

APPLICANT: HOLLYWOOD SUPER MART

PROPERTY: 6213 FRANKLIN AVE, LOS ANGELES, CA 90028

REFERENCE: REQUESTING DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) TO ALLOW THE SALE OF A FULL LINE OF ALCOHOL FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH THE OPERATION OF A CONVENIENCE RETAIL STORE.

Hollywood Super Mart is located north of the Hollywood Freeway near the intersection of Vine Street and Franklin Avenue. Zoned as C1-1D, Limited Commercial, where a grocery store is a permitted use, Hollywood Super Mart occupies approximately 1,500 square feet of floor area within a 13,631.9 square-foot commercial building. Hollywood Super Mart offers nearby residents and passer-byers a wide selection of grocery items, such as; fresh meats, produce, sundry goods, beer and wine. The hours of operation will remain unchanged from 8:00AM to 2:00AM daily, and will be continue to operate with at least 2 employees per shift. The grocery store has 17 designated spaces for on-site parking.

Hollywood Super Mart was approved for the sale of beer and wine for off-site consumption in February 2017 (Case NO. ZA- 2016-2404 CUB), and granted public convenience and necessity by City Council in April 2017 (Council File No. 17-0218). Operating responsibly for almost 2 years with sale of beer and wine, Hollywood Super Mart now seeks to provide their patrons with a more complete selection of alcoholic beverages more typically found in grocery stores. Allowing Hollywood Super Mart to sale a full-line of alcoholic beverages for off-site consumption will enable them to expand their current business operation.

The owners of Hollywood Super Mart take pride in their small family-oriented grocery store. Owned and operated by a husband and wife team, the duo aims to provide nearby residents with a variety of healthy and natural goods including, but not limited, to organic produce and sundry items. As small operators, they compete with large online grocery retailers by offering phone-in services, prompting employees to gather and prepare grocery orders for pick-up. The owners are committed to offering patrons high-quality items, typically seen in large-scale grocery stores, while maintaining neighborhood-oriented services.

Since operating with a beer and wine license, Hollywood Super Mart has maintained an exemplary record and has not been subject to disciplinary issues with the State of California Department of Alcoholic Beverage Control. Hollywood Super Mart will continue to maintain a professional and responsible operation and will continue to ensure alcohol sales are conducted in a safe and secure manner by requiring employees to enroll in the “Standardized Training for Alcohol Retailers” (STAR) program. All incidents/infractions will be immediately reported to local law enforcement, and security protocol will be upgraded as needed. Additionally, the applicant will also ensure that the request to sell a full line of alcoholic beverages will not have

an adverse affect to the surrounding neighborhood. Any such concerns or issues with the operation of the retail establishment will be addressed with the upmost priority upon discovery.

Since its inception, Hollywood Super Mart has been well received by the local community, as it fulfills the needs of local residents and visitors. Hollywood Super Mart is located within a small commercial strip; next to a donut shop, bistro, dry cleaners and other neighborhood-oriented retail uses. This small commercial strip creates a positive affect for the local economy, activates the street for pedestrians, and serves as a convenience to the local residents running their daily errands, as well as, to the surrounding community and passer-byers.

ESTINEH MAILIAN
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
THEODORE L. IRVING
ALETA D. JAMES
FRANKLIN N. QUON
CHARLES J. RAUSCH, JR.
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
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February 26, 2019

Lara Harb (A)
Hollywood Supermart
6219 Franklin Avenue
Los Angeles, CA 90028

Farhad & Jasman Manesh, et. al. (O)
Sanjo Investments
5840 Uplander Way, #100
Culver City, CA 90230

Art Rodriguez (R)
Art Rodriguez and Associates"
444 Huntington Drive, #208
Arcadia, CA 91006

CASE NO. ZA-2018-3255-CUB-CU
CONDITIONAL USE
6213 West Franklin Avenue (6211-6221 West
Franklin Avenue)
Hollywood Planning Area
Zone : C1-1D
C.D. : 4
D.M. : 150A189
CEQA : ENV-2016-2405-MND-REC1
Legal Description: FR Lot 21-22, Re-survey of
the Schloesser Terrace Tract No. 2

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

a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing convenience store in the C1 Zone,

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

a Conditional Use Permit to allow the hours of operation of 6:00 a.m. to 2:00 a.m., daily, in lieu of operating hour restrictions for Mini-shopping Center Development Standards,

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 plans 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. 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 ("DEPARTMENT OF CITY PLANNING") and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.

