

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

Pursuant to Section 23958 and 23858.4
California Business and Professions Code

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

COUNCIL FILE NO. 13-0357

CD 10

BACKGROUND INFORMATION

TIME LIMIT FILE: _____

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 Smart and Final

Address 1835 S. La Cienega, Los Angeles, CA 90035

Type of Business Supermarket

Applicant Smart and Final Stores, LLC
Name _____
600 Citadel Dr., Commerce, CA 90040
Address _____
((323) 869-7699
Phone Number/Fax Number _____

Property Owner Rair, LLC
Name _____
1999 Avenue of the Stars, #1260, Los Angeles, CA 90067
Address _____
(626) 683-9777
Phone Number/Fax Number _____

Representative Brett Engstrom, Art Rodriguez and Associates
Name _____
709 E. Colorado Blvd., Suite 200, Pasadena, CA 91101
Address _____
(626) 683-9777
Phone Number/Fax Number _____

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 No If Yes, what is the City case number(s) _____;
2. Have you recently filed for a new conditional use permit? Yes No . If Yes, provide the City case number(s) ZA-2012-2399 (CUB)

3. Has a previous ABC license been issued? Yes ___ No x. If Yes, when and what type of license

4. Type of Alcohol Sales Requested (on- or off-site, beer and wine, full alcohol, etc.):
Off-Site sales of a full-line of alcohol.
5. Size of Business Approx. 15,452 sq. ft.
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? 5am to 11pm, seven days a week.
- b. What are the proposed hours of alcohol sales? 6:00 AM - 11:00 PM Daily.
8. Parking:
- a. Is parking available on the site? (If so, how many spaces?) yes, 1,327 shared spaces
- 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?
The only reference to alcohol sales will be the posting of S&F's weekly advertisements.
12. How many employees will you have on the site at any given time? 5-15 employees.
13. Will all employees who sell alcohol attend the local State ABC training class on how to properly sell alcohol? All managers and sales clerk supervisors.
14. What security measures will be taken including:
- a. Posting of rules and regulations on the premises to prevent such problems as gambling, loitering, theft, vandalism and truancy.
- b. Will security guards be provided and if so, when and how many?
No, however there is a security camera system within the market.

15. Will there be minimum age requirements for patrons? If so, how will this be enforced?

No, as the primary use is that of a supermarket with a large variety of goods available.

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.

Please 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)

Please see attached list.

18. Will the exterior of the site be fenced and locked when not in use?

The door will be locked when the store is closed.

19. Will the exterior of the site be illuminated with security lighting bright enough to see patrons from the street? Yes.

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.

3. Will beer and wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)? No.

4. Will "fortified" wine (greater than 16% alcohol) be sold? No.

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

1. What is the occupancy load as determined by the Fire Department (number of patrons)? N/A.

2. What is the proposed seating in all areas? N/A.

3. Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, etc.? (Specify?) N/A.

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. N/A.

5. Food Service
- Will alcohol be sold without a food order? N/A
 - Will there be a kitchen on the site as defined in the Los Angeles Municipal Code?
N/A.
6. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?
N/A.

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.

- The proposed site is in an area with a long-term level of undue concentration of alcoholic beverage outlets.
 - 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.
 - 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.
 - 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.
 - 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:

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

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.

[Signature] AGENT FOR SMART AND FINEAL STATES, LLC
 Applicant signature

Date 3/25/13

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

State of CALIFORNIA

County of LOS ANGELES

On MARCH 25, 2013 before me, SARAH STERN, NOTARY PUBLIC
Date Name of Notary Public

personally appeared A. STUART RUBIN
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]
 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.

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

1835 S La Cienega Blvd,

Los Angeles CA 90035-4600

LICENSE TYPE: 21

1. CRIME REPORTING DISTRICT

_____ Jurisdiction unable to provide statistical data.

Reporting District: 889

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: 370_____.

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

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 2696.01.

Population: 2145.01/County Ratio 1192.

Number of licenses allowed: 2.

Number of existing licenses: 2.

Undue concentration exists: Yes / No.

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

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224 5066-005-011
AMERICAN SUNROOF CORP WEST
COAST
17162 GOTHARD ST
HUNTINGTON BEACH CA 92647

