

**APPLICATION FOR DETERMINATION OF
"PUBLIC CONVENIENCE OR NECESSITY"
ALCOHOL SALES**

Pursuant to Section 23958 and 23858.4
California Business and Professions Code

CD 2

TO BE SUBMITTED TO CITY CLERK'S OFFICE
ROOM 395, CITY HALL

COUNCIL FILE NO. _____
TIME LIMIT FILE: _____

BACKGROUND INFORMATION

As part of the application, the applicant must submit the names and addresses of property owners of all property, adjacent (including across the street/alley) to the subject property on gummed labels. Applicant must also submit the following information: 1) notarized signature, 2) a site plan prepared by a map maker (see Planning Department for map maker's list), 3) one 4- by 6-inch picture of the property from each side of the site, and 4) a copy of all previous building permits for the site (Room 400, 201 North Figueroa Street). When you meet with ABC to get the crime and license concentration information for your site, you must bring back the ABC information (on the ABC form) to the City Clerk.

Project Name: **Fresh & Easy Neighborhood Market**

Address: **6350 West Foothill Blvd.**

Type of Business: **Retail (neighborhood market)**

Applicant: Name: **Fresh & Easy Neighborhood Market**
Address: **2120 Park Place, Suite 200 El Segundo, CA 90245**
Phone Number: **(310) 867-0418** Fax Number:

Property Owner: Name: **MKP Tujunga, L.P.**
Address: **1174 N. Grove Street, Anaheim, CA 92806**
Phone Number: **(714) 731-8888** Fax Number: **(714) 630-9048**

Representative: Name: **Alisa Karlan, Cerrell Associates, Inc.**
Address: **320 N. Larchmont Blvd. Los Angeles, CA 90004**
Phone Number: **(323) 466-3445** Fax Number: **(323) 466-8653**

A. PROJECT DETAILS

THE FOLLOWING QUESTIONS ARE TO BE ANSWERED BY ALL APPLICANTS:

1. Has the City previously approved a conditional use permit for alcoholic beverage sales at this site?
Yes, see question no. 2 below
2. Have you recently filed for a new conditional use permit? **Yes.** If Yes, provide the City case number(s). **ZA-2011-1738-CUB**
3. Has a previous ABC license been issued? **The site was previously a Ralphs supermarket which sold alcohol.**

4. Type of Alcohol Sales Requested (on- or off-site, beer and wine, full alcohol, etc.): **Off-site Type 20**

5. Size of Business: **14,018 square feet**

6. % of floor space devoted to alcoholic beverages: **Less than 10%.**

7. Hours of Operation:

a. What are the proposed hours of operation and which days of the week will the establishment be open? **6:00 am – 12:00 am, seven days a week.**

b. What are the proposed hours of alcohol sales? **Same as operating hours**

8. Parking:

a. Is parking available on the site? (If so, how many spaces?) **Yes. 129 stalls**

b. If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? **N/A**

c. Where? **N/A**

d. How many off-site spaces? **N/A**

9. Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons? Provide ABC case number and a copy of final ABC action. **No.**

10. Will video game machines or pool or billiard tables be available for use on the subject property and if so, how many? **No.**

11. Will you have signs visible on the outside which advertise the availability of alcohol? **No.**

12. How many employees will you have on the site at any given time? **5-8 employees.**

13. Will all employees who sell alcohol attend the local State ABC training class on how to properly sell alcohol? **All Fresh & Easy markets have developed stringent operational standards and training programs to teach techniques for the lawful selling of alcoholic beverages. Fresh & Easy trains all store employees with TIPS (Training for Intervention Procedures), which is the global leader in education training for the responsible service, sale and consumption of alcohol. TIPS is a national program, which is recognized by the California ABC. In addition, within six months of the effective date of the Conditional Use Permit to sell alcohol, employees and management will complete the Standardized Training for Alcohol Retailers (STAR) program regarding alcohol sales, as sponsored by the Los Angeles Police Department.**

14. What security measures will be taken including:

1. a. Posting of rules and regulations on the premises to prevent such problems as gambling, loitering, theft, vandalism and truancy. **Post and maintain a professional quality sign stating "No loitering or Public Drinking"; and Post and maintain a professional quality sign stating, "It is a violation of Section 41.27(c) of the Los Angeles Municipal Code to possess any bottle, can or other receptacle containing any alcoholic beverage, which has been opened, seal broken, or the contents of which have been partially removed, on or adjacent to this premises." Such signs shall be posted in English and predominant language of the facility's clientele, if different.**

2. b. Will security guards be provided and if so, when and how many? **No**

15. Will there be minimum age requirements for patrons? If so, how will this be enforced? **There will be no minimum age requirements for patrons of the store. However, alcohol will not be sold to anyone under the age of 21. Fresh & Easy's state-of-the-art cash register system will require face-to-face cashier and customer interaction, and cashier approval on all sales of alcoholic beverages in order to verify that the customer is of legal age. All Fresh & Easy markets have developed stringent operational standards and training programs to teach techniques for the lawful selling of alcoholic beverages. In addition to the California ABC-recognized TIPS program, employees and management will complete the STAR training program regarding alcohol sales, as sponsored by the Los Angeles Police Department.**

16. Are there any other alcoholic beverage outlets within a 600-foot radius of the site? Provide names and address of such business and type of business. **Yes. See attached list.**

17. Are there any schools (public or private and including nursery schools) churches or parks within 1,000 feet of your proposed business? Where? (Give Address) **Yes. See attached list.**

18. Will the exterior of the site be fenced and locked when not in use? **No.**

19. Will the exterior of the site be illuminated with security lighting bright enough to see patrons from the street? **The store is setback from Foothill Boulevard but there is a well-lit surface parking lot in front of the store and vehicles driving in the parking lot can see patrons inside the store. The storefront provides approximately 30' in length of glass along with a glass entry door. Fresh & Easy facilities are designed to provide a safe environment for patrons and employees. To that end, the following design elements are incorporated into our security plan: adequate lighting levels both on the interior and exterior of the store to identify anyone in the front or rear of the building at night, employee supervision of the facility, and closed circuit video monitoring system with cameras located strategically throughout the property. Videos are kept for one month and will be made available to police upon request.**

B. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED WHERE ONLY THE OFF-SITE SALE OF ALCOHOLIC BEVERAGES IS SOUGHT:

1. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis? **No.**

2. Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises? **No. The project is a neighborhood market that will sell paper goods such as cups, plates, napkins, etc. as part of its line of products. These items are sold in sealed packaging. In addition, the project will post and maintain professional quality signs stating, "No loitering or Public Drinking" and "It is a violation of Section 41.27(c) of the Los Angeles Municipal Code to possess any bottle, can or other receptacle containing any alcoholic beverage, which has been opened, seal broken, or the contents of which have been partially removed, on or adjacent to this premises."**

3. Will beer and wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750ml)? **No single cans of beer or wine coolers will be sold. Wine will not be sold in containers less than 750 ml.**

4. Will "fortified" wine (greater than 16% alcohol) be sold? **No, with the exception of certain dessert wines.**

C. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED WHERE ONLY THE ON-SITE SALE OF ALCOHOLIC BEVERAGES IS SOUGHT: Not Applicable

1. What is the occupancy load as determined by the Fire Department (number of patrons)?
2. What is the proposed seating in all areas?
3. Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, etc.? (Specify?)
4. If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities.
5. Food Service:
 - a. Will alcohol be sold without a food order?
 - b. Will there be a kitchen on the site as defined in the Los Angeles Municipal Code?
6. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?

