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August 7, 2019

Mathew Budney (A)
7-Eleven
3200 Hackberry Road
Irving, TX 75063

Property Zone, LLC (O)
4924 Balboa Boulevard, Unit 620
Encino, CA 91316

Ariel Gutierrez (R)
Cartomap Services
1301 West 2nd Street
Los Angeles, CA 90026

CASE NO. ZA-2019-1896-CUB
CONDITIONAL USE
7600 North Balboa Boulevard, Units 113
and 114

Reseda – West Van Nuys Planning Area

Zone : M2-1

C.D. : 6 - Martinez

D.M. : 186B133

CEQA : ENV-2019-1897-CE

Legal Description: FR of Lot No. 603, Arb
23, Tract 1000

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 15301 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

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

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

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. 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 ("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.
7. Authorized herein is the sale and dispensing of beer and wine for off-site consumption in conjunction with a new 2,397 square-foot convenience store. The grant shall be subject to the following limitations:
 - a. Hours of operation shall be 24 hours daily.
8. No after-hours 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. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

10. **STAR/LEAD Training.** Within the first six months of operation or the effectuation of the grant, 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. STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.
11. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
12. Loitering is prohibited on or around these premises or the area under the control of the applicant. Both "No Loitering or Public Drinking" and "It is a violation of Section 41.27(d) of the Los Angeles Municipal Code to possess any bottle, can or other receptacle containing any alcoholic beverage which has been opened, seal broken or the contents of which have been partially removed, on or adjacent to his premises." signs shall be posted in English and in the predominant language of the facility's clientele, if different.
13. The applicant shall actively monitor the area under their control in an effort to prevent the loitering of person on any property adjacent to the licensed premises.
14. The exterior windows and glass doors of the location shall be maintained substantially free of signs and other materials from the ground to at least six feet in height above the ground so as to permit surveillance into the location by Police and private security. Notwithstanding this condition, exterior windows and glass doors of the location may be covered by sheer roll-up shades or other mechanisms to shield the patrons from excessive glare of the sun if necessary.
15. No payphone will be maintained on the exterior of the premises.
16. All exterior public space, including front, side and rear, under the control of the applicant, will be illuminated with sufficient lighting for the police to identify all persons standing outdoor at night.
17. 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.
18. Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A,4(g) and 12.26-E,1(b). No variance from the parking requirements has been granted herein.

19. 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.
20. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
21. 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.
22. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within the property such as noise barriers, sound absorbers or buffer zones.
23. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
24. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
25. There will be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows.
26. These Conditions of Approval shall be retained on the property at all times and shall be produced immediately upon the request of a Police Officer. The manager shall be made aware of the Conditions and inform their employees of same. The manager shall also maintain an emergency contact number for the property owner.
27. Signs shall be posted in English and in the predominant language of the facility's clientele, if different, that California State Law prohibits the sale of alcoholic beverages to person who are under 21 years of age.

28. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.

ADMINISTRATIVE CONDITIONS

29. 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.
30. 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.
31. **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.

32. 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 **AUGUST 22, 2019**, 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 July 16, 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 approval under the provisions of Section 12.24-W,1 have been established by the following facts:

BACKGROUND

The subject property is a 23,310 square-foot, rectangular corner lot with a frontage of approximately 161 feet along the east side of Balboa Boulevard and 130 feet along the north

side of Saticoy Street. The subject property is located on the northeastern corner of Balboa Boulevard and Saticoy Street. The project site is zoned M2-1 with a land use designation of Light Manufacturing within the Reseda – West Van Nuys Community Plan area. The site is also located within a State Enterprise Zone.

The subject property is developed with a commercial shopping center consisting of a one-story building and a two-story building containing a variety of commercial and office uses. The property maintains 49 off-street parking spaces that are dedicated in common to patrons of the retail commercial shopping center. The project site is a proposed 2,397 square-foot convenience store (7-Eleven), located in the northwestern corner of the property, which will occupy Unit Nos. 113 and 114.

