

ESTINEH MAILIAN
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
THEODORE L. IRVING
FRANKLIN N. QUON
CHARLES J. RAUSCH JR.
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ERIC GARCETTI
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<http://planning.lacity.org>

May 3, 2019

Mrs. Gooch's Natural Food Markets,
Inc. (A)
c/o Ryan Bissett
dba Whole Foods Market 365
550 Bowie Street
Austin, TX, 78703

Camden NOHO SPV, LLC (O)
21550 Oxnard Street, Suite 860
Woodland Hills, CA 913367

Stephen Allen Jamieson, Esq. (R)
Solomon, Saltsman & Jamieson
426 Culver Boulevard
Playa del Rey, CA 90293

CASE NO. ZA 2018-5642-CUB
CONDITIONAL USE
5101 North Lankershim Boulevard,
Suites 100 & 200 (5101-5101 ½ , 5107,
5111-5113, 5125 North Lankershim
Boulevard)
North Hollywood – Valley Village
Planning Area
Zone : C4-1-CA
D. M. : 171B173
C. D. : 2 - Krekorian

On April 17, 2019, pursuant to Los Angeles Municipal Code Section 12.24-W, 1, the Associate Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed grocery store in the C4-1-CA Zone. It was brought to staff's attention that the Seating Data identified on Page LQ-1 of the approved stamped map, identified as 'Exhibit A', inverted the numbers for the interior and exterior seats, and did not reflect what was shown on the Overall Plan on Page LQ-3. As a result, the determination misidentified the appropriate numbers for interior and exterior seats. It was the intent of the Associate Zoning Administrator to approve 'Exhibit A' with 27 interior seats and 16 exterior seats since this was reflected in the presentation by the applicant's representative and approved by the Associate Zoning Administrator at the March 19, 2019 public hearing.

Therefore, Condition No. 5 is hereby **CORRECTED** to read as follows:

5. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption and alcohol tasting, in conjunction with a proposed 26,018 square-foot grocery store which includes a 329 square-foot outdoor patio, subject to the following limitations:
 - a. The hours of operation shall be limited to 6 a.m. to 12 a.m. (midnight), daily.

- b. Indoor seating shall be limited to approximately ~~46~~ 27 seats provided that number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
- c. Outdoor seating shall be limited to a maximum of ~~27~~ 16 seats. The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures.
- d. 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.

Finding Nos. 1 and 2 are hereby **CORRECTED** to read as follows:

FINDINGS

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

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

The subject site was previously authorized for a seven (7)-story, 87-foot mixed-use building under Case No. DIR-2015-2676-DB-SPR. The conditional use allows the grocery operator to sell and dispense a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 26,018 square-foot grocery store with ~~46~~ 27 indoor seats with a 331 square-foot outdoor patio with ~~27~~ 16 outdoor seats within the proposed mixed-use development. The hours of operation have been conditioned to be from 6:00 a.m. to 12:00 a.m., daily, in lieu of 7:00 a.m. to 11:00 p.m. as regulated by Commercial Corner Regulations. The applicant originally proposed a restaurant within the subject space with grocery market. However, the applicant provided updated plans indicating the removal of the restaurant component of the operation.

A variety of commercial uses is an intrinsic part of the service amenities that are necessary for the conservation, development, and success of a vibrant neighborhood. The grocery market is a neighborhood serving use, and allowing it to sell a full line of alcoholic beverages with appropriate conditions of approval will allow for it to be competitive with other grocery market locations serving the same area. In addition, the grocery market will offer convenience by providing a one-stop shopping experience where shoppers would be able to meet all of their grocery needs and purchase alcohol without having to go to two separate destinations. The subject market is known to offer the concept of including a fresh bar of vegetables, foods, and salads so shoppers can have the option of consuming foods on or off the premises. The grocery market will provide an amenity to residents that live in the area, and employees at nearby locations that shop after work. Patrons are drawn to Lankershim Boulevard due to the shopping and dining experiences available to them, and selling a full line of alcoholic

beverages for off-site consumption is an additional amenity to the region. Tasting may be offered in the market, and the grant would allow shoppers to sample alcoholic beverages subject to the conditions imposed by Alcoholic Beverage Control. Tastings will enable shoppers to make informed purchases by allowing shoppers to sample an alcoholic product. The extended hours provide a benefit and convenience by allowing for shoppers to have an earlier opening time and later closing time to purchase grocery products. As such, the request will serve a function and provide a service which in conjunction with the imposition of a number of conditions addressing operational conduct will result in the enhancement of the built environment.