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

D. PUBLIC CONVENIENCE AND NECESSITY EVALUATION

The City of Los Angeles is very concerned if a new request to sell alcohol is subject to one of the conditions below. There is a strong likelihood that the City will deny your "public convenience or necessity" application if one of the above listed conditions apply to your site. (It is strongly suggested that you contact your Council Office and discuss your project. If the Council Office does not oppose your project, you should then check with your local area police vice unit as well as the Planning Department Public Counter at (213) 977-6083 for the determination of whether the proposed site is within a Specific Plan area, and the Community Redevelopment Agency (CRA) project staff at (213) 977-1682 or 977-1665, to determine if your site is in a CRA Project Area. If any of the five conditions listed below apply to your site, you should carefully consider if you want to file for a Public Convenience or Necessity finding.

1. The proposed site is in an area with a long-term level of undue concentration of alcoholic beverage outlets.
2. The geographic area is the target of special law enforcement activity, i.e., police task force is working on reducing vice in the area, or eliminating juvenile crime (such as cruising or graffiti) or gang activity.
3. The proposed site is in close proximity to sensitive uses, including schools, parks, churches, youth activities, homeless shelters, mental health or alcohol or drug treatment centers.
4. The geographic area has elevated levels of alcohol-related crimes, including but not limited to: public intoxication, driving under the influence, assault, vandalism, prostitution, drug violations, loitering.
5. The proposed site is located in a Specific Plan or Community Redevelopment Agency Project area which specifically includes a policy to control future alcoholic beverage sales.

E. If the project site is not subject to one of the above criteria, your project will be evaluated by the City Council with consideration given to the following possible benefits and detriments to the community:

1. Possible Benefits

Would the business:

- a. Employ local residents (how many)
- b. Generate taxes (provide estimate)
- c. Provide unique goods and services (which ones)
- d. Result in an aesthetic upgrade to the neighborhood (in what exact way)
- e. Contribute to the long term economic development (how)
- f. Provide a beneficial cultural/entertainment outlet (specify)

2. Possible Detrimental Impacts

Is the immediate area in which the license is sought subject to: (Check with your local Police Department area "Senior Lead Officer")

- a. Excessive calls to the Police Department
- b. Police resources being already strained
- c. High rates of alcoholism, homelessness, etc.
- d. Large "youth" (under 21) population

3. With regard to the operation of the proposed business explain:

- a. The method of business operation: (large volume of alcohol to food sales, "late" hours (after midnight), high % unskilled (no ABC training class) staff, high % of underage (under 21) staff, etc.)
- b. Would the" business duplicate a nearby business already in existence?
- c. Other non-alcohol sales business options available so alcohol does not have to be sold, e.g., more. specialty products, broader range of items like fresh meats or fruits and vegetables. etc.

The City Council will evaluate these factors and make a decision on the overall merits of your request. Therefore, you should answer below as to why you believe any of these above listed beneficial or detrimental conditions apply to your project and provide any documented proof to support your belief**

See attached and Public Convenience and Necessity Findings and related Findings for Conditional Use Permit – Alcohol (CUB).

F. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof).
- b. The information presented is true and correct to the best of my knowledge.

Owned
 MKP Tujunga, L.P., a CA limited partnership
 By: Rue Capital, LLC, general partner

Applicant signature

October 12, 2011
 Date

By: [Signature] member
 Signature of property owner if tenant or lessee is filling application

State of _____

County of _____

On _____ before me, _____
Date Name of Notary Public

personally appeared _____
Name(s) of Signer(s)

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Please see attached)

 Signature of Notary Public

* The Planning Department has a list of private map makers who will prepare the names and addresses for you. This list is available at the public counter, Room 300, Counter N, 201 North Figueroa Street or 6251 Van Nuys Boulevard, Van Nuys. Alternatively, you may obtain a list of such adjoining owners from the City Clerk's Office (Room 730, 201 North Figueroa Street) or from a title company and prepare the labels yourself.

** You may add additional pages to your response if needed. Please utilize numbering system of this form to assist in the review of the responses.

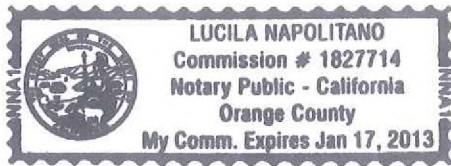
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On 10/12/2011 before me, Lucila Napolitano, Notary Public

personally appeared Michael M. Ruc



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____




Signer Is Representing: _____

F. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof).
- b. The information presented is true and correct to the best of my knowledge.


 Applicant signature WALTER G. CATHEY, JR.

10/13/2011
 Date

Signature of property owner if tenant or lessee is filling application

State of _____

County of _____

On _____ before me, _____
Date Name of Notary Public

personally appeared _____
Name(s) of Signer(s)

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

* The Planning Department has a list of private map makers who will prepare the names and addresses for you. This list is available at the public counter, Room 300, Counter N, 201 North Figueroa Street or 6251 Van Nuys Boulevard, Van Nuys. Alternatively, you may obtain a list of such adjoining owners from the City Clerk's Office (Room 730, 201 North Figueroa Street) or from a title company and prepare the labels yourself.

** You may add additional pages to your response if needed. Please utilize numbering system of this form to assist in the review of the responses.

ACKNOWLEDGMENT

State of California)
County of __Los Angeles__)

On October 13, 2011 before me, Marie-Helene Pitteloud-Turner, notary public,

personally appeared _____ Walter G. Cathey, Jr. _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official



