



The City of Beverly Hills will hold a Determination of Public Convenience and Necessity Hearing, at the following time and place, and will address the agenda listed below:

CITY OF BEVERLY HILLS

Telephonic / Video Conference Meeting
www.beverlyhills.org/hearings (passcode 90210)

Call In: 833-548-0276
Meeting ID: 844 6491 8768
Beverly Hills, CA 90210

Monday, July 18, 2022
10:00 AM

TELEPHONIC / VIDEO CONFERENCE MEETING

This meeting will be conducted via teleconference at www.beverlyhills.org/hearings (passcode 90210). Members of the public can also participate by phone at 833-548-0276 (Meeting ID 844 6491 8768). The hearing will also be aired live on BHTV Channel 10 and streamed live at www.beverlyhills.org/live.

Written comment may be offered through email at agomez@beverlyhills.org (item #1) or kmccafferty@beverlyhills.org (item #2).

It is recommended that written public comments be submitted by 9:00 AM on the meeting date. Public comments will also be taken during the meeting when the topic is being reviewed by the Hearing Officer. Written comments should identify the Agenda Item number or topic in the subject line of the email. In order to be read at the meeting, written comments will be allowed with a maximum of 350 words, which corresponds to approximately three (3) minutes of speaking time. If a comment is received after the agenda item is heard, it will not be a part of the record.

AGENDA

COMMUNICATIONS FROM THE AUDIENCE

Members of the public may address the Hearing Officer regarding any items not on the Agenda that are within the subject matter jurisdiction of the Officer. By State law, the Hearing Officer may not discuss or vote on items not on the Agenda.

NEW BUSINESS

1. 350 NORTH CAÑON DRIVE

Determination of Public Convenience or Necessity (PL2200142)

A request for a Determination of Public Convenience or Necessity to allow the sale of a full line of alcoholic beverages for off-site consumption pursuant to a Type-21 Off-

Sale General license with the California Department of Alcoholic Beverage Control (ABC) within a new boutique liquor store/wine shop associated with Caffè Roma at 350 North Cañon Drive. Pursuant to §23958.4 of the California Business and Professions Code, the City of Beverly Hills is required to make a determination as to whether allowing the sale of alcohol from the project site will serve the public convenience or necessity. (Alvaro Gomez, AICP, Associate Planner)

2. 427 NORTH CAÑON DRIVE

Determination of Public Convenience or Necessity (PL2100141)

A request for a Determination of Public Convenience or Necessity to allow the sale of beer and wine for off-site consumption pursuant to a Type-20 Off-Sale Beer & Wine license with the California Department of Alcoholic Beverage Control (ABC) within a new boutique market and wine shop associated with Euro Gastronomia at 427 North Cañon Drive, Suite 108. Pursuant to §23958.4 of the California Business and Professions Code, the City of Beverly Hills is required to make a determination as to whether allowing the sale of alcohol from the project site will serve the public convenience or necessity. (Kaitlin McCafferty, Associate Planner)

ADJOURNMENT



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1126 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services.



PUBLIC CONVENIENCE AND NECESSITY STAFF REPORT

Meeting Date: July 18, 2022

Subject: **350 NORTH CAÑON DRIVE**
Determination of Public Convenience or Necessity (PL2200142)
A request for a Determination of Public Convenience or Necessity to allow the sale of a full line of alcoholic beverages for off-site consumption pursuant to a Type-21 Off-Sale General license with the California Department of Alcoholic Beverage Control (ABC) within a new boutique liquor store/wine shop associated with Caffè Roma at 350 North Cañon Drive. Pursuant to §23958.4 of the California Business and Professions Code, the City of Beverly Hills is required to make a determination as to whether allowing the sale of alcohol from the project site will serve the public convenience or necessity.

Project Applicant: Micoluda LLC / Liquor on Canon

Project Representative: Jeffrey Kim, Art Rodriguez Associates

Recommendation: Staff recommends that the Hearing Officer conduct a public hearing, receive testimony on the project, and make a determination of public convenience.

REPORT SUMMARY

A request has been made for a Determination of Public Convenience or Necessity to allow the sale of alcoholic beverages at Liquor on Cañon, a new boutique liquor store/wine shop associated with Caffè Roma at 350 North Cañon Drive. To obtain a license from the California Department of Alcoholic Beverage Control (ABC), the applicant must first obtain a determination from the City of Beverly Hills that the project serves the public convenience or necessity. This report outlines the details of the proposed location and operations of the store, surrounding land uses, and makes the recommendation that a determination of public convenience be granted.

Attachment(s):
A. Applicable State Code Sections
B. Public Notice
C. Tenant Improvement Plans

Report Author and Contact Information:
Alvaro Gomez, AICP, Associate Planner
(310) 285-1142
agomez@beverlyhills.org



Public Convenience and Necessity Staff Report

350 North Cañon Drive

July 18, 2022

Page 2 of 10

BACKGROUND

File Date	4/12/2022
Application Complete	6/20/2022
CEQA Recommendation	Class 1 Categorical Exemption
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	60 days from Determination of CEQA Exemption

Applicant(s)	Liquor on Canon
Owner(s)	Micoluda LLC
Representative(s)	Jeffrey Kim, Art Rodriguez Associates
Registered Legislative Advocate(s)	None
Prior Planning Commission Action	None
Prior City Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address(es)	350 North Cañon Drive
Assessor's ID No.	4343-007-003, 4343-007-004
Zoning District	C-3 – Commercial Zone
General Plan	Commercial Low Density General
Existing Land Use(s)	Commercial
Lot Dimensions & Area	100' x 142.5' (14,250 SF)
Year Built	1929
Historic Resource	N/A
Protected Trees/Grove	N/A

Adjacent Zoning and Land Uses

North / East	RMCP – Multiple Family Residential-Commercial Parking Zone (Various Commercial Uses)
South / West	C-3 – Commercial Zone (General Commercial Uses)

Circulation and Parking

Adjacent Street(s)	North Cañon Drive
Adjacent Alleys	20' alley to the west (rear) of the project site
Parkways & Sidewalks	12' parkway with sidewalk from curb face to property line
Parking Restrictions	North Cañon Drive – 1 hour parking, 8 AM to 6 PM, Monday – Saturday; 3 hour parking, 6 PM to 9 PM, Monday – Saturday, 12 PM to 6 PM, Sunday
Nearest Intersection	North Cañon Drive and Brighton Way
Circulation Element	North Cañon Drive – Local Street



Neighborhood Character

The project site is located within the Beverly Hills Business Triangle, south of the intersection of Cañon Drive and Brighton Way (Figure 1). The project site is surrounded by commercial uses within the City's C-3 Commercial Zone to the south and west and varied commercial and parking uses to the east and north across the alley, to the rear of the project site. Neighboring buildings are a mix of single and multi-story commercial buildings with uses that include retail, restaurant, service, office, and public parking facilities.



Fig.1: Aerial Image of Project Site

Source: Google LLC

PROJECT DESCRIPTION

The project site is currently improved with a two-story, multi-tenant commercial building that is occupied by retail, service, and restaurant uses. Liquor on Canon, the boutique liquor store/wine shop proposed, would be created out of a portion of the space currently occupied by Caffè Roma. The space to be occupied by Liquor on Canon would occupy a new suite (Suite 14) consisting of 329 square feet created out of the 11,512 square foot Caffè Roma space. As part of retail operation of the proposed project, the applicant is requesting a Type 21 Off-Sale General License from ABC to allow for the sale and off-site consumption of alcoholic beverages by Caffè Roma patrons in addition to a Type 86 on-site instructional tasting license to allow customers to sample different varieties of high end wine and alcoholic beverages in a regulated and controlled environment. Liquor on Canon will be owned and operated by the existing owners of Caffè Roma, a full service Italian restaurant operating in Beverly Hills since 1978 that also currently operates with two Type 47 On-Sale Licenses (authorizes the sale of beer, wine and distilled spirits for consumption on the licensee's premises) and a Type 58 License (allows licensees to cater alcoholic beverages off-site). These active licenses were issued in 1983 and 1995, respectively.

