



NOTICE OF DETERMINATION
CITY OF BEVERLY HILLS
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

REQUEST: **Public Convenience or Necessity Permit** to allow for the sale of alcohol (wine, beer and spirits) for Vendome Wine and Spirits at the Project Address.

PROJECT ADDRESS: **270 S. Robertson Boulevard**

APPLICANT: **Golden Tran II, Inc.**
9153 W. Olympic Boulevard
Beverly Hills, CA 90212

PROPERTY OWNER: **K & J Investment, LLC**
2999 Blackwood Court
Fullerton, CA 92835

PROJECT PLANNER: Ryan Gohlich, Senior Planner

ACTION: **APPROVED, SUBJECT TO THE ATTACHED CONDITIONS AND REQUIRED FINDINGS**

Approved by:


Jonathan Lait, City Planner / Hearing Officer

2/5/14
Date

Decisions made by the Director of Community Development may be appealed to the City Council within fourteen (14) days of the Director's action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. (Note: Appeal Fee Required.)

PROJECT DESCRIPTION AND AREA CHARACTERISTICS

The applicant requests the City of Beverly Hills make a determination of Public Convenience or Necessity to transfer an off-sale liquor license from the prior Vendome Wine and Spirits store located at 9153 W. Olympic Boulevard to the Project Site. A determination is required from a local jurisdiction when the California Department of Alcoholic Beverage Control finds there is an overconcentration of off-sale liquor licenses in the census tract where a project is located.

The subject property is located at the northeast corner of South Robertson Boulevard and Gregory Way, and is surrounded by one- and two-story commercial buildings to the north and south. Multi-family residential properties located along South Arnaz Drive are immediately east of the project site. There is no alley to buffer the commercial uses from the residential uses; however, the project site does contain a surface parking lot that is immediately adjacent to a detached garage that serves the nearest residential property. In addition to the surrounding commercial and residential uses, the subject property is located approximately one block south (660') of Horace Mann Elementary School.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project has been determined to be categorically exempt from CEQA pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project involves a change of tenant from one commercial use to another commercial use, as well as limited tenant improvements to an existing commercial building, and is therefore exempt from further review under the provisions of CEQA.

PUBLIC NOTICE AND COMMENTS

Notice regarding the subject public hearing was provided in accordance with state and local requirements. Specifically, the notice included publishing in two newspapers of local circulation (the *Beverly Hills Courier* and *Beverly Hills Weekly*, and direct mailing via U.S. mail to all property owners within a 300 foot radius of the project site.

A public hearing was held on January 29, 2014 at 5pm at Beverly Hills City Hall¹. The applicant, Keith Chan and his representative, Sherrie Olson were present at the meeting. Three other residents spoke regarding the project; Tony Mayorkas (opposed); Ari Bussel (supportive, but expressed concerns); and Walter Harris (supportive).

Concerns regarding the project were related to potential deleterious impacts of a liquor store in close proximity to established residential areas and that such uses are not conducive to the residential character and residential atmosphere. There was concern about the proposed use in close proximity to Horace Mann Elementary School (660 feet), delivery-related impacts to traffic flow on Robertson Boulevard and noise intrusion into the adjacent residential neighborhood.

The applicant and proponents noted that Vendome Wine and Spirits has a long history in the

¹ A digital recording of the meeting is available from the Community Development Department and available online at: <http://beverlyhills.org/citygovernment/departments/communitydevelopment/planning>

community, that there have not been any problems with the establishment at its location on Olympic Boulevard, which is also approximately 1,300 feet from Beverly Vista Elementary School. It was reported that the establishment sells rare and unique alcohol that is difficult to find at other locations, the closest comparable store being Wally's in Westwood approximately 3.5 miles to the west.

Determination of Public Convenience or Necessity

This document shall serve as the approval determination of Public Convenience or Necessity. Vendome Wine and Spirits is a long standing business in the community that will continue to be owned and operated by the same owner that managed the business on Olympic Boulevard for the past 21 years.

As noted in the administrative record², the City of Beverly Hills Police Department reviewed the request and did not identify any concerns with the prior operations on Olympic Boulevard and did not anticipate any concerns with the new location on South Robertson Boulevard.

Vendome Wine and Spirits is known as a premium retailer of fine, rare, and unique alcoholic beverages. While there are other off-sale liquor licenses in the area, the subject business does offer goods that serve the city's population. Moreover, from a convenience standpoint, the nearest liquor store offering comparable products is several miles away.