225 5066-005-012
AJM REAL ESTATE GROUP LLC
1868 S LA CIENEGA BLVD
LOS ANGELES CA 90035

237 5066-005-025
LEVINE MICHAEL R
1323 MORAGA DR
LOS ANGELES CA 90049

238 5066-005-026
YOUSEFZADEH A
PO BOX 49272
LOS ANGELES CA 90049

240 5066-006-011
EMSER INTERNATIONAL LLC
8431 SANTA MONICA BLVD
LOS ANGELES CA 90069

18 4302-025-011
STRAUSS MARY B
1901 S HOLT AVE
LOS ANGELES CA 90034

27 4302-028-001
SURI HARVINDER
3081 MANNING AVE
LOS ANGELES CA 90064

36 4302-028-010
SCHULMAN SANDRA
1901 S CORNING ST
LOS ANGELES CA 90034

47 4302-029-001
THOMPSON LOUIS
1900 S CORNING ST
LOS ANGELES CA 90034

56 4302-029-010
PROCTOR SHALONDA E
1901 S GARTH AVE
LOS ANGELES CA 90034

65 4302-032-001
CARUTH MILLARD E JR
1900 S GARTH AVE
LOS ANGELES CA 90034

73 4302-032-010
CAMPBELL CALFORD & LINDA
1901 CHARITON ST
LOS ANGELES CA 90034

84 4302-033-009
PATTERSON SIMIE L & AGNES M
1228 S RIDGELEY DR
LOS ANGELES CA 90019

91 4302-033-027
GOLNARAGHI KHOSROW & ELBIS
1907 S LA CIENEGA BLVD
LOS ANGELES CA 90034

118 4303-022-014
SESE PETRONILO T & JUDY S
1789 S HOLT AVE
LOS ANGELES CA 90035

140 4303-023-012
KIM JONATHAN S
1859 S HOLT AVE
LOS ANGELES CA 90035

141 4303-023-013
LOWDER CHRISTINE R
117 LEGARE CT
MACON GA 31210

142 4303-023-014
BIBBINS RUTH A
1849 S HOLT AVE
LOS ANGELES CA 90035

143 4303-023-015
KENNEDY JOHN B
1845 S HOLT AVE
LOS ANGELES CA 90035

144 4303-023-016
NORDON ISAAK & GIZELLE
1839 S HOLT AVE
LOS ANGELES CA 90035

145 4303-023-017
RADIC WILTON I
1835 S HOLT AVE
LOS ANGELES CA 90035

146 4303-023-018
MURPHY DANIEL & JULIE
1829 S HOLT AVE
LOS ANGELES CA 90035

147 4303-023-019
THOMPSON LENORA J
1823 S HOLT AVE
LOS ANGELES CA 90035

148 4303-023-020
BENTOLILA LAURENT
1817 S HOLT AVE
LOS ANGELES CA 90035

149 4303-023-021
VUU HENRY H & TRANG T
1811 S HOLT AVE
LOS ANGELES CA 90035

150 4303-023-022
POLONSKY BARRY & DIANE
1807 S HOLT AVE
LOS ANGELES CA 90035

151 4303-023-023
WILLIAMS HERBERT P
1801 S HOLT AVE
LOS ANGELES CA 90035

152 4303-024-003
RAINS LLC
9601 WILSHIRE BLVD #260
BEVERLY HILLS CA 90210

161 4303-025-009
LOAIZA HECTOR SR & ALMA
1788 S HOLT AVE
LOS ANGELES CA 90035

162 4303-025-010
GUIRGUIS N N & M R TRUST
1789 S CORNING ST
LOS ANGELES CA 90035

179 4303-026-017
RIVE DROITE LLC
1771 BEL AIR RD
LOS ANGELES CA 90077

180 4303-026-018
SHALABY GEORGE M & MARY R
1789 S GARTH AVE
LOS ANGELES CA 90035

200 4303-027-024
ABE VICKI L
1788 S GARTH AVE
LOS ANGELES CA 90035

205 4303-027-040
KOSS MARTIN & EVELYN & /TR
2220 AVENUE OF THE STARS #2601
LOS ANGELES CA 90067

215 5066-004-017
ATKINSON CORPORATION
461 34TH ST
MANHATTAN BEACH CA 90266



Bldg-Alter/Repair Commercial Plan Check at Counter Plan Check	City of Los Angeles - Department of Building and Safety APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY	Issued on: 10/08/1998 Last Status: Permit Finaled Status Date: 11/16/1998
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1. TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
ARNAZ PROPERTY		3	41	DM 2324-91/93	126B173 3	4303 - 024 - 003
ARNAZ PROPERTY				DM 2324-91/93	126B169 279	4303 - 024 - 003
TR 8232		LT A		M B 103-29	126B169 314	4303 - 024 - 003
ARNAZ PROPERTY		3	42	DM 2324-91/93	126B173 239	4303 - 024 - 003

3. PARCEL INFORMATION Area Planning Commission - South Los Angeles LADBS Branch Office - LA Council District - 10 Census Tract - 2696.00 District Map - 126B173	Energy Zone - 9 Fire District - 2 Flood Haz. Zone - A0 D=2 E=NO PI Lot Size - IRR Lot Type - Interior	Thomas Brothers Map Grid - 632
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ZONES(S): C2-1 /C1-1

4. DOCUMENTS ZAI - 1195 ZA - 18789

5. CHECKLIST ITEMS Std. Work Deser - Interior Non-struct. Remo
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6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION			
Owner(s): NEW YORK LIFE INSURANCE CO	10351 SANTA MONICA BLVD NO 410	LOS ANGELES CA 90025	(310) 557-1311
Tenant: VICTOR DENCE -	11911 WASHINGTON BL.,	CULVER CITY, CA 90066	(310) 823-2522
Applicant: (Relationship: Agent for Contractor) STEVE BERKUS -	4445 FIRMANENT AV.,	ENCINO, CA 91436	(818) 995-8308

7. EXISTING USE (13) Office	PROPOSED USE	8. DESCRIPTION OF WORK T. I. INSTALL INTERIOR NON-BEARING PARTITION WALLS & T-BAR CEILING @ 2ND FLOOR....AREA=1122 SF.
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9. # Bldgs on Site & Use: 1-OFFICE	For inspection requests, call toll-free (888) LA4BUILD (524-2845). Outside LA County, call (213) 482-0000 or request inspections via www.ladbs.org . To speak to a Call Center agent, call 311 or (866) 4LACITY (452-2489). Outside LA County, call (213) 473-3231.
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10. APPLICATION PROCESSING INFORMATION BLDG. PC By: Hurde Coleman OK for Cashier: Hurde Coleman Signature:	DAS PC By: Coord. OK: Date:
--	-----------------------------------

For Cashier's Use Only W/O #: 81621558

11. PROJECT VALUATION & FEE INFORMATION Final Fee Period	
Permit Valuation: \$6,000	PC Valuation:
FINAL TOTAL Bldg-Alter/Repair	314.81
Permit Fee Subtotal Bldg-Alter/Re	146.25
Handicapped Access	
Plan Check Subtotal Bldg-Alter/Rc	131.63
Fire Hydrant Refuse-To-Pay	
E.Q. Instrumentation	1.26
O.S. Surcharge	5.58
Sys. Surcharge	16.75
Planning Surcharge	8.34
Planning Surcharge Misc Fee	5.00
Permit Issuing Fee	0.00
Sewer Cap ID:	Total Bond(s) Due:

Payment Date: 10/08/98
 Receipt No: VN01-2876
 Amount: \$314.81
 Method: Check

1998VN43394

12. ATTACHMENTS Plot Plan



* P 9 8 0 1 6 2 0 0 0 2 1 5 5 8 F N *

13. **STRUCTURE INVENTORY** (Note: Numeric measurement data format "number / number" implies "change in numeric value / total re : numeric value") **98016 - 20000 - 21558**

(NC) Floor Area (ZC)
(E) Stories: 2 Stories
(E) NFPA-13 Fire Sprinklers Thru-out
(NC) Total Parking for Site: Site Total

14. **APPLICATION COMMENTS:**

15. **BUILDING RELOCATED FROM:**

16. CONTRACTOR, ARCHITECT & ENGINEER NAME	ADDRESS	CLASS	LICENSE #	PHONE #
(C) BERKUS STEVEN CONSTRUCTION	4445 FIRMAMENT AVENUE,	B	476662	(818) 995-8308



Bldg-Alter/Repair Commercial Plan Check at Counter Plan Check	City of Los Angeles - Department of Building and Safety APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY	Issued on: 03/03/1999 Last Status: Permit Finaled Status Date: 05/06/1999
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1. TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
ARNAZ PROPERTY		3	41	DM 2324-91/93	126B173 3	4303 - 024 - 003
ARNAZ PROPERTY				DM 2324-91/93	126B169 279	4303 - 024 - 003
TR 8232		LT A		M B 103-29	126B169 314	4303 - 024 - 003
ARNAZ PROPERTY		3	42	DM 2324-91/93	126B173 239	4303 - 024 - 003