The applicant is requesting a Determination of Public Convenience or Necessity in pursuit of a Type 21 Off-Sale General License to allow the sale of alcoholic beverages (beer, wine, and distilled spirits) for off-site consumption, between the hours of 7:30 AM and 2:00 AM daily. While the applicant has noted their intended operating hours, the project is located within the city's



Public Convenience and Necessity Staff Report

350 North Cañon Drive

July 18, 2022

Page 4 of 10

Business Triangle and the hours of operation are not restricted by the Beverly Hills Municipal Code. However, pursuant to §25631 of the California Business and Professions Code, the sale of alcoholic beverages for any business with a valid on-sale or off-sale alcohol license is limited to the hours between 6:00 AM and 2:00 AM the following day. Any licensee, or agent or employee of that licensee, who sells, gives, or delivers alcoholic beverages or any person who purchases any alcoholic beverage between the hours of 2:00 AM and 6:00 AM is guilty of a misdemeanor. As such, the applicant will be required to comply with state licensing requirements at all times. A floor plan of Caffè Roma and the space to be occupied by the proposed project is shown on Figure 2.



Fig. 2: Caffè Roma / Liquor on Canon – First Floor Plan

Source: Art Rodriguez Associates

REQUIRED ENTITLEMENTS

The City of Beverly Hills does not require discretionary review or entitlements for the sale of alcoholic beverages. However, whenever the ratio of off-sale licenses¹ to population in a given census tract exceeds the ratio of off-sale licenses to the population in the county as a whole, ABC requires that the local municipality make a Determination of Public Convenience or Necessity to allow additional licenses to be issued within the census tract. As it pertains to the project, there are currently eight active off-sale licenses that authorize the sale of alcoholic beverages for consumption off-site within Census Tract No. 7008.01, the census tract where the project site is located. Of these eight licenses, three are “Type 20” licenses, which authorize the sale of beer

¹ Off-sale licenses allow for alcohol to be sold for the purpose of off-site consumption only, whereas an on-sale license allows for consumption of alcohol exclusively on site. Examples of on-site locations include restaurants and bars. Examples of off-site locations include grocery stores, liquor stores, package, and package stores. These do not include non-retail sellers (i.e., manufacturers or wholesalers) which are regulated by a different type of license class.



Public Convenience and Necessity Staff Report

350 North Cañon Drive

July 18, 2022

Page 5 of 10

and wine only, while the remaining five are “Type 21” licenses, which authorize the sale of beer, wine, and distilled spirits.

The requested Determination of Public Convenience or Necessity would allow for ABC to authorize the issuance of a Type 21 alcohol license for the sale of beer, wine, and distilled spirits as an ancillary activity to the proposed specialty foods store and deli. Allowing for Liquor on Canon to operate within the census tract would facilitate the issuance of a ninth off-sale license². As such, ABC has asked the City of Beverly Hills to review the proposed alcohol license request and determine whether the public convenience or necessity would be served by the project to authorize issuance of the Type 21 license. Table 1 below provides a list of all active off-sale licenses within the census tract of the project site.

Table 1. Off-Sale General ABC Licenses (Census Tract 7008.01)							
License Number	Status	License Type	Orig. Issue Date	Expiration Date	Primary Owner	Premises Address	Business Name
15682	ACTIVE	20	10/16/1978	2/28/2023	NORBERT WABNIG LTD	419 N BEVERLY DR, BEVERLY HILLS, CA 90210	CHEESE STORE OF BEVERLY HILLS THE
16724	ACTIVE	21	11/03/1967	06/30/2023	THRIFTY PAYLESS, INC.	300 N CANON DR, BEVERLY HILLS, CA 90210	RITE AID STORE 5462
243761	ACTIVE	21	03/16/1990	09/30/2022	ARVA INC	301-303 N CRESCENT DR, BEVERLY HILLS, CA 90210	ARVA INC
301618	ACTIVE	20	09/21/1995	08/31/2022	MRS GOOCH'S NATURAL FOOD MARKETS INC	239 N CRESCENT DR, BEVERLY HILLS, CA 90210-4821	WHOLE FOODS MARKET
547335	ACTIVE	21	12/17/2014	11/30/2022	SOUTHWEST WINE & SPIRITS LLC	447 N CANON DR, BEVERLY HILLS, CA 90210-4819	WALLY'S VINOTECA
560995	ACTIVE	21	04/01/2016	03/31/2023	THE WINE MERCHANT	210 N BEVERLY DR, BEVERLY HILLS, CA 90201	BEVERLY HILLS WINE MERCHANT THE
608385	ACTIVE	21	08/31/2020	7/31/2022	COLKER'S UNION OIL	427 N CRESCENT DRIVE, BEVERLY HILLS, CA 90210	76 STATION
624765	ACTIVE	20	11/04/2021	10/31/2022	CHRISTIE'S INC	336 N CAMDEN DR, BEVERLY HILLS, CA 90210	CHRISTIE'S FINE ART AUCTIONEERS

Note: Table 1 does not include the licenses for the two Determinations of Public Convenience and Necessity granted in 2021 for 9705-9709 South Santa Monica Boulevard and 339 North Beverly Drive as they are not shown as active on the ABC database.

² A separate request for a Determination of Public Convenience or Necessity for a Type 20 Off-Sale license is also under consideration for the property located at 427 North Cañon Drive, which is located in the same census tract. Additionally, two Determinations of Public Convenience or Necessity were granted in 2021 for businesses within the same census tract, located at 9705-9709 South Santa Monica Boulevard and 339 North Beverly Drive; however, such licenses are not reflected in the off-sale license listing available from the ABC website. Should those licenses become active in the future, the two requests that are the subject of the hearing would become the 11th and 12th licenses within the census tract.



GENERAL PLAN³ POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some of the policies relevant to the review of the project include the following:

- **Policy LU 9.1 - Uses for Diverse Customers.** Accommodate retail, office, entertainment, dining, hotel, and visitor-serving uses that support the needs of local residents, attract customers from the region, and provide a quality experience for national and international tourists.
- **Policy LU 12.1 Functional and Operational Compatibility.** Require that retail, office, entertainment, and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.
- **Policy LU 15.1 - Economic Vitality and Business Revenue.** Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high-paying jobs.

ENVIRONMENTAL ASSESSMENT

The project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), the State CEQA Guidelines⁴ (California Code of Regulations, Title 14, Section 15000 et seq.), and the environmental regulations of the City. Upon review, the project appears to qualify for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301 of the state CEQA Guidelines. This exemption is applicable to licensing and minor alteration of existing private structures. The proposed project would include interior tenant improvements to establish a new boutique liquor store/wine shop that would sell alcoholic beverages for off-site consumption as well as the licensing to allow for the sale of alcoholic beverages for off-site consumption. Accordingly, staff recommends that the Hearing Officer find the project exempt from further review under CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Actual Period	Required Date	Actual Date
Notice of Pending Application	N/A	N/A	NA	NA
Adjacent Neighbors Notice	N/A	N/A	N/A	N/A
Notice of Public Hearing (Owners & Occupants – 300' Radius + block face)	20 Days	20 Days	6/24/2022	6/24/2022

³ Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/generalplandocument/>

⁴ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>



Public Convenience and Necessity Staff Report

350 North Cañon Drive

July 18, 2022

Page 7 of 10

Type of Notice	Required Period	Actual Period	Required Date	Actual Date
Newspaper Notice ¹	20 Days	20 Days	6/24/2022	6/24/2022
Property Posting	20 Days	20 Days	6/24/2022	6/24/2022
Agenda Posting	72 Hours	5 Days	7/15/2022	7/13/2022
Website	72 Hours	5 Days	7/15/2022	7/13/2022

¹ The Project was noticed in the June 24, 2022 edition of *The Beverly Hills Courier* and the June 30, 2022 editions of *The Beverly Hills Weekly* and *Beverly Press*.

