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June 14, 2019

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1055 West 7th Street, 33rd Floor
Los Angeles, CA 90017

CASE NO. ZA 2018-6727-CUB
CONDITIONAL USE
5003 East York Boulevard
Northeast Los Angeles Planning Area
Zone : [Q]C4-1XL
D.M. : 156A225
C.D. : 14 – Huizar
CEQA: ENV-2018-6728-CE
Legal Description: Lot 30, Block A,
Highland Park Electric Tract

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15305 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and

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

a Conditional Use to permit the sale and dispensing of beer and wine for off-site consumption in conjunction with proposed convenience market,

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 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.
6. 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 L.A.M.C 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.
7. Authorized herein is the sale and dispensing of beer and wine for off-site consumption, in conjunction with a proposed 1,035 square-foot convenience store. The grant shall be subject to the following limitations:
 - a. Hours of operation shall be limited to 10 a.m. to 10 p.m., daily.
8. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
10. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries and trash removal.
11. 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.

12. **Prior to the utilization of this grant, a "hot line" shall be provided for complaints or concerns from the community regarding the operation. The phone number 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 twenty four hours.

13. 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 restaurant facing the public parking lot.
14. 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.
15. Any future operator or owner for this site must file a new Plan Approval Application to allow the City of Los Angeles to review the "mode and character" of the usage;
16. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any LAPD officer or ABC investigator. The owner or manager and all employees of the restaurant shall be knowledgeable of the conditions herein
17. **STAR/LEAD Training.** Within the first six months of operation with the ABC License, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training.
18. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

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19. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
20. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
21. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
22. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
23. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

ADMINISTRATIVE CONDITIONS

24. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C 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.
 - a. Within 24 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.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
25. 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.

26. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

27. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) 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

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responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (iv) 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).
- (v) 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 that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **JULY 1, 2019** unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are also available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on April 17, 2019, 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,1 have been established by the following facts:

BACKGROUND

The subject site is a relatively level, rectangular-shaped lot consisting of approximately 5,200 square feet with a frontage of 40 feet on the south side of York Boulevard. The site is presently developed with a 5,760 square-foot, single-story multi-tenant commercial building with a 15 stall surface parking lot accessible from Avenue 50. The convenience store will occupy a 1,035 square-foot tenant space that fronts York Boulevard.

The subject site is located within the [Q]C4-1XL Zone and within the adopted Northeast Los Angeles Community Plan area with a land use designation of Neighborhood Commercial. The [Q] condition, established by Ordinance No. 174,236, relates to the limitation of 100 percent residential floor area and does not apply to the request as no residential uses are proposed. The subject site is also located within the East Los Angeles State Enterprise Zone (ZI-2129), an Urban Agriculture Incentive Zone, a Special Grading Area, the Alquist-Priolo Fault Zone, and is within the Raymond Fault Zone.

The applicant is requesting a conditional use to allow the sale of beer and wine only for off-site consumption at a proposed 1,035 square-foot convenience store. The store is requesting hours of operation from 10:00 A.M. to 10:00 P.M., daily.

SURROUNDING PROPERTIES

Surrounding properties are within the [Q]C4-1XL and R1-1 Zones, and are characterized by level topography and improved streets, and are developed with a variety of commercial and residential uses. The northern adjoining property is zoned [Q]C4-1XL and is developed with a four-unit apartment and single-family dwelling. The eastern adjoining property (across Avenue 50) is zoned [Q]C4-1XL and is developed with a single-story commercial building (retail). The southern adjoining properties (across York Boulevard) are zoned [Q]C4-1XL and are developed with a mixed-use development with ground floor

café and retail, and residential above. The western adjoining property (across Avenue 50) is zoned [Q]C4-1XL and is developed with a commercial use.

STREETS

East York Boulevard, adjoining the property on the south, is a designated Avenue II, dedicated to a width of 86 feet and fully improved with curb, gutter and sidewalks.

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

There are no relevant cases on the applicant's property.