3. PARCEL INFORMATION Area Planning Commission - South Los Angeles LADBS Branch Office - LA Council District - 10 Census Tract - 2696.00 District Map - 126B173	Energy Zone - 9 Flood Haz. Zone - A0 D=2 E=NO PI Thomas Brothers Map Grid - 632
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ZONES(S): C1-1 / C2-1

4. DOCUMENTS

5. CHECKLIST ITEMS

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s):
 RUBIN, PACHULSKI; DEW PROPRTIE; 10351 SANTA MONICA BLVD NO 410 LOS ANGELES CA 90025 (310) 557-1311

Tenant:
 - DAVID XU / GPI (310) 559-0836

Applicant: (Relationship: Contractor)
 -

7. EXISTING USE	PROPOSED USE
(16) Retail	

8. DESCRIPTION OF WORK

Tennant Improvements: Add non-bearing partitions to an existing computer store (Suite# 215)

9. # Bldgs on Site & User: 1-RETAIL

10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Michael Ayers DAS PC By:
 OK for Cashier: Michael Ayers Coord. OK:
 Signature: Date:

For inspection requests, call toll-free (888) LA4BUILD (524-2845).
 Outside LA County, call (213) 482-0000 or request inspections via
www.ladbs.org. To speak to a Call Center agent, call 311 or
 (866) 4LACITY (452-2489). Outside LA County, call (213) 473-3231.

For Cashier's Use Only W/O #: 91603728

11. PROJECT VALUATION & FEE INFORMATION		Final Fee Period
Permit Valuation:	\$5,000	PC Valuation:
FINAL TOTAL Bldg-Alter/Repair	314.59	
Permit Fee Subtotal Bldg-Alter/Re	146.25	
Handicapped Access		
Plan Check Subtotal Bldg-Alter/R	131.63	
Fire Hydrant Refuse-To-Pay		
E.Q. Instrumentation	1.05	
O.S. Surcharge	5.58	
Sys. Surcharge	16.74	
Planning Surcharge	8.34	
Planning Surcharge Misc Fee	5.00	
Permit Issuing Fee	0.00	
Sewer Cap ID:		Total Bond(s) Due:

Payment Date: 03/03/99
 Receipt No: VN03-8678
 Amount: \$314.59
 Method: Check

1999VN49890

12. ATTACHMENTS

Plot Plan



* P 9 9 0 1 6 2 0 0 0 0 3 7 2 8 F N *

14. APPLICATION COMMENTS:

15. BUILDING RELOCATED FROM:

<u>16. CONTRACTOR, ARCHITECT & ENGINEER NAME</u>	<u>ADDRESS</u>	<u>CLASS</u>	<u>LICENSE #</u>	<u>PHONE #</u>
(C) BERKUS STEVEN CONSTRUCTION	4445 FIRMAMENT AVENUE,	ENCINO, CA 91436	B 476662	(818) 995-8308



Bldg-Alter/Repair Commercial Plan Check at Counter Plan Check	City of Los Angeles - Department of Building and Safety APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY	Issued on: 06/18/1999 Last Status: Permit Finaled Status Date: 10/21/1999
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L TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	ASSESSOR PARCEL #
ARNAZ PROPERTY		3	41	DM 2324-91/93	126B173 3	4303 - 024 - 003
ARNAZ PROPERTY				DM 2324-91/93	126B169 279	4303 - 024 - 003
TR 8232		LT A		M B 103-29	126B169 314	4303 - 024 - 003
ARNAZ PROPERTY		3	42	DM 2324-91/93	126B173 239	4303 - 024 - 003

3. PARCEL INFORMATION

Area Planning Commission - South Los Angeles LADBS Branch Office - LA Council District - 10 Census Tract - 2696.00 District Map - 126B173	Energy Zone - 9 Flood Haz. Zone - A0 D=2 E=NO P1 Thomas Brothers Map Grid - 632
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ZONES(S):

4. DOCUMENTS

5. CHECKLIST ITEMS

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s):
NEW YORK LIFE INSURANCE CO RUBE 10351 SANTA MONICA BLVD NO 410 LOS ANGELES CA 90025

Tenant:
- LA LAN

Applicant: (Relationship: Contractor)

7. EXISTING USE	PROPOSED USE
(13) Medical Office	
(16) Retail	
(13) Office	

8. DESCRIPTION OF WORK

Tennant improvements: non-bearing partitions and T-bar ceiling in (E) office suite# 205.

2. # Bldgs on Site & Use: OFFICE

10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Michael Ayers	DAS PC By:
OK for Cashier: Michael Ayers	Coord. OK:
Signature:	Date:

For inspection requests, call toll-free (888) LA4BUILD (524-2845).
Outside LA County, call (213) 482-0000 or request inspections via
www.ladbs.org. To speak to a Call Center agent, call 311 or
(866) 4LACITY (452-2489). Outside LA County, call (213) 473-3231.

For Cashier's Use Only W/O #: 91611114

11. PROJECT VALUATION & FEE INFORMATION Final Fee Period

Permit Valuation: \$5,000	PC Valuation:
---------------------------	---------------

FINAL TOTAL Bldg-Alter/Repair	314.59
Permit Fee Subtotal Bldg-Alter/Re	146.25
Handicapped Access	
Plan Check Subtotal Bldg-Alter/Rc	131.63
Fire Hydrant Refuse-To-Pay	
E.Q. Instrumentation	1.05
O.S. Surcharge	5.58
Sys. Surcharge	16.74
Planning Surcharge	8.34
Planning Surcharge Misc Fee	5.00
Permit Issuing Fee	0.00

Sewer Cap ID: Total Bond(s) Due:

Payment Date: 06/18/99
Receipt No: VN03-5719
Amount: \$314.59
Method: Check

1999VN55767

12. ATTACHMENTS



* P 9 9 0 1 6 2 0 0 0 0 1 1 1 1 4 F N *

13. STRUCTURE INVENTORY (Note: Numeric measurement data format "number / number" implies "change in numeric value / total re-numeric value") **99016 - 20000 - 11114**

(NC) B Occupancy: Max Occ.