Public Comment

No comments were received prior to publication of this report.

ANALYSIS

Project approval, conditional approval, or denial is based upon a specific determination that the public's convenience or necessity will be served by the project. The following analysis is intended to help guide review of the subject project.

Concentration of Off-Sale Licenses

The project site is located within Census Tract No. 7008.01 and within the city's Business Triangle (Fig. 3). The census tract is bounded by Santa Monica Boulevard on the north/west, Wilshire Boulevard on the south, and Doheny Drive on the east. There are currently a total of eight active off-sale licenses within the census tract, with three Type 20 licenses and five Type 21 licenses (Fig. 4). With a population of approximately 6,194 residents⁵, the ratio of total active off-sale licenses to population within the project's census tract is one off-sale alcohol license for every 774.25 residents. With the addition of another off-sale license, the ratio of active off-sale licenses to population within the census tract would be approximately 1 per 688.22 residents.⁶ At the county level, the population of Los Angeles County is 10,014,009⁷, with data from ABC noting that there are 6,146 active licenses⁸ for the off-site sale of alcohol (Type 20 and 21). Based on these figures, the ratio of Type 20 and Type 21 off-sale licenses to population in Los Angeles County is currently one license for every 1,629 residents.

The applicant is seeking a Type 21 Off-Sale General License which would authorize the sale of distilled spirits in addition to beer and wine for off-site consumption. The addition of the Type 21 License being sought by the applicant would bring number of this type of license to seven and the ratio of Type 21 licenses to population within the census tract to 1 per 884.85 residents. Citywide, there are a total of 32 Off-Sale General Licenses (with 18 Type 21 licenses) or one license for

⁵ Federal Financial Institutions Examination Council (FFIEC) - Census Demographic Data - <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx> (accessed July 2022)

⁶ A separate request for a Determination of Public Convenience or Necessity for a Type 20 Off-Sale license is also under consideration for the property located at 427 North Cañon Drive, which is located in the same census tract as the proposed project. Approval and issuance of the requested license for the proposed project in addition to the request for 427 North Cañon Drive would bring the total proportion of Off-Sale licenses to census tract population to one off-sale license per 619.4 residents.

⁷ United States Census Bureau - Los Angeles County, California Dataset - <https://data.census.gov/cedsci/profile?q=0500000US06037> (accessed July 2022)

⁸ California Department of Alcoholic Beverage Control (ABC) - Licenses by County and Census Tract - <https://www.abc.ca.gov/licensing/licensing-reports/licenses-by-county-and-census-tract/> (accessed July 2022)

⁹ This estimate is based on a population of 32,701 according to the 2020 Decennial Census: <https://data.census.gov/cedsci/all?q=Beverly%20Hills%20city,%20California>



Public Convenience and Necessity Staff Report

350 North Cañon Drive

July 18, 2022

Page 9 of 10

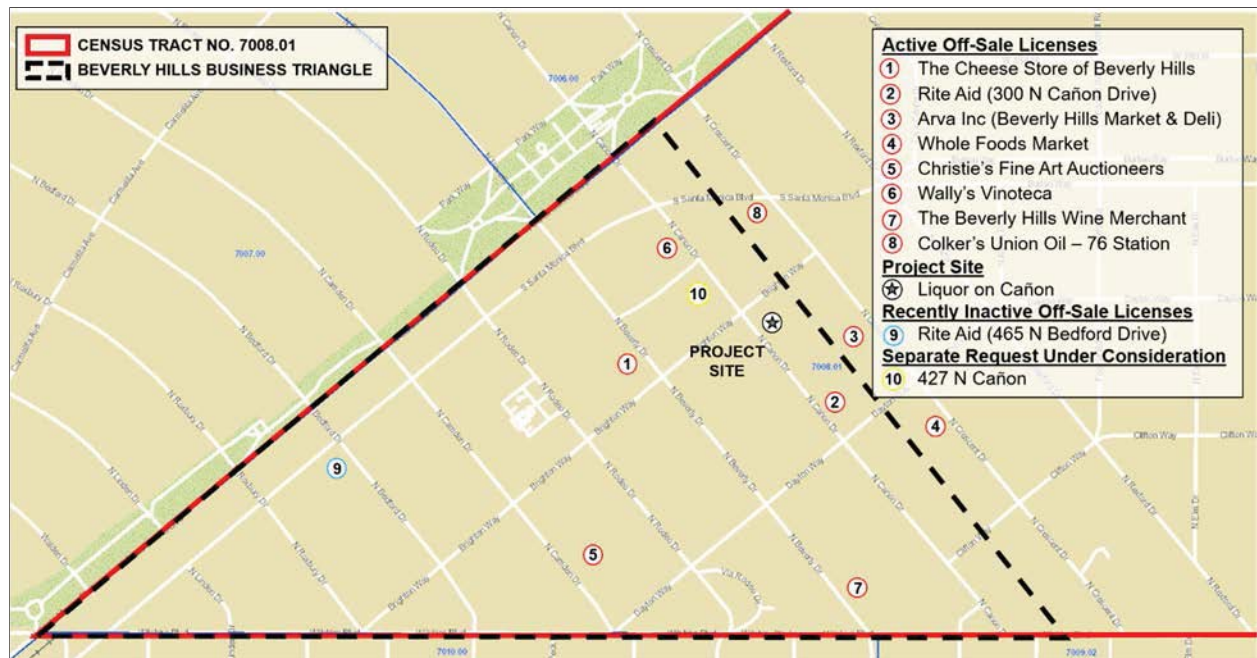


Fig. 4: Concentration of Active Off-Sale License within Business Triangle

Source: Federal Financial Institutions Examination Council (FFIEC) and CA Department of Alcoholic Beverage Control (ABC)

Proximity to Residential Uses and Schools

The project site is not located immediately adjacent to residential uses or schools. The project site is located within the city's Business Triangle, which is the city's largest commercial district, and has several similar uses established within. The project site is also located more than 170' away from any residentially-zoned uses, with the closest residentially-zoned properties located across North Crescent Drive to the east over 200 feet away. The nearest school to the project site is Beverly Hills Presbyterian Church Preschool and Kindergarten, a private school located at 505 North Rodeo Drive, more than 1,000 feet from the project site. Beverly Vista Middle School, the nearest public school, is located approximately over 2,500 feet from the project site.

With the closest residential uses located over 170' away and separated from the project site by the commercial uses along the west side of North Crescent Drive—which serves as a buffer between the city's residential and commercial areas—the project would not substantially impact any residential uses. Given this distance, it does not appear that the new use and the issuance of a Type 21 Off-Sale General License will conflict with any sensitive uses.

Recommendation

Given the type and limited concentration of other off-sale licenses that offer a variety of wine, beer, and distilled spirits for off-site consumption within the project site's census tract, the project is anticipated to serve the public's convenience by offering a convenient service without resulting in detrimental impacts to the surrounding neighborhood or an over-concentration of on-sale licenses for this type of specialty use. Therefore, staff recommends that a determination of public convenience be made with regard to the proposed project, subject to the following conditions of approval:

1. No signs related to alcoholic products shall be displayed on the building.



Public Convenience and Necessity Staff Report

350 North Cañon Drive

July 18, 2022

Page 10 of 10

2. The location and display of beer, wine, and distilled spirits in accordance with the request for a Type 21 General Off-Sale General License shall remain substantially similar to the description provided in this report and Figure 2. The sale of alcohol shall remain an ancillary activity within the specialty foods store and deli. Additionally, the sale of alcohol shall comply with all applicable operational requirements imposed by the California Department of Alcoholic Beverage Control. Failure to comply with this condition shall constitute grounds for revocation of this determination for public convenience.
3. This determination of public convenience for an off-sale license is specific to Liquor on Canon owned and operated by Micoluda LLC. In the event that ownership of Liquor on Cañon should change, this determination of public convenience may continue, provided that business operations remain substantially the same to current operations, subject to review by the Director of Community Development.

