

LISA M. WEBBER, AICP
INTERIM CHIEF ZONING ADMINISTRATOR
ASSOCIATE ZONING ADMINISTRATORS
JACK CHIANG
HENRY CHU
THEODORE L. IRVING
ALETA D. JAMES
FRANKLIN N. QUON
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

**DEPARTMENT OF
CITY PLANNING**
VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271
KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

September 27, 2018

Prime Now (A)
P.O. Box 80301
Seattle, WA 98108

Glendale Commerce Center, LLC (O)
Philip Hur
11620 Wilshire Boulevard
Los Angeles, CA 90025

Mathew C. Henderson (R)
Miller Starr Regalia
1331 North California Boulevard
Walnut Creek, CA 94596

CASE NO. ZA 2018-2784-CUB
CONDITIONAL USE
3334 West San Fernando Road # 101
(3328-3370 West San Fernando
Road)
Northeast Los Angeles
Zone : [Q]M1-1-CDO-RIO
D. M. : 153B209
C. D. : 13 – O'Farrell
CEQA : ENV-2018-27855-CE
Legal Description: Ranchos San Rafael
and La Canada, Lot PT Glassell and
Chapman 2296.11

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

a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a 43,313 square-foot warehouse in the [Q]M1-1-CDO-RIO Zone;

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 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

6. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption (by delivery) in conjunction with an existing 43,313 square-foot warehouse and distribution facility and off-site retail sales within an approximately 200 square-foot portion of the building. Hours for off-site delivery of alcoholic beverages shall be limited from 7:30 a.m. to 12 midnight and hours of operation for the on-site retail component shall be limited from 8 a.m. to 6 p.m.
7. Loitering is prohibited on or around these premises or the area under control of the applicants. "No loitering" and "No public drinking" signs shall be conspicuously posted on the exterior of the premises.
8. An electronic age verification device shall be retained on the premises available for use during operational hours at each point-of-sale location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
9. **Complaint Log.** Prior to the utilization of this grant, a 24-hour "hot line" phone number and an email address shall be provided for complaints or concerns from the community regarding the operation. The 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 cash registers.
 - c. Provided to the immediate neighbors, schools and the Neighborhood Council.

The applicant shall maintain a log of all calls and emails, 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.

10. Staff of the establishments shall regularly police the area under the operator's control in an effort to prevent loitering by patrons and others about the premises.
11. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator shall be retained on the premises at all times and be immediately produced upon request to the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees of the retail alcohol storefront, excluding warehouse only employees, shall be knowledgeable of these Conditions.
12. **STAR Training.** Within the first six months of utilizing the grant at this

establishment, all employees involved with the sale of alcohol within the retail component only (excluding warehouse only employees) 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-2018-1895-CUB, from the Police Department to the Department of City Planning as evidence of compliance.

13. 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.
14. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
15. All exterior public space (front, side and rear) will be illuminated with sufficient lighting for the police to identify all persons standing outdoors at night.
16. The business operator shall comply with Section 6404.5(b) of the Labor Code which prohibits smoking within any place of employment. There shall be no ashtrays or other receptacles used for the purpose of collecting ash or cigarette/cigar butts on the premises.
17. Petitioner(s) shall install and maintain security cameras and a four-week DVR that covers all common areas of the business, high-risk areas, entrances and exits. The DVRs shall be made available to the Los Angeles Police Department upon request.
18. No pay phone may be maintained on the exterior of the premises.
19. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Zoning Administrator for attachment to the case file.

ADMINISTRATIVE CONDITIONS

20. 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.

21. The Zoning Administrator reserves the right to require that the 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, and a 500-foot notification radius shall be submitted to the Department of City Planning. 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.
22. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may 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 used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be 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 therein, may result in denial of future requests to renew or extend this grant.
23. 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.
24. **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 (b).
- 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 (b).
- 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 **OCTOBER 12, 2018** unless an appeal therefrom 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 available on-line at <http://planning.lacity.org>**. Public offices are located at:

Downtown
Figueroa Plaza
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 all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the 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, the report of the Zoning Analyst thereon, the statements made at the public hearing on August 22, 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 permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject property is an irregular shape lot approximately 840,860 square feet in area and consists of seven separate industrial buildings totaling approximately 385,881 square feet. The proposed project is located within an existing 43,313 square-foot warehouse and distribution facility.