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 was previously authorized for a seven (7)-story, 87-foot mixed-use building under Case No. DIR-2015-2676-DB-SPR. The project involves a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 26,018 square-foot grocery store with ~~16~~ 27 indoor seats and a 331 square-foot outdoor patio with ~~27~~ 16 outdoor seats within the proposed mixed-use development. Proposed hours of operation are from 6:00 a.m. to 12:00 a.m., daily in lieu of 7:00 a.m. to 11:00 p.m. as regulated by Commercial Corner Regulations. The applicant modified their plans and removed the proposed restaurant component to be utilized entirely of market retail use. The changes do not increase the floor area or envelope of the space of what was originally submitted at the time of filing. In addition, the applicant stated the sale of alcoholic beverages for on-site consumption would not be requested since the restaurant component is no longer part of the project.

Properties surrounding the project site include commercial buildings, retail shops, residential development, apartment buildings, and surface parking lot. Properties to the north are predominantly commercial buildings and are zoned C4-2D-CA. Properties to the south include multi-story, high-density residential developments that are zoned R4-1, R4-1-CA, and [Q]R3-1 and commercial buildings along Lankershim Boulevard that are zoned C4-1-CA. Properties to the west of Klump Avenue consist of residential buildings and are zoned R4-1-VL. Properties to the east consist of retail stores along Lankershim Boulevard that are zoned C4-1-CA beyond which are residential buildings zoned R4-1-VL.

The location is well suited for grocery stores that offer the sale of alcohol, as it promotes livability and convenience for residents and employees and furthers community and economic development in the North Hollywood area. Conditions have been imposed to encourage responsible management and deter criminal and nuisance activities. As conditioned, the continued operation of the subject establishment with the sale of a full line of alcoholic beverages for off-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

All other Conditions and Findings remain unchanged.

A handwritten signature in black ink, appearing to read 'Henry Chu', written in a cursive style.

HENRY CHU
Associate Zoning Administrator

HC:JL:bk

cc: Councilmember Paul Krekorian
Second District
Adjoining Property Owners

ESTINEH MAILIAN
INTERIM CHIEF ZONING ADMINISTRATOR

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April 17, 2019

Mrs. Gooch's Natural Food Markets,
Inc. (A)
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dba Whole Foods Market 365
550 Bowie Street
Austin, TX, 78703

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21550 Oxnard Street, Suite 860
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426 Culver Boulevard
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CASE NO. ZA 2018-5642-CUB
CONDITIONAL USE
5101 North Lankershim Boulevard,
Suites 100 & 200 (5101-5101 ½ , 5107,
5111-5113, 5125 North Lankershim
Boulevard)
North Hollywood – Valley Village
Planning Area
Zone : C4-1-CA
D. M. : 171B173
C. D. : 2 - Krekorian
CEQA : ENV-2018-5643-CE
Legal Description: Fr Lot 1, Arb 2; Fr Lot
2, Arb 1-2; and Fr Lot 3 of Visser's
Subdivision of a Portion of Blk 170 of
the Lankershim Ranch Land and Water
Co. Mis. R, Book 31-39

Pursuant to 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 to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed grocery store in the C4-1-CA Zone;

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
5. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption and alcohol tasting, in conjunction with a proposed 26,018 square-foot grocery store which includes a 329 square-foot outdoor patio, subject to the following limitations:
 - a. The hours of operation shall be limited to 6 a.m. to 12 a.m. (midnight), daily.
 - b. Indoor seating shall be limited to approximately 16 seats provided that number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
 - c. Outdoor seating shall be limited to a maximum of 27 seats. The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures.
 - d. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
6. A camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The recordings shall be furnished to the Los Angeles Police Department upon request.
7. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
8. **Prior to the utilization of this grant**, 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.

9. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
10. **STAR/LEAD Training.** Within the first six months of operation / or issuance of administrative clearance / 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 to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2018-5642-CUB, from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
11. **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 hostess station

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. 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.
12. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
13. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
14. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.
15. The exterior windows and glass of the store 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 store by police and private security.

16. 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.
17. 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 and truancy occur.

ADMINISTRATIVE CONDITIONS

18. 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.
19. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

20. **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. At any time a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

21. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per LAMC Section 19.01 E, 3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

22. **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 **May 02, 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 all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the statements made at the public hearing on March 19, 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 have been established by the following facts:

BACKGROUND

The subject property is a 89,025 square-foot parcel of land with a frontage of 300 feet along the west side of Lankershim Boulevard, 100 feet along the east side of Klump Avenue and 287 feet along the north side of Ostego Street. The site is zoned C4-1-CA with a land use designation of Community Commercial within the North Hollywood – Valley Village Community Plan area. The predominant land use pattern in the Community Plan Area is mainly low- to mid-rise commercial uses on major commercial corridors and clusters of interior multi- and single-family residences. The site is located within the North Hollywood Redevelopment Project area, a Transit Priority Area, and a State Enterprise Zone. The property is not subject to other overlay districts or interim control ordinances.

The subject site was previously authorized for a seven (7)-story, 87-foot mixed-use building under Case No. DIR-2015-2676-DB-SPR. The applicant originally requested a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption in conjunction with a proposed 26,018 square-foot grocery store including a 1,635 square-foot restaurant with 61 indoor seats and a 329 square-foot outdoor patio with 22 outdoor seats within the proposed mixed-use development. Proposed hours of operation are from 6 a.m. to 12 a.m., daily in lieu of 7 a.m. to 11 p.m. as regulated by Commercial Corner Regulations. After the public hearing, the applicant removed the restaurant concept originally proposed with 27 outdoor seats and removed the request for on-site consumption.

The surrounding land uses consist of a mix of residential and commercial uses including cafes, retail stores and professional services. Properties to the north are zoned C4-2D-CA and are developed with a four-story office building and a four-story parking structure.

Properties to the west are zoned R4-2 and R4-1VL and are developed with multi-family residential developments.

The properties surrounding the project site include commercial buildings, retail shops, residential development, apartment buildings, and surface parking lot. Properties to the north are predominantly commercial buildings and are zoned C4-2D-CA. Properties to the south include multi-story, high-density residential developments that are zoned R4-1, R4-1-CA, and [Q]R3-1 and commercial buildings along Lankershim Boulevard that are zoned C4-1-CA. Properties to the west of Klump Avenue consist of residential buildings and are zoned R4-1-VL. Properties to the east consist of retail stores along Lankershim Boulevard that are zoned C4-1-CA beyond which are residential buildings zoned R4-1-VL.

Lankershim Boulevard, adjoining the subject property to the east is a designated Boulevard II, dedicated to a varying width of 70 to 78 feet and improved with asphalt roadway, curb, gutter and sidewalk.

Ostego Street, adjoining the property to the south is a designated Collector Street, dedicated to a varying width of 50 to 57 feet and improved with concrete roadway, curb, and sidewalk.

Previous zoning related actions on the site/in the area include:

Subject Property:

Case No. DIR-2015-2676-DB-SPR – On October 21, 2016, the Director of Planning approved a Density Bonus Compliance Review and Site Plan Review to allow the construction of a seven (7)-story, 87-foot tall mixed-use building, totaling 308,168 square feet with 297 dwelling units and 26,042 square feet of commercial space, located at 5101-5125 North Lankerhim Boulevard and 5130 Klump Boulevard.

Surrounding Properties:

Case No. ZA 2018-2662-CUB – On December 7, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant, located at 11100 West Magnolia Boulevard.

Case No. ZA 2018-3085-CUB – On November 15, 2018, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, in the C4-2D-CA, located at 5225 -5229 Lankershim Boulevard and 11233 West Magnolia Boulevard.