NEXT STEPS

It is recommended that the hearing officer conduct the public hearing and direct staff to prepare a letter making a determination of public convenience for the sale of wine, beer, and distilled spirits with conditions at the subject property. Such determination shall be made within five days of the public hearing.

Alternatively, the hearing officer may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Refer the matter to the City Council for a public hearing.

Report Reviewed By:

Cindy Gordon, AICP
Principal Planner

ATTACHMENT A

Applicable State Code Sections

State of California

BUSINESS AND PROFESSIONS CODE

Section 23958.4

23958.4. (a) For purposes of Section 23958, “undue concentration” means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer’s license, or a winegrower’s license, if the applicant shows that public convenience or necessity would be served by the issuance.

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) For purposes of this section, the following definitions shall apply:

(1) “Reporting districts” means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.

(2) “Reported crimes” means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) “Population within the census tract or census division” means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) “Population in the county” shall be determined by the annual population estimate for California counties published by the Demographic Research Unit of the Department of Finance.

(5) “Retail licenses” shall include the following:

(A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).

(B) On-sale retail licenses: All retail on-sale licenses, except Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car), Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden), and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement).

(6) A “premises-to-premises transfer” refers to each license being separate and distinct, and transferable upon approval of the department.

(d) For purposes of this section, the number of retail licenses in the county shall be established by the department on an annual basis.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued before April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.

(Amended by Stats. 2019, Ch. 29, Sec. 46. (SB 82) Effective June 27, 2019.)

ATTACHMENT B

Public Notice



NOTICE OF PUBLIC HEARING

DATE: Monday, July 18, 2022

TIME: 10:00 A.M. or as soon thereafter as the matter may be heard

LOCATION: Meeting will be held via teleconference; details provided below.

PROJECT ADDRESS: 350 North Cañon Drive
(nearest cross street: Brighton Way)



The Hearing Officer of the City of Beverly Hills will hold a public hearing on Monday, July 18, 2022, beginning at 10:00 A.M. to consider the following:

A request for a **Determination of Public Convenience or Necessity** to allow the sale of a full line of alcoholic beverages for off-site consumption pursuant to a Type-21 Off-Sale General license with the California Department of Alcoholic Beverage Control (ABC) within a new boutique liquor store/wine shop associated with Caffè Roma at 350 North Cañon Drive. Pursuant to §23958.4 of the California Business and Professions Code, the City of Beverly Hills is required to make a determination as to whether allowing the sale of alcohol from the project site will serve the public convenience or necessity.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 *et seq.*), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the environmental regulations of the City. Upon review, the project appears to qualify for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15303 of the state CEQA Guidelines. Accordingly, the City will consider a recommendation to find the project exempt from the environmental review requirements of CEQA.

How to Participate

In the interest of maintaining appropriate social distancing, members of the public can participate in, watch, or listen to the meeting through the following methods

- Oral Comment / Listen Only: Call (833-548-0276) and enter meeting ID 844 6491 8768.

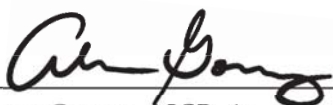
- Video Comment: www.beverlyhills.org/hearings, enter passcode: 90210 when prompted.
- Written Comment: Email agomez@beverlyhills.org
- Watch LIVE: BHTV Channel 10 on Spectrum Cable or www.beverlyhills.org/watchlive

It is recommended that written public comments be submitted by 9:00 AM on the meeting date. Public comments will also be taken during the meeting when the topic is being reviewed by the Hearing Officer. Written comments should identify the Agenda Item number or topic in the subject line of the email. In order to be read at the meeting, written comments will be allowed with a maximum of 350 words, which corresponds to approximately three (3) minutes of speaking time. If a comment is received after the agenda item is heard, it will not be a part of the record. Any written comments received by end of the day on Friday, July 8, 2022 will be attached to the agenda report regarding this item. Any comments received after Friday, July 8, 2022, but prior the public hearing, will be distributed to the Hearing Officer under separate cover.

According to Government Code Section 65009, if you challenge the City's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing. Please note that any comments received prior to or during the public hearing will be considered as part of the public record.

If there are any questions regarding this notice, please contact **Alvaro Gomez, AICP, Associate Planner**, in the Planning Division at **(310) 285-1142**, or by email at agomez@beverlyhills.org. Copies of the project plans and associated application materials are on file in the Community Development Department, and can be reviewed by contacting the project planner listed above.

Sincerely,



Alvaro Gomez, AICP, Associate Planner

Mailed: June 24, 2022



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1126 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services.

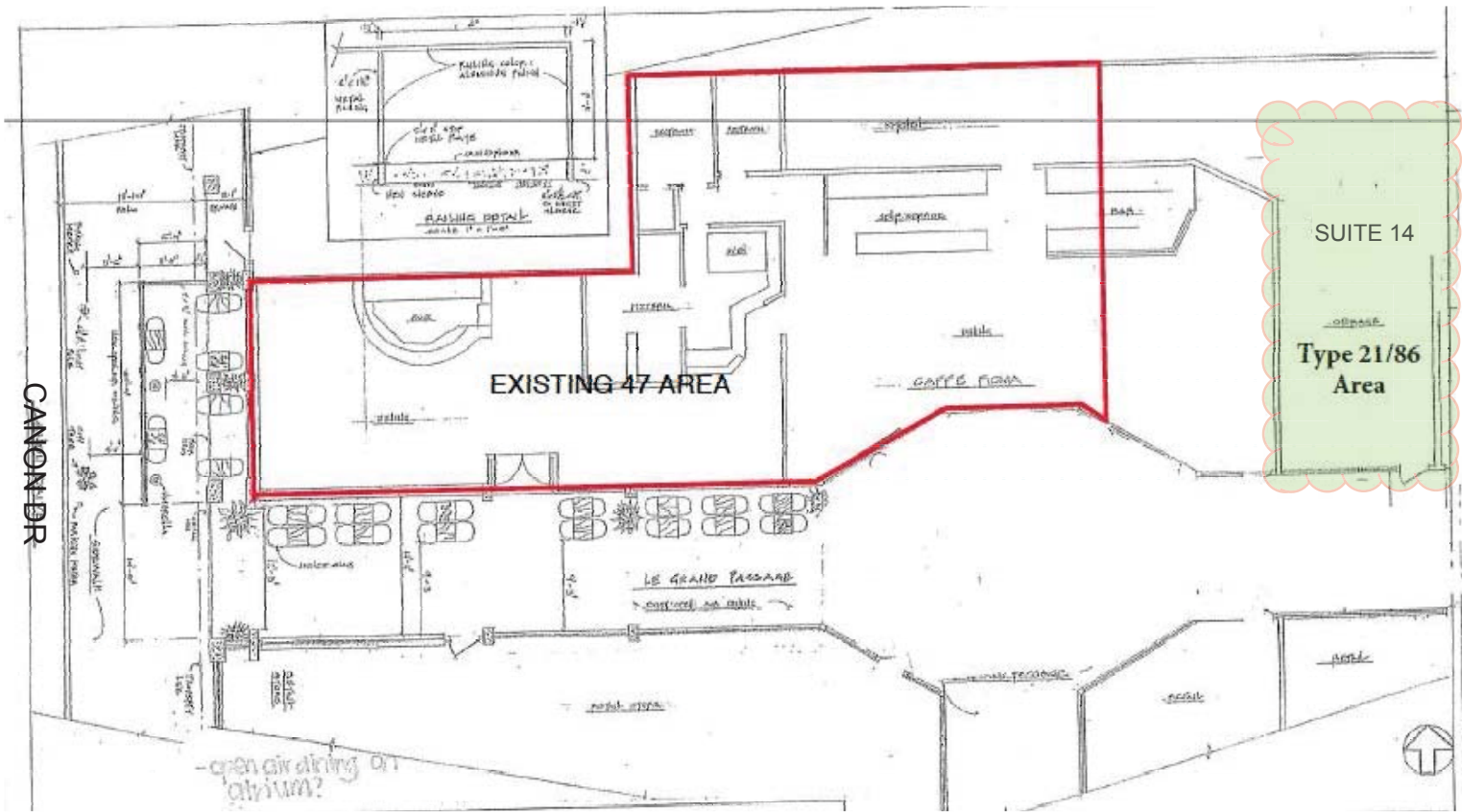
ATTACHMENT C

Tenant Improvement Plans

Instructions to Applicant:
Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. *If this is an event for a daily license, catering authorization, event authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.*

