?

f. **Security**

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

ii. Will security guards be provided on-site?

1. If yes, how many and when when? _____

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

g. Alcohol

i. Will there be beer & wine only, or a full-line of alcoholic beverages available?

ii. Will "fortified" wine (greater than 16% alcohol) be sold?

iii. Will alcohol be consumed on any adjacent property under the control of the applicant?

iv. Will there be signs visible from the exterior that advertise the availability of alcohol?

v. Food

1. Will there be a kitchen on the site?

2. Will alcohol be sold without a food order?

3. Will the sale of alcohol exceed the sale of food items on a quarterly basis?

4. Provide a copy of the menu if food is to be served.

vi. On-Site

1. Will a bar or cocktail lounge be maintained incidental to a restaurant?

- If yes, the floor plans must show the details of the cocktail lounge and the separation between the dining and lounge facilities.

2. Will off-site sales of alcohol be provided accessory to on-site sales ("Take Out")?

- If yes, a request for off-site sales of alcohol is required as well.

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

vii. Off-Site

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

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

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

6. **Caldera Bill (CA Business and Professions Code Section 23958 and 23958.4)**

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

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

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

- issuance of a license to serve alcohol on-site or off-site would tend to create a law enforcement problem, or
- if issuance would result in, or add to an undue concentration of licenses.

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

- Please note that this is **in addition** to obtaining the Conditional Use Permit or Plan Approval.