

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
JONATHAN A. HERSHEY, AICP
THEODORE L. IRVING, AICP
CHARLES J. RAUSCH JR.
CHRISTINA TOY LEE

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

**LOS ANGELES DEPARTMENT
OF CITY PLANNING
EXECUTIVE OFFICES**

VINCENT P. BERTONI, AICP
DIRECTOR
SHANA M.M. BONSTIN
DEPUTY DIRECTOR
ARTHI L. VARMA, AICP
DEPUTY DIRECTOR
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
planning.lacity.org

December 28, 2021

L. Herbert Lundin (A)(O)
Balboa Nordhoff Center, GP
16400 Pacific Coast Highway, #207
Huntington Beach, CA 92649

Margaret Taylor (R)
APEX LA
11301 West Olympic Boulevard, #700
Los Angeles, CA 90064

CASE NO. ZA-2021-7061-CUB
CONDITIONAL USE
9038 North Balboa Boulevard
(9010-9042 North Balboa Boulevard;
16900-16950 West Nordhoff Street)
Northridge Community Plan
Zone: (Q)C2-1VL
C.D: 12 - Lee
D.M.: 195B133 and 198B133
CEQA: ENV-2021-7062-CE
Legal Description: Lot FR 1, Tract 26711

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

a Conditional Use to permit the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with a proposed retail pharmacy store in the (Q)C2-1VL Zone.

Upon the following additional terms and conditions:

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

2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in the case file.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with a proposed 12,912 square-foot retail pharmacy store. The grant shall be subject to the following limitations:
 - a. Hours of operation of 24 hours, daily, shall be permitted.
8. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
9. **Complaint Log.** 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/RBS Training.** Within the first six months of operation, 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 or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter to the Department of City Planning identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three 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. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
13. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the 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.
14. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
15. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
16. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual 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.

17. 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.
18. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
19. 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.
20. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, 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 property such as, noise barriers, sound absorbers or buffer zones.
21. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
22. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

ADMINISTRATIVE CONDITIONS

23. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
24. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.

- b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
- 25. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.
- 26. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

27. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **JANUARY 12, 2022**, 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 December 15, 2021, 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 an irregular-shaped parcel consisting of one (1) lot located near the northwesterly corner of Balboa Boulevard and Nordhoff Street within the North Valley area. The subject property has approximately 490 feet of frontage along Balboa Boulevard and approximately 490 feet of frontage along Nordhoff Street. The project site encompasses a total of 352,702 square feet of lot area.

The subject property is developed with one-story commercial buildings containing a variety of uses, including restaurants, personal services, and retail stores. The structures are situated in a shopping center arrangement which is surrounded by off-street parking for the commercial uses. The Applicant is one of the existing commercial tenants that will be relocating to a larger tenant space that is partially vacant. The applicant's existing space is approximately 8,000 square feet and they will be moving to a larger approximate 12,912 square foot tenant space that was previously occupied by a restaurant and bank. The Applicant intends to re-activate the partially vacant tenant space by relocating their operation to that tenant space, but with a full line of alcoholic beverages instead of beer and wine only. The Applicant has a history of operating with an alcohol license for off-site consumption on the subject property. CVS Health has operated under their current license allowing beer and wine sales since 2009 with no disciplinary history or citations. CVS Health has not operated under any restrictions or Conditional Use Permits because off-site sales commenced at the

location when the shopping center opened in 1978, prior to Conditional Use Permits being required in the City of Los Angeles. No new construction is proposed and, as such, no additional parking will be provided as part of the request herein.

The project site is located within the Northridge Community Plan area. The Community Plan designates the subject property for Neighborhood Office Commercial land uses, corresponding to the C1, C1.5, C2, C4, and RAS3 Zones. The project site is zoned (Q)C2-1VL and is thus consistent with the existing land use designation. The “Q” condition limits the structures on the site to a maximum of two stories, pursuant to Ordinance No. 162,876 which became effective on November 23, 1987.

The Applicant is requesting a Conditional Use to allow a full line of alcoholic beverages for off-site consumption in conjunction with a proposed retail pharmacy store. The Applicant is also proposing an addition of a pharmacy drive-through lane. The proposed hours of operation are 24 hours daily.

SURROUNDING PROPERTIES

The surrounding area is fully developed and substantially surrounded by residential, commercial, and entertainment uses. The subject property is located near the corner of Balboa Boulevard and Nordhoff Street within the North Valley area. Properties to the north are zoned C2-1VL as well as RS-1 and improved with one-story structures including a bowling alley, a gasoline station, and single-family residences. The abutting properties to the east are zoned RS1 and improved with one-story single-family residences. The abutting properties to the south are zoned RS-1 and RA-1 and improved with one-story single-family residences. The properties to the west are zoned (Q)C2-1VL as well as RA-1 and improved with a two-story retail building, one-story fast-food restaurant, and one-story single-family residences.