14. APPLICATION COMMENTS:

15. BUILDING RELOCATED FROM:

<u>16. CONTRACTOR, ARCHITECT & ENGINEER NAME</u>	<u>ADDRESS</u>	<u>CLASS</u>	<u>LICENSE #</u>	<u>PHONE #</u>
(C) BERKUS STEVEN CONSTRUCTION	4445 FIRMAMENT AVENUE,	B	476662	(818) 995-8308



Bldg-Alter/Repair Commercial Plan Check at Counter Plan Check	City of Los Angeles - Department of Building and Safety APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY	Issued on: 07/24/2001 Last Status: Permit Finaled Status Date: 01/31/2002
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1. TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
ARNAZ PROPERTY		3	42	DM 2324-91/93	126B173 239	4303 - 024 - 003

3. PARCEL INFORMATION Area Planning Commission - South Los Angeles LADBS Branch Office - LA Council District - 10 Community Plan Area - West Adams - Baldwin Park - Le Census Tract - 2696.00	District Map - 126B173 Energy Zone - 9 Fire District - 2 GPI Plan Route Office - WLA Earthquake-Induced Liquefaction Area - YES	Lot Cut Date - 04/05/1926 Lot Cut Date - PRIOR-06/01/1946 Lot Size - IRR Lot Type - Corner Near Source Zone Distance - 1.1
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ZONES(S): C1-1 / C2-1

4. DOCUMENTS	
ZA - ZA-1992-703-CUZ	AFF - AF-91-154079-OB
ZA - ZA-2000-4917-CU-ZV	AFF - AFF-64235
MODF - 7-11-01: EARLY START PER	
BZA - BZA-5026	

5. CHECKLIST ITEMS Std. Work Descr - Interior Non-struct. Remo Storm Water - Local SWPPP

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION		
Owner(s): RAINS LLC	11812 SAN VICENTE BLVD	LOS ANGELES CA 90049
Tenant:		
Applicant: (Relationship: Architect) JERRY FABIO -	12631 E. IMPERIAL HWY E-111	SANTA FE SPRINGS, CA 90670 (562) 863-1981

7. EXISTING USE (16) Retail	PROPOSED USE	8. DESCRIPTION OF WORK INTERIOR ALTERATION OF (E) RETAIL - SAWCUT TRENCHES IN (E) FDN AND REMOVAL OF INTERIOR NON-BR'G PARTITIONS. NO STRUCTURAL WORK TO BE DONE. EARLY START PERMIT.
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9. # Bldgs on Site & Use:	For inspection requests, call toll-free (888) LA4BUILD (524-2845). Outside LA County, call (213) 482-0000 or request inspections via www.ladbs.org . To speak to a Call Center agent, call 311 or (866) 4LACITY (452-2489). Outside LA County, call (213) 473-3231.
10. APPLICATION PROCESSING INFORMATION BLDG. PC By: Lawrence Quirante OK for Cashier: Julio Zafra Signature:	DAS PC By: Coord. OK: Date:

For Cashier's Use Only W/O #: 11612869

11. PROJECT VALUATION & FEE INFORMATION Final Fee Period	
Permit Valuation: \$20,000	PC Valuation:
FINAL TOTAL Bldg-Alter/Repair	331.43
Permit Fee Subtotal Bldg-Alter/Re	290.00
Handicapped Access	
Supp. Plan Check	0.00
Plan Maintenance	
Fire Hydrant Refuse-To-Pay	
E.Q. Instrumentation	4.20
Supp. O.S. Surcharge	5.88
Supp. Sys. Surcharge	17.65
Planning Surcharge Misc Fee	5.00
Supp. Planning Surcharge	8.70
Permit Issuing Fee	0.00
Sewer Cap ID:	Total Bond(s) Due:

Payment Date: 07/24/01
Receipt No: LA04-039558
Amount: \$331.43
Method: Check

2001LA15842

12. ATTACHMENTS Plot Plan



* P 0 1 0 1 6 1 0 0 0 0 1 2 8 6 9 F N *

13. **STRUCTURE INVENTORY** (Note: Numeric measurement data in format "number / number" implies "change in numeric value / total original numeric value")

01016 - 10000 - 12869

14. **APPLICATION COMMENTS:**

** Approved Seismic Gas Shut-Off Valve may be required. **

15. **BUILDING RELOCATED FROM:**

<u>16. CONTRACTOR, ARCHITECT & ENGINEER NAME</u>	<u>ADDRESS</u>	<u>CLASS</u>	<u>LICENSE #</u>	<u>PHONE #</u>
(A) CHARLES, KEITH L	12631 EAST IMPERIAL HIGHWAY, BU	SANTA FE SPRINGS, CA 9	C26116	(562) 863-1981
(C) CALMAC INSTALLATIONS INC	P O BOX 636,	LA MIRADA, CA 9063706	B 592061	(562) 947-472



Bldg-Alter/Repair Commercial Regular Plan Check Plan Check	City of Los Angeles - Department of Building and Safety APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY	Issued on: 10/17/2002 Last Status: Permit Finald Status Date: 05/01/2003
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1. TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
ARNAZ PROPERTY TR 8232		3 LT A	41	DM 2324-91/93 M B 103-29	126B173 3 126B169 314	4303 - 024 - 003 4303 - 024 - 003
ARNAZ PROPERTY		3	42	DM 2324-91/93	126B173 239	4303 - 024 - 003

3. PARCEL INFORMATION

Area Planning Commission - South Los Angeles LADBS Branch Office - LA Council District - 10 Community Plan Area - West Adams - Baldwin Park - Le Census Tract - 2696.00	District Map - 126B173 Energy Zone - 9 Fire District - 2 GPI Plan Route Office - WLA Earthquake-Induced Liquefaction Area - YES	Lot Cut Date - 04/05/1926 Lot Cut Date - PRIOR-06/01/1946 Near Source Zone Distance - 1.1 Thomas Brothers Map Grid - 632-J5
---	---	--

ZONES(S): C1-1 / C2-1

4. DOCUMENTS

ZA - ZA-1992-703-CUZ ZA - ZA-2000-4917-CU-ZV ZA - ZA-2001-1758-CU-ZV-SPR-A1 BZA - BZA-5026	AFF - AF-91-154079-OB AFF - AFF-64235
---	--

5. CHECKLIST ITEMS

Special Inspect - Anchor Bolts Special Inspect - Concrete>2.5ksi Special Inspect - Field Welding	Special Inspect - Grade Beam/Caisson Special Inspect - Structural Observation Fabricator Req'd - Shop Welds	Fabricator Req'd - Structural Steel Storm Water - Local SWPPP
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6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s): RAINS LLC	11812 SAN VICENTE BLVD	LOS ANGELES CA 90049
Tenant:		
Applicant: (Relationship: Architect) STEVEN OLSHAN -	811 7TH ST.	STA. MONICA, CA 90403 (310) 394-3132

7. EXISTING USE **PROPOSED USE**

(16) Retail

8. DESCRIPTION OF WORK

INSTALLATION OF A NEW PASSENGER ELEVATOR; NEW ADA TOILET; NEW OPEN STAIRWAY & NON-BEARING DIMISING WALLS FOR RETAIL SPACE.