5. The authorization granted herein is for the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with an existing 1,500 square-foot convenience store, subject to the following limitations:
 - a. The hours of operation for the convenience store shall be limited to 6:00 a.m. to 2:00 a.m., daily.
 - b. Deliveries, trash pick-ups, and parking lot cleaning are allowed only between 7:00 a.m. and 7:00 p.m. There shall be no deliveries on Sundays.
 - c. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
6. Prior to the utilization of this grant, a camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days.
7. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
8. Prior to the utilization of this grant, 24-hour phone "hot line" and an email address shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.
9. Within the first six months of utilizing the grant at this establishment, all employees involved with the sale and dispensing of a full line of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2018-3255-CUB-CU, from the Police Department to the Department of City Planning as evidence of compliance.
10. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. STAR training shall be conducted for all new hires within two months of their employment.
11. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not

- adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
12. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
 13. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
 14. Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A, 4(g) and 12.26-E, 1(b). No variance from the parking requirements has been granted herein.
 15. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
 16. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
 17. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
 18. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
 19. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door but shall be solid.
 20. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and private security.

ADMINISTRATIVE CONDITIONS

21. Within 60 days of the effective date of this grant, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit. The statement shall read as follows,

We, the undersigned, have read and understand the conditions of approval to allow the sale of beer and wine for off-site consumption, in conjunction with Hollywood Supermart, and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

22. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
23. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
24. MVIP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E, 3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
25. Prior to the effectuation of this grant, 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 form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The 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 for inclusion in case file. Fees required per LAMC Section

19.01-E, 3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

26. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

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 upon you to 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 13, 2019, unless an appeal therefrom is filed with the Department of City Planning. 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 available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

West Los Angeles
 West Los Angeles Development
 Services Center
 1828 Sawtelle Boulevard,
 2nd Floor
 Los Angeles, CA 90025
 (310) 231-2598

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 subsequent contact regarding this determination must be with the staff assigned to this case. 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, and the statements made at the public hearing on October 2, 2018 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 approval under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject site is a level, through lot which measures 13,632 square-feet. The site has an approximately 170-foot frontage along Franklin Avenue and Dix Street, a 70-foot frontage along Argyle Avenue, and an 86-foot frontage along an alley. The subject site is zoned C1-1 D with a Limited Commercial land use designation in the Hollywood Community Plan Area. The site is also located in a Transit Priority Area (ZI-2452) due to its proximity to the Metro Red Line Hollywood/Vine Station. The site is developed with an approximately 8,842 square-foot commercial mini-shopping center, which includes restaurants, a cleaners, and the subject convenience store. Parking is provided on-site and accessed from Franklin Avenue.

Properties to the north across Dix Street are zoned R3-1 and developed with multi-family housing. Properties to the south across Franklin Avenue are zoned R4-2 and developed with a gas station. Properties to the west across Argyle Avenue are zoned PF-1XL and developed with an on-ramp to the US-101 freeway. Properties to the east across the alley are zoned C1-1 D and developed with an auto repair shop.

The applicant is requesting a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 1,500 square-foot convenience store with hours of operation from 6:00 a.m. to 2:00 a.m., daily. The convenience store currently sells beer and wine for off-site consumption and is currently open from 8:00 a.m. to 2:00 a.m. as authorized by Case No. ZA-2016-2404-CUB-CU approved on January 30, 2017.

Franklin Avenue, adjoining the property to the south is a Modified Avenue 11, with a dedicated width of 90-foot and improved with a sidewalk, gutter, and paved roadway.

Dix Street, adjoining the property to the north is a Local Street - Standard, with a dedicated width of 60-foot and improved with a sidewalk, gutter, and paved roadway.