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

Case No. ZA-2017-0050-CUB – On November 28, 2017, the Zoning Administrator approved a Conditional Use to permit the sale of beer and wine for on-site consumption in conjunction with the continued operation of an existing restaurant (Highland Café), within the [Q]C4-1XL Zone at 5010 East York Boulevard.

Case No. ZA-2017-4934-CUB – On March 29, 2018, the Zoning Administrator approved a Conditional Use to permit the sale of beer and wine for on-site consumption in conjunction with the continued operation of a new restaurant, within the [Q]C4-1XL Zone at 5100-5102 East York Boulevard.

Case No. ZA 2016-4552-CUB – On June 13, 2017, the Zoning Administrator approved a Conditional Use to permit the sale of beer and wine for on-site consumption in conjunction with a new 2,100 square-foot restaurant with a 300 square-foot outdoor patio with hours of operation from 7 a.m. to 12 a.m., Monday through Friday and 7 a.m. to 2 a.m., Saturday and Sunday and patio hours limited to 7 a.m. to 11 p.m., daily, within the C4-1XL Zone at 4939 York Boulevard.

Case No. ZA 2005-1584-CUB-PA1 – On May 10, 2016, the Zoning Administrator approved plans for the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing bar in the [Q]C4-1 XL Zone, located at 5006 York Boulevard.

Case No. ZA 2014-3887-CUB – On April 15, 2015, the Zoning Administrator approved a conditional use to allow the sale of beer and wine for on- and off-site consumption in conjunction with a new beer and wine lounge in the [Q]C4-1XL Zone at 5052 East York Boulevard.

Case No. ZA 2014-1492(PAD) – On January 9, 2015, the Zoning Administrator approved deemed-to-be-approved Conditional Use status to permit the continued use of an existing 3,441 square-foot restaurant serving a full line of alcoholic beverages for on-site consumption featuring live entertainment, and having 93 interior seats and plans to add the sale and service of alcoholic beverages within an existing 460 square-foot patio with 20 seats, in the [Q]C4-1XL Zone located at 5018 York Boulevard.

Case No. ZA 2014-2044-CUB-CU – On November 17, 2014, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site consumption in

conjunction with an existing restaurant in the [Q]C4-1XL Zone at 5101 East York Boulevard.

Case No. ZA 2013-4121(CUB) – On December 8, 2014, the Zoning Administrator approved a Conditional Use to permit the on-site sale and dispensing of a full line of alcoholic beverages and ancillary off-site sales of beer and wine; approved a conditional use to permit operating hours beyond 7 a.m. to 11 p.m., daily, in conjunction with a proposed restaurant in the [Q]C4-1XL Zone located at 5022 York Boulevard.

Case No. ZA 2013-3776(CUB)(CUX) – On May 4, 2014, the Zoning Administrator denied a Conditional Use to permit the sale and dispensing of beer and wine only, in conjunction with the establishment of a new restaurant and multi-purpose entertainment venue and a Conditional Use to permit public patron dancing in connection with a new restaurant and multi-purpose entertainment venue in the [Q]C4-1XL Zone, located at 4904 York Boulevard.

Case No. ZA 2013-0690-CUB – On October 10, 2013, the Zoning Administrator approved a conditional use to permit the brewing, sale, and dispensing of beer and wine for on- and off-site consumption in conjunction with a 3,200 square-foot, 96-seat bar in the [Q]C4-1XL Zone at 5125-5129 York Boulevard.

PUBLIC CORRESPONDENCE

One letter from Councilmember Jose Huizar, dated April 12, 2019, was submitted. The letter stated the Highland Park residents have expressed serious concerns of off-site sales of alcohol and overall growing concentration.

Seven letters of support were received.

One petition of support with 47 names was submitted.

PUBLIC HEARING

The public hearing was held on Wednesday, April 17, 2019 at approximately 11:40 a.m. at City Hall, located at 200 North Spring Street, Room 1020. The applicant, business owners, and the representative, Liliger Damaso and her associate, Krista), and one member from the public, were present at the public hearing.