Case No. ZA 2016-4257-CUB-ZV – On September 14, 2018, the Zoning Administrator approved a conditional use to authorize the continued sale of beer and wine for on-site consumption in an existing 3,000 square-foot restaurant with 48 seats and a 2,126 square-foot outdoor dining area with an increase from 80 seats to 120 seats, and to permit beer and wine to be sold for off-site consumption

in the C4-2D-Zone; a variance to allow zero new parking spaces in lieu of the four spaces required for a new 2,126 square-foot outdoor dining area, a new 412 square-foot restroom and 312 square-foot take out kiosk otherwise required by LAMC Section 12.21A.4(x)(3); and a variance from 12.16A to allow the outdoor dining area in the C4 Zone, located at 5203-5215 North Lankershim Boulevard.

Case No. ZA 2018-314-CUB-ZV – On June 21, 2018, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption and the sale of beer and wine for off-site consumption in conjunction with the establishment and operation of a proposed restaurant in the C4-2D-CA Zone; and a Zone Variance to allow amusement enterprises (limited to two (2) pool tables) in conjunction with a restaurant located in the C4 Zones, located at 5136-5140 North Lankershim Boulevard.

Case No. ZA 2016-4079-CUB – On May 22, 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 a new restaurant, located at 11046 West Magnolia Boulevard.

Case No. ZA 2017-5388-CUB – On May 11, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site and off-site consumption and on-site tasting in conjunction with a new bar and retail shop with hours of operation of 12 p.m. to 12 midnight, Monday through Friday and 10 a.m. to 12 midnight Saturday and Sunday in lieu of 7 a.m. to 11 p.m. as required by Mini-Shopping Center and Commercial Corner Development Regulations, located at 5013 North Lankershim Boulevard.

Case No. ZA 2017-3660-CUB – On March 12, 2018, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction in a restaurant, located at 5077 North Lankershim Boulevard, #D.

Case No. ZA 2017-1762-CUB – On October 17, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant featuring live entertainment with a covered patio area in the C4-1-CA Zone, located at 5006-5010 North Lankershim Boulevard.

Case No. ZA 2017-1542-CUB – On October 3, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed sports bar and restaurant, featuring live entertainment, located at 11136 West Magnolia Boulevard.

Case No. ZA 2016-2504-CUB – On January 6, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and live entertainment in conjunction with a proposed restaurant, located at 11102 West Magnolia Boulevard.

Case No. ZA 2016-792-CUB – On May 20, 2016, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine in conjunction with a proposed restaurant in the C4-1-CA/R4-1-CA Zone, located at 5077 North Lankershim Boulevard.

Case No. ZA 2014-1787-CUB – On March 9, 2015, the Zoning Administrator approved a conditional use authorizing the sale and dispensing of beer and wine for on-site consumption in an existing restaurant in the C4-1-CA Zone, located at 11026 Magnolia Boulevard.

Case No. ZA 2014-2061-CUB – On March 5, 2015, the Zoning Administrator approved a conditional use authorizing the sale and dispensing of beer and wine for on-site consumption in an existing 1,950 square-foot restaurant in the C4-1-CA Zone, located at 11024 Magnolia Boulevard.

Case No. ZA 2014-2024-CUB – On February 24, 2015, the Zoning Administrator approved a conditional use authorizing the sale and dispensing of beer and wine for on-site consumption in a 2,045 square-foot restaurant in the C4-1-CA Zone, located at 5166 Lankershim Boulevard.

Case No. ZA 2013-2243-CUB – On March 28, 2014, the Zoning Administrator approved a Conditional Use Permit authorizing the continued sale and dispensing of beer and wine for on-site consumption, in conjunction with an existing restaurant, in the C4-1-CA Classification, located at 5001 North Lankershim Boulevard.

Case No. ZA 2013-1965-CUB – On December 6, 2013, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed new restaurant in the C4-1-CA Zone, located at 11048-11050 West Magnolia Boulevard.

Case No. ZA 2013-856-CUB – On August 15, 2013, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a restaurant in the C4-2D-CA Zone, located at 5249 North Lankershim Boulevard.

Case No. ZA 2013-13-CUB – On April 12, 2013, 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 1,890 square-foot restaurant, with 49 indoor dining seats and 8 outdoor dining seats for a total of 57 dining seats in the C4-1-CA Zone, located at 11040 West Magnolia Boulevard.

Case No. ZA 2011-2581-CUB – On February 15, 2012, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcohol for on-site consumption in conjunction with a proposed restaurant in the C4-1-CA Zone, located at 11120-11122 Magnolia Boulevard.

Case No. ZA 2009-3588-CUB – On September 30, 2010, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing restaurant, in the C2-2D-CA Zone, located at 11049 Magnolia Boulevard.

Case No. ZA 2010-350-CUB-CU – On May 27, 2010, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with the expansion of an existing restaurant in the C4-2D-CA Zone, located at 5239 Lankershim Boulevard.

Case No. ZA 2009-2296-CUB – On April 29, 2010, the Zoning Administrator approved a Conditional Use Permit authorizing an upgrade from beer and wine only to a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant in the C4-2D-CA Zone, located at 5156 North Lankershim Boulevard.

Public Correspondence

A letter dated February 22, 2019, was submitted by Sergeant Ed Arca, Officer-in-Charge of the North Hollywood Area Vice Unit, stating non-opposition to the approval of the project with recommended conditions.

Public Hearing

The public hearing was held on March 19, 2019 at 9:50 a.m. at the Marvin Braude Building. The hearing was attended by the applicant's representative, Stephen Jamieson.

Mr. Jamieson made the following statements:

- The project includes a request for a conditional use to sell alcohol for both on-site and off-site consumption within a new 26,000 square-foot grocery store.
- The applicant is considering not utilizing 1,900 square feet for restaurant use.
- The applicant has applied for a Type 21 and Type 86, tasting license.
- The project has the support of the Land Use Committee of the North Hollywood Neighborhood Council along with its full board's recommendation of support. Council Office has expressed non-opposition and the community is supportive of this proposal.
- LAPD revised their condition (dated February) from their November 2018 letter.

There were no public speakers present at the public hearing.

At the conclusion of the hearing, the applicant requested the case be taken under advisement for one month to allow for the applicant to consider whether a restaurant will be part of the proposal and to review the plans to ensure the square footage is accurate. The Associate Zoning Administrator took the case under advisement.

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

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

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

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

- No alcoholic beverages shall be consumed on any property adjacent to the "On or Off Sale" licensed premises under the control of the licensee.
- No one under the age of 21 is permitted to sell 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-W of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

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

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

The subject site was previously authorized for a seven (7)-story, 87-foot mixed-use building under Case No. DIR-2015-2676-DB-SPR. The conditional use allows

the grocery operator to sell and dispense a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 26,018 square-foot grocery store with 16 indoor seats with a 331 square-foot outdoor patio with 27 outdoor seats within the proposed mixed-use development. The hours of operation have been conditioned to be from 6:00 a.m. to 12:00 a.m., daily, in lieu of 7:00 a.m. to 11:00 p.m. as regulated by Commercial Corner Regulations. The applicant originally proposed a restaurant within the subject space with grocery market. However, the applicant provided updated plans indicating the removal of the restaurant component of the operation.

A variety of commercial uses is an intrinsic part of the service amenities that are necessary for the conservation, development, and success of a vibrant neighborhood. The grocery market is a neighborhood serving use, and allowing it to sell a full line of alcoholic beverages with appropriate conditions of approval will allow for it to be competitive with other grocery market locations serving the same area. In addition, the grocery market will offer convenience by providing a one-stop shopping experience where shoppers would be able to meet all of their grocery needs and purchase alcohol without having to go to two separate destinations. The subject market is known to offer the concept of including a fresh bar of vegetables, foods, and salads so shoppers can have the option of consuming foods on or off the premises. The grocery market will provide an amenity to residents that live in the area, and employees at nearby locations that shop after work. Patrons are drawn to Lankershim Boulevard due to the shopping and dining experiences available to them, and selling a full line of alcoholic beverages for off-site consumption is an additional amenity to the region. Tasting may be offered in the market, and the grant would allow shoppers to sample alcoholic beverages subject to the conditions imposed by Alcoholic Beverage Control. Tastings will enable shoppers to make informed purchases by allowing shoppers to sample an alcoholic product. The extended hours provide a benefit and convenience by allowing for shoppers to have an earlier opening time and later closing time to purchase grocery products. As such, the request will serve a function and provide a service which in conjunction with the imposition of a number of conditions addressing operational conduct will result in the enhancement of the built environment.

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 was previously authorized for a seven (7)-story, 87-foot mixed-use building under Case No. DIR-2015-2676-DB-SPR. The project involves a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 26,018 square-foot grocery store with 16 indoor seats and a 331 square-foot outdoor patio with 27 outdoor seats within the proposed mixed-use development. Proposed hours of operation are from 6:00 a.m. to 12:00 a.m., daily in lieu of 7:00 a.m. to 11:00 p.m. as regulated by Commercial Corner Regulations. The applicant modified their plans and removed the proposed restaurant component to be utilized entirely of

market retail use. The changes do not increase the floor area or envelope of the space of what was originally submitted at the time of filing. In addition, the applicant stated the sale of alcoholic beverages for on-site consumption would not be requested since the restaurant component is no longer part of the project.

Properties surrounding the project site include commercial buildings, retail shops, residential development, apartment buildings, and surface parking lot. Properties to the north are predominantly commercial buildings and are zoned C4-2D-CA. Properties to the south include multi-story, high-density residential developments that are zoned R4-1, R4-1-CA, and [Q]R3-1 and commercial buildings along Lankershim Boulevard that are zoned C4-1-CA. Properties to the west of Klump Avenue consist of residential buildings and are zoned R4-1-VL. Properties to the east consist of retail stores along Lankershim Boulevard that are zoned C4-1-CA beyond which are residential buildings zoned R4-1-VL.

The location is well suited for grocery stores that offer the sale of alcohol, as it promotes livability and convenience for residents and employees and furthers community and economic development in the North Hollywood area. Conditions have been imposed to encourage responsible management and deter criminal and nuisance activities. As conditioned, the continued operation of the subject establishment with the sale of a full line of alcoholic beverages for off-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

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

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

The subject property is located within the boundaries of the North Hollywood – Valley Village Community Plan Area. The Community Plan designates the subject property for Community Commercial land uses corresponding to the CR, C1, C1.5, C2, C4, RAS3, RAS4, P and PB Zones. The project site is zoned C4-1-CA, consistent with the range of zones associated with the site's land use designation. The Community text allows a variety of commercial uses but is silent with regards to the sale of alcohol, leaving interpreting the intent of the Plan to the Zoning Administrator.

Conditional authorization for the sale of a full line of alcoholic beverages for off-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. The project is consistent with the following components of the Community Plan:

Commercial Goal: Improving the function, design, and economic vitality of the commercial corridors.

Commercial Policy: To promote economic well-being and public convenience through the allocation and distribution of commercial lands for retail, service, and office facilities.

The proposed grocery store is located within a commercial district and is consistent with the purpose, intent, and provisions of the General Plan and applicable community plan. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale of a full line of alcoholic beverages for off-site consumption. The approved grant will contribute to the overall goals and policies of the Community Plan by providing a new grocery market that will serve residents and visitors with a neighboring serving use that will also allow for shoppers to consume food and non-alcoholic beverages on the premises. A full line of alcoholic beverages will not be consumed on the premises. The market will bring a service and enhance economic activity in the North Hollywood area.

The Community Plan text does not specifically address the requested conditional use for the sale of alcoholic beverages. The granting of the request will strengthen a retail and dining use in the area. The grocery store is envisioned to be a neighborhood serving use that will enhance the vitality of the surrounding commercial area. As such, the proposed project will be consistent with the intent of the General Plan and Community Plan.

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

The sale of alcohol for off-site consumption will be compatible with the surrounding uses, providing a convenience of purchasing alcoholic beverages in conjunction with other grocery needs. The project will contribute to the continued vitality of the neighborhood. The subject property is zoned C4-1-CA, which allows for commercial uses and will be operated as a grocery store. The subject site along the Lankershim Boulevard maintains the character of the area and provides a convenient shopping location for the community and visitors. The subject establishment will continue to positively impact the financial health of the property and improve the economic vitality of the area via increased tax revenue and local employment.

With oversight for the California Department of Alcoholic Beverage Control and conditions, which have been imposed upon the store, the project will be compatible with the character of the immediate neighborhood. Such conditions include the requirement of security measures such as a surveillance system 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 STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency

are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing department 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. 1254.01, there are four on-site and two off-site licenses allocated. There are 14 existing on-site and four (4) existing off-site licenses.