The project site is zoned [Q]M1-1-CDO-RIO and is located within the Northeast Los Angeles Community Plan with a General Plan Land Use Designation of Limited Manufacturing. The property is located within the Fletcher Square Community Design Overlay District and the River Improvement Overlay District. Additionally, the property is located within Preliminary Fault Rupture Study Area and an Alquist-Priolo Earthquake Fault Zone.

The applicant is requesting a conditional use to allow the proposed sale and dispensing of a full line of alcoholic beverages for off-site consumption, with ancillary on-site sales in conjunction with an existing 43,313 square-foot warehouse and distribution facility in the [Q]M1-1-CDO-RIO Zone. The retail component of the use will occupy approximately 200 square feet of the existing building. The retail component of the use will be minimal, occupying approximately 200 square feet of the existing 43,313 square foot building, although the Type 21 license will apply to the building as a whole. No exterior modifications or signage will be required, and existing access and parking will be sufficient for the anticipated minimal use of the retail facility. The retail facility will be open to the public for 50% of the total hours during which delivery is available from the facility (as required by the Department of Alcoholic Beverage Control), which are anticipated to be 8:00 a.m. to 12 a.m. daily.

The project site is located on San Fernando Road along an industrial corridor. The surrounding area consists primarily of large warehouses on the east side of San Fernando Road and smaller manufacturing and warehouse buildings on the west side of San Fernando Road. The northern adjoining properties are zoned [Q]M1-1-CDO-RIO and are developed with manufacturing/warehouse uses and surface parking lots. The eastern adjoining properties (across the railroad tracks) are zoned MR-1-RIO and developed with small light manufacturing buildings. The southern adjoining property is zoned [Q]M1-1-CDO-RIO and is developed with a light manufacturing building, surface parking and lumber yard. The western adjoining property (across San Fernando Road) is zoned [Q]M1-1-CDO and is developed with a smaller light manufacturing buildings.

Streets

San Fernando Road (Northeast Roadway), adjoining the subject property to the east is a designated Avenue I, dedicated to a width of 102 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

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

N/A

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

Case No. ZA-2016-1924-CUB-ZV – On October 4, 2016, the Zoning Administrator approved a Conditional Use and Variance in conjunction with an existing restaurant and an existing theater located at 3229-3269 West Casitas Avenue.

Case No. ZA-2011-300-CUB-ZV-ZAD – On June 30, 2011, the Zoning Administrator approved a Conditional Use, Zone Variance, and Conditional Use in conjunction

with an existing restaurant and an existing theater located at 3229-3269 West Casitas Avenue.

Public Hearing

The public hearing was held on August 22, 2018 at Los Angeles City Hall, Room 1020, located at 200 North Spring Street. 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 hearing was attended by the applicant's representative, Mathew Henderson and by a representative of Council District 13, Amy Ablakat. No members of the public attended the hearing.

Mr. Henderson clarified that there would be no sale of alcoholic beverages for on-site consumption on the premises. He stated that the request to allow the off-site sale of alcoholic beverages was in conjunction with a new Amazon distribution facility that delivers products directly to consumers including delivery of alcoholic beverages. He explained that under ABC guidelines and requirements, a Type 21 ABC license does not off-site delivery without on-site consumption. In this case, there will be no actual on-site consumption but the warehouse will be required to maintain a retail component open to the public for the sale of alcoholic beverages for off-site consumption in order to be permitted deliveries. ABC requires that the retail component be open to the public for at least 50% of the time as the hours for the warehouse distribution facility.

Mr. Henderson stated that a small 200 square-foot retail storefront will be incorporated into the warehouse where members of the public could purchase alcoholic beverages for off-site consumption. However, in reality, no actual walk-up sales are anticipated and the primary sale of alcoholic beverages will be by delivery. Mr. Henderson pointed out that there would be no signage advertising the sale of alcoholic beverages on the site. The warehouse is setback a substantial distance from San Fernando Road and is located behind another large warehouse building, therefore, the distribution center has limited visibility from San Fernando Road.