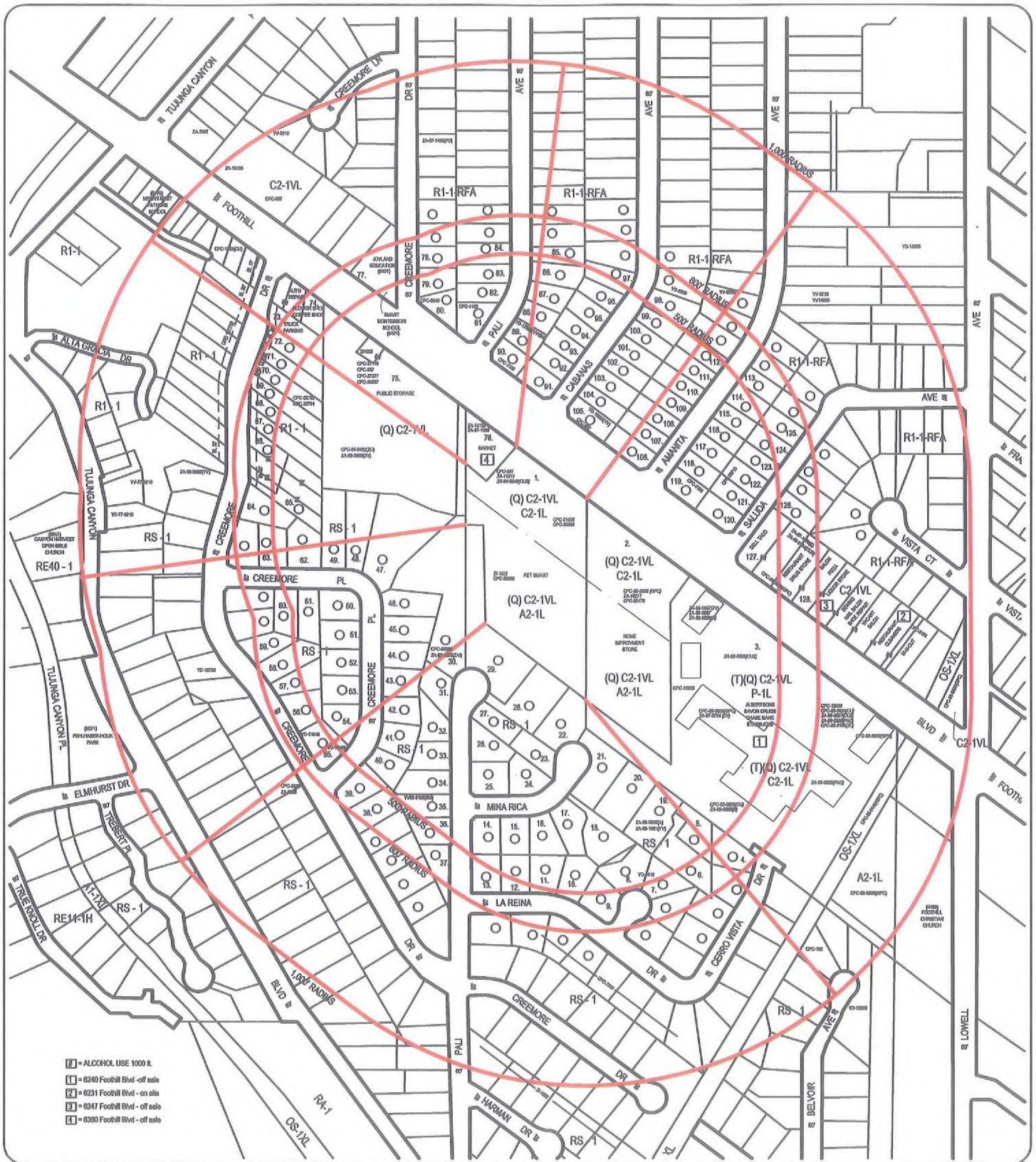
Seal

SITE: 6348 FOOTHILL BLVD TUJUNGA APN 2572-009-018

ATTACHMENT 'B'

LIST OF CHURCHS, SCHOOLS & PARKS (1,000')

	NAME	ADDRESS	
	JOYLAND EDUCATION	6401 FOOTHILL BLVD	
	SMART MONTESSORI SCHOOL	6401 FOOTHILL BLVD	
	MEKHITARIST FATHERS SCHOOL	6470 FOOTHILL BLVD	
	CANYON HARVEST CHURCH	9641 TUJUNGA CANYON	
	FEHLHABER-HOUK PARK	9521 TUJUNGA CANYON	
	FOOTHILL CHRISTIAN CHURCH	4459 LOWELL AVE	



CONDITIONAL USE (CUB)

<p>LEGAL DESCRIPTION: LOT: A TRACT: PM 5233 SITUS ADDRESS: 6348 W. FOOTHILL BLVD APN: 2572-009-018</p>	<p>T.B. PAGE: 604 GRID: C5 C.D.: 2 - PAUL KREXORIAN C.T.: 1013.00 P.A.: SUNLAND, TUJUNGA, LAKEVIEW TERRACE, SHADOW HILLS, EAST LA TUNA CANYON DRAWN BY: MORESERVICES 1300 LAMBERT AVE. EL MONTE, CA 91732 TEL.: (828) 350-6944</p>	<p>(OWNER) MKP TUJUNGA LP 18231 IRVINE BLVD #201 TUSTIN, CA 92780 (APPLICANT) K.L. CHARLES ARCHITECTS 12031 E. IMPERIAL HIGHWAY, BLDG E-11 SANTA FE SPRINGS, CA 90670 (562)683-1981</p>	<p>CASE : D.M. : 19882090 SCALE : 1" = 100' USES : FIELD ACRES : 3.210</p>	<p>DATE : -03-30-11: updated: 10-8-11</p>
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PROCEDURES FOR PREPARATION OF PERJURY STATEMENT

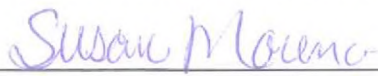
The following statement must be signed and attached to the list of ownerships and list of occupants for all cases:

FOR PROPERTY LOCATED AT: 6348 FOOTHILL BLVD TUJUNGA CA APN 2572-009-018

I certify that to the best of my knowledge the attached radius map correctly depicts the required data obtained from records of the Office of the City Engineer, City Clerk and/or Department of City Planning of the City of Los Angeles and, where appropriate, the State Division of Highways.

I further certify that to the best of my knowledge and under the penalty of perjury, the attached ownership list correctly shows the latest names and addresses on the City Clerk's records as of the following date: OCTOBER 7, 2011. In certain circumstances, such as in annexation proceedings, where there may be no City Clerk's records, the records of the County Assessor's Office may be accepted.

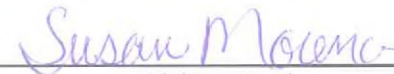
MORE SERVICES / SUSAN MORENO
12106 LAMBERT AVE, EL MONTE CA 91732
(626) 350-5944



(signature)

SUSAN MORENO
(printed name)

I certify that to the best of my knowledge and under the penalty of perjury, the attached occupants list correctly indicates addresses of the required occupants that fall within the radius as of the following date: OCTOBER 7, 2011



(signature)

SUSAN MORENO
(printed name)

In certain instances, I was unable to notify all occupants; the following indicates which occupants I was not able to notify. I understand that the Department of City Planning will determine if reasonable attempts were made to secure these addresses from the information provided below.

Ownership #	Reason unable to notify *	Attempts made to notify **	Additional information

- * (1) Secured building
(2) Gated yard
(3) Refused access
(4) Other: specify

- ** (1) Returned to building on 3 separate occasions
(2) Efforts to contact owner or manager without success
(3) Contact the owner or manager who refused to provide info.
(4) Other: specify

The Department will not accept the application, maps and ownership list which bear a date of more than 90 days prior to the date the application is accepted for the environmental process. The applicant may be required to update the radius map and ownership list prior to filing the application for action by the decision maker.