STREETS

Balboa Boulevard, adjoining the subject property to the west, is a designated Boulevard II and is dedicated to a right-of-way width of 110 feet along the project’s street frontage and improved with curb, gutter, and sidewalk.

Barrington Avenue, adjoining the subject property to the north, is a designated Boulevard II and is dedicated to a right-of-way width of 110 feet along the project’s street frontage and improved with curb, gutter, and sidewalk.

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

There are no relevant cases on the subject property.

Previous Cases on Surrounding Properties

Upon utilizing a 500-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), staff identified the following Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages.

Case No. ZA-2017-2419-ZV-CU-PAB – On June 14, 2019, the Zoning Administrator approved a Zone Variance to permit the continued use and maintenance of a billiard hall, a Conditional Use to permit the continued use of up to 20 arcade games, and an Approval of Plans for a Deemed-to-be-Approved Conditional Use to allow continued sales and dispensing of a full line of alcoholic beverages with an existing restaurant and bar, all ancillary to an existing bowling alley in the C2-1VL and P-1VL Zones, located at 9116-9118 North Balboa Boulevard.

Case No. ZA-2013-3315-CU – On July 21, 2016, the Zoning Administrator approved a Conditional Use to allow the use of a meditation center in the RA-1 Zone, located at 8930 North Balboa Boulevard.

Case No. ZA-2009-253-CUB – On December 10, 2009, the Zoning Administrator approved a Conditional to allow the sale and dispensing of beer and wine for off-site consumption in an existing Target store in the [Q]C2-1VL Zone, located at 8999 North Balboa Boulevard.

PUBLIC CORRESPONDENCE

A letter was received, dated December 13, 2021, from the Northridge South Neighborhood Council expressing support for the project.

A letter was received from the Los Angeles Police Department (LAPD), Devonshire Area Vice Unit, dated October 29, 2021, expressing non-opposition to the project subject to a set of conditions.

PUBLIC HEARING

The public hearing was held on Wednesday, December 15, 2021 at approximately 10:30 a.m. via telephonically and/or videoconference due to concerns over COVID-19 and continued concerns that meeting in person would present imminent risks to the health and safety of the attendees.

Margaret Taylor, the project representative, presented a presentation and stated the following:

- Does not own corner parcel
- Relocating to the north that was previously occupied by a bank and restaurant
- Will not be losing a CVS
- The current location is 8,000 square feet and the new CVS will be 12,912 square feet
- Has grandfathered beer and wine
- CVS is an essential service
- There will be no loud speakers for the drive-through like a fast food establishment
- The bank will relocate to a former pizza space on the property
- There is an Albertson's grocery store located on the site
- Did outreach to the Neighborhood Council and LAPD
- Agreement to all the LAPD conditions
- Alcohol sales will be from 6:00 a.m. to 2:00 a.m., daily.
- The City doesn't regulate alcohol sales
- Has ability to close off the aisles for alcohol
- Register doesn't process sales of alcohol outside of hours

- Does not sell tobacco as CVS provides “health care” service
- Alcohol sales is the smallest percentage
- Cannot fully eliminate the sale of alcohol as they will lose customers who like to buy all their products
- Has own alarm company
- Identified as Best Practice Business in California
- Provides patient care, programs, and free delivery
- Pharmacy training school
- Received LAPD letter and the Neighborhood Council unanimously supported the project
- The CVS on site has had no problems

One member of the public stated the following:

- Lives right behind Albertsons, McLennan Avenue
- Request to put in trees as they were promised
- Lighting concerns and traffic impacts

In response to questions raised during the hearing, Margaret Taylor, clarified the following:

- Confirmed with the property owner and did close up and did agree to put in on-site trees
- There is no nexus of the between the trees and the proposed CVS
- Light directly on building on-site
- Drive-through will provide eyes and ears to the back of the building

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

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverages from any customer while in the premises.
- 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.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.

- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- Cashiers selling beer and wine shall be over 18 years of age.
- Signs shall be posted in English and Spanish stating that California state law prohibits the sale of alcoholic beverages to people who are under 21 years of age.
- Sales of alcoholic beverages shall be permitted only between the hours of 6:00 a.m. to 2:00 a.m., daily.

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 and dispensing of beer and wine for on-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 proposed project is a Conditional Use to allow the sale and of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed retail pharmacy store and a pharmacy drive-through lane. The proposed hours of operation are 24 hours, daily.