1. APPLICANT NAME (Last, first, middle)	2. LICENSE TYPE
MICOLUDA LLC	21
3. PREMISES ADDRESS (Street number and name, city, zip code)	4. NEAREST CROSS STREET
350 N CANON DR #14, BEVERLY HILLS, CA, 90210	BRIGHTON WAY

DIAGRAM



I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE	DATE SIGNED
---------------------	-------------

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)	PRINTED NAME	INSPECTION DATE
-------------------------------	--------------	-----------------



PUBLIC CONVENIENCE AND NECESSITY STAFF REPORT

Meeting Date: July 18, 2022

Subject: **427 NORTH CAÑON DRIVE**
Determination of Public Convenience or Necessity (PL2200141)
A request for a Determination of Public Convenience or Necessity to allow the sale of beer and wine for off-site consumption pursuant to a Type-20 Off-Sale Beer & Wine license with the California Department of Alcoholic Beverage Control (ABC) within a new boutique market and wine shop associated with Euro Gastronomía at 427 North Cañon Drive, Suite 108. Pursuant to §23958.4 of the California Business and Professions Code, the City of Beverly Hills is required to make a determination as to whether allowing the sale of alcohol from the project site will serve the public convenience or necessity.

Project Applicant: MAVAZO INC

Project Representative: Vartan Kemanjian

Recommendation: Staff recommends that the Hearing Officer conduct a public hearing, receive testimony on the project, and make a determination of convenience.

REPORT SUMMARY

A request has been made for a Determination of Public Convenience or Necessity to allow the sale of alcoholic beverages at new Italian specialty convenience store, Euro Gastronomía, located at 427 North Cañon Drive (Suite 108). To obtain a license from the California Department of Alcoholic Beverage Control (ABC), the applicant must first obtain a determination from the City of Beverly Hills that the project serves the public convenience or necessity. This report outlines the details of the proposed location and operations of the store, surrounding land uses, and makes the recommendation that a determination of public convenience be granted.

Attachment(s):

- A. Applicable State Code Sections
- B. Public Notice
- C. Tenant Improvement Plans

Report Author and Contact Information:

Kaitlin McCafferty, Associate Planner
(310) 285-1164
kmccafferty@beverlyhills.org



BACKGROUND

File Date	03/31/22
Application Complete	04/19/22
CEQA Recommendation	Class 1 Categorical Exemption
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	60 days from determination of Exemption
Applicant(s)	MAVAZO INC
Owner(s)	Vartan Kemanjian
Representative(s)	Bob Sylvia, Liquor License Consulting
Registered Legislative Advocate(s) ¹	None
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	427 North Cañon Drive, Suite 108
Assessor's ID No.	4343-011-015
Zoning District	C-3 – Commercial Zone
General Plan	Commercial Low Density General
Existing Land Use(s)	Commercial (Retail)
Lot Dimensions & Area	150' X 50' (7,500 SF)
Year Built	1937
Historic Resource	Identified as a contributor to a potential CA Register District (Criterion 3) of Regency Revival buildings (NRHP Status Code: 3CD). No exterior alterations to the building are proposed.
Protected Trees/Grove	N/A

Adjacent Zoning and Land Uses

North	C-3 Commercial (Office)
South	C-3 Commercial (Retail and Restaurant)
East	C-3 Commercial (Retail and Restaurant)
West	C-3 Commercial (Office, Café, Service, Retail and Restaurant)

Circulation and Parking

Adjacent Street(s)	North Cañon Drive
Adjacent Alleys	20' alley to the west (rear) of the project site
Parkways & Sidewalks	12' parkway with sidewalk from curb face to property line

¹ All Project representatives listed have been confirmed as registered legislative advocates in the City's database.



Staff Report

427 North Cañon Drive

July 18, 2022

Page 3 of 11

Parking Restrictions

North Cañon Drive – 1 hour parking, 8 AM to 6 PM, Monday – Saturday; 3 hour parking, 6 PM to 9 PM, Monday – Saturday, 12 PM to 6 PM, Sunday

Nearest Intersection

North Cañon Drive and Brighton Way

Circulation Element

North Cañon Drive – Local Street

Neighborhood Character

The project site is located on the north end of the Beverly Hills Business Triangle on the west side of North Cañon Drive between South Santa Monica Blvd and Brighton Way (Fig 1). The project site is surrounded by a mix of multi-story commercial buildings, all located within the C-3 commercial zone, with uses that include retail, café, restaurant, service, and office.



Fig. 1: Aerial Image of Project Site

Source: Google Earth

**PROJECT DESCRIPTION**

The project site is currently developed with a two-story commercial building that is currently occupied by café, retail, service, and office uses. The approximately 10,505 square foot building was constructed in the 1930s. The subject unit, Suite 108, is an approximately 572 square foot space. The applicant, Euro Gastronomie, is an Italian specialty market that currently occupies the space and is looking to expand their services. Euro Gastronomie sells authentic and imported Italian and French goods such as olive oils, cheeses, pasta, non-alcoholic beverages, and other food items for preparation and consumption off the premises. If the Type 20 license is approved, the applicant will add wines and beer to their menu. The store seeks to offer the convenience of a small pedestrian-oriented Italian grocery store for those working, visiting, and living in surrounding areas looking to purchase quality and authentic Italian and French foods and beverages.

The applicant is requesting a Determination of Public Convenience or Necessity in pursuit of a Type 20 Off-Sale Beer & Wine to allow the sale of beer and wine for consumption off the premises between the hours of 9:00 AM to 6:00 PM, Monday through Saturday. The business will be closed on Sundays. While the applicant has noted their intended operating hours, the project is located within the city's Business Triangle and the hours of operation are not restricted by the Beverly Hills Municipal Code. However, pursuant to §25631 of the California Business and Professions Code, the sale of alcoholic beverages for any business with a valid on-sale or off-sale alcohol license is limited to the hours between 6:00 AM and 2:00 AM the following day. Any licensee, or agent or employee of that licensee, who sells, gives, or delivers alcoholic beverages or any person who purchases any alcoholic beverage between the hours of 2:00 AM and 6:00 AM is guilty of a misdemeanor. As such, the applicant will be required to comply with state licensing requirements. The applicants plan to allocate the majority of the subject site's floor area to non-alcoholic beverage products, but will have an area for the display of wine and beer. A floor plan of the retail operation showing the proposed tenant improvements for the specialty foods store are provided as Figure 2; the display area for wine and beer is outlined in green.

The applicants own and operate an existing café (Euro Café) in Suite 111 of the same building. Euro Café operates under a 2018 approved Type 41 On-Sale Beer & Wine license (authorizes the sale of beer and wine for consumption on or off the premises where sold). This license was issued on January 22, 2018 (ABC File #634765) and the applicants have no record of disciplinary action by the ABC to date.