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for off-site consumption, in conjunction with a new 2,397 square-foot convenience store (7-Eleven). The project is proposing a 24-hour operation, daily.

SURROUNDING PROPERTIES

Surrounding properties are within the C2-1VL and M2-1 Zones. Properties to the north abutting the subject property are zoned M2-1 and are developed with an auto parts and dismantling yard and a mobile home park. Properties to the east abutting the subject property are zoned M2-1 and are developed with a movie studio and ground surface parking. Properties to the south across Saticoy Street are zoned C2-1VL and P-1VL and are developed with a tire shop, a variety of retail and office uses, and ground surface parking. Properties to the west across Balboa Boulevard zoned C2-1VL and are developed with a commercial shopping center consisting of a variety of commercial uses and ground surface parking.

STREETS

Balboa Boulevard, adjoining the subject property to the west, is a designated Boulevard II, dedicated to a variable width of 110 to 142 feet and improved with curb, gutter, and sidewalk.

Saticoy Street, adjoining the subject property to the south, is a designated Avenue II, dedicated to a variable width of 82 to 90 feet and improved with curb, gutter, and sidewalk.

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

Certificate of Occupancy No. VN-149579 – On January 2, 2018, the Department of Building and Safety issued a Certificate of Occupancy for a 10,301 square-foot addition of a two-story retail space to a one-story building with interior remodeling and restriping the lot.

Previous Cases on Surrounding Properties

Case No. ZA-2018-778-CUB – On August 23, 2018, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, located at 16909 West Saticoy Street.

Case No. ZA-2009-3720-CUB – On November 22, 2010, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of a full line of alcoholic

beverages for off-site consumption, in conjunction with an existing 3,320 square-foot grocery store including a 6,755 square-foot expansion for a total of 10,075 square feet.

Case No. ZA-2004-5857-CUB – On May 5, 2005, the Zoning Administrator approved a Conditional Use permit authorizing the sale and dispensing of beer and wine only for on-site consumption in conjunction with an existing restaurant.

PUBLIC CORRESPONDENCE

No letters from the public were received. The Los Angeles Police Department submitted a letter dated June 5, 2019, with recommended conditions.

PUBLIC HEARING

The public hearing was held on July 16, 2019 in the First Floor Conference Room of the Marvin Braude Building located at 6262 Van Nuys Boulevard in Van Nuys.

The hearing was attended by the applicant’s representative, Ariel Gutierrez, and one member from the public.

Mr. Gutierrez made the following statements:

- The applicant is requesting a conditional use for off-site sale of beer and wine.
- The store is a 2,397 square-foot 7-Eleven that is also requesting 24 hours of operation.
- This site is developed with a newly remodeled shopping center.
- Alcohol sales will be from 7 a.m. to 12 midnight, daily.
- The store will have more transparent windows, better lighting, and more parking.
- The store will have ancillary sales of beer and wine for off-site consumption.
- The site is near a busy intersection and has commercial uses.
- The 7-Eleven will have 24-hour CC security cameras installed.
- Outreach was made to the Lake Balboa Neighborhood Council, where support could not be given. They will offer support to big operations like Whole Foods.
- Outreach was also made to LAPD, who submitted a letter with conditions.
- Council Office stands neutral on their stance.

One speaker, Raul Garado, stated he lives on Covella Street, which is one and one-half blocks from the site. He stated he is not opposed to the application for alcohol, but is opposed to the 24 hours of operation because he is concerned about noise and not having normal hours of sleep.

At the conclusion of the public hearing, the Associate Zoning Administrator approved the request with conditions of approval that would reflect compatibility with the surrounding uses.