The project will enhance the built environment in the surrounding neighborhood by activating a vacant storefront and promoting a pedestrian-oriented public realm. The project site is developed with one-story commercial buildings containing a variety of uses, including restaurants, personal services, and retail stores. The applicant's existing space is approximately 8,000 square feet and they will be moving to a larger 12,912 square-foot tenant space that was previously occupied by a restaurant and bank. The new tenant space previously contained a restaurant owned by the local "Weiler's," a delicatessen that has recently gone out of business, rendering the storefront vacant. The project would re-activate this storefront which is situated on the corner of Balboa Avenue Boulevard and Nordhoff Street and surrounded by various commercial and residential uses.

The sale of a full line of alcoholic beverages at this location will enable the new pharmacy store to provide an additional service and convenience for the community in the form of unopened bottled alcoholic beverages. As a long-established national chain pharmacy, the proposed CVS will provide valuable services in line with the offerings commonly found nationwide at other CVS stores, including pharmacy,

grocery, and unopened alcoholic beverages. In addition, the proposed CVS will active a vacant commercial tenant space and will contribute to the economic activity and vitality of the surrounding area. Therefore, the project will both provide a beneficial service and enhance the physical environment. The imposition of a number of conditions addressing operational and alcohol-related issues will ensure that the project will not be disruptive 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 involves a conditional use to permit the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed retail pharmacy store which will not adversely affect the surrounding uses. The Applicant has a history of operating with an alcohol license for off-site consumption on the subject property. CVS Health has operated under their current license allowing beer and wine sales since 2009 with no disciplinary history or citations. CVS Health has not operated under any restrictions or Conditional Use Permits because off-site sales commenced at the location when the shopping center opened in 1978, prior to Conditional Use Permits being required in the City of Los Angeles.

The subject property is an irregular-shaped parcel consisting of one (1) lot located near the northwesterly corner of Balboa Boulevard and Nordhoff Street within the North Valley area. The subject property has approximately 490 feet of frontage along Balboa Boulevard and approximately 490 feet of frontage along Nordhoff Street. The project site encompasses a total of 352,702 square feet of lot area.

The subject property is developed with one-story commercial buildings containing a variety of uses, including restaurants, personal services, and retail stores. The structures are situated in a shopping center arrangement which is surrounded by off-street parking for the commercial uses. The Applicant is one of the existing commercial tenants that will be relocating to a larger tenant space that is partially vacant. The applicant's existing space is approximately 8,000 square feet and they will be moving to a larger approximate 12,912 square foot tenant space that was previously occupied by a restaurant and bank.

The surrounding area is fully developed and substantially surrounded by residential, commercial, and entertainment uses. The subject property is located near the corner of Balboa Boulevard and Nordhoff Street within the North Valley area. Properties to the north are zoned C2-1VL as well as RS-1 and improved with one-story structures including a bowling alley, a gasoline station, and single-family residences. The abutting properties to the east are zoned RS1 and improved with one-story single-family residences. The abutting properties to the south are zoned RS-1 and RA-1 and improved with one-story single-family residences. The properties to the west are zoned (Q)C2-1VL as well as RA-1 and improved with a two-story retail building, one-story fast-food restaurant, and one-story single-family residences.

The applicant is requesting a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed retail pharmacy store. The applicant is also proposing an addition of a pharmacy drive-through lane. The proposed hours of operation are from 24 hours daily. The Applicant is not requesting any karaoke, live entertainment, or patron dancing. The use and location of this neighborhood-serving project are appropriate given the neighborhood context as well as the policies and zoning governing the project site. Conditions have also been imposed to encourage responsible management, deter criminal activity, and ensure compatibility with the surrounding neighborhood. The Los Angeles Police Department submitted recommended conditions, which have been incorporated as conditions of this approval. The conditions will ensure surrounding uses will not be adversely affected and the project will remain compatible with these uses. The project will not 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 is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Northridge Community Plan area. The Community Plan Area Map designates the property for Neighborhood Office Commercial land uses, with corresponding zones of the C1, C1.5, C2, C4, and RAS3 Zones. The project site is zoned (Q)C2-1VL and is thus consistent with the existing land use designation.

The Community Plan contains the following goals, objectives, and policies:

Goal 2: A strong and competitive commercial sector which best serves the need of the community through maximum efficiency and accessibility while preserving the unique character of the community.

Objective 2-1: To maintain the viability and vitality of the existing Northridge Central Community Business District as a community focal point.

Policy 2-1.2: Conserve and strengthen viable commercial development throughout the community.

- Policy 2-1.3:* New commercial uses should be located in existing commercial areas or shopping centers, and should not encroach into residential areas. There should be no increase in existing building height limitations.
- Policy 2-1.4:* Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and developed in accordance with design standards.