The following alcohol establishments are located within 1,000-feet of the subject site:

- The Eclectic, Type 47, 5156 Lankershim Boulevard
- Food Market, Type 20, 5048 Lankershim Boulevard
- Magnolia Food Market, Type 20, 11300 Magnolia Boulevard
- City Kitchen, Type 41, 5225 Lankershim Boulevard
- Salomi Restaurant, Type 41, 5225 Lankershim Boulevard
- Pitfire Restaurant, Type 41, 5211 Lankershim Boulevard
- Paleo Brio Healthy Kitchen, Type 41, 5230 Lankershim Boulevard
- Skynny Kitchen, Type 41, 5166 Lankershim Boulevard
- JODP Inc, Type 41, 5077 Lankershim Boulevard
- Pho, Type 41, 5077 Lankershim Boulevard
- No Ho Backyard, Type 41, 11130 Magnolia Boulevard
- El Tejano, Type 41, 11120 Magnolia Boulevard
- Philadelphia Sandwiches, Type 41, 11112 Magnolia Boulevard
- Noho Backyard, Type 41, 11102 Magnolia Boulevard
- 7-Eleven, Type 20, 11340 Magnolia Boulevard
- Regions Imports, Type 20, 11271 Otsego Street
- North Hollywood Diner, Type 41, 11329 Magnolia Boulevard
- Spumante Restaurant, Type 41, 11049 Magnolia Boulevard
- Poke Home, Type 41, 11046 Magnolia Boulevard
- Gala No Ho, Type 41, 11040 Magnolia Boulevard
- Kahuna Tiki, Type 41, 11026 Magnolia Boulevard
- Tamashi Ramen, Type 41, 11024 Magnolia Boulevard
- Chipotle Mexican Restaurant, Type 41, 5240 Lankershim Boulevard

- District Pub, Type 41, 5249 Lankershim Boulevard
- Laemmle No Ho, Type 41, 5240 Lankershim Boulevard

The subject establishment will be located within a mixed-use development in the North Hollywood area. The project site is located along Lankershim Boulevard, which is a vibrant commercial corridor. In these active commercial areas where there is a demand for licenses beyond the allocated number and where an undue concentration of licenses is suggested, ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the increasing resident population base in the area. ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to the public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness. The concentration of ABC Licenses is not undue when the approval of a license benefits the public welfare and convenience.

According to statistics provided by the Los Angeles Police Department's North Hollywood Division Vice Unit, within Crime Reporting District No. 1555 which has jurisdiction over the subject property, a total of 471 crimes were reported in 2017 (335 Part I and 136 Part II crimes), compared to the Citywide average of 191 crimes and the High Crime Reporting District average of 229 crimes. Alcohol related Part II Crimes reported include Narcotics (18), Liquor Laws (0), Public Drunkenness (9), Disturbing the Peace (0), Disorderly Conduct (3), Gambling (0), DUI related (27), and other offenses (42). 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 above statistics indicate that the crime rate in the Reporting District where the subject site is located is higher than the city average, and constitutes a High Crime Reporting District. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions that will safeguard the welfare of the community.

The project will not adversely affect community welfare because the grocery store is a neighborhood serving use in an area designated for commercial uses and no alcohol will be consumed on the premises. In this case, the proposed project will provide a convenience to workers, visitors, and residents in the immediate neighborhood and, as conditioned, will not negatively impact the area. 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 alcohol 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 alcohol.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The following sensitive uses are located within 1,000 feet of the project site:

- Multi-Family Residential Uses
- First Baptist, 11200 Otsego Street
- Lankershim Elementary School, 5250 Bakman Avenue
- First Baptist After School Care, 11200 Otsego Street

No calls, letters or emails were submitted from any members of the public expressing concerns for the project's impact to these sensitive uses. Nonetheless, consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The Zoning Administrator has imposed several conditions on this grant, which are aimed to 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 contribute to a neighborhood and will serve the 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 this project is located in Zone C, areas determined to be outside 0.2% annual chance floodplain.

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 Paul Krekorian
Second District
Adjoining Property Owners