The proximity to Horace Mann Elementary School is an understandable concern of area residents of elementary school-aged children. And, given the store's location at the northeast corner of Robertson Boulevard and Gregory Way, which is the City boundary line with the City of Los Angeles, it is not anticipated that elementary school aged children will walk past Vendome Wine and Spirits on the way to or from school and their residences. However, children are known to visit Al Gelato and other nearby establishments after school, which are in close proximity to the Project Site. Importantly, the Police Department does not anticipate any problems associated with the subject request. Additionally, there are no documented violations of Vendome Wine and Spirits selling alcohol to minors. Notwithstanding these findings, and based on a generally recognized and publically available information about the potential deleterious impacts of alcohol-related uses to a community, this determination includes a number of conditions to minimize impacts to surrounding residences, businesses or the general welfare.

Operationally, the project must comply with the City's transition zone requirements that regulate hours of operation, deliveries, noise and other factors. Regarding deliveries, there was concern expressed during public testimony about potential impacts to residential properties and traffic flow along South Robertson Boulevard. Deliveries to the site are anticipated to occur between Monday and Friday. Use of the parking lot is problematic due to the proximity of residential properties. And, it is appropriate to regulate delivery hours and focus those activities were and when they will be least disruptive to traffic. Accordingly, conditions have been imposed to require all deliveries to occur between 7AM and 10AM Monday through Friday on Robertson Boulevard. Consultation with the City's Traffic Engineer finds that street parking would be minimally impacted by loading activities in front of the Project Site during these times.

Other conditions are provided to ensure the area around the Project Site remains clean and free of litter and managed to prevent loitering.

² The administrative record is on file with the Community Development Department and contains information related to the project, including staff reports, notices, Police Department calls for service, and other information.

Conditions of Approval

1. Vendome Wine and Spirits hours of operation shall not exceed 9:00 AM – 10:00 PM Monday through Saturday, and 10:00 AM – 8:00 PM on Sunday.
2. At all times, Vendome Wine and Spirits shall operate in accordance with Beverly Hills Municipal Code Section 10-3-19.5 regarding commercial operations that occur adjacent to residential uses.
3. Prior to opening for business at 270 South Robertson Boulevard, Vendome Wine and Spirits shall obtain a Transitional Use License from the Beverly Hills Community Development Department.
4. All signage and exterior modifications shall be subject to architectural review pursuant to Beverly Hills Municipal Code Section 10-3-30. No signs related to alcoholic products shall be displayed within five feet of any exterior window.
5. This determination of public convenience for an off-sale liquor license is specific to Vendome Wine and Spirits, owned and operated by Golden Tran II, Inc. In the event ownership of Vendome Wine and Spirits changes, this determination of public convenience shall cease, and any subsequent owner shall be required to submit a new application for a determination of public convenience or necessity.
6. Commercial loading activities shall be prohibited from occurring within the parking lot of the subject property and on Gregory Way, and shall instead occur exclusively on Robertson Boulevard. In order to conduct commercial loading activities on Robertson Boulevard, Vendome Wine and Spirits shall submit an application to the Deputy Director of Transportation, and shall pay all applicable fees to process the application, modify or relocate street pavement markings, parking meters and related signs immediately adjacent to the Project Site to allow for commercial loading activities to occur between the hours of 7:00 AM to 10:00 AM, Monday through Friday. Deliveries shall be prohibited at all other times, and it shall be the responsibility of Vendome Wine and Spirits to ensure that all commercial loading activities are scheduled during the permissible times set forth herein.
7. Vendome Wine and Spirits shall be responsible for ensuring that loitering does not occur on its private property. Furthermore, to the extent that the City is required to take enforcement action to prevent loitering on public property that results from the operation of Vendome Wine and Spirits, Vendome Wine and Spirits shall reimburse the City for all costs associated with such enforcement.
8. Vendome Wine and Spirits is recognized as a premium retailer of fine, rare, and unique alcoholic beverages. In the event the Director of Community Development determines the product line offered by Vendome Wine and Spirits changes such that it is no longer recognized as a premium retailer of fine, rare, and unique alcoholic beverages, the Director shall notify the Department of Alcoholic Beverage Control and seek corrective action as appropriate regarding the license.
9. At the open and close of business each day, at least one employee of Vendome Wine and Spirits shall walk the perimeter of the property and collect and dispose of any trash or debris that may be present on the property or adjacent sidewalks, regardless of whether said trash or debris was generated by Vendome Wine and Spirits.