Ms. Damaso made the following statements:

- The subject operation is a 1,035 square-foot convenience store.
- This is a request for a conditional use to sell and dispense beer and wine for off-site consumption.
- The owners are part of this community (Matters of Space), so they understand what's lacking.
- The operation is 70 percent owned by women.
- They want to offer enjoyable treats.
- Hours of operation would be from 10 a.m. to 10 p.m., daily.
- In the rear, there is a parking lot where there would be five spaces offered to

- patrons.
- The store would sell a variety of products. Alcohol would be just a small portion of the products sold.
 - (Krista) The applicant has fulfilled all requirements from ABC, including outreach.
 - (Krista) There has been no protest or opposition from residents.
 - (Krista) One off-site alcohol license has been surrendered and there are two pending applications.
 - There are no active off-site licenses.
 - Outreach includes the Historic Highland Park Neighborhood Council's Land Use Committee and Board (on January and in February). In November, the neighborhood council decided on a moratorium. The application for the subject conditional use was filed before the moratorium on November 15, 2018.
 - The project was also presented to Mark Jones of Council Office 14, and LAPD Northeast Vice Unit's Officer Carrasco. Officer Carrasco met with the applicant and visited the site, and stated they would submit their recommendations.
 - One of the owners, Katarina G., stated there is a need for carry-out lunches. There is nothing on the block. Lots of parents live on the street. The store can offer snacks for kids. Signatures were collected. Some concern from people were from not knowing what the store would provide.

Two people spoke during the public comment portion of the public hearing.

Tyson Kaiser a resident on Meridian, stated the quiet nature of the neighborhood. In a short time, liquor establishments have doubled. There have been six additions in the last 10 years. There are 11 functional licenses and one non-functional license. Liquor license will stay with the property. There are issues in the area, including parking, drug use, and crime. There is a children's park across the street. The Bob Barker Marionette Theater will soon be built. There will be tour buses and there will be issues with parking in the area. We can't find space and permits for parking will be needed. The quality of life has decreased in the last ten years. There has been more nightlife and drinking in the area. People have been drinking and using drugs in their cars. Litter is thrown on lawns. There has been no outreach to the neighborhood and there needs to be balance in the neighborhood.

Mark Jones of Council District 14 stated the Council Office opposes the request because of the concern of off-site sales.

At the conclusion of the public hearing, the Associate Zoning Administrator stated he would take the case under advisement to look into the over concentration and will await for LAPD's letter.

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.

- No person under 21 years of age shall sell alcoholic beverages.
- There shall be no exterior advertising of any kind of type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages, except that the restaurant may post a menu.
- The on-site consumption of alcohol is prohibited.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use plan approval 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,1 of the Los Angeles Municipal Code. In order to allow the sale and dispensing of beer and wine 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.

MANDATED FINDINGS

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

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The grants allows a Conditional Use to authorize the sale of beer and wine for off-site consumption at a proposed convenience store located along the York Boulevard commercial corridor in Highland Park. Beer and wine will be part of the many products the store will offer to provide a one-stop shopping store for the neighborhood. According to the applicant, the store will offer snacks and pre-made lunches like sandwiches in addition to many products. The sale of beer and wine at the proposed store will be convenient as it will allow for residents to quickly purchase their goods along with beer and wine without having to go to a place further away. Residents will be able to walk to the store and safely walk back without having to travel too far. The sale of beer and wine for off-site consumption contributes to the viability of a local neighborhood convenience store and allows the neighborhood to enjoy the same level of amenities and beverage options and as offered in other convenience stores in the City. According to the floor plan, only a small percentage of the store will be dedicated to the sale of beer and wine products. Thus, beer and wine will be only a small portion of the many products

offered by the store. Residents will be able to walk to the store to meet many of their shopping/grocery needs.