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

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific

to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

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

The following conditions are submitted for consideration:

- Alcohol sales and service shall be permitted only between the hours of 7:00 a.m. to 12:00 a.m. (midnight), daily.
- All alcoholic beverages that are stored in refrigerators, shall be locked between the hours of 12:00 a.m. (midnight) to 7:00 a.m., daily.
- Beer, malt beverages and wine coolers in containers of 16 ounces or less, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- No malt beverages or malt beverage products shall be sold with an alcohol content of 16 percent by volume or greater.
- There shall be no consumption of alcohol on the premises.
- No person under 21 years of age shall sell or serve 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.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for the sale of beer and wine for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

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 Conditional Use Permit allows the sale and dispensing of beer and wine for off-site consumption, in conjunction with a new 2,397 square-foot convenience store (7-Eleven). The grant also allows a 24-hour operation, daily. According to the applicant,

7-Eleven is an international chain of convenience stores with over 68,000 stores in 17 countries. The subject 7-Eleven will offer a variety of everyday items, such as coffee, groceries, snack foods, confectionery, soft drinks, over-the-counter drugs, toiletries, and magazines. A variety of goods and services is vital for the growth of any neighborhood and with an increase in retail choices, neighborhoods become more desirable to residents. The proposed convenience store provides neighboring residents and workers an additional neighborhood retail alternative for their shopping needs.

Overall, the project is part of the invigoration of an existing shopping center. The conditional use allows for a tenant to bring in a neighborhood serving use that offers many convenient items for the neighborhood. Since it is also located on a busy intersection, the store will also offer convenience to motorists who pass by the center to conveniently purchase snacks or beverages. Beer and wine products will be offered to allow the store to offer the convenience of purchasing such items without having to go to a supermarket.

The addition of a new convenience store at the proposed location will improve the neighborhood by re-activating a currently vacant store front along Balboa Avenue and Saticoy Street. The sale of alcohol will be incidental to other convenience and snack items offered by the store. With conditions imposed on the grant, the proposed store will operate to provide more lighting and visibility in this part of the shopping center, and other conditions will promote safety. Meanwhile, nuisances, such as noise, loitering, graffiti, and littering, will be addressed through the conditions of this grant. As such, the project will enhance the built environment in the surrounding neighborhood and will perform a function and provide a service that is beneficial to the surrounding community.

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

The project's location, size, height, and operations will be compatible with and will not adversely affect or further degrade adjacent properties. The subject property is developed with a commercial shopping center consisting of a one-story building and a two-story building containing a variety of commercial and office uses. The property maintains 49 off-street parking spaces that are dedicated in common to patrons of the retail commercial shopping center. The project site is a proposed 2,397 square-foot convenience store (7-Eleven), located in the northwestern corner of the property, which will occupy Unit Nos. 113 and 114. No new construction is proposed. The store will operate 24 hours, daily.

The sale and dispensing of beer and wine for off-site consumption in conjunction with the proposed convenience store is proper in relation to adjacent uses. A convenience store will not be materially detrimental to the character of the neighborhood. The proposed retail establishment will be maintained and operated with ample lighting and trained staff, while enhancing the neighborhood's aesthetics, convenience, livability, and security. The Los Angeles Police Department submitted recommended conditions and those conditions have been incorporated as part of this grant to

address the potential for safety and security. Conditions of the grant address noise and loitering and security. The supermarket store will activate the site and help improve safety and security. Conditions such as requirements for STAR training will be imposed to ensure that the project will not adversely affect or degrade adjacent properties. Therefore, the project's location, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The 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 Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The Reseda-West Van Nuys Community Plan designates the property for Light Manufacturing land uses with a corresponding zones of MR2, M2, and P and is zoned M2-1.

Approval of the conditional use permit at a proposed is consistent with the following commercial objectives and policies of the Reseda-West Van Nuys Community Plan. The site has a history of being developed with a shopping center. The shopping center has been renovated and the applicant has brought in a tenant that will offer a neighborhood serving use that brings a benefit to the community. The project will serve residents, employees and visitors of the area and will be open 24 hours, daily. Additionally, the project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area, which include commercial, residential and light industrial uses. Thus, the project substantially conforms to the purpose, intent, and provisions of the General Plan and the Community Plan.