KEY SITE PLAN

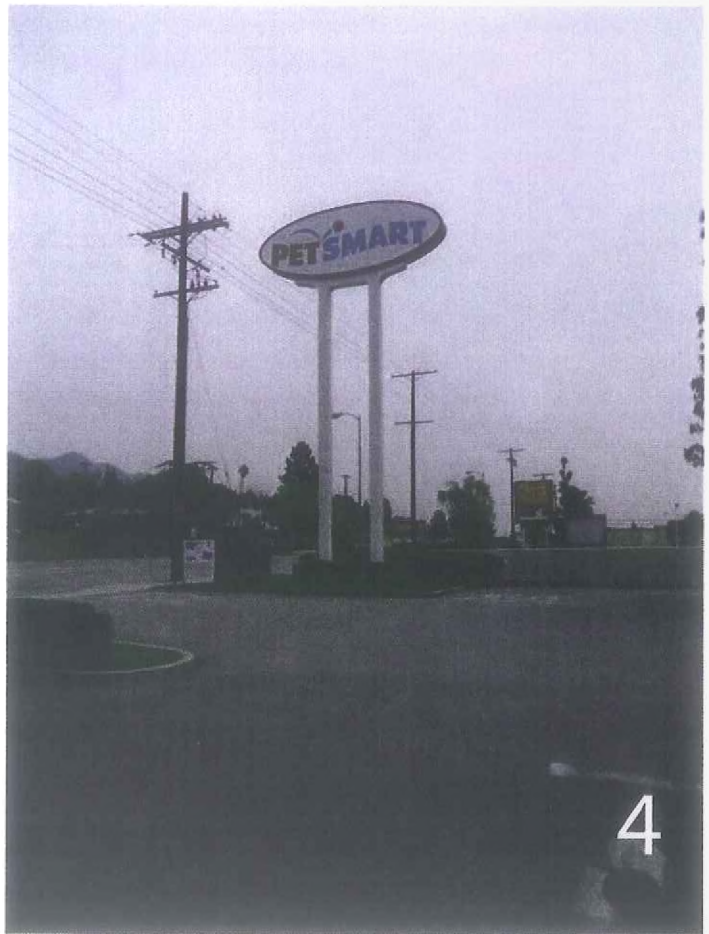
SCALE: NA



1



2





6348 W FOOTHILL BLVD 91042
APPLICATION / PERMIT NUMBER: 06016-20000-20326
PLAN CHECK / JOB NUMBER: B06VN14401

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[Parcel Profile Report](#)

[LADBS Home](#)

[LAD Property Activity Report](#)

[Disclaimer](#)

Permit Application or Issued Permit Information

GROUP: Building
TYPE: Bldg-Ater/Repair
SUB-TYPE: Commercial
PRIMARY USE: (16) Retail
WORK DESCRIPTION: Change use from retail to retail and pet grooming. Tenant improvement. (No boarding or overnight pet keeping in the premises)
PERMIT ISSUED: Yes **PERMIT ISSUE DATE:** 03/02/2007 **ISSUING OFFICE:** Van Nuys
CURRENT STATUS: Permit Finald **CURRENT STATUS DATE:** 10/30/2007

Permit Application Status History

Submitted	10/10/2006	PCIS IMPORT
PC Assigned	12/01/2006	FERNANDO MEJIA
Reviewed by Supervisor	12/15/2006	NICHOLAS TROTTA
Verifications in Progress	02/15/2007	FERNANDO MEJIA
PC Approved	03/01/2007	FERNANDO MEJIA
PC Info Complete	03/01/2007	FERNANDO MEJIA
Ready to Issue	03/02/2007	BARRY PESHEK
Issued	03/02/2007	ERIKA ANDERSON
Permit Finald	10/29/2007	MILLARD ARDOIN

Permit Application Clearance Information

DAS Clearance	Cleared	01/30/2007	FERNANDO MEJIA
"Q" conditions	Cleared	02/22/2007	HAILU WOLDE-GIORGIS
Eng Process Fee Ord 176,300	Cleared	02/22/2007	LEE GUILBEAUX
Sewer availability	Cleared	02/22/2007	LEE GUILBEAUX
ZA Case	Cleared	02/22/2007	HAILU WOLDE-GIORGIS
ZI	Cleared	02/22/2007	HAILU WOLDE-GIORGIS
Specific Plan	Cleared	03/01/2007	ANITA CERNA

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Licensed Professional/Contractor Information

Architect Information

Warnick, Lee Alan; Lic. No.: C17252
 1457 OAKSTONE
 ROCHESTER HILLS, MI 48309

Contractor Information

Baggett Construction; Lic. No.: 462458-B
 30302 ESPARANZA
 RANCHO SANTA MARGARITA, CA 92688

Engineer Information

Droscha, Alan Curtis; Lic. No.: C64159
 9033 GREEN RD
 GOODRICH, MI 48438

Inspection Activity Information

PREMISES ADDRESS:

6348 Foothill Blvd, Tujunga, CA 91042

LICENSE TYPE: off-sale

RECEIVED
MAY 23 2011
Dept. of Alcoholic Beverage Control
Van Nuys

1. CRIME REPORTING DISTRICT

LAPD-Foothill Jurisdiction unable to provide statistical data.

Reporting District: 11669

Total number of reporting districts: 1135

Total number of offenses: ~~#~~ 266,457

Average number of offenses per district: 235

120% of average number of offenses: 282

Total offenses in district: 42

Location is within a high crime reporting district: Yes / No

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 1013.00

Population: 3974 / County Ratio: 1595

Number of licenses allowed: ~~*~~ 13 OFF-SALE 2.49

Number of existing licenses: 5 OFF-SALE

Undue concentration exists: Yes / No

Letter of public convenience or necessity required: Governing Body / Applicant

Three time publication required: Yes / No

Esmeralda Reynolds
Person Taking Application Investigator Supervisor

ABC-245 (7-98)

CITY OF LOS ANGELES CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

CERTIFICATE OF OCCUPANCY

OWNER	MKP SAN DIMAS LP	
	18231 IRVINE BLVD 201 TUSTIN CA	92780

No building or structure or portion thereof and no trailer park or portion thereof shall be used or occupied until a Certificate of Occupancy has been issued thereof. Section 91.109.1 LAMC

STATUS:	Issued-Valid	DATE APPLIED
BY: GEORGE PRESTON ME		10/30/2007

SITE IDENTIFICATION
ADDRESS: 6348 W FOOTHILL BLVD 91042

LEGAL DESCRIPTION	BLOCK	LOT(s)	ARB CO. MAP REF #	PARCEL PIN	APN
TRACT P M 5233		A	BK 154-87/88	198B205 113	2572-009-018

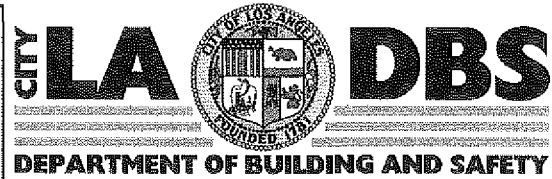
This certifies that, so far as ascertained or made known to the undersigned, the vacant land, building or portion of building described below and located at the above address(es) complies with the applicable construction requirements (Chapter 9) and/or the applicable zoning requirements (Chapter 1) of the Los Angeles Municipal Code for the use and occupancy group in which it is classified and is subject to any affidavits or building and zoning code modifications whether listed or not.