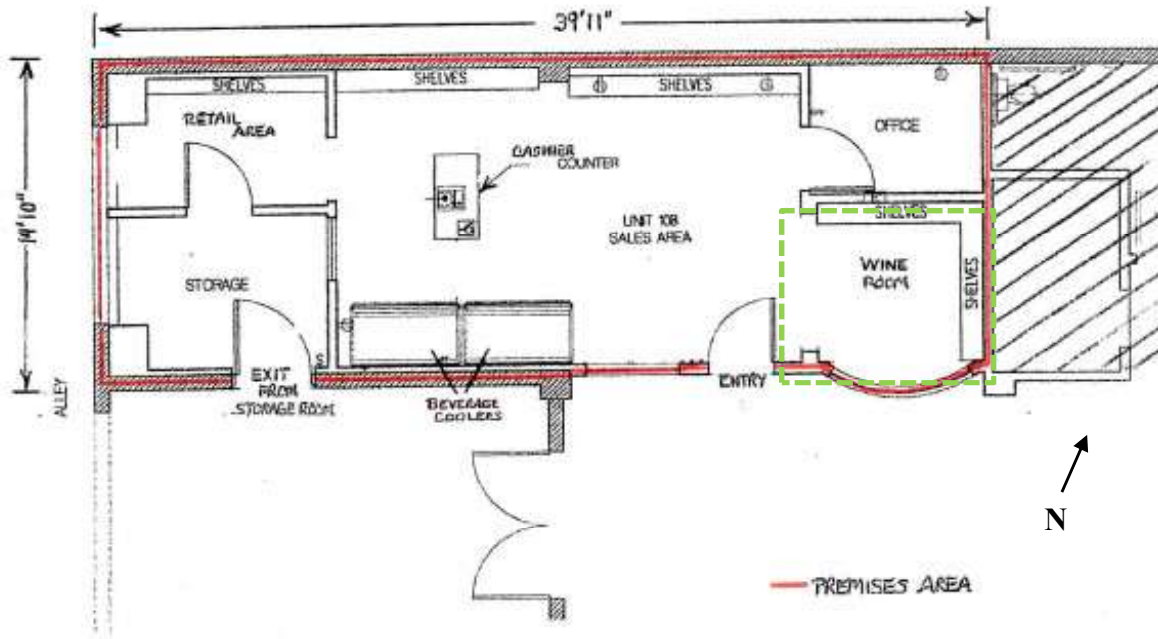


Fig. 2: Convenience Store Floor Plan
Source: MAVAZO INC

REQUIRED ENTITLEMENTS

The City of Beverly Hills does not require discretionary review or entitlements for the sale of alcoholic beverages. However, whenever the ratio of off-sale licenses² to population in a given census tract exceeds the ratio of off-sale licenses to the population in the county as a whole, ABC requires that the local municipality make a Determination of Public Convenience or Necessity to allow additional licenses to be issued within the census tract. As it pertains to the project, there are currently eight active off-sale licenses that authorize the sale of alcoholic beverages for consumption off-site within Census Tract No. 7008.01, the census tract where the project site is located. Of these licenses, three are “Type 20” licenses, which authorize the sale of beer and wine only, while the remaining five are “Type 21” licenses, which authorize the sale of beer, wine and distilled spirits.

The requested Determination of Public Convenience or Necessity would allow for ABC to authorize the issuance of a Type 20 alcohol license for the sale of beer and wine as an ancillary activity to the proposed specialty foods store. Allowing for Euro Gastronomía to operate within the census tract would facilitate the issuance of a ninth active off-sale license³. As such, ABC has

² Off-sale licenses allow for alcohol to be sold for the purpose of off-site consumption only, whereas an on-sale license allows for consumption of alcohol exclusively on site. Examples of on-site locations include restaurants and bars. Examples of off-site locations include grocery stores, liquor stores, package, and package stores. These do not include non-retail sellers (i.e., manufacturers or wholesalers) which are regulated by a different type of license class.

³ A separate request for a Determination of Public Convenience or Necessity for a Type 21 Off-Sale license is also under consideration for the property located at 450 North Cañon Drive, which is located in the same census tract. Additionally, two Determinations of Public Convenience or Necessity were granted in 2021 for businesses within the same census tract, located at 9705-9709 South Santa Monica Boulevard and 339 North Beverly Drive; however, such licenses are not reflected in the off-sale license listing available from the ABC website. Should those licenses become active in the future, the two requests that are the subject of the hearing would become the 11th and 12th licenses within the census tract.



asked the City of Beverly Hills to review the proposed alcohol license request and determine whether the public convenience or necessity would be served by the project to authorize issuance of the Type 20 license. Table 1 below provides a list of the eight active off-sale licenses within the census tract of the project site.

Table 1. Off-Sale General ABC Licenses (Census Tract 7008.01)

License Number	Status	License Type	Orig. Issue Date	Expiration Date	Primary Owner	Premises Address	Business Name
15682	ACTIVE	20	10/16/1978	2/28/2023	NORBERT WABNIG LTD	419 N BEVERLY DR, BEVERLY HILLS, CA 90210	CHEESE STORE OF BEVERLY HILLS THE
16724	ACTIVE	21	11/3/1967	6/30/2023	THRIFTY PAYLESS, INC.	300 N CAÑON DR, BEVERLY HILLS, CA 90210	RITE AID STORE 5462
243761	ACTIVE	21	3/16/1990	9/30/2022	ARVA INC	301-303 N CRESCENT DR, BEVERLY HILLS, CA 90210	ARVA INC
301618	ACTIVE	20	9/21/1995	8/31/2022	MRS GOOCH'S NATURAL FOOD MARKETS INC	239 N CRESCENT DR, BEVERLY HILLS, CA 90210-4821	WHOLE FOODS MARKET
547335	ACTIVE	21	12/17/2014	11/30/2022	SOUTHWEST WINE & SPIRITS LLC	447 N CAÑON DR, BEVERLY HILLS, CA 90210-4819	WALLY'S VINOTECA
560995	ACTIVE	21	4/1/2016	3/31/2023	WINE MERCHANT THE	210 N BEVERLY DR, BEVERLY HILLS, CA 90201	BEVERLY HILLS WINE MERCHANT THE
608385	ACTIVE	21	8/31/2020	7/31/2022	COLKER'S UNION OIL, LLC	427 N CRESCENT DR, BEVERLY HILLS, CA 90210-4815	76 STATION
624765	ACTIVE	20	11/4/2021	10/31/2022	CHRISTIE'S INC	336 N CAMDEN DR, BEVERLY HILLS, CA 90210-5112	CHRISTIE'S FINE ART AUCTIONEERS

Note: Table 1 does not include the licenses for the two Determinations of Public Convenience and Necessity granted in 2021 for 9705-9709 South Santa Monica Boulevard and 339 North Beverly Drive as they are not shown as active on the ABC database.

GENERAL PLAN⁴ POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some of the policies relevant to the review of the project include the following:

- **Policy LU 9.1 Uses for Diverse Customers.** Accommodate retail, office, entertainment, dining, hotel, and visitor-serving uses that support the needs of local residents, attract customers from the region, and provide a quality experience for national and international tourists.

⁴ Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/generalplandocument/>



Staff Report

427 North Cañon Drive

July 18, 2022

Page 7 of 11

- **Policy LU 12.1 Functional and Operational Compatibility.** Require that retail, office, entertainment, and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.
- **Policy LU 15.1 Economic Vitality and Business Revenue.** Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high-paying jobs.

ENVIRONMENTAL ASSESSMENT

The project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), the State CEQA Guidelines⁵ (California Code of Regulations, Title 14, Section 15000 et seq.), and the environmental regulations of the City. Upon review, the project appears to qualify for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301 of the state CEQA Guidelines. This exemption is applicable to licensing and minor alteration of existing private structures. The proposed project would include interior tenant improvements to establish the new specialty foods store and deli as well as the licensing to allow for the sale of alcoholic beverages for off-site consumption. Accordingly, staff recommends that the Hearing Officer find the project exempt from further review under CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Actual Period	Required Date	Actual Date
Notice of Pending Application	N/A	N/A	NA	NA
Adjacent Neighbor Notice	N/A	N/A	N/A	N/A
Newspaper Notice ¹	20 Days	24 Days	06/28/2022	06/24/2022
Mailed Notice (Owners & Occupants – 300' Radius)	20 Days	24 Days	06/28/2022	06/24/2022
Property Posting	20 Days	24 Days	06/28/2022	06/24/2022
Agenda Posting	72 Hours	5 Days	07/15/2022	07/13/2022
Website	72 Hours	5 Days	07/15/2022	07/13/2022

¹ The Project was noticed in the June 24, 2022 edition of *The Beverly Hills Courier* and the June 30, 2022 editions of *The Beverly Hills Weekly* and *Beverly Press*.