The requested entitlement is for a conditionally permitted use, and thus does not propose to deviate from any of the requirements of the LAMC. The project involves an existing commercial building that is located near the corner of Balboa Boulevard and Nordhoff Street within the North Valley area. The project helps allow for revitalization and activation of a vacant commercial tenant space with a neighborhood-serving pharmacy retail store. The project will also promote economic viability of the commercially planned and zoned land while preserving the unique design of the existing building.

Approval of the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the operation of a proposed pharmacy retail store would further extend the amenities and choices available to residents and visitors of the North Valley area. The project site is located on a shopping center with a variety of neighborhood-serving uses, including restaurants, personal services, and retail stores; the proposed pharmacy retail store with the sale of a full line of alcoholic beverages service for off-site consumption would complement this existing land use pattern. Thus, the project substantially conforms with 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 subject property is located in the (Q)C2-1VL Zone where 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 retail pharmacy store use is permitted by-right and is appropriate given the surrounding context and general plan land use designation. The project is not proposing any public dancing or live entertainment, but rather proposing the offering of a full line of alcoholic beverages to complement the shopping experience. The project is a pedestrian-friendly development that is located in a strategic area planned for commercial uses and builds upon a successful commercial area. The project will include 24 hours of operation, and, given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the proposed conditional use.

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 requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program, Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program. In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. The applicant is proposing a retail pharmacy store with minimal potential for noise impacts and other nuisance-type activity. All activity occurring on the subject premises will be required to adhere to the imposed conditions as well as the City's Noise Ordinance. The City's conditions of approval and any conditions by the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant 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, there are five (5) on-site and three (3) off-site licenses allocated for the subject tract (Census Tract No. 1173.02). Currently, there are six (6) active off-site and five (5) active on-site licenses in this census tract.

Within 600 feet of the subject site, there are five (5) alcohol-selling retail establishments with a license for off-site consumption. Within 600 to 1,000 feet of the subject site, there are no alcohol-selling retail establishments with a license for off-site consumption.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community. In this case, the granting of the application will not result in undue concentration as the project will enable the provision of an additional service and destination to complement the neighborhood. Because the pharmacy retail store at the subject site had operated under a beer and wine ABC license, approval of the proposed project would not create a net increase in total alcohol licenses in the vicinity. Although the number of existing licenses exceeds the number allocated to the subject census tract by two (2) licenses, a higher

number of alcohol-serving establishments is to be expected in an area which functions as a major commercial corridor with a variety of commercial services and amenities. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. The project will provide a valuable amenity and a desirable service while preserving and revitalizing an existing building in the North Valley area.

According to statistics provided by the Los Angeles Police Department's Devonshire Division Vice Unit, within Crime Reporting District No. 1796, a total of 90 crimes (79 Part I Crimes and 11 Part II Crimes) were reported in 2020, compared to the Citywide Average of 141 crimes and the High Crime Reporting District Average of 169 crimes for the same period. In 2020, there were (1) Narcotics, (0) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (2) Driving While Influence (DWI) related arrests, and (8) 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 above statistics indicate that the crime rate in Reporting District 1796 is lower than the citywide average, and there has been no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. The project will not adversely affect public welfare because it is a desirable use and convenient amenity in an area designated for such neighborhood-serving commercial uses. The Los Angeles Police Department submitted no communication in support of opposition to the project. Nevertheless, conditions, such as those related to the STAR/LEAD/RBS 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. Further conditions may be imposed by the California 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 project site is zoned for commercial uses and will continue to be utilized as such.

The following sensitive uses are located within a 1,000-foot radius of the site:

Single-family Residential Uses	
Northridge Neighborhood Preschool Infant Center	8958 Balboa Boulevard
Alisa Child Care	16759 Nordhoff Street
Twinkle Little Star Child Care	16742 Osborne Street

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The project site is located in a heavily urbanized and fully developed neighborhood in the North Valley area. Although there are residential uses nearby, the project has been conditioned to be compatible with such uses as there has been a retail pharmacy store at the subject site for several years. Thus, the project is unlikely to have any direct impact on any sensitive use.

The grant has been well conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and is in keeping with the existing uses adjacent to the development. The project will contribute to the neighborhood and will serve neighboring residents and local employees as well as visitors. Therefore, as conditioned, the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved.

FLOOD HAZARD FINDING

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 outside of a flood zone.

Inquiries regarding this matter shall be directed to Eric Claros, Planning Staff for the Department of City Planning at (213) 202-5448.



CHRISTINA TOY LEE
Associate Zoning Administrator

CTL:EA:bk

cc: Councilmember John Lee
Twelfth Council District
Adjoining Property Owners