



## OFFICE OF ZONING ADMINISTRATION

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## OFFICE OF ZONING ADMINISTRATION

### MEMORANDUM

ZA MEMORANDUM NO. 126

January 13, 2011

TO: Office of Zoning Administration  
Public Counters  
Interested Parties

FROM: Linn K. Wyatt  
Acting Chief Zoning Administrator

SUBJECT: **MASTER CONDITIONAL USE PERMIT APPLICATIONS PURSUANT TO LAMC SECTIONS 12.24-W,1, 12.24-W,18(a), and 12.24-X,2 – ALCOHOLIC BEVERAGES (CUB), ALCOHOL EXCEPTIONS (CUE), AND ENTERTAINMENT ESTABLISHMENTS (CUX)**

This memorandum explains procedures for applications requesting "Master" conditional use permits for alcohol sales and entertainment uses (dance halls only) pursuant to Sections 12.24-W,1, 12.24-W,18(a), and 12.24-X,2, of the Los Angeles Municipal Code.

### Background

Sections 12.24-W,1 and 18(a), and 12.24-X,2 of the Los Angeles Municipal Code ("Code") authorize the Zoning Administrator to approve and condition the sale or dispensing for consideration of alcoholic beverages and entertainment uses (dance halls only) as conditional uses in commercial and industrial zones, subject to the process detailed in LAMC 12.24-B through Q and findings required by 12.24-E, 12.24-W,1(a), and 12.24-X,2(b) of the Code.

A "Master" CUP enables consideration of multiple permits for alcohol sales and/or entertainment (dancing only) for individual operators within a multi-tenant development complex. The Department of City Planning previously accepted applications for "Master" CUPs for alcohol sales and entertainment but, because of condition monitoring and enforcement issues, and lacking an appropriate fee structure to address such applications, in early 2010, the Department stopped accepting applications for Master CUPs pending implementation of appropriate procedures for processing applications, compliance monitoring, and fee assessment.

### **Master Conditional Use Permit Application: Criteria for Eligibility**

The Master CUP application process shall be available only for those requests filed pursuant to Sections 12.24-W,1, 12.24-W,18(a), or 12.24-X,2 of the Code, filed for consideration expressly by the Zoning Administrator.

No request for massage parlors, hostess dance halls, or adult entertainment shall be accepted for filing as part of a Master CUP application.

The Master CUP application process shall be available only for those requests filed for:

1. A project site maintained under a single ownership, though development of a project on the site may involve individual tenant spaces under separate entities or operators. The project site may contain individual parcels but shall be limited to a physical configuration in which no portion of the site is separated by a parcel(s) that is maintained under ownership different than the signatory for the project site.
2. Three or more individual tenant spaces within a unified complex, comprised of a combined floor area of 10,000 square foot or greater.

Multiple entitlement requests filed pursuant to Section 12.36 of the Code which include multiple conditional use applications for alcohol and entertainment will follow procedures established under Section 12.36 of the Code.

All applications for Master CUPs shall be reviewed for final acceptance by the Chief Zoning Administrator or his/her designee to assure that eligibility requirements have been met.

### **Fees and Processing**

Master CUP applications filed for consideration pursuant to Sections 12.24-W,1; 12.24-W,18(a), or 12.24-X,2 of the Code shall be subject to the fee identified in Section 19.01-W of the Code. As stated in Section 19.01, the initial fee established under Section 19.01-W, in addition to fees charged elsewhere in the Code, or later adjusted by the Director of Planning, including any additional costs to the City that exceed the fees collected by the Planning Department for this service, shall be collected at the time of the request.

The processing of the Master CUP request and scheduling of public hearings shall be administered and conducted under standard Office of Zoning Administration review and hearing procedures, and not under procedures conducted by the Expedited Zoning Administration Case unit, unless otherwise determined by the Chief Zoning Administrator.

### **Filing Requirements**

Department of Planning Form CP-7773 supplements the *Master Land Use Permit Application* and is necessary for all applications for conditional use permits to establish

alcohol or entertainment uses. Additional filing requirements have been added to Form CP-7773 for Master CUP applications for alcohol or entertainment (dance hall only) uses.<sup>1</sup>

Specifically, Master CUP applications shall include:

- A separate sheet containing a table identifying all CUB or CUX requests on the subject site, indicating: the type of alcohol permit sought; the square footage of each particular restaurant, bar or event space; the identifying address or suite/unit number corresponding to each CUB/CUX request; and (if known) the tenant-operator of each alcohol or entertainment (dance hall only) establishment.
- All CUB or CUX requests on the subject site clearly identified and labeled on the plot plan and applicable floor plans, indicating: each type of alcohol permit sought; the square footage of each particular restaurant, bar or event space; and the identifying address or suite/unit number corresponding to each CUB/CUX request.

### **Case Review Procedures**

Master CUP applications requesting entitlements under both Sections 12.24-W,1 and 18(a) will be treated as one entitlement request under Section 12.24. The Master CUP determinations will be appealable as one item under Subsection 12.24-I and subject to the requirements for utilization identified in Subsection 12.24-J. Separate determinations issued for Plan Approvals for individual tenant spaces (as defined with the Master CUP determination) shall also remain appealable as established by the Code.

When all tenant-operators of individual alcohol and entertainment establishments within a development project *are known and identified at the time of filing*:

- each establishment will be separately addressed with site-specific conditions for each tenant-operator space; and,
- a change in any tenant-operator for an establishment conducting the sale of alcohol and/or dance hall use identified by the Master CUP shall require the filing of a Plan Approval pursuant to LAMC 12.24-M. The Plan Approval requirement is to evaluate the applicability of existing conditions and review any potential changes in the mode and character of the development complex.

Applicants may apply for Master CUPs when tenant-operators of individual alcohol and entertainment establishments within a development project *are not known and have not been identified at the time of filing*. In such cases, for any determination conferring approval of such request:

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<sup>1</sup> A similar form CP-7601, *Special Instructions for Alcohol Exceptions*, is required for CUE filings pursuant to 12.24-X,2 and has been similarly updated to accommodate "Master" applications.

1. A specific condition of approval shall be included in the determination for the Master CUP requiring a Plan Approval for the individual tenant space, pursuant to LAMC 12.24-M, at the time that the tenant-operator has been identified for the individual tenant space, prior to the establishment of the use within the subject tenant space;
2. The individual Plan Approval determination shall include a condition of approval requiring a Plan Approval, pursuant to LAMC 12.24-M, at any time that the tenant-operator changes for the individual alcohol or entertainment establishment, as previously noted herein.

### **Utilization of Master CUPs**

Utilization of the Master CUP grant for a development project shall be subject to the time limits specified in Section 12.24-J of the Los Angeles Municipal Code; if the grant is not vested within the defined time limits, the grant shall become null and void and a new conditional use permit shall be required.

Plan Approval applications for specific tenant spaces within Master CUPs must also be filed within the time limits stipulated in Section 12.24-J, otherwise, the entitlements for the individual tenant space use(s) authorized in the Master CUP will not be considered utilized (vested). Renewing any expired entitlement related to an individual tenant space that was previously included within the Master CUP grant will not be accepted for processing as a Plan Approval pursuant to ZA Memorandum No. 122. The application for the individual tenant space will be required to be filed as a new, separate request for a conditional use permit.

While a grant term will not be applied to the Master CUP as a condition of approval, there is the ability to impose a grant term as part of the Plan Approval determination issued for each individual tenant space.

Questions should be directed to Tanner Blackman at (213) 978-1353 or [tanner.blackman@lacity.org](mailto:tanner.blackman@lacity.org).

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