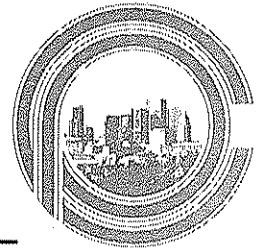




Los Angeles City Planning Department

221 North Figueroa
16th Floor



OFFICE OF ZONING ADMINISTRATION

MEMORANDUM

ZA MEMORANDUM NO. 60 - REVISED

March 28, 1996

TO: Office of Zoning Administration
Public Counters

FROM: Robert Janovici **RJ**
Chief Zoning Administrator

SUBJECT: **UPGRADING ON-SITE BEER AND WINE LICENSES TO A FULL LINE OF ALCOHOLIC BEVERAGES**

The Chief Zoning Administrator previously issued a policy on upgrading "deemed-to-be-approved" conditional use authority (ZA Memo No. 60, July 1985). Reevaluation of the issue requires the issuance of a new policy which supersedes that previously established in Memo No. 60.

This new policy will cover the following three situations:

1. Upgrading a previous City approval specifically for beer and wine to a full line of alcoholic beverages - The applicant will be required to file a new full conditional use application as the past City approval specifically limited and conditioned the grant to beer and wine so to go beyond that grant requires a new application, consistent with policy applicable to other conditional use categories where an express deviation from the grant of a former action is sought.
2. Upgrading a previous City conditional use for "alcohol sales" to a full line of alcoholic beverages - Certain Zoning Administrator conditional use approvals in the 1970's and early 1980's sometimes had general grants for "alcohol sales" without specifying if the grant was for beer and wine only or a full line of alcoholic beverages. In these cases, if the grant clause reads "alcohol sales" and the applicant historically only sold beer and wine and had an ABC license only for such sale and now wishes to upgrade to a full line, this may be requested under a plan approval application so that the City may review previous conditions and determine if additional conditions are warranted in light of the intensification.

3. Upgrading "deemed-to-be-approved" authority from beer and wine to a full line - The 1985 policy in ZA Memo No. 60 is hereby repealed. No longer is the upgrade allowed by right. Effective this date, the applicant will file a plan approval application so that appropriate conditions may be added to help protect neighboring uses for the intensity of change as to mode and character of the business.

NOTES:

- o "Deemed-to-be-approved" status applies to on-site alcohol sales licensed by the ABC before March 1, 1977 and for off-site licenses issued before April 7, 1985.
- o In all cases above, the ability to file a plan approval only applies if there is no change in the type of ABC license - if there is a change e.g., from a "bonafide eating place" to a bar or tavern. If there is to be such a change, a full conditional use application would be required as this would involve a substantial change in the mode and character of operation.
- o In all those situations where a site with current CUE status is the subject of the inquiry, a new CUE case must be filed, not a plan approval.

RJ:lmc

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

ZA MEMORANDUM NO. 60

*Revised
3-28-96*

Date: July 8, 1985

To: Office of Zoning Administration Staff

From: Franklin P. Eberhard, Chief Zoning Administrator

*Franklin P. Eberhard*Subject: 1.) ALCOHOLIC BEVERAGES-CONVERSION OF BEER AND WINE LICENSES
TO FULL HARD LIQUOR LICENSES AND 2.) BUILDING LINE VARIANCES.

1. Recently there have been concerns expressed as to whether or not existing alcoholic beverage (on-site consumption) establishments which convert from the sale of beer and wine to sale of hard liquor should require new conditional use applications. Notwithstanding a general feeling that a new conditional use application should be required, I have determined not to do so at this time. That is, no new conditional use applications are required when an establishment having deemed to be approved conditional use authority for the sale of beer and wine converts to the sale of hard liquor as well.

This approach has been taken because the administrative burden of handling a significant additional case load caused by a more restrictive viewing of the code is not supportable with existing resources. Further, I believe this interpretation is entirely compatible with the code which does not call out beer and wine as a use separate from alcoholic beverage consumption as a whole.

2. A question has all come up as to what type of variance is required where a building line is involved. Where a variance for the encroachment of a building into a building line is involved a yard variance is required. All other instances involving building lines, shall be handled as use variances.

FE:clp