Ms. Ablakat testified in support of the applicant's request. She noted that the existing warehouse is located within an industrial park and the use of the warehouse to a distribution facility will be compatible with surrounding improvements. She stated that her office is a strong supporter of the commercial businesses and the proposed distribution facility will create jobs for the local community. She stated that her office did not receive any comments or objections from the community and she looks forward to the establishment of this Amazon facility.

Public Correspondence:

A letter dated August 20, 2018 was submitted by the LAPD Northeast Vice Division. The letter stated that LAPD was not opposed to the request but submitted 13 recommended operational conditions for the Zoning Administrator's consideration.

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.

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office, etc.)

- There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this 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 of beer and wine 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.

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 located on the south side of San Fernando Road between Fletcher Drive and Tyburn Street. The subject site is improved with an industrial park contains several large warehouses. The request is to permit the sale and dispensing of a full line of alcoholic beverages by delivery for off-site consumption in conjunction with an approximately 43,313 square-foot warehouse and distribution facility and on-line retailer in the [Q]M1-1-CDO-RIO Zone. Per ABC requirements, delivery of alcoholic beverages requires the maintenance of retail sales for off-site consumption on the premises. Therefore, an approximately 200 square-foot retail storefront will be maintained within the distribution facility. The distribution facility is an Amazon store focusing that will fill on-line orders for a wide range of products.

The alcohol retail component of the use is not anticipated to generate walk-up traffic. The warehouse is setback approximately 350 feet from San Fernando Road and has minimal visibility from the street. There will be no signage advertising the availability of alcoholic beverages. The retail component is required only to fulfill ABC requirements but as a practical matter, few if any off-site sales will take place from the retail component.

No exterior modifications or signage will be required, and existing access and parking will be sufficient for the anticipated minimal use of the retail facility. The retail facility will be open to the public for 50% of the total hours during which delivery is available from the facility (as required by the Department of Alcoholic Beverage Control), which are anticipated to be 8:00 a.m. to 12 a.m. daily.

The proposed project will entail no exterior changes and only a very limited retail use comprising some 200 square foot within the existing facility. The proposed project will also provide an important benefit to the local community; by providing for a facility that allows for the delivery of alcohol with appropriate security, limited hours, and verification that the purchasers are of lawful age. The delivery of alcoholic beverages for off-site consumption will be incidental to the sale of other products and will provide a convenience and beneficial service to the surrounding community.

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 property is an irregular shape lot approximately 840,860 square feet in area and consists of seven separate industrial buildings totaling approximately 385,881 square feet. The proposed project is located within an existing 43,313 square-foot warehouse and distribution facility.

The project site is zoned [Q]M1-1-CDO-RIO and is located within the Northeast Los Angeles Community Plan with a General Plan Land Use Designation of Limited Manufacturing. The property is located within the Fletcher Square Community Design Overlay District and the River Improvement Overlay District.

Additionally, the property is located within Preliminary Fault Rupture Study Area and an Alquist-Priolo Earthquake Fault Zone.

The project site is located on San Fernando Road along an industrial corridor. The surrounding area consists primarily of large warehouses on the east side of San Fernando Road and smaller manufacturing and warehouse buildings on the west side of San Fernando Road. The northern adjoining properties are zoned [Q]M1-1-CDO-RIO and are developed with manufacturing/warehouse uses and surface parking lots. The eastern adjoining properties (across the railroad tracks) are zoned MR-1-RIO and developed with small light manufacturing buildings. The southern adjoining property is zoned [Q]M1-1-CDO-RIO and is developed with a light manufacturing building, surface parking and lumber yard. The western adjoining property (across San Fernando Road) is zoned [Q]M1-1-CDO and is developed with a smaller light manufacturing buildings.

The project is the proposed sale and dispensing of a full line of alcoholic beverages for off-site consumption, with ancillary on-site sales in conjunction with an existing 43,313 square-foot warehouse and distribution facility. The retail component of the use will occupy approximately 200 square feet of the existing building. The retail component of the use will be minimal, occupying approximately 200 square feet of the existing 43,313 square foot building. The retail facility will be open to the public for 50% of the total hours during which delivery is available from the facility (as required by the Department of Alcoholic Beverage Control), which are anticipated to be 8:00 a.m. to 12 a.m. daily.

The Zoning Administrator has incorporated conditions into this grant that are designed to ensure that the use will continue to be compatible with the adjacent properties and the surrounding neighborhood. Conditions such as requirements for STAR training and security cameras have been imposed to ensure that the project will not adversely affect or degrade adjacent properties. Therefore, the project's location, 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.