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

The approval of the conditional use request will not adversely affect the welfare of the community. The property is zoned for commercial uses and will continue to be utilized as such with the proposed convenience store. With oversight from the California Department of Alcoholic Beverage Control and the incorporation of a number of conditions with this grant, the project will be compatible with the character of the immediate neighborhood. 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 convenience store will provide a broad range of everyday essentials to meet the needs of local residents, workers, and visitors. The addition of beer and wine sales will not change the character of the proposed retail use. Beer and wine sales

will be incidental to the store's overall retail operations and will not adversely affect the surrounding community. Therefore, it is expected that incidental off-site beer and wine sales at the proposed 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.**

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria for the subject Census Tract No. 1321.02, there are five (5) on-site and three (3) off-site licenses allocated. There are three (3) existing on-site and two (2) existing off-site licenses. The subject request will be adding a Type 20 ABC License to the census tract, resulting in a total of three (3) off-site licenses as allocated by the ABC for Census Tract No. 1321.02. As a result, the instant grant will not result in an undue concentration of such licenses.

According to statistics provided by the Los Angeles Police Department's West Valley Division Vice Unit, which has jurisdiction over the subject property within Crime Reporting District No. 1008, a total of 505 crimes (280 Part I Crimes and 225 Part II Crimes) were reported in 2018, compared to the Citywide Average of 185 crimes and the High Crime Reporting District Average of 222 crimes for the same period. In 2018, there were (17) Narcotics, (0) Liquor Law, (2) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (19) Driving While Influence (DWI) related arrests, and (131) Other Offences. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The crime numbers are higher than the citywide average and the high reporting district but there has been no evidence was submitted for the record establishing any nexus between the subject site and the area's crime rate. Nevertheless, conditions such as those related to the STAR Program, age verification and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to mitigate nuisance and criminal activities have been incorporated into the grant to assure better oversight. The Zoning Administrator has also included conditions related to the sale and distribution of beer and wine for further consideration by the State Department of Alcoholic Beverage Control as conditions on the alcohol license. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing beer and wine.

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 light manufacturing uses and will be utilized as a convenience store within a shopping center. The following sensitive uses were observed within a 1,000-foot radius of the subject property:

- Bethel Fe, 16929 Saticoy Street
- Iglesia Evangelica Fundamento, 7611 Balboa Boulevard
- St. Francis Assisi Catholich, 16826 Saticoy Street

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. While the site is within the proximity of sensitive uses, the convenience store does not directly open up to these sensitive uses and the sale of beer and wine for off-site consumption will be in addition to the sale of many convenience products. This grant has placed conditions on the store to ensure that it continues to operate as a compatible neighbor. The potential effects of excessive noise, disruptive behavior, loitering, littering, and security have been considered and addressed by imposing conditions related to these issues and concerns. As conditioned, the granting of the conditional use to allow the sale of beer and wine for on-site consumption in conjunction with the operation of a convenience store will not detrimentally affect nearby sensitive uses.

COMMERCIAL CORNER FINDINGS

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

The shopping center is an existing center that has been recently renovated. The ingress, and egress to the site will not be changed and the project will provide Code required parking. No variances from the parking requirement have been requested. The applicant is proposing to operate 24 hours, daily. The Department of Transportation has determined the traffic count does not trigger a traffic assessment.

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

The project does not create or add to the concentration of shopping centers. The site has been used as a shopping center, which has been renovated. The use will continue to operate as a shopping center.

ADDITIONAL MANDATORY FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in an area outside of a flood zone.

Inquiries regarding this matter shall be directed to Joann Lim, Planning Staff for the Department of City Planning, at (213) 978-1341.



HENRY CHU
Associate Zoning Administrator

HC:JL:bk

cc: Councilmember Nury Martinez
Sixth Council District
Adjoining Property Owners