The proposed sale of beer and wine at the proposed convenience store, in conjunction with the imposition of a number of conditions addressing proper operation, management and supervision will assure that the sale of alcohol is not disruptive to the community, will enhance the environment of the surrounding neighborhood and provide a benefit to the community. The size of the store is in scale with the neighborhood and would meet the convenience needs of the area's residents and workers. As conditioned, the sale of beer and wine for off-site consumption at this proposed store will provide an essential and beneficial service to the 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 site is located in the Northeast Los Angeles Plan Area and has a Neighborhood Commercial land use designation. The site is located in the [Q]C4-1XL Zone and the proposed convenience store use is consistent with the uses permitted in the zone. The subject site is located at the corner of Avenue 50 and York Boulevard. A surface parking lot is located in the northern portion of the site, accessible off of a driveway on Avenue 50. The proposed convenience store is located within an existing tenant space that fronts onto York Boulevard, offering convenient pedestrian access from York Boulevard. York Boulevard is one of the main commercial corridors through Highland Park and in the immediate area is zoned [Q]C4-1XL. Therefore, the location and operation of the proposed convenience store is proper in relation to the adjacent uses and the environment in the surrounding neighborhood. The incidental sale of alcohol will be in a controlled environment. The location will provide the community members a safe environment to purchase alcoholic beverages along with their groceries, snacks, and other household convenience items. The project's location, size, height, and operations were approved through building permits secured through the City of Los Angeles' Department of Building and Safety and remain compatible with adjacent properties and the surrounding neighborhood. The project will result in a tenant improvement at the site, and no new floor area or expansion to the building is proposed.

Surrounding properties are within the [Q]C4-1XL and R1-1 Zones, and are characterized by level topography and improved streets, and are developed with a variety of commercial and residential uses. The northern adjoining property is zoned [Q]C4-1XL and is developed with a four-unit apartment and single-family dwelling. The eastern adjoining property (across Avenue 50) is zoned [Q]C4-1XL and is developed with a single-story commercial building (retail). The southern adjoining properties (across York Boulevard) are zoned [Q]C4-1XL and are developed with a mixed-use development with ground floor café and retail, and residential above. The western adjoining property (across Avenue 50) is zoned [Q]C4-1XL and is developed with a commercial use.

The Conditional Use Permit authorizes the sale of beer and wine for off-site consumption at a proposed neighborhood-serving convenience store. The sales of beer and wine for off-site consumption with the conditions imposed will ensure adjacent properties are not adversely affected or further degraded. The applicant will be required to install surveillance cameras and electronic age verification devices in addition to ABC's regulations to sell alcohol. Nuisances such as graffiti, litter, trash, and loitering are imposed to ensure the operation maintains there property and potential criminal activity stemming from these nuisances do not arise. In addition, adequate lighting and the presence of the store into the hours proposed, would ensure a presence on the site. The subject business at this location re-enforces the commercial character of the area and promotes an active use that will promote pedestrian activity and allow for a use that will be compatible with other uses. The sale of alcohol will be within a controlled environment and will serve as a deterrent to potential criminal activity. The location will provide the community members a safe environment to purchase alcoholic beverages along with other basic groceries and household items. Additionally, the proposed convenience store, in conjunction with the imposition of a number of conditions from the City will safeguard public welfare and enhance public convenience and be compatible with surrounding uses.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Objective 7.3 of the Framework Element sets a goal to "maintain and enhance the existing businesses in the City" and Policy 7.3.2 encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Northeast Los Angeles Community Plan designates the property for Neighborhood Commercial land uses with corresponding zones of C1, C1.5, P, C2, C4, RAS3 Zones, and Height District No. 1XL. The Community Plan text is silent with regards to alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. Approval of the conditional use permit request is consistent with the following Objectives and Policies of the Community Plan:

Objective 2-1: To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.

Policy 2-1.1: Consolidate commercial areas through appropriate planning and zoning actions to strengthen the economic base and expand market opportunities.

The subject site is zoned [Q]C4-1XL and is consistent with the property's zoning and land use designation. The proposed convenience store is a permitted use in the C4 Zone. The approval of the requested conditional use would allow the store to sell beer and wine for off-site consumption at an existing tenant space, and strengthen the commercial corridor. It would help revitalize the site with a neighborhood serving use that offers convenience for many shopping products that would be within walking distance of residential neighborhoods. The Community Plan text does not specifically address the requested conditional use for the sale of beer and wine. The conditional authorization for the sale 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, and the fact that the sale of beer and wine is meant to be incidental to other retail offerings of the convenience store including food, snacks, and drinks, the proposed project can be deemed to be in harmony with the General Plan as it strengthens the commercial corridor through the reuse of an existing space with a viable neighborhood serving use.