Argyle Avenue, adjoining the property to the west is a Local Street - Standard, with a dedicated width of 60-foot and improved with a sidewalk, gutter, and paved roadway.

The alley, adjoining the property to the east, has a dedicated width of 25-foot.

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

Case No. ZA-2016-2404-CUB – On January 30, 2017, the Zoning Administrator approved a Conditional Use to allow the sale of beer and wine for off-site consumption in conjunction with a proposed convenience store and a Conditional Use to allow the hours of operation of 8:00 a.m. to 2:00 a.m., daily, in lieu of operating hour restrictions for Mini-shopping Center Development Standards.

Certificate of Occupancy No. 91833 - Issued on February 8, 2011, a change of use from clothing retail to grocery retail (pre-packaged foods only). No alcoholic beverages will be sold or consumed on or around premises.

Case No. ZA-1997-308(CUB) - On September 9, 1997, the Zoning Administrator approved a conditional use permit to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a convenience market in the C1-1 D Zone, located at 6223 Franklin Avenue.

Case No. ZA-1996-1001(CUB) - On February 21, 1997, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a 960 square-foot restaurant in the C 1-1 D Zone, located at 6221 Franklin Avenue.

Previous Cases on Surrounding Properties

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past determinations associated with the sales and dispensing of alcoholic beverages, commercial corner/mini-shopping center developments, and zone boundary adjustments. The following related cases were identified to be within 600 feet of the subject property and filed.

Case No. ZA-2017-2319-CU-CUB - On June 12, 2017, an application was filed for a Conditional Use to permit the operation of a service station and convenience store and to allow the sale of alcoholic beverages for off-site consumption located at 12500 Sherman Way. The case is currently on hold. No public hearing has been held.

PUBLIC CORRESPONDENCE

One letter in opposition dated September 10, 2018 was submitted by Ohanes Nahas stating that the

selling of alcohol near the 101 Freeway bridges and bypasses *would aggravate the safety of the businesses and the residents around.*

One communication received on September 26, 2018 from Brian Burn, a stakeholder in the area, expressed his approval of the request noting that the owner runs a "tight ship that is by the book".

A communication from the Los Angeles Police Department, dated September 28, 2018 and supplemented with recommended conditions received on October 2, 2018, noted that after review of the site, they are currently not opposed the issuance of the Conditional Use and requested that the attached conditions of approval be considered.

One communication dated July 18, 2018 and received on October 2, 2018 was from the Hollywood United Neighborhood Council indicating their approval the conditional Use permit to upgrade from the sale of off-site consumption of beer and wine to a full line of alcoholic beverages in conjunction with an existing 1,500 square foot grocery/convenience store and the deviation from the Mini-Shopping Center standard of hours to 6:00 a.m. to 2:00 a.m.

One communication dated May 30, 2018 and received on October 2, 2018 was from the Argyle Civic Association indicating their support of the conditional Use permit

PUBLIC HEARING

The public hearing was held on October 2, 2018 at 9:35 a.m. at City Hall, 200 N. Spring Street, Room 1070. There were approximately three persons in attendance – the applicant, his representative, and a representative of LAPD.

Andrew Rodriguez of Art Rodriguez Associates, representative for Hollywood Super Mart, Lara Harb, the applicant, indicated that the applicant was present and made the following comments:

- Mr. Rodriguez provided a detailed explanation of the project and request.
- There is no history of disciplinary action within the 3 years of the store's operation under Lara Harb. The previous CUB grant and license was for beer and wine. Under entitlement, the applicant has complied with all the required conditions of approval including installation of security cameras.
- We met with the Hollywood United Neighborhood Council and they indicated that there was no problem with their proposal.
- We also met with Council District No. 4 and they expressed no problems with the proposal either.
- The LAPD meeting with Officer Gutierrez also expressed no problem.

Lara Harb the applicant noted that she is a trained pharmacist and we operate by the book with regulations. We also are supported by the Argyle Community Council Association (their office is directly behind our store).