Public Comment

No comments were received prior to publication of this report.

⁵ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>



ANALYSIS

Project approval, conditional approval, or denial is based upon a specific determination that the public's convenience or necessity will be served by the project. The following analysis is intended to help guide review of the subject project.

Concentration of Off-Sale Licenses

The project site is located within Census Tract No. 7008.01 and within the city's Business Triangle (Fig. 3). The census tract is bounded by Santa Monica Boulevard on the north/west, Wilshire Boulevard on the south, and Doheny Drive on the east. There are currently a total of eight active off-sale licenses within the census tract, with three Type 20 licenses and five Type 21 licenses (Fig. 4). With a population of approximately 6,194 residents⁶, the ratio of total active off-sale licenses to population within the project's census tract is one off-sale alcohol license for every 774.25 residents. With the addition of another off-sale license, the ratio of active off-sale licenses to population within the census tract will be approximately 1 per 688.22 residents.⁷ At the county level, the population of Los Angeles County is 10,014,009⁸, with data from ABC noting that there are 6,146 active licenses⁹ for the off-site sale of alcohol (Type 20 and 21). Based on these figures, the ratio of Type 20 and Type 21 off-sale licenses to population in Los Angeles County is currently one license for every 1,629 residents.

The applicant is seeking a Type 20 Off-Sale General License, which would authorize the sale of beer and wine for off-site consumption. The addition of the Type 20 License being sought by the applicant would bring number of this type of license to four and the ratio of Type 20 licenses to population within the census tract to 1 per 1,548.5 residents. Citywide, there a total of 32 Off-Sale General License (with 14 Type 20 licenses) or once license for every 1,090 residents¹⁰. While Census Tract No. 7008.01 has a higher ratio of off-sale licenses to residents than the county, there does not appear to be an overconcentration of alcohol licenses in this area due to the fact that this area is the City's main business district. This census tract contains a higher ratio of businesses to residential units than other census tracts in the city due to the fact that it encompasses the Business Triangle. Therefore, it is expected that this area may have a higher concentration of alcohol sales than other census tracts.

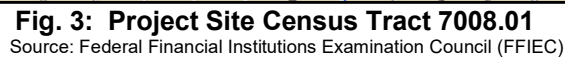
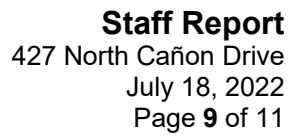
⁶ Federal Financial Institutions Examination Council (FFIEC) - Census Demographic Data - <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx> (accessed July 2022)

⁷ A separate request for a Determination of Public Convenience or Necessity for a Type 20 Off-Sale license is also under consideration for the property located at 350 North Cañon Drive, which is located in the same census tract as the proposed project. Approval and issuance of the requested license for the proposed project in addition to the request for 350 North Cañon Drive would bring the total proportion of Off-Sale licenses to census tract population to one off-sale license per 619.4 residents.

⁸ United States Census Bureau – Los Angeles County, California Dataset - <https://data.census.gov/cedsci/profile?q=05000000US06037> (accessed July 2022)

⁹ California Department of Alcoholic Beverage Control (ABC) – Licenses by County and Census Tract - <https://www.abc.ca.gov/licensing/licensing-reports/licenses-by-county-and-census-tract/> (accessed July 2022)

¹⁰ This estimate is based on a population of 32,701 according to the 2020 Decennial Census: <https://data.census.gov/cedsci/all?q=Beverly%20Hills%20city,%20California>



**Proximity to Residential Uses and Schools**

The project site is not located immediately adjacent to residential uses or schools. The project site is located within the city's Business Triangle, which is the city's largest commercial district, and has similar uses established within. The project site is located more than 170' away from any residentially-zoned uses, with the closest residentially-zoned properties located within the RMCP Multiple-Family Residential-Commercial Parking Zone, located to the east of the subject property at 409 and 403 North Crescent Drive, and currently occupied by hotel uses. The nearest school to the project site is Beverly Hills Presbyterian Church Preschool and Kindergarten, a private school located at 505 North Rodeo Drive, more than 800 feet from the project site. Hawthorne Elementary School, the nearest public school, is located approximately 0.7 miles away from the subject property.

Additionally, the closest residential uses are one 44-unit one multifamily building and one 29-unit multifamily building over 600' away, in the R-4 Multiple Residential Zone along North Crescent Drive. Single-family residential uses to the north are located over 1000' away and separated from the project site by North Santa Monica Boulevard, which serves as a primary arterial through the city. Additionally, Beverly Gardens Park, located to the north of the project site and adjacent to North Santa Monica Boulevard, serves as an additional buffer between the city's residential and commercial areas. As the residential uses are buffered from the project by the commercial uses on North Crescent Drive/North Santa Monica Boulevard in addition to Beverly Gardens Park, the project would not substantially impact residential uses to the east or to the north. Therefore, it does not appear that the new specialty foods store would conflict with any residential or school uses.

Recommendation

Given the type and limited concentration of other off-sale licenses that offer a variety of wine and beer for off-site consumption within the project site's census tract, the project is anticipated to serve the public's convenience by offering a service commonly provided with markets and specialty foods stores without resulting in detrimental impacts to the surrounding neighborhood or an over-concentration of on-sale licenses for this type of specialty use. Therefore, staff recommends that a determination of public convenience be made with regard to the subject application for Euro Gastronomía, subject to the following conditions of approval:

1. No signs related to alcoholic products shall be displayed on the building.
2. The location and display of beer and wine in accordance with the request for a Type 20 General Off-Sale License shall remain substantially similar to the description provided in this report and Figure 2. The sale of alcohol shall remain an ancillary activity within the specialty foods store. Additionally, the sale of alcohol shall comply with all applicable operational requirements imposed by the California Department of Alcoholic Beverage Control. Failure to comply with this condition shall constitute grounds for revocation of this determination for public convenience.
3. This determination of public convenience for an off-sale license is specific to Euro Gastronomía, owned and operated by MAVAZO INC. In the event that ownership of Euro Gastronomía should change, this determination of public convenience may continue, provided that business operations remain substantially the same to current operations, subject to review by the Director of Community Development.



Staff Report

427 North Cañon Drive

July 18, 2022

Page 11 of 11

NEXT STEPS

It is recommended that the hearing officer conduct the public hearing and direct staff to prepare a letter making a determination of public convenience for the sale of wine and beer with conditions at the subject property. Such determination shall be made within five days of the public hearing.

Alternatively, the hearing officer may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Refer the matter to the City Council for a public hearing.

Report Reviewed By:

A handwritten signature in cursive script that reads "Cindy Gordon".

Cindy Gordon, AICP
Principal Planner

ATTACHMENT A

Applicable State Code Sections

State of California

BUSINESS AND PROFESSIONS CODE

Section 23958.4

23958.4. (a) For purposes of Section 23958, “undue concentration” means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer’s license, or a winegrower’s license, if the applicant shows that public convenience or necessity would be served by the issuance.

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) For purposes of this section, the following definitions shall apply:

(1) “Reporting districts” means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.

(2) “Reported crimes” means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) “Population within the census tract or census division” means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) “Population in the county” shall be determined by the annual population estimate for California counties published by the Demographic Research Unit of the Department of Finance.

(5) “Retail licenses” shall include the following:

(A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).