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 use and will continue to be utilized as such with the subject convenience store selling beer and wine for off-site consumption. The grant authorized herein incorporates a number of conditions which have been imposed upon the convenience store to maintain its compatibility with the character of the immediate neighborhood. Such conditions include the requirement of security measures such as a complaint log and deterrence of graffiti and loitering. In addition, the grant requires the installation of age verification device at the point of sale to deter underage purchases and drinking. Employees must also undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program or Alcohol Beverage Control's LEAD (Licensee Education on Alcohol and Drugs) training 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. In addition, the Los Angeles Police Department, in a letter dated April 6, 2019, stated a site tour on April 8, 2019 was conducted, and they did not have opposition. Their recommended conditions were incorporated in this grant. Therefore, it is expected that the sale of beer and wine at a new convenience 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.**

CASE NO. ZA 2018-6727-CUB

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, two (2) on-site and one (1) off-site consumption licenses are allocated to the subject census tract (Census Tract 1834.01). There are currently seven (7) on-site licenses and zero (0) 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. 1125, which has jurisdiction over the subject property, a total of 151 crimes were reported in 2018 (79 Part I and 26 Part II crimes), compared to the Citywide average of 105 crimes and the High Crime Reporting District average of 222 crimes for the same reporting period. Part II Crimes reported include (4) Narcotics, (0) Liquor Laws, (4) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, (3) DUI related, and (3) other offenses. 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.

Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The project will not adversely affect community welfare because the convenience store is a desirable use in an area designated for commercial uses. In this case, the proposed project will provide a convenience to workers and visitors 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 following sensitive use are located within 1,000 feet of the project site:

- Buchanan Street Elementary School (5024 Buchanan Street)
- Pyong Kang Church (4949 York Boulevard)
- York Park (4596 North Avenue 50)
- York Manor (4908 York Boulevard)

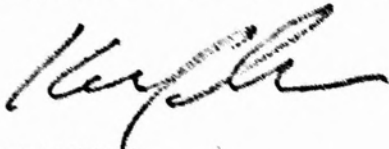
Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will be an amenity for the Highland Park community and will serve neighboring residents and the local employees as well as visitors.

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 the property is located in Zone C, areas of minimal flooding.

Inquiries regarding this matter shall be directed to JoJo Pewsawang, Planning Staff for the Department of City Planning at (213) 978-1214.