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 Northeast Los Angeles Community Plan designates the subject property for Limited Manufacturing land uses corresponding to the CM, M2, MR1, and P. The site is zoned [Q]M1-1-CDO-RIO and is thus consistent with the existing land use designation. The property is located within the Fletcher Square Community Design Overlay District and the River Improvement Overlay District. Additionally,

the property is located within Preliminary Fault Rupture Study Area and an Alquist-Priolo Earthquake Fault Zone.

The project is consistent with the following goal, objective, and policy of the Community Plan:

Goal 3: Sufficient land for the range of industrial uses necessary to provide maximum employment opportunities, especially for local residents; that are safe for the environment and the work force; and have minimal adverse impact on adjacent uses and infrastructure resources.

Objective 3-3: “[t]o retain industrial plan designations in order to attract appropriate industrial development to maintain the industrial employment base for community residents

Policy 3-1.1: Preserve existing industrial areas that have the greatest viability and compatibility and the least adverse impact on nearby uses.

The subject site is zoned [Q]M1-1-CDO-RIO. The warehouse and distribution facility is consistent with the property’s zoning and land use designation. The approval of the sale and dispensing of a full line of alcoholic beverages for off-site consumption, with ancillary on-site sales in conjunction with an existing 43,313 square-foot warehouse and distribution facility in the [Q]M1-1-CDO-RIO Zone would strengthen the existing warehouse/distribution. The retail component of the use will occupy approximately 200 square feet of the existing building. No exterior modifications or signage will be required, and existing access and parking will be sufficient for the anticipated minimal use of the retail facility. The retail facility will be open to the public for 50% of the total hours during which delivery is available from the facility (as required by the Department of Alcoholic Beverage Control), which are anticipated to be 8:00 a.m. to 12 a.m. daily.

The Community Plan text does not specifically address the requested conditional use. The conditional authorization for the sale of a full line of alcoholic beverages is allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support have been made herein. Given the numerous conditions of approval, the proposed project can be deemed to be in harmony with the General Plan as it will strengthen an existing business located along an industrial corridor.

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 property is zoned for industrial uses and will continue to be utilized as such. The proposed project will further enhance the uses already in place on the Project Site, making it more economically viable and strengthening the financial and employment base of the community and the City more broadly.

Conditions have been incorporated into this grant to require security measures such as the installation of a surveillance system and deterrence of graffiti. In addition, the grant requires the installation of age verification device at the point of sale to deter underage drinking. Employees must also undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the proposed off-site sales of a beer and wine will not adversely affect the welfare of the pertinent 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.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-site and two off-site consumption licenses are allocated to the subject census tract (Census Tract 1864.01). There are currently five (5) on-site licenses, one (1) club license, and three (3) off-site licenses in this census tract.

According to statistics provided by the Los Angeles Police Department's Northeast Division Vice Unit, within Crime Reporting District No. 1124, which has jurisdiction over the subject property, a total of 220 crimes were reported in 2017 (129 Part I and 91 Part II crimes), compared to the Citywide Average of 191 crimes and compared to the High Crime Reporting District Average of 229 crimes. Alcohol related Part II Crimes reported include Narcotics (24), Liquor Laws (1), Public Drunkenness (9), Disturbing the Peace (1), Disorderly Conduct (0), Gambling (0), DUI related (4), and other offenses (22). 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.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. 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.

The above statistics indicate that the crime rate in the census tract where the subject site is located is moderately higher than the total citywide average, but lower than the High Crime Reporting District for the same reporting period. While the crime rate in the area is higher than average, by providing for the delivery of

alcohol to persons at their homes, the Project will help avoid concentrations of alcohol users, driving while intoxicated, alcohol consumption in public, and related criminal and antisocial activity. It will therefore help limit and avoid crime, including public drunkenness, illegal sales or uses of narcotics, drugs, and alcohol, disturbing the peace, and disorderly conduct.

The conditions of the grant address noise, security, loitering and maintenance to deter any nuisance activity on or adjacent to the site. These conditions will deter or prevent nuisance or criminal activity such as loitering or public drinking and will maintain public safety. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate and will not result in an undue concentration of establishments providing alcoholic beverages.

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 within 1,000 feet of the subject property:

The Path Church	3219 N San Fernando Rd
Atwater Park Baptist Church	3370 Perlita Ave
Armenia School Foundation	3628 San Fernando Rd
Big Brothers Big Sisters of Greater Los Angeles	3150 N. San Fernando Rd,
Juntos Park	3135 Drew Street
Iglesia De Dios Penteostal Ebenezer IDPE Inc	3279 N. San Fernando Rd
The Living Hope	3219 N. San Fernando Rd
Shepard University LA	3200 N San Fernando Rd
Homenetmen Ararat	3347 N San Fernando Rd,
San Gabriel Elite Volleyball Club	3424 San Fernando Rd
Segray	3201 La Clede Ave
Atwater Park Center for Children	3370 Perlita Ave,
Atwater Avenue Elementary School	3271 Silver Lake Blvd

The proposed project is more than 500 feet away from the nearest residentially zoned area and is thus sufficiently distant from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses. The project is located directly on San Fernando Road, a major commercial artery in the area. The Zoning Administrator has given consideration to the distance of the proposed use from the residential uses that are closest to the project site. The closest residential developments are sufficiently buffered from the subject site by numerous industrial buildings. There was no testimony or correspondence were stated or submitted indicating the operation has been detrimental to sensitive uses. Conditions including the requirement to keep a complaint log and to conduct STAR

training should continue to maintain compatibility and ensure no detrimental impacts to the surrounding community. Therefore as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

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 this project is located in Zone C, areas of minimal flooding.
8. DETERMINED based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15305, Class 1, Category 22. There is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

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



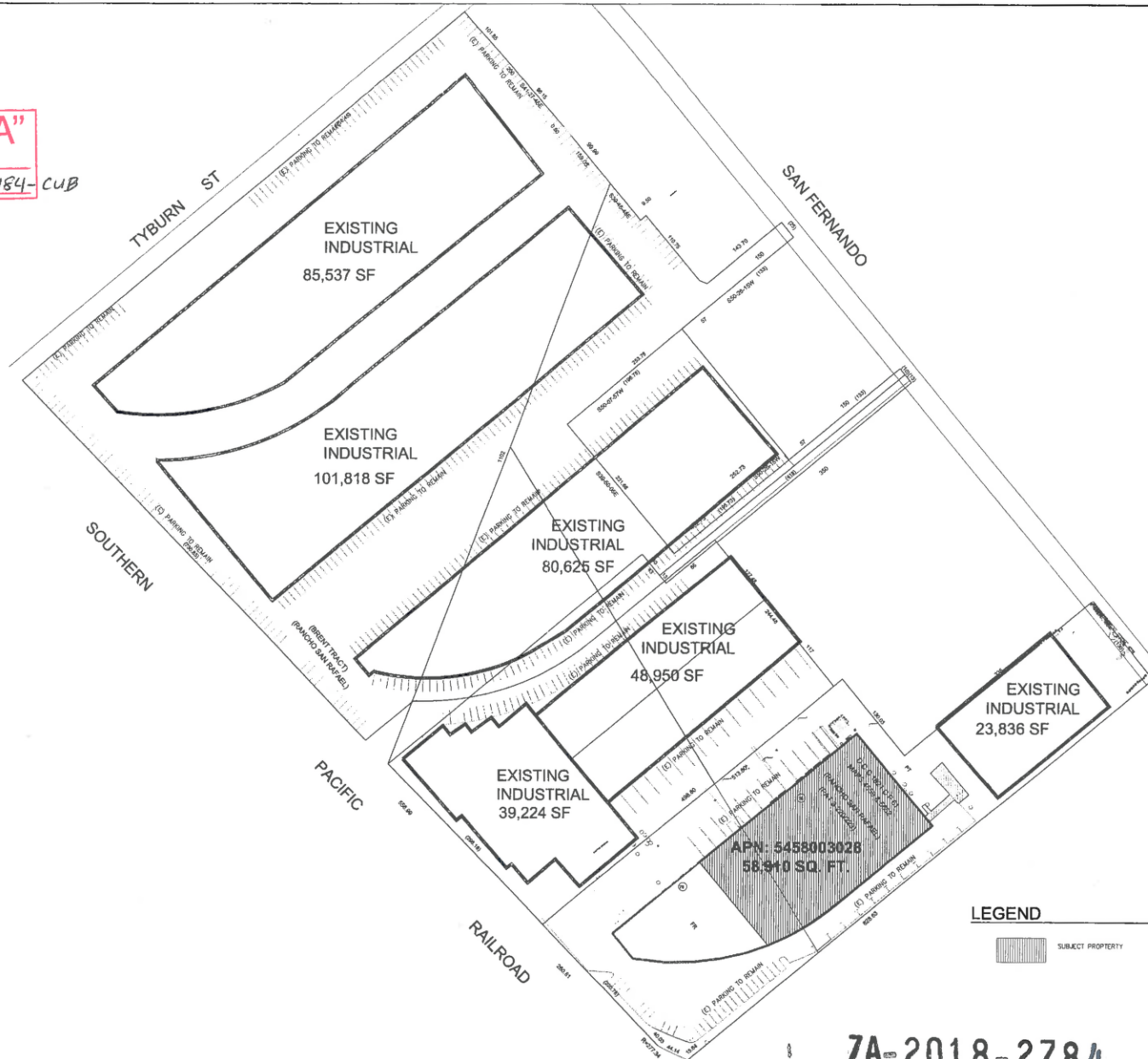
FERNANDO TOVAR
Associate Zoning Administrator