9. # Bldgs on Site & Use:

10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Edita Mattis OK for Cashier: Dorothy Aitchison Signature:	DAS PC By: Wai Lau Coord. OK: Date:
--	---

For inspection requests, call toll-free (888) LA4BUILD (524-2845).
Outside LA County, call (213) 482-0000 or request inspections via
www.ladbs.org. To speak to a Call Center agent, call 311 or
(866) 4LACITY (452-2489). Outside LA County, call (213) 473-3231.

For Cashier's Use Only **W/O #: 21610170**

11. PROJECT VALUATION & FEE INFORMATION Final Fee Period

Permit Valuation: \$170,000	PC Valuation:
FINAL TOTAL Bldg-Alter/Repair	1,672.63
Permit Fee Subtotal Bldg-Alter/Re	1,113.75
Handicapped Access	
Plan Check Subtotal Bldg-Alter/Rt	331.60
Plan Maintenance	22.28
Fire Hydrant Refuse-To-Pay	
E.Q. Instrumentation	35.70
O.S. Surcharge	30.07
Sys. Surcharge	90.20
Planning Surcharge	44.03
Planning Surcharge Misc Fee	5.00
Permit Issuing Fee	0.00
Sewer Cap ID:	Total Bond(s) Due:

Payment Date: 10/17/02
Receipt No: LA04-072163
Amount: \$1,672.63
Method: Check

2002LA34607

12. ATTACHMENTS

Plot Plan



* P 0 2 0 1 6 1 0 0 0 0 1 0 1 7 0 F N *

14. APPLICATION COMMENTS:

** Approved Seismic Gas Shut-Off Valve may be required. **

15. BUILDING RELOCATED FROM:

16. CONTRACTOR, ARCHITECT & ENGINEER NAME

CONTRACTOR, ARCHITECT & ENGINEER NAME	ADDRESS	CLASS	LICENSE #	PHONE #
(A) SAPOVICH, MITCHELL J	7115 FIRMAMENT AVE,		C4682	(310) 394-3132
(C) HOFMANN FINN DEVELOPMENT COM	350 ROCHESTER STREET,	B	731034	
(E) DINARI, FARID	61 PLYMOUTH,		C38063	(714) 962-9705

VAN NUYS, CA 91406
 COSTA MESA, CA 92627
 IRVINE, CA 92620

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
FERNANDO TOVAR
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318
FAX: (213) 978-1334

www.planning.lacity.org

February 21, 2013

Smart & Final Stores, LLC (A)
600 Citadel Drive
Commerce, CA 90040

Rain, LLC (O)
1999 Avenue of the Stars #1200
Los Angeles, CA 90067

Brett Engstrom (R)
Art Rodriguez and Associates
709 East Colorado Boulevard, Suite 200
Pasadena, CA 91101

CASE NO. ZA 2012-2399(CUB)(CU)
CONDITONAL USE
1801-1845 South La Cienega
Boulevard, 8530 West 18th Street (1835
South La Cienega Boulevard)
West Adams-Baldwin Hills-Leimert
Planning Area
Zone : C1-1 & C2-1
D.M. : 126B173
C.D. : 10
CEQA: ENV-2012-2400-MND
Legal Description: Fraction Lot A, Tract
8232, PT Lot 3 & Vacated Lot, Arnaz
Property

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a Conditional Use request to permit the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing grocery store, in the C1-1 and C2-1 Zones; AND

Pursuant to Los Angeles Municipal Code Section 12.24-W,27, I hereby APPROVE:

a Conditional Use to allow deviations from the Commercial Corner Development provisions to allow hours of operation from 5:00 a.m. to 11:00 p.m., daily, in lieu of the maximum of 7:00 a.m. to 11:00 p.m., daily otherwise permitted, in the C1-1 & C2-1 Zones,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site of the Smart & Final Grocery Store shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Indemnification. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Approved herein is the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 15,452 square-foot Smart & Final Grocery Store, with hours of operation from 5:00 a.m. to 11:00 p.m., daily, with alcohol sales limited from 6:00 a.m. to 11:00 p.m.
8. The authorization granted herein for the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 15,452 square-foot grocery store is for a period of ten (10) years from the effective date of this grant. Thereafter, a new authorization to allow the will be required to allow the sale of a full line of alcoholic beverages.

The applicant is advised that he/she should allow appropriate time for a new entitlement application to be processed and that such application should be approved prior to the expiration date of this grant in order to continue the sale of a full line of alcoholic beverages for off-site consumption.

9. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
10. The sale of alcoholic beverages for consumption on-site of premises shall be prohibited.
11. Parking shall comply with the applicable provisions of the Los Angeles Municipal Code as determined by the Department of Building and Safety.
12. The applicant shall provide a minimum of 1,327 on-site shared parking spaces.
13. A 24-hour "hot line" phone number shall, be provided for the receipt of complaints from the community regarding the subject facility and shall be:
 - a. Posted at the entry.
 - b. Posted at the Customer Service desk.
 - c. The property owner/operator shall keep a log of complaints received, the date and time received, and the disposition of the response.
 - d. The log shall be available for inspection by the LAPD, the State Alcoholic Beverages Control Board staff and the Department of City Planning upon request.
14. Within six months of the effective date of the action, all managers and sales clerk supervisors involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department's "Standardized Training for Alcohol Retailers" (STAR). Upon completion of the training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall submit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff.
15. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages or tobacco products.
16. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department and the Department of City Planning. The manager and all employees shall be knowledgeable of the conditions herein.