COMMENT: CHANGE USE OF EXISTING RETAIL SALES TO PET GROOMING

USE PRIMARY Retail	OTHER (-) None
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PERMITS 06016-20000-20326 07016-20000-03786

STRUCTURAL INVENTORY	CHANGED	TOTAL
ITEM DESCRIPTION		
Stories	0 Stories	
Length	0 Feet	
Height (ZC)	28 Feet	28 Feet
Floor Area (ZC)	0 Sqft	
Type V-N Construction		
NFPA-13 Fire Sprinklers Thru-out		
M Occ. Group	0 Sqft	19835 Sqft
Parking Req'd for Bldg (Auto+Bicycle)	0 Stalls	0 Stalls



APPROVAL	
CERTIFICATE NUMBER	51811
BRANCH OFFICE	VN
COUNCIL DISTRICT	2
INSPECTION DISTRICT	BIGIVN3
BUREAU:	INSPECTN
DIVISION	BLDGINSP
STATUS:	CofO Issued
STATUS BY:	GEORGE PRESTON MEYER
STATUS DATE	10/30/2007
<i>George Preston Meyer</i>	
APPROVED BY:	GEORGE PRESTON MEYER
EXPIRATION DATE:	

PERMIT DETAIL			
PERMIT NUMBER	PERMIT ADDRESS	PERMIT DESCRIPTION	STATUS - DATE - BY
06016-20000-20326	6348 W Foothill Blvd	Change use from retail to retail and pet grooming. Tenant improvement. (No boarding or overnight pet keeping in the premises)	Permit Finaled - 10/30/2007 MILLARD ARDOIN
07016-20000-03786	6348 W Foothill Blvd	STRUCTURAL ROOF UPGRADE <MAX.HEIGHT 28FT PER DIR2006-10466>	CoFO Issued - 10/30/2007 GEORGE PRESTON MEYER

PARCEL INFORMATION		
Area Planning Commission: North Valley	LADBS Branch Office: VN	Council District: 2
Cmpt. Fill Grd.: CFG-1000	Certified Neighborhood Council: Sunland - Tujunga	Community Plan Area: Sunland-E LaTuna Cyn-Lakeview Ter-Shado
Census Tract: 1013.00	District Map: 198B205	Environmentally Sensitive Area: YES
Energy Zone: 9	Fire District: 2	Hillside Grading Area: YES
Hillside Ordinance: YES	High Wind Area: YES	Earthquake-Induced Landslide Area: Yes
Lot Size: IRR	Lot Type: Interior	Near Source Zone Distance: 0
Thomas Brothers Map Grid: 504-C5	Thomas Brothers Map Grid: 504-C6	Zone: (Q)C2-1L

PARCEL DOCUMENT		
Affidavit (AFF) AFF-16743	Affidavit (AFF) AFF-60794	Board of Zoning Appeals Case (BZA) BZA-646
City Planning Cases (CPC) CPC-1986-608-CPC	City Planning Cases (CPC) CPC-21830	City Planning Cases (CPC) CPC-30088
City Planning Cases (CPC) CPC-561	Director's Determination (DTRM) DIR-2006-10466-SPP	Ordinance (ORD) ORD-156518
Ordinance (ORD) ORD-157375	Ordinance (ORD) ORD-164330-SA2650	Parking Layout (PKLY) PKG-5439
Specific Plan Area (SPA) Foothill Boulevard Corridor	Zoning Administrator's Case (ZA) ZA-11811	Zoning Administrator's Case (ZA) ZA-1994-349-CUB
Zoning Administrator's Case (ZA) ZA-2006-7306-ZV	Zoning Information File (ZI) ZI-1022	

CHECKLIST ITEMS		
Attachment - Plot Plan	Fabricator Req'd - Glued-Laminated Timber	Fabricator Req'd - Prefabricated Joist

PROPERTY OWNER, TENANT, APPLICANT INFORMATION			
OWNER(S)			
Ralphs Grocery Co	0 Po Box 54143	LOS ANGELES CA 90054	
Mkp San Dimas Lp	18231 Irvine Blvd 201	TUSTIN CA 92780	
TENANT			
APPLICANT			
Relationship: Architect			
Michelle Alfieri -Ssoe, Inc	1050 Wilshire Dr. # 260	TROY, MI 48084	(248) 643-6222
Relationship: Architect			
Michelle Alfieri -Ssoe Inc	8001 Irvine Ctr. Dr.400	IRVINE 92618	(949) 754-4308

BUILDING RELOCATED FROM:

(C)ONTRACTOR, (A)RCHITECT & (E)NGINEER INFORMATION				
NAME	ADDRESS		CLASS LICENSE #	PHONE #
(A) Warnick, Lee Alan	1457 Oakstone,	Rochester Hills, MI 48309	NA C17252	(248) 643-6222
(A) Warnick, Lee Alan	1457 Oakstone,	Rochester Hills, MI 48309	NA C17252	
(C) Baggett Construction	30302 Esparanza,	Rancho Santa Margarita, CA 926	B 462458	(949) 459-8900
(E) Droscha, Alan Curtis	9033 Green Rd.	Goodrich, MI 48438	NA C64159	

SITE IDENTIFICATION-ALL
 ADDRESS: 6348 W FOOTHILL BLVD 91042

LEGAL DESCRIPTION - ALL					
TRACT	BLOCK	LOT(s)	ARB CO. MAP REF #	PARCEL PIN	APN
P M 5233		A	BK 154-87/88	198B205 113	2572-009-018

Address of Building

6348 Foothill Blvd.

CITY OF LOS ANGELES

CERTIFICATE OF OCCUPANCY



NOTE: Any change of use or occupancy must be approved by the Department of Building and Safety.

This certifies that, so far as ascertained by or made known to the undersigned, the building at the above address complies with the applicable requirements of the Municipal Code, as follows. Ch. 1, as to permitted uses, Ch. 9, Arts. 1, 3, 4, and 5; and with applicable requirements of State Housing Law — for following occupancies:

Issued 10-16-84 Permit No. and Year VN 46558-82

1 Story Type V 155' x 220' Market

76 Required Parking Spaces

150 Parking spaces provided

G-2 Occupancy 5 4 0 0 2 0 0 2 8 5

Owner Ralphs Market

Owner's Address 1100 Artesia Blvd.

Compton, Ca. 90220 5688584288588881143

BY E. HERRERA/dr

SH

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



Antonio R. Villaraigosa
Mayor

P.O. Box 30158
Los Angeles, Calif. 90030
Telephone: (818) 756-8860
TDD #: (877) 276-5273
Div TDD #: (818) 756-9034
Ref #: 7.2

August 11, 2011

Office of Zoning Administration
200 N. Spring St. 7th Floor
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
AUG 19 2011
CITY PLANNING DEPT.
ZONING ADMINISTRATION

Tom Scorer of the Fresh and Easy Neighborhood Market has submitted a Master Land Use Permit Application, Case No. ZA 2011-1738 (CUB), for 6348 Foothill Boulevard, Los Angeles, CA 91042. Scorer is requesting the issuance of a Conditional Use Permit Alcoholic Beverage (CUB) allowing the sale of beer and wine for off-site consumption at a proposed market at the location.