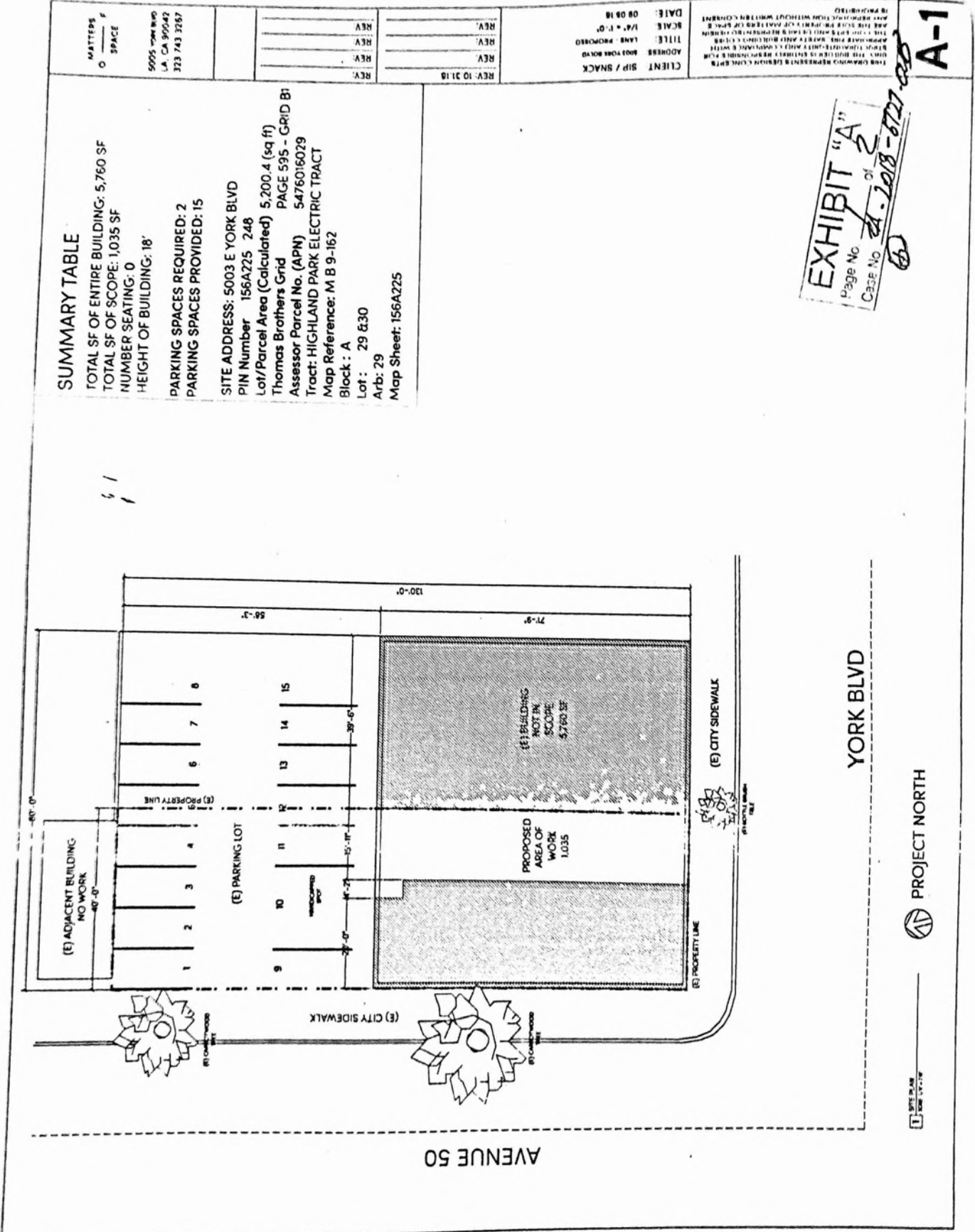


HENRY CHU
Associate Zoning Administrator

HC:JP:bk

cc: Councilmember Jose Huizar
Fourteenth District
Adjoining Property Owners

2A2018-6727



SUMMARY TABLE

TOTAL SF OF ENTIRE BUILDING: 5,760 SF
 TOTAL SF OF SCOPE: 1,035 SF
 NUMBER SEATING: 0
 HEIGHT OF BUILDING: 18'
 PARKING SPACES REQUIRED: 2
 PARKING SPACES PROVIDED: 15
 SITE ADDRESS: 5003 E YORK BLVD
 PIN Number 156A225 248
 Lot/Parcel Area (Calculated) 5,200.4 (sq ft)
 Thomas Brothers Grid PAGE 595 - GRID B1
 Assessor Parcel No. (APN) 5476016029
 Tract: HIGHLAND PARK ELECTRIC TRACT
 Map Reference: M B 9-162
 Block : A
 Lot : 29 & 30
 Arb: 29
 Map Sheet: 156A225

MATTERS F
 O SPACE

5005 W. YORK BLVD
 L.A. CA 90042
 323 743 3287

REV.	REV. 10 21 18
REV.	
REV.	
REV.	