FQ:JT:bk

cc: Councilmember Mitch O'Farrell
Thirteenth Council District
Adjoining Property Owners

EXHIBIT "A"

Page No. 1 of 3
Case No. ZA-2018-2784-CUB



ZA-2018-2784

PLOT PLAN
SCALE: 1/8"=1'-0"



WARE MALCOMB
Leading Design for Commercial Real Estate

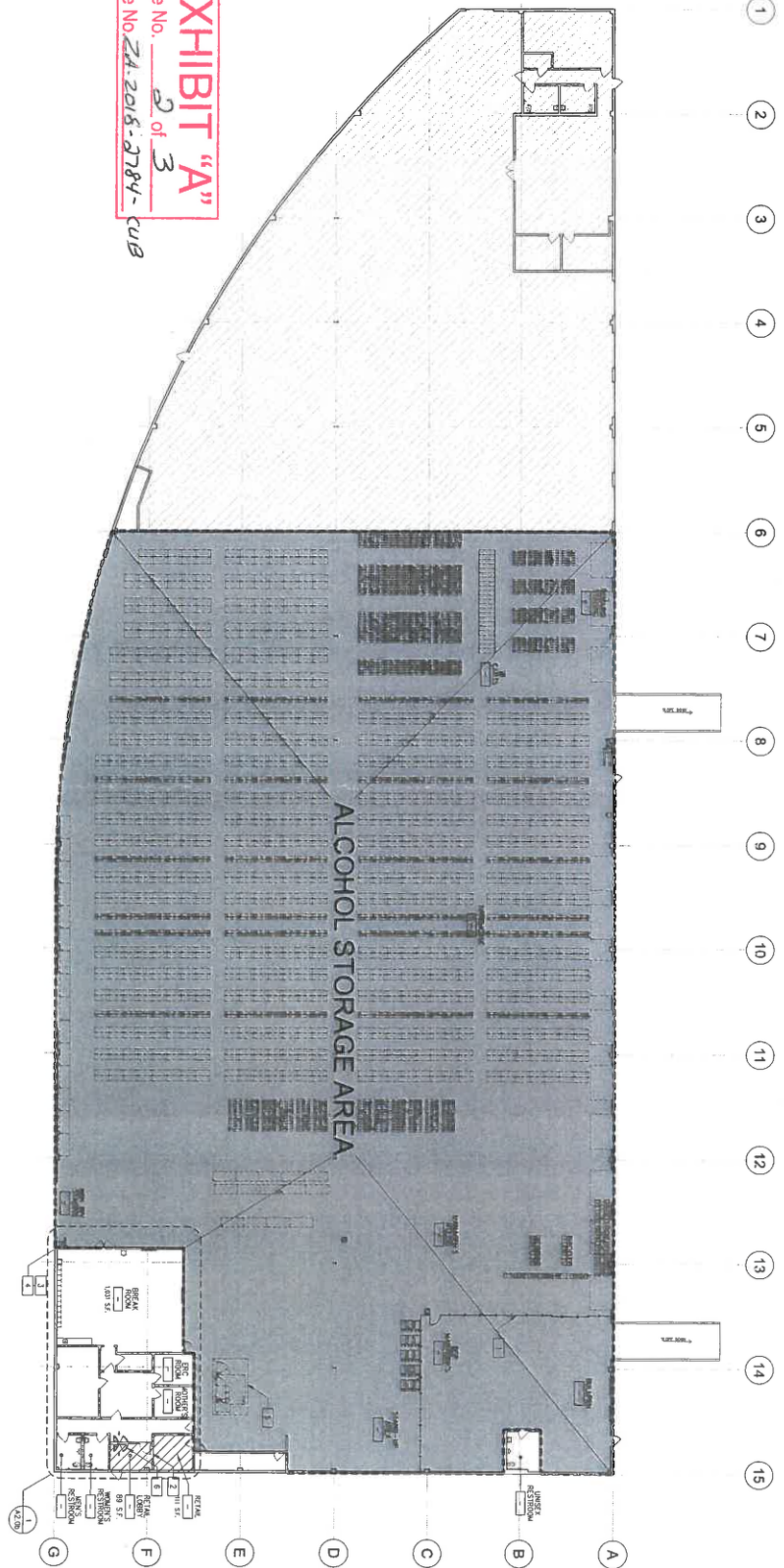
architect
planning
interiors
landscape
civil engineering
10000 Wilshire Blvd.
Suite 1000
Beverly Hills, CA 90210
P 310.277.1200
F 310.277.1201

UCA5 WAREHOUSE
3334 W. SAN FERNANDO ROAD
LOS ANGELES, CALIFORNIA 90065

DATE	REVISIONS

PA / PM:	M. DAVIDSON
DRAWN BY:	J.C.
JOB NO.:	SNR18-0035-00

SHEET
A1.0



OVERALL FLOOR PLAN

PARTITION NOTES

SEE SHEET A0.1 & A0.2 FOR GENERAL NOTES

1. ON-LINE FENCE WITH POST, SURFACE MOUNTED TO CONCRETE FLOOR. SEE DETAIL 1 ON SHEET A2.1.
 2. PROVIDE TRANSDUCER COUNTER WITH INTEGRATED LOCAL-LEVEL, THUMPER, SLAMING CHAIN WINDOW CONSISTING OF (2) PANELS IN ALUMINUM CHANNEL. SEE DETAIL 2 ON SHEET A2.1.
 3. NEW WATER HEATER
 4. NEW WOP SINK
 5. WOP AND EQUIPMENT ENCLOSURE PROVIDED AND INSTALLED BY TENANT.
- SECURITY TURN-STATE TO BE PROVIDED AND INSTALLED BY TENANT.

LEGENDS

- INDICATES AREA NOT IN CONTRACT (N.I.C.)

- INDICATES OFF-SITE SALES AREA
ALCOHOLIC BEVERAGES ±200 S.F.

- _____

- 1

WALL LEGEND

- | | |
|---|------------------------------------|
| | NEW CHAIN LINK FENCE |
|  | EXISTING SHELL WALL W/ NEW FURRING |
| | EXISTING PARTITION |

ZA-2018-2784

- FOR REFERENCE ONLY -

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF WAIVE WALCUMB AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH WAIVE WALCUMB. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF WAIVE WALCUMB PRIOR TO THE COMMENCEMENT OF ANY WORK.

LOS ANGELES, CALIFORNIA 90065

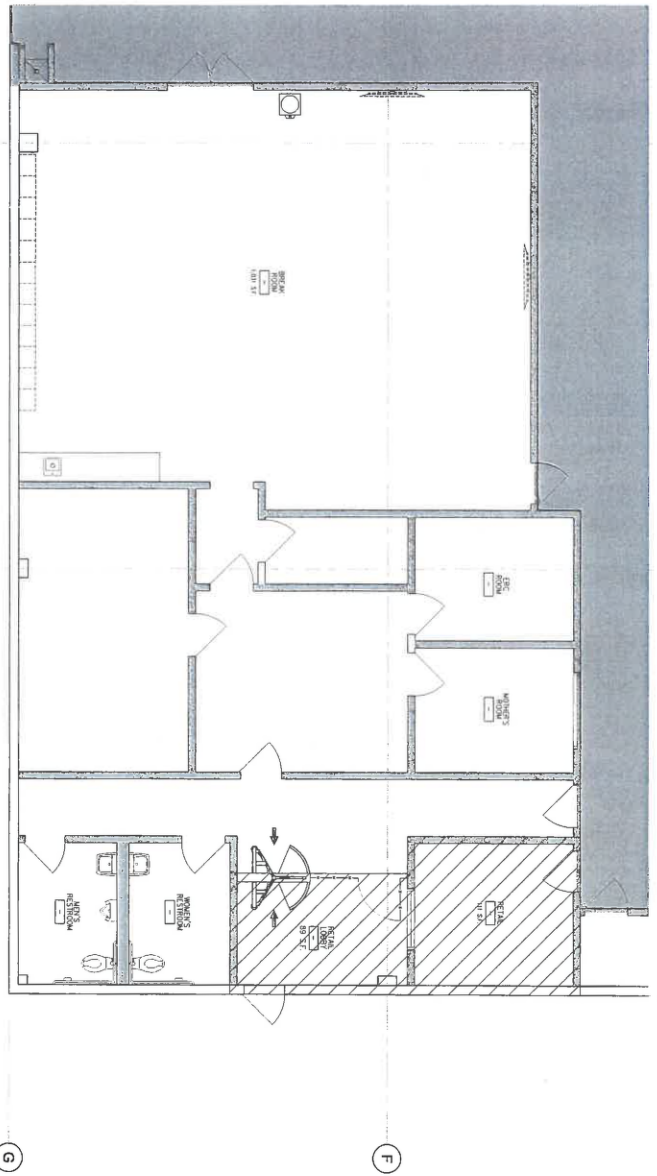
10 edelman
irvine, california 92618
p 949.660.9128
f 949.863.1581

WARE MALCOMB
Leading Design for Commercial Real Estate

[illegible]

A2.0a

EXHIBIT "A"
Page No. 3 of 3
Case No. ZA-2018-2784-
CUB



1/2"=1'-0"

ENLARGED SALES AREA
SCALE: 1/8"=1'-0"

PARTITION NOTES

- SEE SHEET A01 & A02 FOR GENERAL NOTES
- 1 CHAIN LINK FENCE WITH POST SURFACE MOUNTED TO CONCRETE FLOOR. SEE DETAIL 1 ON SHEET A21.
 - 2 PROVIDE INSULATING COUNTER WITH INTEGRATED LOOKALIKE TYPING. SEE DETAIL 2 ON SHEET A21.
 - 3 NEW WATER HEATER
 - 4 NEW WATER SINK
 - 5 NEW AND EQUIPMENT ENCLOSURE PROVIDED AND INSTALLED BY TENANT.
 - 6 SECURITY TURN-STYLE TO BE PROVIDED AND INSTALLED BY TENANT.

LEGENDS

- INDICATES AREA NOT IN CONTRACT (N.I.C.)
- INDICATES GRAY-SPRINK SALES AREA
- ALCOHOL BEVERAGES 2009 SF.
- INDICATES ALCOHOL STORAGE AREA

WALL LEGEND

- EXISTING PARTITION
- EXISTING SHELL WALL W/ NEW FLOORING
- NEW CHAIN LINK FENCE

ZA-2018-2784

- FOR REFERENCE ONLY -

UCA5 WAREHOUSE
3334 W. SAN FERNANDO ROAD
LOS ANGELES, CALIFORNIA 90065

WARE MALCOMB
Leading Design for Commercial Real Estate

architecture
planning
interiors
graphics
civil engineering

10 edelman
irvine, california 92618
p 949.660.9128
f 949.660.1261

DATE: 07-11-2018
REMARKS: ISSUE FOR PLAN CHECK

DATE	REMARKS
07-11-2018	ISSUE FOR PLAN CHECK

PA/PM: L. BLANCHET
DRAWN BY: J.C.
JOB NO.: 0015-0005-10
SHEET: A2.0b

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF WARE MALCOMB AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH WARE MALCOMB. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF WARE MALCOMB PRIOR TO THE COMMENCEMENT OF ANY WORK.