Foothill Area Vice has reviewed the application for a CUB at Fresh and Easy Neighborhood Market, located at 6348 Foothill Boulevard. After a review of the application, thorough investigation and lack of adverse findings, it has been determined that the Los Angeles Police Department is **Not Opposed** to the issuance of a CUB for the Fresh and Easy Neighborhood Market. In order to ensure public and employee safety it is requested that the following three conditions be imposed on the licensed location in the event the Conditional Use Permit is issued to Tom Scorer of the Fresh and Easy Neighborhood Market, located at 6348 Foothill Boulevard, Los Angeles CA 91042 Case No. ZA 2011-1738 (CUB):

- 1) All employees must attend Standardized Training for Alcohol Retailers (STAR) training provided by the Los Angeles Police Department within six months of opening and every year thereafter.
- 2) The applicant shall install and maintain electronic age verification devices or a cash register lock out system to be used in determining the age of customers attempting to purchase alcoholic beverages or tobacco products. All employees must be trained in use of equipment prior to conducting alcoholic beverage or tobacco product sales.
- 3) The applicant shall post signs on the property stating: "No Loitering or Public Drinking, and it is a violation of Section 41.27(c) of the Los Angeles Municipal Code to possess any bottle, can or other receptacle containing any alcoholic beverage which has been opened, seal broken or the contents of which have been partially removed, on or adjacent to this premises." Such signs shall be posted in English and the predominant language of the facility's clientele, if different.

Office of Zoning Administrator

Page 2 of 2

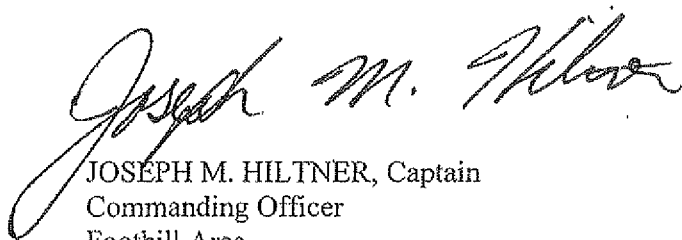
7.2

If you require any additional information please have a member of your staff contact Sergeant Thomas Gahry, Assistant Officer-in-Charge, Foothill Area Vice Unit, at (818) 834-3170.

Very truly yours,

CHARLIE BECK

Chief of Police

A handwritten signature in cursive script that reads "Joseph M. Hiltner". The signature is written in dark ink and is positioned above the printed name and title of the signatory.

JOSEPH M. HILTNER, Captain

Commanding Officer

Foothill Area

Sunland-Tujunga Neighborhood Council

IMPROVING THE QUALITY OF LIFE IN SUNLAND TUJUNGA

7747 Foothill Blvd., Tujunga, CA 91042 • www.stnc.org • 818-951-7411 • FAX 818-951-7412

August 10, 2011

Michelle Singh, Community Planner
Bob Duenas, Senior City Planner
Department of City Planning
6262 Van Nuys Blvd., Room 351
Van Nuys, CA 91401

RE: 6348 Foothill Blvd., Tujunga
ZA2011-1738-CUB, APCNV2011-1739-SPE-SPP

Dear Ms. Singh / Mr. Duenas,

The Sunland-Tujunga Neighborhood Council at its Land Use Committee meeting held on August 1, 2011 voted to support the applications from Fresh & Easy for sales of beer and wine. The above site was previously a Ralphs Market over five years ago and had a beer and wine license at the time. We have received no notice of opposition to this new addition. We further support the application for exceptions to the Specific Plan for signage. Fresh & Easy intends to improve the existing signage utilizing the existing pole sign but changing the sign to include both PetSmart and Fresh & Easy. The committee supports this because this particular site sits back from Foothill Blvd. We want our businesses in the community to succeed and feel that the exceptions requested are necessary and will not impact the surrounding neighbors or neighbor businesses. These signs as presented will improve visibility to the site. The committee further supports the Project Permit Compliance for the use at the site.

The Sunland-Tujunga community members have expressed strong support for the opening of Fresh & Easy in our neighborhood. Please let us know anything we can do to assist in expediting their application processing.

The STNC at its meeting held on August 10, 2011 voted to support the unanimous recommendation of the STNC's Land Use Committee supporting Fresh & Easy applications as submitted to the City Planning Department with 15 ayes 0 noes 0 abstentions. *unanimous*.

Sincerely,


Dan McManus, President
Sunland-Tujunga Neighborhood Council

Cc: Paul Krekorian, Council District 2
Alisa Karlan, Cerrell Associates, Inc.
Tom Scorer, Real Estate Director
Nancy Woodruff, Foothill Trails District NC

**Letter of Public Convenience or Necessity
Fresh & Easy Neighborhood Market
6350 Foothill Blvd, Sunland-Tujunga**

This letter provides justification for a finding of Public Convenience or Necessity ("PCN") for the Fresh & Easy Neighborhood Market located at 6350 Foothill Boulevard in the Sunland Tujunga area of Los Angeles, California. The Department of Alcoholic Beverage Control has indicated that a letter of public convenience or necessity is required to permit the sale of alcoholic beverages at this site (a Type 20 License for the sale of beer and wine for consumption off of the licensed premises). Fresh & Easy proposes to build a neighborhood grocery market that provides a large selection of food and everyday grocery needs.

PUBLIC CONVENIENCE OR NECESSITY

First, it is important to emphasize that Business & Professions Code § 23958.4 requires a positive finding of public convenience "**or**" necessity in order for an off-site ABC application to be approved. Thus, it is legally sufficient if Fresh & Easy shows **either** public convenience **or** public necessity..

Second, it is only necessary to show public convenience or necessity where, as here, there is an "undue concentration" of licensees in the census tract or if the site is located in a high crime district. The term "undue concentration" (also referred to as "over concentration") is specifically defined in Business & Professions Code § 23958.4 as simply a ratio of *the number of licenses in a census tract* compared to *the average number of licenses in a County, as a whole*. It does not mean that a particular census tract necessarily has too many licenses for the needs or convenience of residents in that tract.

"Over concentration" also does not mean that the State, or anyone else, has previously looked at this census tract and determined that it has suffered any deleterious effects from the actual number of licenses existing; or that it will suffer if a new license is issued. It merely provides a guideline for making such a determination, in the form of determining whether, in a particular situation, the ABC license would serve the "public convenience or necessity."

Thus, in this case, the fact that the census tract in which Fresh & Easy's site is located is in a statutorily "over concentrated" area does not mean that selling a small amount of alcoholic beverages at a grocery store will have adverse impacts. Rather, it simply means that the City must find that either public convenience or public necessity will be served by the sale of Alcoholic Beverages at the site. As demonstrated below, permitting the sale of Alcoholic Beverages at this site will clearly satisfy this standard, and the ABC should grant Fresh & Easy's application.

The maximum number of off-site licenses permitted is three, with five currently existing, thus there exists a minor concentration of licenses. However the allocation for number of licenses is based on residential population and the number of commercial establishments in the area is not considered. The surrounding area contains an intensity of commercial zoning and development, which can explain the number of off-site licenses compared to the residential population distribution. Furthermore, all other existing licenses are for the sale of a full line of liquor. Fresh & Easy is proposing beer and wine only and will not sell distilled spirits or single servings.

BASIS FOR SUPPORTING OFF-SITE ALCOHOLIC BEVERAGE SALES AS AN INTEGRAL PART OF THE PROPOSED PROJECT

1. The Convenience of Fresh & Easy's Neighborhood Market Concept:

Tesco PLC is a United Kingdom-based international supermarket chain that is the parent company of Fresh & Easy Neighborhood Market Inc. Tesco is the largest British retailer, both by global sales and by domestic market share, and the fourth largest retailer in the world. Currently, Tesco operates over 2,700 stores world wide and achieves gross sales of over \$71 Billion. As of now, Tesco operates grocery stores in The United Kingdom, Ireland, China, Czech Republic, France, Hungary, Japan, Malaysia, Poland, Slovakia, South Korea, Thailand, and Turkey. Fresh & Easy's success is largely a result of building local businesses with local people. The stores reflect the markets and communities they serve, but everywhere the goal is the same, to bring quality, service and choice, at a competitive price, to the heart of local neighborhoods.

Fresh & Easy proposes to build a neighborhood grocery market that provides a diversity of fresh food, grocery and sundry items for the local community. A Fresh & Easy Neighborhood Market is intended to provide a broad array of products for the consumer's convenience with the aim of fulfilling their customers' everyday grocery needs. They will stock a range of both fresh and ambient lines including dairy, meat, fresh fruit and vegetables, baked goods and other grocery items. Beer and wine are sold as incidental products to the grocery items.

The site is located within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan area and within the Foothill Boulevard Corridor Specific Plan area. Located in the Specific Plan's Major Activity Area 4, a new full service grocery store with beer and wine sales for off-site consumption will support Foothill Boulevard functioning as a vibrant commercial area, and increase commerce and activity at this site, which was previously vacated by another grocery store. A Fresh & Easy store at this location will enhance the surrounding

community and support further economic development and revitalization in the area.

Although alcoholic beverages are expected to comprise a small percentage of sales floor space (less than 10%), it is nevertheless necessary in order to provide Fresh & Easy customers with a complete range of products. Thus, alcoholic beverages are a key element of the Fresh & Easy Neighborhood Market store. By providing a whole host of products, including alcoholic beverages, readily available to the consumer at this Fresh & Easy store, the public convenience of the area will be served. Without it, a customer may be obliged to travel to a range of retail outlets in order to complete their shopping. The request to sell beer and wine would bring back a service once offered at this location.

2. Security and Control

While the sale of alcoholic beverages is not a primary purpose, Fresh & Easy recognizes the seriousness of loitering, delinquency, crime and underage drinking and is committed to taking all feasible steps to address law enforcement concerns about the site. Fresh & Easy markets have developed stringent operational standards and training programs to teach techniques for the lawful selling of alcoholic beverages.

Fresh & Easy facilities are designed to provide a safe environment for patrons and employees. To that end, many security and control measures have been incorporated including, but not limited to the following:

1. Adequate lighting levels both on the interior and exterior of the store to identify anyone in the front or rear of the building at night, and employee supervision of the facility.
2. Closed circuit video monitoring system with cameras located strategically throughout the property. Videos are to be maintained for 30 days and made available to the Police Department upon request.
3. Post and maintain a professional quality sign stating "*No loitering or Public Drinking.*"
4. Post and maintain a professional quality sign stating, "*It is a violation of Section 41.27(c) of Los Angeles Municipal Code to possess any bottle, can or other receptacle containing any alcoholic beverage, which has been opened, seal broken, or the contents of which have been partially removed, on or adjacent to this premises.*" Such signs shall be posted in English and the predominant language of the facility's clientele, if different.
5. Fresh & Easy trains all store employees with TIPS (Training for Intervention Procedures), which is the global leader in education training for the responsible service, sale and consumption of alcohol. TIPS is a

national program, which is recognized by the California ABC. In addition, employees and management will complete the STAR training program regarding alcohol sales, as sponsored by the Los Angeles Police Department.

6. No more than 10% of the total floor area of the facility will be dedicated to the beer and wine sales area.
7. No beer or wine coolers will be sold in single cans.
8. The sale of wine in bottles less than 750 ml is prohibited.
9. No exterior advertising promoting or indicating the availability of alcoholic beverages.

Fresh & Easy understands the importance of maintaining the appearance of a facility both for expanding our customer base and preventing criminal activity. Fresh & Easy's store and property maintenance program includes timely graffiti and litter removal.

The Los Angeles Police Department Foothill Area Vice Unit also reviewed Fresh & Easy's application for a Conditional Use Permit Alcoholic Beverage (CUB). In a letter dated August 11, 2011, they indicated that they are not opposed to the issuance of a CUB for the Fresh & Easy Neighborhood Market and requested certain conditions be included in the CUB.

3. The Site Will Not Result in an Adverse Impact on Public Health, Safety, or Welfare

The project site is zoned for commercial uses. Previously, the existing commercial building was occupied by a large supermarket, which sold alcohol. The building has since been divided into two units, and presently, one half of the existing building is occupied by a retail pet store. The other half where Fresh & Easy is proposed is currently vacant. Surrounding land uses include residential and commercial (retail) uses.

A new full-service Fresh & Easy at this site will contribute to the economic vitality of the area through sales tax revenue, create approximately 15-20 new jobs and provide a new, safe and convenient location to make grocery purchases. Thus, the public health, safety, and welfare will be advanced. The addition of selling alcoholic beverages will not change this. The store differs from other uses that sell alcohol that may result in adverse effects upon the economic health and welfare of a neighborhood, such as a liquor store or bar. The selling of beer and wine will make up a small portion of the overall store floor area and sales, and will add to the variety of grocery products available to customers, providing a convenience. The sales and operation of the store are also comprehensively addressed through a Conditional Use Permit to safeguard and ensure the public welfare will not be negatively impacted. But beyond this, it should be noted that Fresh & Easy has a very

extensive training program for its employees to help ensure that it is a responsible retailer of alcoholic beverages. There are both oral and written aspects to Fresh & Easy's training program to ensure that employees understand and implement the procedures imposed by Fresh & Easy to comply with ABC laws and regulations.

In short, Fresh & Easy is committed to protecting the public health, safety, and welfare of the community, and will take appropriate steps to do so. Fresh and Easy has obtained support from the local community – Sunland Tujunga Neighborhood Council and the Sunland-Tujunga Alliance.

Permitting the sale of alcoholic beverages at this site will 'round-out' Fresh & Easy's neighborhood market concept, providing customers the added convenience to make purchases of alcoholic beverages along with their weekly grocery needs. Beer and wine are commonly sold at grocery stores as a convenience for the consumers and the site has historically been used for such. Fresh & Easy, by reason of its location, character, manner and method of operation, merchandise, and potential clientele, will serve the community of Sunland Tujunga. Based on the foregoing, Fresh & Easy Neighborhood Market Inc. respectfully requests that the City of Los Angeles grant a finding of Public Convenience for the Fresh & Easy alcoholic beverage license.

made. In these cases, there are additional findings in lieu of the four standard findings for most other conditional use categories.

MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The proposed location will be desirable to the public convenience or welfare.**

The subject property is a 3.21 acre sloping, irregular-shaped interior parcel with a 228-foot frontage on the south side of Foothill Boulevard. The property is developed with a one-story, 34,643 square-foot building and a surface parking lot. The site is zoned (Q)C2-1L, C2-1L, and A2-1L. The applicant is requesting a Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with a proposed 14,018 square-foot Fresh & Easy market. The subject building is 35,179 square feet. The adjacent tenant space is occupied by Pet Smart. The entire building was previously occupied by a Ralph's Supermarket which sold alcohol. The applicant also requested a Conditional Use Permit to allow hours of operation, deliveries, and trash pickup from 6:00 a.m. to midnight, daily, in lieu of 7:00 a.m. to 11:00 p.m. permitted by the Commercial Corner/Mini-Shopping Center Ordinance. However, this request has been dismissed as the interior parcel is not located on a Commercial Corner and its size exceeds the Mini-Shopping Center definition (lot area is greater than 65,000 square feet).

The site is conveniently located on a Major Highway Class II and is served by public transit. The tenant space has been vacant for four years and the community is excited to have Fresh & Easy invest in the neighborhood and provide a shopping alternative. Beer and wine is commonly sold at grocery stores as a convenience for the consumers, and the site has historically been used for such. To ensure the location will be desirable to the public convenience, the Zoning Administrator has imposed conditions of approval that will serve as a safeguard to the public.

2. **The location is proper in relation to adjacent uses or the development of the community.**

Surrounding uses include single-family uses to the north in the R1-1-RFA Zone, a home improvement store to the east in the (Q)C2-1L, C2-1L, and A2-1L Zones, single-family uses to the south and southwest in the RS-1 Zone, public storage to the west in the [Q]C2-1VL Zone, and a market to the northwest in the (Q)C2-1L Zone. There is a retaining wall and a 25-foot setback from the residential uses. The request for the sale of beer and wine for off-site consumption should not conflict with other commercial or residential neighbors. The sale of alcohol will be within a controlled environment. As the historic use of the site has been a market with off-site alcohol sales, the proposed location is deemed proper in relation to adjacent uses.

3. **The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

Fresh & Easy is an established grocery chain, operating and managing over 200 stores in Arizona, California, and Nevada and 17 stores in the greater Los Angeles area. The store will utilize means to ensure no adverse impacts are created, such as, electronic age verification, security cameras, and extensive employee training programs. The request received support from the Neighborhood Council, and the Council Office. The store will occupy a tenant space that has been vacant for four years. The sale of beer and wine at a neighborhood market will not be materially detrimental to the character of the development in the immediate neighborhood.

4. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan designates the property for Community Commercial land use with the corresponding zones of CR, C2, C4, and RAS3. The site is subject to the Height District Nos. 1VL and 1L (Footnote Nos. 16 and 17). The property is located within the Foothill Boulevard Corridor Specific Plan. There are no relevant interim control ordinances. The Community Plan is silent on the subject of conditional use permits so the Zoning Administrator must interpret the intent of the Plan. As the proposed market is consistent with the site's zoning and land use designation, the location can be determined to be in harmony with the various elements and objectives of the General Plan.

5. **The proposed use will not adversely affect the welfare of the pertinent community**

The approval of the conditional use requests will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be utilized as such with the proposed beer and wine sales in conjunction with a market. The site has been vacant for five years since the Ralphs closed. The site has historically been used as a market with alcohol sales. The market will not adversely affect the economic welfare of the community because the proposed establishment will positively impact the financial health of the property, and improve the economic vitality of the area via increases in taxable revenue and local employment.

6. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, there are four on-site and three off-site allocated within the subject Census Tract No. 1013.00. There is one existing on-site and five off-site licenses in the tract according to the California ABC License Query System. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. Although the census tract is numerically over-concentrated, the project will not adversely affect community welfare because the proposed market with the off-site sale of beer and wine is desirable in an area designated for such.

Statistics from the Los Angeles Police Department's Foothill Area Vice Unit reveal that in Crime Reporting District No. 1669, which has jurisdiction over the subject property, a total of 50 crimes (40 Part I Crimes, 10 Part II Arrests) were reported in 2010, compared to the citywide average of 169 crimes and the high crime reporting district average of 203 crimes for the same period. Of the Part II Arrests, one (1) was for a weapons violation, four (4) for violation of liquor laws, two (2) for driving while intoxicated (DWI), and three (3) for other arrests. The store is located in an area of low crime. LAPD submitted a letter of non-opposition subject to three conditions of approval that the applicant agreed to comply with. As conditioned, the market should not result in an impact to police services.

7. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The following sensitive uses are located within 1,000 feet of the subject site:

Smart Montessori School	-6401 Foothill Boulevard
Foothill Boulevard Christian Church	-4459 Lowell Avenue

Canyon Harvest Open Bible Church -9641 Tujunga Canyon Boulevard
Fehihaber-Houk Park -9505-9521 Tujunga Canyon Boulevard
Single-family residences

The market is located in a commercial property that is buffered from the adjacent residences by a wall and landscaping. The applicant has met with the Neighborhood Council, community groups, and the Council Office to mitigate any potential impacts of their operation. The proposed market should not detrimentally affect any nearby sensitive uses. The former market at the site sold alcohol and the community was looking forward to having Fresh & Easy take over the vacant store.

ADDITIONAL MANDATORY FINDINGS

8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
9. On September 14, 2011, the Department of City Planning issued environmental clearance, ENV-2011-1740-MND. This Mitigated Negative Declaration reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level. I hereby adopt that action. The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

Maya E. Zaitzevsky

MAYA E. ZAITZEVSKY
Associate Zoning Administrator
Direct Telephone No. (213) 978-1416

MEZ:jjq

cc: Councilmember Paul Krekorian
Second District
Adjacent Property Owners

SUNLAND-TUJUNGA ALLIANCE, INC.

September 20, 2011

RE: 6348 Foothill Boulevard, Tujunga
Fresh & Easy Neighborhood Market
ZA2011-1738-CUB, APCNV2011-1739-SPE-SPP, ENV-2011-1740-MND

The Sunland-Tujunga Alliance is a non-profit, 501(c) 4 grassroots group of volunteers whose focus is land use and planning issues within the Community Plan area.

Everyone we have spoken with is excited to have a Fresh & Easy Market coming to our neighborhood.

We are in complete support of the Project application, including a conditional use permit to allow the sale of beer and wine for off-site consumption. We are personally satisfied and impressed by the measures the Fresh & Easy stores employ to prevent the sale of beer or wine to minors at their other locations, and are confident that this will not be an issue at this location.

We urge the ZA to approve this application.

Thank you.

Abby Diamond, Co-Director

Joe Barrett, Co-Director