Officer Gutierrez of LAPD Hollywood VICE indicated that they have a no opposition letter to submit to the record.

The Zoning Administrator closed the public hearing and stated that he finds the testimony favorable and subject to making the findings in review of the case, intends to grant conditional approval.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

The following conditions are submitted for consideration:

- All alcohol sales are limited to 6:00 a.m. to 2:00 a.m., daily.
- There shall be no cups, glasses, or similar receptacles commonly used for the drinking of beverages, sold, furnished, or given away at the petitioner's premises in quantities less than twenty-four in their original multi-container package.
- The cold case coolers for alcohol are restricted to a maximum of three cooler doors. These cooler doors shall be locked between the hours of 2:00 a.m. and 6:00 a.m. daily. The cooler doors may be locked by electronic device or lock and key and a cooler door cover as to block the display of alcohol. Any alcohol on the floor for sales outside the cooler must be removed to an area without public access between the hours of 2:00 a.m. and 6:00 a.m., daily.
- No single cans or bottles sales of alcohol with the exception of premium beer with a price point of more than ten dollars (\$10). Wine sales are also limited to a minimum of 750 milliliter bottles with a price point of more than eight dollars (\$8). Fortified wine is prohibited.
- The sales of malt beverages in quantities of 12 oz., 16 oz., 22 oz., 32 oz., 40 oz., or similar size containers are prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale in a manufacturers packaging. (With the exception noted in the above condition.)

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-W of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

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 zoned C1-1D with a Limited Commercial land use designation in the Hollywood Community Plan Area. The site is also located in a Transit Priority Area (ZI-2452) due to its proximity to the Metro Red Line Hollywood/Vine Station. Properties to the north across Dix Street are zoned R3-1 and developed with multi-family housing. Properties to the south across Franklin Avenue are zoned R4-2 and developed with a gas station. Properties to the west across Argyle Avenue are zoned PF-1XL and developed with an on-ramp to the US-101 freeway. Properties to the east across the alley are zoned C1-1D and developed with an auto repair shop.

The site is developed with an approximately 8,842 square-foot commercial mini-shopping center, which includes restaurants, a cleaners, and the subject convenience store. The applicant is requesting a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 1,500 square-foot convenience store with hours of operation from 6:00 a.m. to 2:00 a.m., daily. The convenience store currently sells beer and wine for off-site consumption and is currently open from 8:00 a.m. to 2:00 a.m. as authorized by Case No. ZA-2016-2404-CUB-CU approved on January 30, 2017. The grant with the imposed conditions provides for mitigation of any potential effects from the off-site consumption of a full line of alcoholic beverages, including the implementation of a camera surveillance system, age verification device, a 24-hour hot line, and lighting installed to ensure clear visibility of objects and persons on the property. These operating conditions in combination with the Monitoring, Verification and Inspection Program (MViP) will allow the City the opportunity to continue to monitor the operation of the convenience store and ensure compliance with imposed conditions.

The project will continue to provide a service that is beneficial to community by offering a convenience store for residents, employees, and tourists of the Hollywood community. The proposed use in conjunction with the imposition of conditions addressing alcohol-related operations, will assure the use enhances the built environment in the surrounding neighborhood.

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 subject site is zoned C1-1D with a Limited Commercial land use designation in the Hollywood Community Plan Area. The site is also located in a Transit Priority Area (ZI-2452) due to its proximity to the Metro Red Line Hollywood/Vine Station. The surrounding neighborhood is characterized by medium to high density commercial and residential land uses. There are currently no proposed changes to the project's location, size, and height. The site is developed with an approximately 8,842 square-foot commercial mini-shopping center, which includes restaurants, a cleaners, and the subject convenience store. The applicant is requesting a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 1,500 square-foot convenience store with hours of operation from 6:00 a.m. to 2:00 a.m., daily. The convenience store currently sells beer and wine for off-site consumption and is currently open from 8:00 a.m. to 2:00 a.m. as authorized by Case No. ZA-2016-2404-CUB-CU approved on January 30, 2017.

During the public process, 5 written communications were submitted to the record. Letters from Mr. Burn, LAPD, Hollywood United Neighborhood Council, and the Argyle Civic Association were supportive, with recommended conditions of approval. One letter of opposition from Mr. Nahas, expressed concern with the homeless individuals and felt that the sales of alcohol will aggravate the businesses and residents in the area. The Zoning

Administrator is cognizant of the citywide homeless dilemma and continues to support the public and their endeavor to aid homeless in the most humane way possible. Supporting local business with having "more eyes on the street" and required security cameras will activate commercial areas with neighbors and patrons. As such, additional activity will help curtail homeless gathering and offer help and guidance to these individuals. Additionally, conditions specific to the responsible operations of the subject business is imposed.

The public hearing held on October 2, 2018 gathered testimony from Andrew Rodriguez who represented the applicant, Laura Harb. Both individuals explained Ms. Harb's diligence in running the market in compliance with the law and conditions of approval of their previous Conditional Use Permit. There is no history of noncompliance with their existing beer and wine license from ABC. They also indicated that the LAPD has no opposition and they have support from local community groups. All this was confirmed by follow-up letters noted above.

The grant with the imposed conditions provides for mitigation of any potential effects from the off-site consumption of a full line of alcoholic beverages, including the implementation of a camera surveillance system, age verification device, a 24-hour hot line, and lighting installed to ensure clear visibility of objects and persons on the property. These operating conditions in combination with the Monitoring, Verification and Inspection Program (MViP) will allow the City the opportunity to continue to monitor the operation of the convenience store and ensure compliance with imposed conditions. Therefore as conditioned, the sale of beer and wine will not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety of the Hollywood community.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The subject site is located in the Hollywood Community Plan. The Plan Map designates the property for Limited Commercial land uses with corresponding zones of CR, C1, C1 .5, P, RAS3, and RAS4 and Height District No. 1D. The land use designation and commercial zoning permits a wide variety of mixed commercial and residential uses including the subject convenience store. The Hollywood Community Plan text is silent in regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan. The purpose of the Hollywood Community Plan is to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social, and physical health, safety, welfare, and convenience to the community. The existing use is consistent with and advances the following goals, objectives, and policies identified in the Community Plan:

Objective 4a: Allocating and distributing commercial lands for retail service, and office facilities in quantities and patterns based on accepted planning principles and standards.

The request is also consistent with General Plan Framework Element objectives

Objective 7.2: Establish a balance of land uses that provide for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

Objective 7.3: Maintain and enhance the existing businesses in the City.

Policy 7.3.2: Retain existing neighborhood commercial activities within walking distance of residential areas.

As conditioned, approval of the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing convenience store can be deemed to substantially conform to the purpose, intent and provisions of the General Plan and the Central City North Community Plan.

CONDITIONAL USE FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES

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

The applicant is requesting a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 1,500 square-foot convenience store with hours of operation from 6:00 a.m. to 2:00 a.m., daily. The convenience store currently sells beer and wine for off-site consumption and is currently open from 8:00 a.m. to 2:00 a.m. as authorized by Case No. ZA-2016-2404-CUB-CU approved on January 30, 2017.

As conditioned by this grant, the request for the sale and dispensing of a full line of alcoholic beverages off-site consumption will not adversely affect the welfare of the pertinent community. The convenience store will continue to add to the economic base of the community, create and maintain employment opportunity and generate revenue. There has not been any history or evidence submitted showing non-conformance with any of the conditions previously imposed.

Additionally, this instant grant imposes conditions which require that security measures such as a surveillance system and adequate lighting be implemented to mitigate the negative impacts commonly associated with the sale of full line of alcoholic beverages. Conditions requiring a 24-hour hot line and responsible management, will address the pertinent community's concerns regarding the 2:00 a.m. closing, by allowing the community to communicate with the operator regarding any complaints or concerns due to the operation. In addition, the grant requires that the Applicant install "No Loitering or Public Drinking" signs and an age verification device at all points-of-sale, to deter loitering and underage drinking. Other conditions related to minimizing noise, preventing litter and loitering will ensure the welfare of the community.

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.

The project site is located within Census Tract No. 1895.00. According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, 4 on-sale and 2 off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 1895.00. Data provided on the ABC's License Query System indicates that there are currently 10 existing on-site, 2 existing off-site licenses, and 1 instructional license within this Census Tract, including the applicant's existing Type 20 License (License No. 571762). Therefore the continued operation of the existing convenience store will not create an additional alcohol license within this tract and therefore, will not lead to an over-concentration according to ABC criteria.

According to statistics provided by the LAPD, which has jurisdiction over the subject property within Crime Reporting District No. 628, a total of 1781 crimes were reported in 2017, compared to the citywide average of 191 crimes and the high crime reporting district average of 229 crimes for the same period. In 2017, there were (4) Narcotics, (0) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (1) Driving While Influence (DWI) related arrests, and (10) Other Offences. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The of the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing convenience store at this location will continue to serve the needs of local businesses and residents. The store has operated without incident. Therefore, the project will not adversely affect community welfare. Additionally, the Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

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 were observed within a 1,000-foot radius of the subject property:

- Vedanta Temple - Society of South California, 1946 Vedanta Place
- The Monastery of the Angels, 19 77 Carmen Avenue
- Cheremoya Avenue Elementary School, 6017 Franklin Avenue
- First Presbyterian Church of Hollywood Children's Center and Library, 1785 La Baig Avenue
- First Presbyterian Church of Hollywood, 1760 Gower Street
- Foundation for Early Childhood Education, 612 8 Yucca Street
- American Musical and Dramatic Academy, 6305 Yucca Street
- Iglesia Presbiteriana Fuente de Vida, 6057 Carlos Avenue
- Saint Stephen's Episcopal Church and Delaney Wright Fine Arts Preschool, 6125 Carlos Avenue

The grant has been well conditioned, which will protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise, criminal activity and underage drinking have been considered and addressed by requiring exterior lighting, an age verification device, and proactive security measures.

CONDITIONAL USE FINDINGS FOR MINI-SHOPPING CENTER/COMMERCIAL CORNER DEVELOPMENTS

7. **Based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking on of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The proposed 2:00 a.m. closing time is well beyond any peak traffic hour and therefore, will not cause or constitute a traffic hazard, significant traffic congestion, or a disruption of vehicular circulation on adjacent streets. Further, no change of use or additional floor area is proposed to intensify the project. Therefore, the use will not result in additional traffic impacts.

8. **Project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

The project is located in an existing shopping center on a commercial corner. No construction is proposed to create any such concentration. The instant request does not add to a detrimental concentration of mini-shopping center developments in the vicinity of the proposed project.

ADDITIONAL MANDATORY FINDINGS

9. 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.
10. FIND, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, Case No. ENV-2016-2405-MND adopted on January 30, 2017; reconsidered on September 28, 2018; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the addendum dated September 28, 2018, no additional mitigations are required to the Mitigated Declaration; and no subsequent EIR or negative declaration is required for approval of the project.

Inquiries regarding this matter shall be directed to Jordann Turner, Planning Staff for the Department of City Planning at (213) 978-1365.



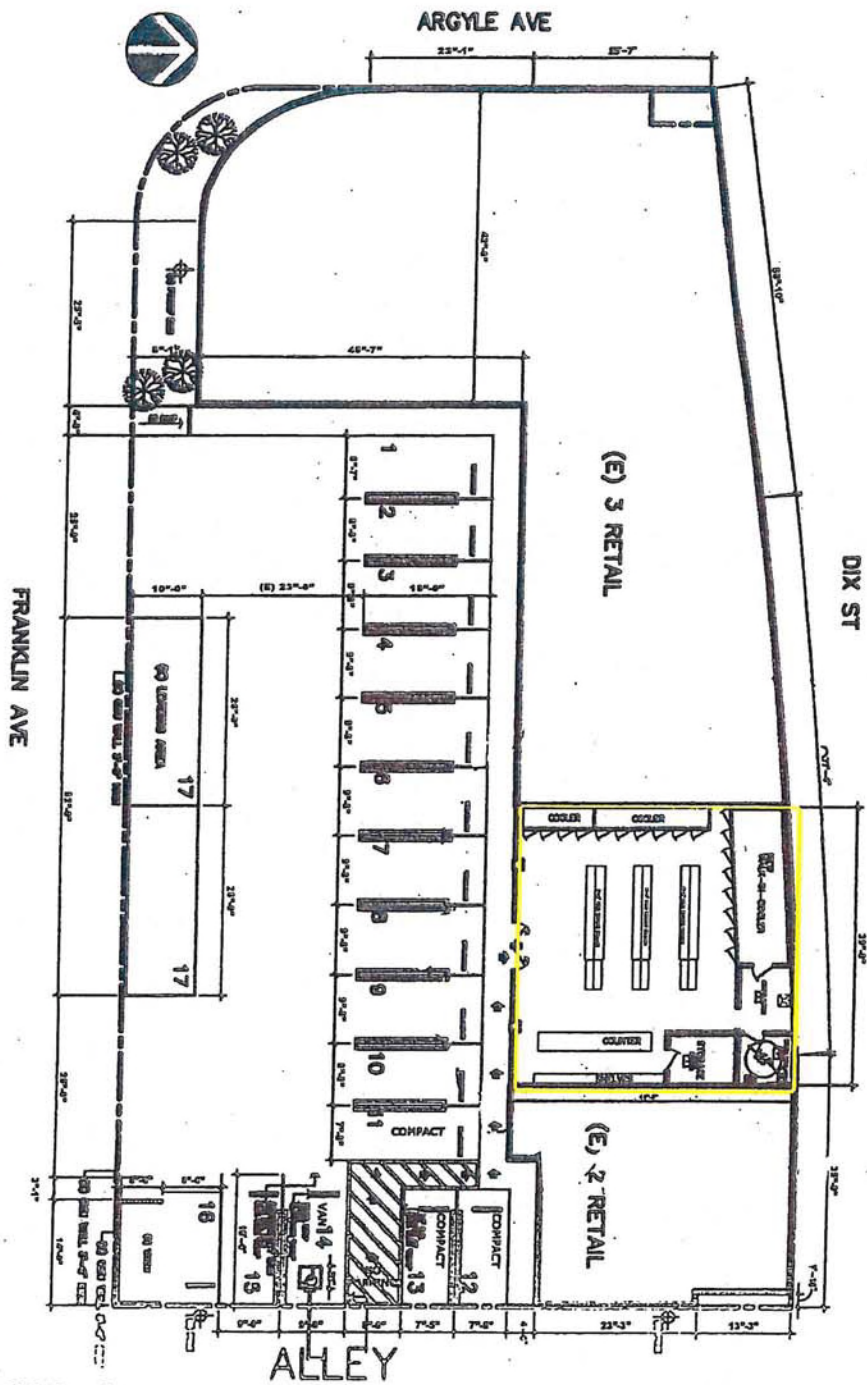
FRANKLIN N. QUON
Associate Zoning Administrator

FNQ:JT:bk

cc: Councilmember David Ryu
Fourth Council District
Adjoining Property Owners
Interested Parties

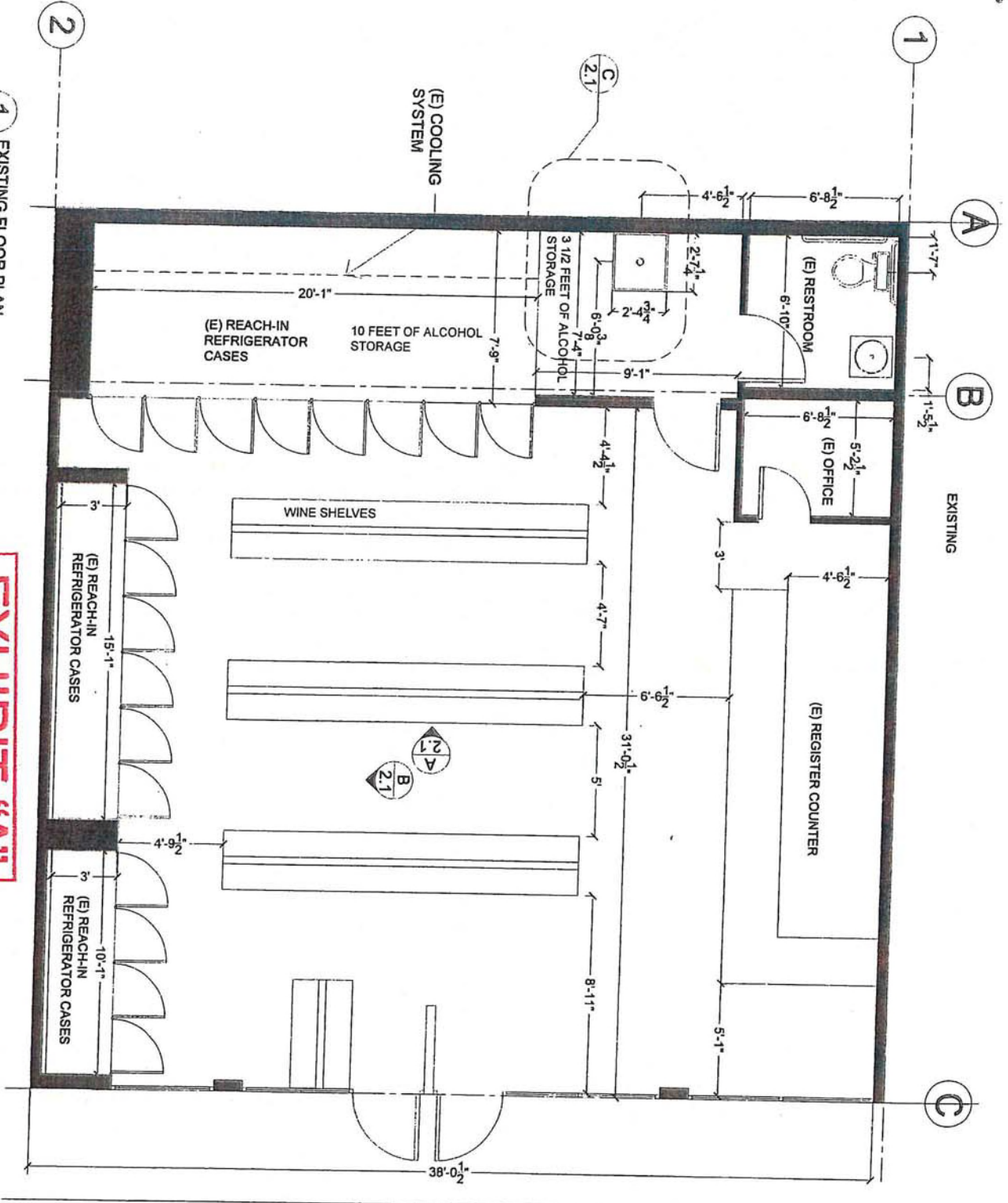
EXHIBIT "A"
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6213 Franklin Ave.
 CUB Application to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing convenience store.
 Square Footage: 1,500 s.f.
 Parking: 18 spaces

1 EXISTING FLOOR PLAN
Scale: 1/2" = 1'-0"



Total Floor Area:
1,500 Square Feet

EXISTING PARKING

EXHIBIT "A"
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AS BUILT DRAWING 6/20/11

SHEET NO. 1003 DATE: 4/27/11 SCALE: 1/2" = 1'-0" PROJECT NO. 1003	PROJECT: Polig Inter-Design + Development 2000 VA COOK, HIGHWAY 101, SAN ANTONIO, TEXAS 78218	DRAWING TITLE: EXISTING COMMERCIAL FLOOR PLAN	Polig Inter-Design + Development Polig Inter-Design + Development 552373 6221 Marwood Ave Van Nuys, CA 91411 818 465 4423 FAX 818 728 0250 Polig@insirdesign.com	
	OWNER: [Redacted]			