17. Loitering is prohibited on or around these premises or the area under control of the applicant.
18. "No Loitering" signs shall be posted at the front, side, and rear of the site.
19. Petitioners shall regularly police the area under their control in an effort to prevent littering by patrons about the premises.
20. No alcoholic beverage shall be consumed on any property adjacent to the licensed premises under the control of the licensee, on any sidewalk, nor in the surface parking lot.
21. Any music, sound or noise emitted from the subject business shall comply with the noise regulations in the Los Angeles Municipal Code.
22. A camera surveillance system shall be maintained to monitor interior and exterior areas of the grocery store, including areas where alcoholic beverages are stocked. The tapes shall be made available to the Police Department upon request.
23. No pay phone will be maintained on the exterior of the premises.
24. There shall be no coin-operated games or video machines permitted on the premises at any time.
25. Mitigation measures identified in the Environmental Clearance Case No. ENV 2012-2400-MND have been adopted as conditions of the instant action and are listed below for the convenience of the reader:
 - a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
 - b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.
 - c. On-site signs shall be limited to the maximum allowable under the Municipal Code.
 - d. Multiple temporary signs in store windows and along building walls are not permitted.
 - e. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

- f. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
 - g. Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - h. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
 - i. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
 - j. The applicant shall comply with mitigation measures required by this MND.
 - k. The applicant must secure approval of ZA Case No. 2012-2399(CUB) or revise the project accordingly.
 - l. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
 - m. **(Operational)** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
 - n. The subject request may result in cumulative impacts; however, these can be mitigated to less than significant levels with the incorporation of the attached mitigation measures.
26. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

27. Prior to issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.

The following conditions are alcoholic beverage/operational specific conditions volunteered by the applicant and shall be complied with:

28. Signs will be prominently posted in English and the predominant language of the community stating "No Loitering or Public Drinking" shall be posted in parking lots on the property.
29. There shall be no exterior advertising of any kind or type promoting the availability of alcoholic beverages. Posting of the market's weekly fliers shall not be deemed a violation of this condition.
30. The sales of alcoholic beverages are not to exceed 10% of overall store sales.
31. Beer, wine and distilled spirits will only be sold in manufacturer's pre-packaged amounts as delivered by the distributor or manufacturer. The single sales of beer or wine coolers is strictly prohibited.
32. The sale of Malt Liquor or beer with an alcohol content of 16% or greater is prohibited.
33. There shall be no sale of miniature bottles.
34. Wine shall be sold in quantities of 750 ml or more.
35. The sale of "fortified" wines with an alcohol content of 16% or greater is prohibited.
36. Distilled Spirits will be secured with the use of locked bottle caps for security.
37. Sale of cups, glasses and other containers used for the consumption of alcoholic beverages will only be sold in manufacturer's pre-packaged amounts. These packages will not be dismantled to allow the sale of lesser quantities. No sale or distribution of individual cups will be permitted.
38. The sale of ice will only be permitted in pre-packaged quantities of 5lbs bags or greater. No sale or distribution of loose ice is permitted.

39. Store management will provide a direct phone number to local community members for the purpose of alerting management to any ongoing operational issues. Any such phone calls will be returned and addressed in a timely manner.
40. The applicant agrees to appear before the South Robertson Neighborhood Council to discuss any issues related to alcohol sales six months after the issuance of the Department of Alcohol Beverage Control Type #21 License.
41. The applicant agrees to close the driveway gate on the Sawyer Street at 9:00 p.m. daily.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after March 08, 2013, unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are also available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits, which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Department of City Planning's Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on December 05, 2012, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject site is a level rectangular-shaped parcel that comprises a full city block, bounded by 18th Street the north, La Cienega Boulevard to the east, Sawyer Street to the south, and Holt Avenue to the west. The site is approximately 14.8 acres and is developed with a shopping center with the grocery store, and eighteen other tenant spaces, having 1,327 shared parking spaces (located on a surface parking lot and a 3-story parking structure).

The property is zoned C1-1 and C2-1 with a Community Commercial land use designation in the West Adams-Baldwin Hill-Leimert Park Community Plan Area. This subject site is also located within the Fast Food Establishment Planning Area (ZI-2412), and within the boundaries of the South Robertson Neighborhood Council.

Adjoining properties to the north of the subject site, across 18th Street include single family residences, an auto body repair shop, and a parking lot in the R1-1 and C2-1 Zones.

Adjoining property to the south of the subject site, across Sawyer Street include single family, multi-family units and an auto loan/repair business in the RD2-1 and C2-1 Zones.

Adjoining property to directly to the west of the site, across Holt Avenue are single family homes and multi-family dwelling units in the R1-1 and RD2-1 Zones.

Adjoining properties to east of the subject site, across La Cienega Boulevard are commercial buildings developed with a parking lot and pawn shops in the C2-1 Zone.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

Case No. CPC 2010-2278(GPA) – On November 05, 2010, the City Planning Commission approved a General Plan Amendment to add a Footnote to the West Adams-Baldwin Hills-Leimert, South Los Angeles, and Southeast Los Angeles Community Plans that regulates the establishment of new standalone Fast-Food Establishments located on all properties assigned a General Plan Land Use designation of Commercial and Industrial, located on Major Highway Class I, Major Highway Class II, Secondary Highway, or Collector Street.

Case No. CPC 2007-3827(ICO) – On November 29, 2007, the City Planning Commission approved an Interim Control Ordinance to impose interim regulations on the issuance of all permits related to the establishment of new fast food restaurants located on commercial or industrial zoned properties located along streets designated as Major Highway Class I, Major Highway Class II and Secondary Highway in the West Adams-Baldwin Hills-Leimert; South Los Angeles; and Southeast Los Angeles Community Plan Areas.

Case No. ZA 2005-6160(CU)(CUB)(ZV) – On April 12, 2006, the Zoning Administrator approved a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a 14,200 square-foot drugstore and a Variance to allow a drive through pharmaceutical window in conjunction with a drug store, at 1831-1845 South La Cienega Boulevard, within the same shopping center.

Case No. CPC 2004-2395(ICO) - On December 6, 2004, the City Planning Commission approved an Interim Control Ordinance to regulate the issuance of permits related to automotive-related uses, including but not limited to automobile sales, trailer sales, etc.

Case No. ZA 2000-4917(CU)(ZV) - On May 17, 2000, the Zoning Administrator approved a request for a health club (LA Fitness Center) with parking configurations and improvements in an adjacent surface parking lot at 1833 La Cienega Boulevard within the same shopping center.