(B) On-sale retail licenses: All retail on-sale licenses, except Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car), Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden), and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement).

(6) A “premises-to-premises transfer” refers to each license being separate and distinct, and transferable upon approval of the department.

(d) For purposes of this section, the number of retail licenses in the county shall be established by the department on an annual basis.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued before April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.

(Amended by Stats. 2019, Ch. 29, Sec. 46. (SB 82) Effective June 27, 2019.)

ATTACHMENT B

Public Notice



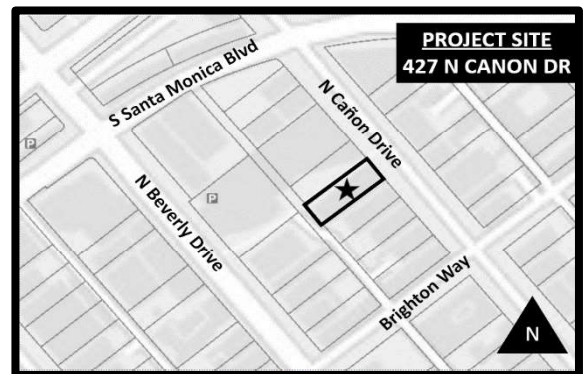
NOTICE OF PUBLIC HEARING

DATE: Monday, July 18, 2022

TIME: 10:00 A.M. or as soon thereafter
as the matter may be heard

LOCATION: Meeting will be held via teleconference;
details provided below.

**PROJECT
ADDRESS:** 427 North Cañon Drive
(Between S Santa Monica Blvd and Brighton Way)



The City of Beverly Hills will hold a public hearing on Monday, July 18, 2022, beginning at 10:00 A.M. to consider the following:

A request for a **Determination of Public Convenience or Necessity** to allow the sale of beer and wine for off-site consumption pursuant to a Type-20 Off-Sale Beer & Wine license with the California Department of Alcoholic Beverage Control (ABC) within a new boutique market and wine shop associated with Euro Gastronomie at 427 North Cañon Drive, Suite 108. Pursuant to §23958.4 of the California Business and Professions Code, the City of Beverly Hills is required to make a determination as to whether allowing the sale of alcohol from the project site will serve the public convenience or necessity.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the environmental regulations of the City. Upon review, the project appears to qualify for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15303 of the state CEQA Guidelines. Accordingly, the City will consider a recommendation to find the project exempt from the environmental review requirements of CEQA.

How to Participate

In the interest of maintaining appropriate social distancing, members of the public can participate in, watch, or listen to the meeting through the following methods

- Oral Comment / Listen Only: Call (833-548-0276) and enter meeting ID 844 6491 8768.
- Video Comment: www.beverlyhills.org/hearings, enter passcode: 90210 when prompted.
- Written Comment: Email kmccafferty@beverlyhills.org

Watch LIVE: BHTV Channel 10 on Spectrum Cable or www.beverlyhills.org/watchlive

It is recommended that written public comments be submitted by 9:00 AM on the meeting date. Public comments will also be taken during the meeting when the topic is being reviewed by the Hearing Officer. Written comments should identify the Agenda Item number or topic in the subject line of the email. In order to be read at the meeting, written comments will be allowed with a maximum of 350 words, which corresponds to approximately three (3) minutes of speaking time. If a comment is received after the agenda item is heard, it will not be a part of the record. Any written comments received by end of the day on Friday, July 8, 2022 will be attached to the agenda report regarding this item. Any comments received after Friday, July 8, 2022, but prior the public hearing, will be distributed to the Hearing Officer under separate cover.

According to Government Code Section 65009, if you challenge the City's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing. Please note that any comments received prior to or during the public hearing will be considered as part of the public record.

If there are any questions regarding this notice, please contact **Kaitlin McCafferty, Associate Planner**, in the Planning Division at (310) 285-1164, or by email at kmccafferty@beverlyhills.org. Copies of the project plans and associated application materials are on file in the Community Development Department, and can be reviewed by contacting the project planner listed above.

Sincerely,

Kaitlin McCafferty

Kaitlin McCafferty, Associate Planner

Mailed: June 24, 2022



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1126 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services.

ATTACHMENT C

Tenant Improvement Plans (Existing)

LICENSED PREMISES DIAGRAM (RETAIL)

1. APPLICANT NAME (If individual: Last, first, middle)

MAVAZO INC.

2. LICENSE TYPE

20

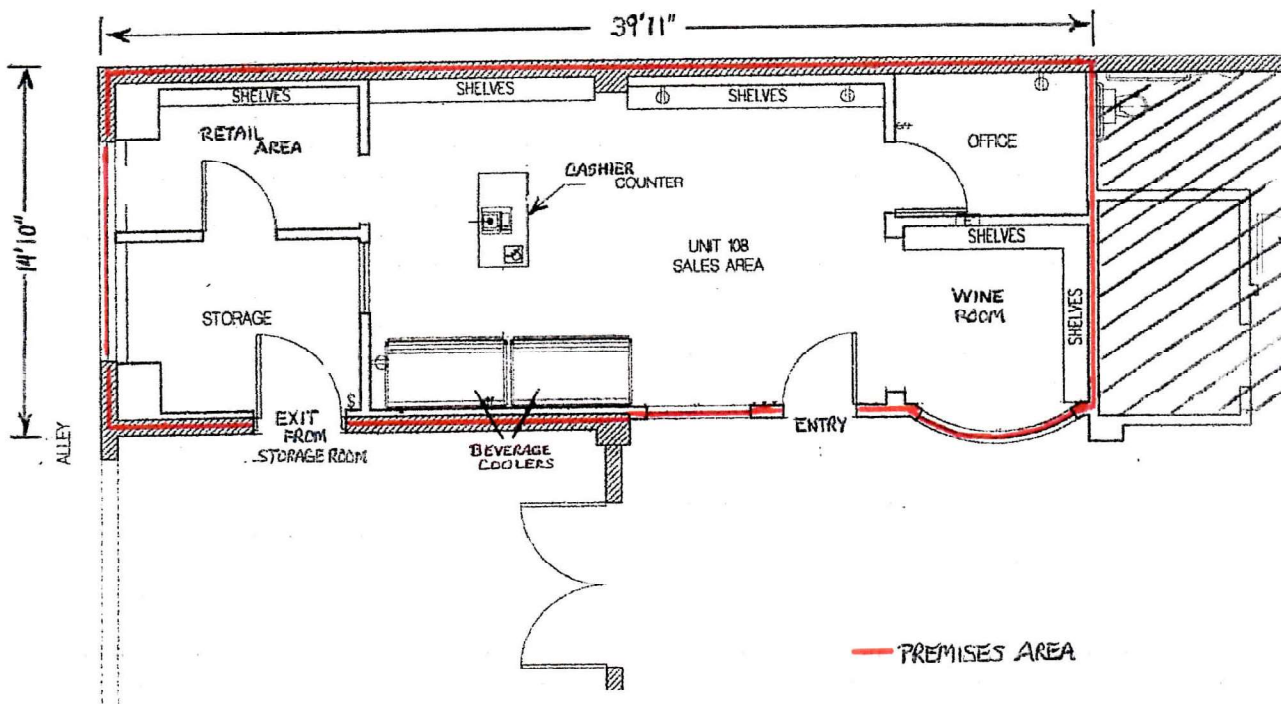
3. PREMISES ADDRESS (Street number and name, city, zip code)

427_N CANON DR. #108, BEVERLY HILLS, CA 90210

4. NEAREST CROSS STREET

S. SANTA MONICA Blvd

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

DIAGRAM

It is hereby declared that the above-described premises and character of premises, as indicated on the reverse side, will not be changed in accordance with Rule 64.2 of the California Code of Regulations without first notifying and securing approval of the Department of Alcoholic Beverage Control. Substantial changes to the premises may require an application fee in accordance with Section 24072 of the Business and Professions Code. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

DATE SIGNED

12/22/21

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE