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December 13, 2018

Target Corporation (A)  
1000 Nicollet Mall  
Minneapolis, MN 55403

West Granville/N. Alley (LA) Owner, LLC  
(O)  
4700 Wilshire Boulevard  
Los Angeles, CA 90019

Beth Aboulafia (R)  
Hinman & Carmichael LLP  
260 California Street  
San Francisco, CA 94111

CASE NO. ZA-2018-3770-CUB  
CONDITIONAL USE  
11800 West Santa Monica Boulevard  
(11800-11842 West Santa Monica  
Boulevard and 1515 South Granville  
Avenue North)  
West Los Angeles Planning Area  
Zone : C2-1VL  
C.D. : 11  
D.M. : 126B145 and 126B149  
CEQA: ENV-2018-3771-CE  
Legal Description: Lots 1-3 and Fraction  
of Lot 4, Tract 22029

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

a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed retail and grocery store in the C2-1VL 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 and floor 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. 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. Authorized herein is the sale a full line of alcoholic beverages for off-site consumption in conjunction with an approximately 30,810 square-foot retail and grocery store.
6. Hours of operation shall be limited from 7:00 a.m. to 11:00 p.m. daily.
7. 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. The plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the DEPARTMENT OF CITY PLANNING and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
8. 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. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Lighting in the parking area shall be direct, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of the nearby residences
9. 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.
10. Within the first six months of utilizing the grant at this establishment, all employees involved with the sale 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-2018-3770-CUB, from the Police Department to the Department of City Planning as evidence of compliance.

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. Applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment.
15. Parking shall be provided in conformance to the L.A.M.C. No variance from the parking requirements has been granted herein.
16. Coin operated game machines or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
17. 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.
18. 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.

#### **ADMINISTRATIVE CONDITIONS**

19. 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 a full line of alcoholic beverages for off-site consumption, in conjunction the retail and grocery store known as Target, and agree to abide and comply with said 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. At any time during the period of validity of this grant, 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 Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application in association with the appropriate fees. 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. 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.
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 (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 **DECEMBER 28, 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  
 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 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 approval under the provisions of Section 12.24-W,1 have been established by the following facts:

#### BACKGROUND

The subject property is a relatively level, irregularly-shaped parcel, of approximately 56,477 square feet having frontages on Santa Monica Boulevard, Granville Avenue, and Westgate Avenue. The property is currently being developed with a 169,055 square-foot commercial and residential mixed-used building. The request herein includes a Target retail and grocery store within the new mixed-use building in which the applicant is requesting a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption. The store area will have 30,810 square feet and is proposed to operate between the hours of 7:00 a.m. to 11:00 p.m., daily. The entire mixed-use development provides 400 parking spaces, of which 198 parking spaces are designated for the commercial uses.



The project site is located within the West Los Angeles Community Plan, which designates the site for General Commercial land uses. The property is zoned C2-1VL and is thus consistent with the existing land use designation. The site is also located within the West Los Angeles Transportation and Mitigation Specific Plan. The Specific Plan assigns conditions based on the number of trips created by a project and Transportation Impact Assessment Fee to fund various transportation improvements in the Specific Plan area, as determined by the Los Angeles Department of Transportation. It is not located within any other specific plans, overlays, or interim control ordinances.

Surrounding properties are improved with a mix of residential and commercial uses. Property to the north, across Santa Monica Boulevard, is zoned C2-1VI and improved with neighborhood-serving commercial uses, including auto repair services, a thrift store, a sports retailer, and a vacant building. Easterly, across Granville Avenue, is property currently being developed with a 187-unit mixed-use building. Property to the west, across Westgate Avenue is under construction as a 39-unit mixed-use development. Property to the south, across a 20-foot alley is improved with two newly constructed multi-family residential buildings.

Santa Monica Boulevard, adjoining the subject property to the north, is a designated Boulevard II, dedicated to a right-of-way width of 100 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

Granville Avenue, adjoining the subject property to the east, is a Local street, dedicated to a right-of-way width of 60 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

Westgate Avenue, adjoining the subject property to the west, is a Local Street, dedicated to a right-of-way width of 62 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

An alley, adjoining the subject property to the south, is dedicated to a width of 20 feet and improved with asphalt and pavement.

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

Case No. ZA-2018-3083-CUB – On November 17, 2017, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant with hours of operation from 9:00 a.m. to 12:00 a.m. (midnight), Sunday through Wednesday, and 9:00 a.m. to 1:00 a.m., Thursday through Saturday.

Case No. DIR-2014-2297-DB-SPR – On August 21, 2015, the Director of Planning approved a Density Bonus/Affordable Housing Incentives Program and Site Plan Review to allow for the demolition of a former automobile dealership and ancillary structures and construction of a new, approximately 169,055 square-foot mixed-use development containing up to 150 units of multi-family housing consisting of 134 market rate units, three of which are live-work units, and sixteen restricted affordable units in a 56-foot high (four story) structure with 40,000 square feet of retail area and code required automobile parking spaces in three subterranean levels.



**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 Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. No relevant cases were identified to be within 600 feet of the subject property and filed within the last ten years.

**PUBLIC CORRESPONDENCE**

A communication from the West Los Angeles Division Vice of Los Angeles Police Department, dated August 14, 2018, was received which noted that they have no opposition to the subject application for conditional use.

**PUBLIC HEARING**

The public hearing was held on Monday, October 22, 2018 at the West Los Angeles Municipal Building, located at 1645 Corinth Avenue in the Second Floor Hearing Room 200. The hearing was attended by the applicant's representative, Beth Aboulafia. No members of the public or representatives of any public agency attended the hearing.

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.

Ms. Aboulafia stated that the applicant is requesting a Conditional Use to authorize the off-site sale of a full line of alcoholic beverages in conjunction with a new Target store. The Target store is part of a new, four-story mixed-use development located on the south side of Santa Monica Boulevard with frontage along Westgate Avenue to the west and Granville Avenue to the east. The mixed use project consists of ground floor commercial uses and 150 dwelling units above with three levels of subterranean parking.

Ms. Aboulafia noted that the proposed Target will occupy approximately 30,810 square feet and will be oriented on the west portion of the site with a primary entrance at ground level adjacent to the intersection of Westgate and Santa Monica. Vehicular access is provided on Westgate and the store will have access directly from the elevators in the garage as well. Ms. Aboulafia noted that the mixed-use development was the subject of a discretionary entitlement approved under Case No. DIR-2014-2297-DB-SPR.

Ms. Aboulafia stated that the store's hours of operation will be from 7 a.m. to 11 p.m. daily and she noted that the proposed Target would be a smaller format store unlike the typical larger stores and the applicant is not seeking expanded hours during holidays such as Black Friday (as it has with other stores).

Ms. Aboulafia indicated that the request was reviewed by the LAPD's West Los Angeles Area Vice Unit and LAPD had no objections subject to recommended conditions in their letter (dated August 14, 2018). Ms. Aboulafia indicated that the applicant had no concerns about most of the substantive conditions but requested that Condition Nos. 5, 6, 9 and 13 in LAPD's letter not be incorporated to the grant because two of the conditions were not applicable to off-site sales and one condition prohibited the placement of pennants, banners,



balloons, streamers and the store would like to be able to occasionally use decorations for a grand opening or other special events and the other condition required a six month review (Plan Approval) that Ms. Aboulafia felet was not warranted.

The Zoning Administrator reviewed the recommended conditions and concurred.

Ms. Aboulafia also noted that the request was presented before land use committee of the Neighborhood Council and received unanimous support and was scheduled before the full Board of the Neighborhood Council on October 25.

After reviewing the plans and circumstances surrounding the site, the Zoning Administrator approved the request.

### **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.)

The following conditions were submitted for consideration:

- 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 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 Target store will offer a selection of merchandise that caters to the surrounding population. As part of this selection, Target will offer the customers the ability to purchase grocery items, including alcoholic beverages, while shopping for everyday essentials. The sale of alcoholic beverages will offer customers a more complete shopping experience and will provide a convenience to Target's customers by eliminating the need for additional shopping trips. The project will introduce a retail and grocery establishment that will be consistent with the needs of the community, thereby strengthening the economic base within the subject site, promoting economic activity and stimulating market opportunities for existing and new businesses. The presence of the proposed Target store will attract and provide a larger base of potential customers to purchase goods, add to the economic base of the community, create and maintain employment opportunity and generate revenue to various municipalities. Thus, the project will perform a function and provide a service that proves to be beneficial to the community, city or region.

- 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 a relatively level, irregularly-shaped parcel, of approximately 56,477 square feet having frontages on Santa Monica Boulevard, Granville Avenue, and Westgate Avenue. The property is currently being developed with a 169,055 square-foot commercial and residential mixed-used building. The request herein includes a Target retail and grocery store within the new mixed-use building in which the applicant is requesting a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption. The store area will have 30,810 square feet and is proposed to operate between the hours of 7:00 a.m. to 11:00 p.m., daily. The entire mixed-use development provides 400 parking spaces, of which 198 parking spaces are designated for the commercial uses.

The request is to authorize the off-site sale of a full line of alcoholic beverages in conjunction with a ground floor tenant, Target, an approximately 30,810 square foot retail and grocery store oriented along Santa Monica Boulevard. The store has pedestrian access directly from Santa Monica Boulevard and adequate code required parking is provided within subterranean parking levels. The store's hours of operation do not consist of late night hours, the store will be open from 7:00 a.m. to 11:00 p.m.

Target implements a comprehensive Alcohol Sales Training Program and all cashiers are required to complete and pass a test before they are allowed to cashier. The program includes point of sale safeguards consisting of instructions built-in to the cash registers that require a date of birth to be entered into the register for each

transaction of alcohol to allow age verification. In addition, Target's asset protection personnel monitor store activity and customer behavior. As conditioned, video surveillance cameras will be installed in the interior and exterior of the store. The conditions of the grant address safety and security will ensure that the use remains compatible with the surrounding 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 project site is located within the West Los Angeles Community Plan, which designates the site for General Commercial land uses. The property is zoned C2-1VL and is thus consistent with the existing land use designation. The site is also located within the West Los Angeles Transportation and Mitigation Specific Plan. The Specific Plan assigns conditions based on the number of trips created by a project and Transportation Impact Assessment Fee to fund various transportation improvements in the Specific Plan area, as determined by the Los Angeles Department of Transportation. It is not located within any other specific plans, overlays, or interim control ordinances.

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

**GOAL 2: A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH PROMOTES ECONOMIC VITALITY, SERVES THE NEEDS OF THE COMMUNITY THROUGH WELL DESIGNED, SAFE AND ACCESSIBLE AREAS WHILE PRESERVING HISTORIC AND CULTURAL CHARACTER.**

**Objective 2-1:** To conserve and strengthen viable commercial development and to provide additional opportunities for new commercial development and services within existing commercial uses.

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

**Policy 2-1.3:** Ensure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

**Objective 2-2:** To promote distinctive commercial districts and pedestrian-oriented areas.

**Policy 2-2.2:** Promote mixed-used projects along transit corridors and in appropriate commercial areas.



The proposed Target retail store will be located within an established commercial district and is consistent with the purpose, intent, and provisions of the General Plan and applicable community plan. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale of alcoholic beverages for off-site consumption. The approved grant will continue to positively contribute to the overall goals and policies of the Community Plan by providing a new neighborhood-serving commercial use. The Community Plan text is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the plan. Given the numerous conditions of approval and the fact that the proposed sale of alcohol is incidental to a retail and grocery store, the existing use can be deemed to be in harmony with the General Plan and the surrounding land uses will not be significantly impacted by the continued off-site alcohol sales.

#### **ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES**

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 commercial uses and will continue to be utilized as such with the proposed Target store. With oversight from CA ABC and the incorporation of a number of conditions with this grant, the project will be compatible with the character of the immediate neighborhood. Further, the retail store's operation will be fully enclosed within the building and should not impact the surrounding community. 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.

The new Target store will provide a broad range of everyday essentials to meet the needs of local residents, workers, and visitors. The addition of alcoholic beverage sales will not change the character of the proposed retail use. Alcoholic beverage sales will be a small component and incidental to Target's overall retail operations and will not adversely affect the surrounding community. Therefore, it is expected that incidental off-site alcohol sales at the proposed Target store 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 State Department of Alcoholic Beverage Control (ABC), there are five on-site licenses and three off-site licenses allocated to Census Tract No. 2675.01. There are eight existing on-site licenses and two off-site licenses. While the request herein will create an additional off-site license within this census tract, it does not exceed the number allocated and will not lead to an undue concentration according to ABC criteria.

According to statistics provided by the Los Angeles Police Department's West Los Angeles Division Vice Unit, within Crime Reporting District No. 852, which has jurisdiction over the subject property, a total of 178 crimes were reported in 2017 (100 Part I and 78 Part II crimes), compared to the Citywide average of 191 crimes and the High Crime Reporting District average of 229 crimes. Alcohol related Part II Crimes reported include Narcotics (5), Liquor Laws (7), Public Drunkenness (33), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI related (2), and other offenses (6). 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 site is located within a crime reporting district where the crime rate is lower than the citywide average. No evidence or communications were received indicating that the proposed Target store would be the subject of criminal or nuisance activity. The West Los Angeles Division Vice Unit submitted a letter of non-opposition to the request dated August 14, 2018.

Therefore, the project will not adversely affect community welfare because the proposed retail and grocery store is a desirable use in an area designated for commercial uses. In this case, the proposed project will provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed 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 project site is zoned for commercial uses and will continue to be utilized as such with the existing grocery store/market. The following sensitive uses are located within a 1,000-foot radius of the site:

University High School, 11800 Texas Avenue  
Cornerstone Christian Church & Sunday School  
Residential Uses

While there are residential dwelling units and other sensitive uses located in close proximity to the project site, the surrounding neighborhood has been and continues to be a mixed-use neighborhood with a mixture of housing, shops, restaurants, and other neighborhood-serving commercial uses. The proposed Target is located along Santa Monica Boulevard, a major thoroughfare connecting parts of West Los Angeles. The Zoning Administrator has given consideration to the distance of the established use from the residential uses that are closest to the project site. Alcohol sales for off-site consumption will not detrimentally affect the neighboring residential and other sensitive uses in the area because they will occur in a controlled environment within the proposed retail store by trained employees and be subject to multiple security measures. Conditions of Approval including the requirement to keep a complaint log and to conduct STAR training should reduce 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 1, Class 5, Category 23, and 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 shall be directed to Courtney Shum, Planning Staff for the Department of City Planning at (213) 978-1916.



FERNANDO TOVAR  
Associate Zoning Administrator

FT:CS:bk

cc: Councilmember Mike Bonin  
Eleventh Council District  
Adjoining Property Owners







**EXHIBIT "A"**

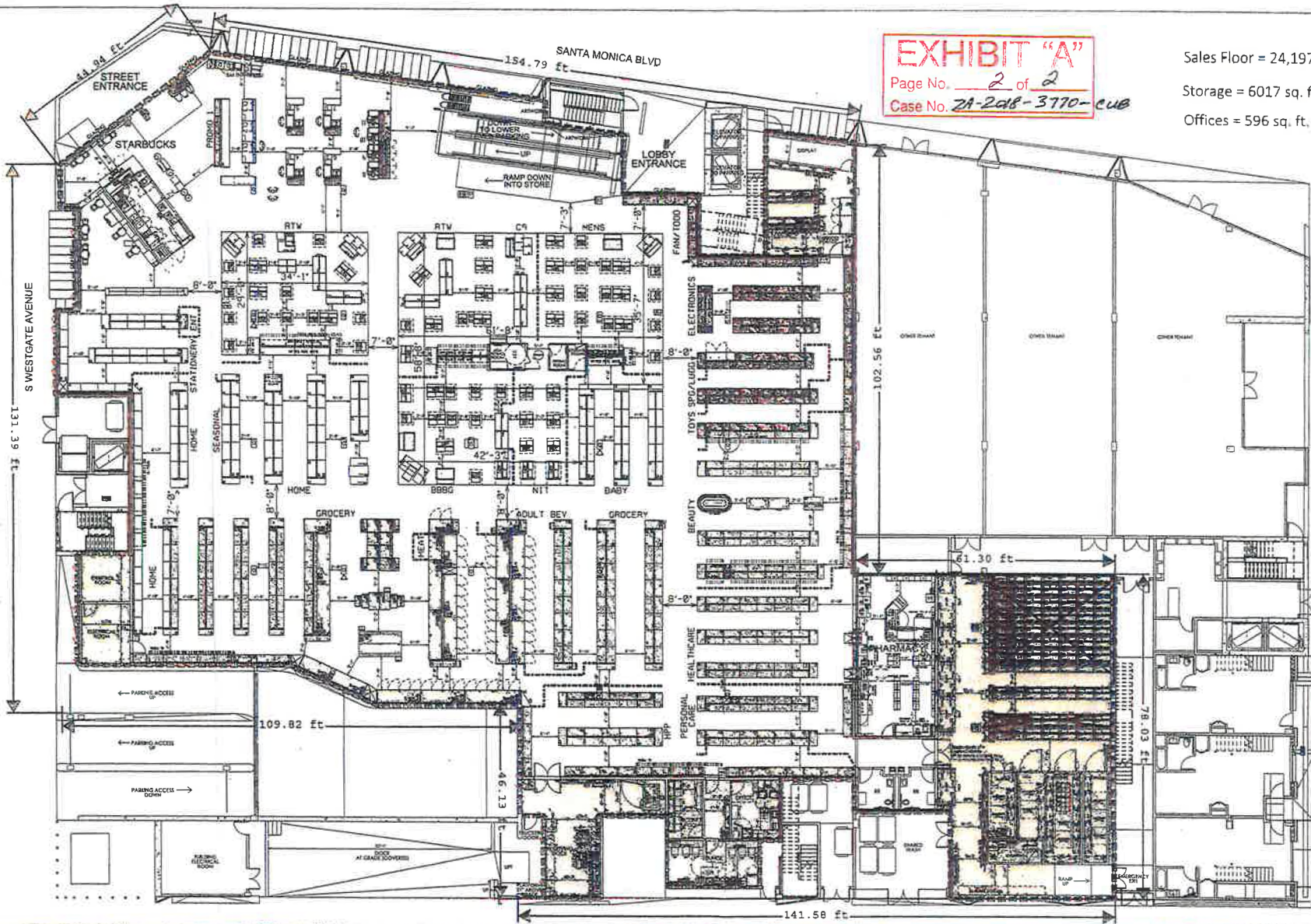
Page No. 2 of 2

Case No. ZA-2018-3770-CUB

Sales Floor = 24,197 sq. ft.

Storage = 6017 sq. ft.

Offices = 596 sq. ft.



11808 Santa Monica Blvd., Los Angeles, CA 90025

Target Store Design  
**ZA-2018-3770-CUB**