Case No. ZA 2001-1758(CU) - On October 15, 2001, the Zoning Administrator partially approved 1) A Conditional Use Permit, pursuant to the provisions of Section 12.24-W,27 and 17 of the Los Angeles Municipal Code, with specified deviations from the requirements of Section 12.22-A,23(a) of the Code, to permit the construction, use and maintenance of a 3,530 square-foot fast-food restaurant (McDonald's) with a drive-through window having hours of operation from 5 a.m. to 1 a.m. Friday and Saturday and from 5 a.m. to 12 midnight Monday through Thursday. The specified deviations requested relate to hours of operation, shade producing trees in parking area, no recycling area, to provide 48 percent and 28 percent transparent glass windows along the westerly and northerly exterior walls of the building in lieu of 50 percent transparency, allow nine signs and structures at various locations at various sizes and heights from 6 feet 9 inches to 50 feet; 2) A Variance from Section 12.21-A,4(c)(3) of the Code to allow 11 parking spaces in lieu of the required 42 parking spaces; 3) A Variance from Section 12.21-A,4(c) of the Code to provide 1,267 parking spaces in the entire shopping center in lieu of the required 1,578 parking spaces; and 4) Site Plan Review, pursuant to the provisions of Section 16.05 of the Code at 1845 La Cienega Boulevard within the same shopping center.

Case No. ZA 96-0117(CUZ) - On April 30, 1996, the Zoning Administrator approved a conditional use to permit the construction, use and maintenance of an unmanned wireless Personal Communications Services (PCS) telecommunications facility within the same shopping center.

Case No. ZA 94-0206(CUB) - On July 13, 1994, the Zoning Administrator denied a conditional use to permit the selling and dispensing of beer and wine for off-site consumption in conjunction with a proposed 15,137 square-foot wholesale and janitorial supplies store (Smart & Final) at the subject site.

Case No. ZA 92-0703(CUZ) - On October 15, 1992, the Zoning Administrator approved the installation and maintenance of a telecommunications facility (for transmitting and receiving) within an enclosed, unmanned, mechanical equipment area on the first floor of an existing three-story office building, with three sets of exterior antennas mounted on the roof penthouse walls with each set consisting of four directional antennae that are panel shape of 12- by 48- by 5-inch size directed to the east, west and south directions located in the C1-1L Zone in lieu of the industrial zone for transmitting sites located within the subject shopping center. The telecommunications facility is located on the roof of the three-story commercial building occupied by medical offices at 1801 La Cienega Boulevard.

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:

Case No. ZA 2011-1679(CUB)(CU)- On September 15, 2011, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for off-site consumption in conjunction with the operation of a 4,578 square-foot market in the C2-1 Zone, and a conditional use to allow daily hours of operation from 6:00 a.m. to 11:00 p.m. in lieu of the Commercial Corner requirements limiting hours of operation from 7:00 a.m. to 11:00 p.m., and to allow deliveries and trash collection from 6:00 a.m. to 11:00 p.m. , daily in lieu of the Commercial Corner limitation from 7:00 a.m. to 11:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturdays and Sundays; for a project located at 1788 La Cienega Boulevard in the C2-1 Zone.

La Cienega Boulevard, adjoining the ownership to the east, is a designated Major Highway dedicated to a width of 100 feet and improved with sidewalks, curbs, and gutter.

18th Street, adjoining the ownership to the north, is a designated Collector Street dedicated to a variable width of 60 to 83 feet and improved with sidewalks, curbs, and gutter.

Sawyer Street, adjoining the ownership to the south, is a Local Street with a variable width of 60 to 62 feet and improved with sidewalks, curbs, and gutter.

Holt Avenue, adjoining the ownership to the west, is a Local Street with a variable width of 50 to 60 feet and improved.

PUBLIC HEARING

The Office of Zoning Administration conducted a public hearing, in City Hall located at 200 North Spring Street, Room 1020 on Wednesday, December 05, 2012 at approximately 10:30 a.m.

The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

The public hearing was attended by the applicant's representative, corporate staff from Smart & Final, a representative from Council District 10 and a local resident.

The applicant's representative, made the following statements:

- The request is for the addition of sales of a full line of alcoholic beverages in conjunction with a grocery store that has been in operation for over 20 years; and
- We made a presentation at the South Robertson Neighborhood Council and no one attended; and
- We received a letter of support from Crestview Neighborhood Council; and
- We have agreed to go back to the South Robertson Neighborhood Council in 6 months; and
- My client (Smart and Final) has a low number of violations in a nationwide chain.

Liz Carlan, the Planning Deputy for Council District 10, made the following statements:

- Take case under advisement for two weeks until further comment; and
- The subject site is at the edge of two neighborhood Councils; and
- Neighbors across the street are opposed.

Michael Shapiro, a concerned resident, made the following statements:

- I am not opposed to the off-site sales; but
- I do have a concern with late deliveries and closing the driveway gate in front of the store after 9:00 p.m.

Upon completion of the public testimony portion, the Zoning Administrator took the case under advisement for two weeks and requested that the applicant work with the Council Office and the Local Neighborhood Council. After that time period, the Zoning Administrator closed the advisement period.

Public Correspondence

At the time of report preparation, a telephone call was received from an abutting property owner concerned with the early morning and late evening deliveries made to the store in the loading area located along Sawyer Street.

Letters of support were received from the South Robertson Neighborhood Council and the Crestview Neighborhood Council. Letters of opposition were received from the Pico Neighborhood Council and Neighbors United.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for the sale of beer for on-site consumption to be authorized, certain designated findings have to be 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 project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject site is a level rectangular-shaped parcel that comprises a full city block, bounded by 18th Street the north, La Cienega Boulevard to the east, Sawyer Street to the south, and Holt Avenue to the west. The site is approximately 14.8 acres and is developed with a shopping center with the grocery store, and eighteen other tenant spaces, having 1,327 shared parking spaces (located on a surface parking lot and a 3-story parking structure).

The property is zoned C1-1 and C2-1 with a Community Commercial land use designation in the West Adams-Baldwin Hills-Leimert Park Community Plan Area. This subject site is also located within the Fast Food Establishment Planning Area (ZI-2412), and within the boundaries of the South Robertson Neighborhood Council. The proposed project involves the addition of sales of a full line of alcoholic beverages for off-site consumption and a request for relief from hours of operation for Commercial Corner Development standards. It does not result in the construction of any additional square footage. The property fronts on Major Highway and is well served by public transit. The location is compatible with the surrounding community and has operated for the past 20 years. Therefore, the project will enhance the surrounding neighborhood by making the existing business more competitive with similar uses in the area. The addition of alcohol sales will allow the business to continue and not result in a vacant unit and a vacant unit blighting influence on the area.

- 2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The project location is a commercial shopping center located on an approximately 14.8 acre site. The area surrounding the project is developed with a mixture of commercial and single-family/multi-family uses. Adjoining properties to the north of the subject site, across 18th Street include single family residences, an auto body repair shop, and a parking lot in the R1-1 and C2-1 Zones. Adjoining property to the south of the subject site, across Sawyer Street include single family, multi-family units and an auto loan/repair business in the RD2-1 and C2-1 Zones. Adjoining property to directly to the west of the site, across Holt Avenue are single family homes and multi-family dwelling units in the R1-1 and RD2-1 Zones. Adjoining properties to east of the subject site, across La Cienega Boulevard are commercial buildings developed with a parking lot and pawn shops in the C2-1 Zone.

Smart and Final grocery store is a long-established business at this location. The granting of the request will not cause a change the mode and character of the existing business. The addition of the sales of alcoholic beverages will allow for the grocery store to remain competitive with other similar establishments in the area. Lastly, the Zoning Administrator has imposed a series of conditions to ensure that the addition of the sale of a full line of alcoholic beverages in conjunction with the existing Smart and Final grocery store will be operated in a reasonable manner in relation to the surrounding neighborhood.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific 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 West Adams-Baldwin Hills-Leimert Community Plan Map adopted on May 06, 1998 designates the property for Community Commercial land uses, with corresponding zones of CR, C2, C4, RAS3, RAS4, and Height District No. 1. The site is zoned C1-1 and C2-1, which is consistent with its land use designation. The property is not currently within the area of any specific plans or interim control ordinances. The request for off-site sales of a full line of alcoholic beverages and relief of Commercial Corner development standards are not specifically addressed in the West Adams-Baldwin Hills-Leimert-Community Plan. However, the project will provide a service and convenience to the community, and is thereby consistent with several goals, policies, and objectives of the Community Plan. Specifically, the project addresses the following objective/policy of the Community Plan:

Goal 1: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the community.

Objective 1.1: To conserve and strengthen viable commercial development.

Policy 2-1.1: New commercial uses shall be located in existing, established commercial areas or existing shopping centers.

Policy 1-3.3: Encourage the approval of larger markets for alcohol sales only in appropriate areas and where special provisions of public convenience and necessity can be justified.

Objective 1-4: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.

Therefore, the proposed project will be consistent with the intent of the General Plan and Community Plan.

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

The approval of the conditional use request will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be continued to be utilized as such with the proposed addition of sales of a full line of alcoholic beverages in conjunction with the existing Smart and Final grocery store. According to the applicant, Smart and Final has been in operation for over 20 years and has built a reputation with the community. The proposed addition of alcohol sales for off-site consumption will not adversely affect the economic welfare of the community because it will allow for the grocery store to remain competitive by adding a different amenity that serves the local residents. In addition, conditions have been placed on the applicant which require no sales of single beers or wine coolers out of prepackaged 6-packs or 4-packs and the placement of locked bottle caps on distilled liquor as well as a prohibition on the sales of mini-bottles of distilled spirits. The sale of singles from 6-packs, mini-bottles and unguarded bottles of distilled spirits are the easiest method for illegal alcohol consumption on City Streets and from pilferage; such conditions will help control many of the problems that opponents have regarding alcohol sales.

5. **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 Department of Alcoholic Beverage Control (ABC) licensing criteria, 3 on-site and 2 for off-site consumption licenses are allocated to the subject census tract (Census Tract 2696.01). Currently there are zero on-site licenses and 2 off-site licenses in this census tract. Smart and Final is proposing to add one ABC Type 21 license; in doing so, the applicant will have the ability to sell a full line of alcoholic beverages for off-site consumption.

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 will be numerically over-concentrated with the addition of a new license, the project will not adversely affect community welfare because the subject grocery store is an established and desirable use in the Community and has been conditioned to limit sales in a manner which will help control anti-social uses of such beverages in public.

According to statistics provided by the Los Angeles Police Department's West Los Angeles Division Vice Unit, within Crime Reporting District No. 889, which has jurisdiction over the subject property, a total of 239 crimes were reported in 2011(188 Part I and 51 Part II crimes), compared to the city-wide average of 144 offenses and the high crime reporting district of 173 crimes for the same reporting period. Part 1 Crimes reported by LAPD include, Homicide (1), Rape (2), Robbery (14), Aggravated Assault (11), Burglary (39), Burglary Theft from Vehicle (44), Personal Theft (0), Other Theft (52) and (25) Auto Theft. Part II Crimes reported include, Other Assault (3), Forgery/Counterfeit (0) Embezzlement/Fraud (1), Stolen Property (0), Weapons Violation (2), Prostitution Related (1), Sex Offenses (0), Offenses Against Family (0), Narcotics (10), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DWI related (20) and other offences (14).

Of the 239 crimes reported, zero arrests were made for liquor laws, zero arrests were for under the influence of alcohol, and 20 arrests were for driving under the influence. The high number of driving under the influence arrests in this crime district, which is primarily residential with the west side of La Cienega Boulevard between 18th Street and Cadillac Avenue, is attributable to La Cienega Boulevard being the primary access way to the Santa Monica Freeway from the north. The area to the north includes Beverly Hills and West Hollywood and those cities' high concentration of restaurants and bars. Crime reporting statistics for 2012 are not yet available. The Zoning Administrator has imposed a number of conditions related to the service of alcohol that will further reduce any potential crime issues.

6. **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 a 1,000-foot radius of the project site:

Career College of America
My Gym & Academy of Martial Arts

1801 South La Cienega Boulevard
1837 South La Cienega Boulevard

Approval of the Conditional use will not detrimentally affect nearby schools or residential uses in the area because the proposed project is located on the commercially developed portion of La Cienega Boulevard. The applicant has volunteered alcohol/operational specific conditions and has stated that they will work closely with the South Robertson Neighborhood Council. It is anticipated that these efforts will ensure that the project will not adversely impact any nearby residential uses.

ADDITIONAL MANDATORY FINDINGS

7. 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 the property is located in Zone X, Areas of 500-year flood: areas of 100-year flood with average depths of less than 1-foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year-flood.
8. On November 15, 2012 the City Planning Department issued Mitigated Negative Declaration No. ENV-2012-2400-MND (Article V- City CEQA Guidelines) and determined that this project will not have a potentially significant effect on the environment, subject to compliance of the mitigation measure outlined in the Mitigated Negative Declaration. I hereby adopt that action.

I concur with the report prepared by Vanessa Soto, Planning Staff for the Office of Zoning Administration, on this application and approve same.

Vanessa Soto
City Planning Assistant
(213) 978-1349



CHARLES J. RAUSCH, JR.
Associate Zoning Administrator

CR:TLI:VS:jjq

cc: Councilmember Herb Wesson
Tenth District
Adjacent Property Owners