CLIENT SIP / SNACK
 ADDRESS 4001 YORK BLVD
 TITLE LANG PROMISSO
 SCALE 1/4" = 1'-0"
 DATE 08 09 18

THIS DRAWING REPRESENTS EXACTLY WHAT WAS CONSIDERED
 BY THE CLIENT AND THE ARCHITECT AT THE TIME OF
 THE DESIGN AND CONSTRUCTION OF THE PROJECT.
 THE ARCHITECT AND ENGINEER ASSUME NO LIABILITY
 FOR THE BUILDING OR STRUCTURE OR FOR THE
 ACCURACY OF THE INFORMATION CONTAINED
 HEREIN. THE CLIENT SHALL BE RESPONSIBLE FOR
 OBTAINING ALL NECESSARY PERMITS AND
 APPROVALS FROM THE CITY OF LOS ANGELES
 AND THE STATE OF CALIFORNIA.

EXHIBIT "A"
 Page No. 2 of 2
 CASE No. 2A-2018-6727-000

A-1

PROJECT NORTH

1" = 10' PLAN
 1" = 10' ELEVATION

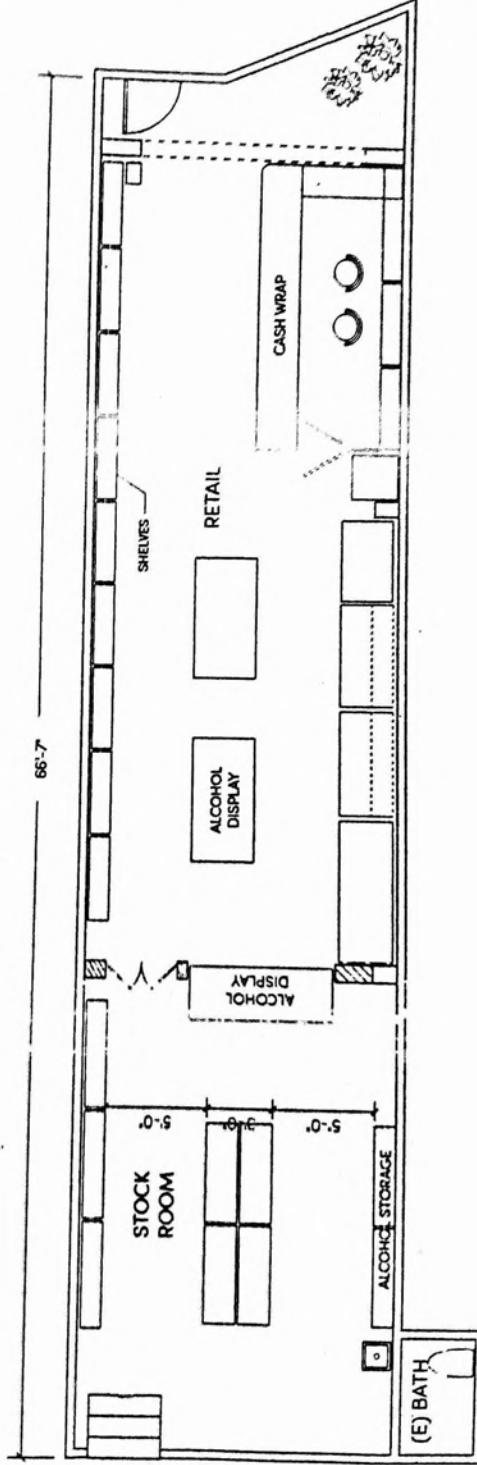
YORK BLVD

AVENUE 50

ZA2018-6727

SITE ADDRESS: 5003 E YORK BLVD
TOTAL SF OF ENTIRE BUILDING: 5,760 SF
TOTAL SF OF SCOPE: 1,035 SF

66'-7"



1 PROPOSED FLOOR PLAN - FIRST FLOOR
SCALE: 1/4" = 1'-0"

PROJECT NORTH

XHIBIT "A"
SHEET NO. ZA-2018-6727

A-2

MATTERS F SPACE
O

5005 YORK BLVD
L.A. CA 90042
323 743 3787

REV. _____
REV. _____
REV. _____

REV. _____
REV. _____
REV. _____

REV. _____
REV. _____
REV. _____

REV. _____
REV. _____
REV. _____

CLIENT: SIP / SNACK
ADDRESS: 5003 YORK BLVD
TITLE: LAYOUT PROPOSAL
SCALE: 1/4" = 1'-0"
DATE: 08/21/2018

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