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Decision Date: August 8, 2024

Appeal Period Ends: August 23, 2024

Brandon Lombardi (A)
SFM, LLC
5455 East High Street, Unit #111
Phoenix, AZ 85054

Bolo Corporation (O)
151 Kalmus Drive, Unit H-1
Costa Mesa, CA 92626

Terri Dickerhoff (R)
CGR Development
5635 Evening Sky Drive
Simi Valley, CA 93063

CASE NO. ZA-2024-341-CUB
CONDITIONAL USE
1433 North Glendale Boulevard (1427 –
1455 North Glendale Boulevard, 1420 –
1444 North Alvarado Street)
Silver Lake – Echo Park – Elysian Valley
Community Plan Area
Zone : C2-1L, P-1L
C.D. : 13 – Soto-Martinez
D.M. : 141A209 232, 141A209 220,
141A209 204, 141A209 184, 141A207
110, 141A207 120, 141A207 133,
141A207 144, 141A207 156, 141A207
155, 141A207 170, 141A207 168
CEQA: ENV-2024-342-CE
Legal Description: Lots 8 – 16; Pacific
Electric Tract No. 1 Tract

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 allow the sale of beer and wine for off-site consumption in conjunction with a grocery market in the C2-1L and P-1L Zones;

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale of beer and wine for off-site consumption in conjunction with a proposed 20,384 square-foot grocery market, from the effective date of this grant. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., daily.
8. After hour use shall be prohibited, except routine clean-up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.

9. Parking shall be provided in compliance with the code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
10. 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.
11. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
12. 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.
13. 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.
14. **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 cash registers.

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.

15. **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 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.
16. 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.

17. 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.
18. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
19. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris or litter.
20. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
21. 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.
22. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
23. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
24. Prior to the effectuation of the grant, the applicant(s) shall be required to provide the Police Department with a Security Plan that satisfactorily conforms to Police Department standards. The Security Plan shall also include a delineation of the

security personnel scheme including specifications pertaining to staffing, attire, and arrangement of security guards for the licensed premises.

ADMINISTRATIVE CONDITIONS

25. **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.
26. **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.
27. 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.
28. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning

within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

29. **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.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on July 9, 2024 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 Sections 12.24 W.1 have been established by the following facts:

BACKGROUND

The subject property is an irregular-shaped site comprised of nine lots encompassing 64,033 square-feet located in the Echo Park community. The property has a frontage of approximately 326 feet along North Glendale Boulevard and a frontage of approximately 295 feet along North Alvarado Street. The project site was previously developed into a Rite Aid Pharmacy store selling groceries, household supplies, prescription drugs, and alcoholic beverages. The Rite Aid Pharmacy store is no longer in business, therefore the existing commercial building is currently vacant. The proposed project will occupy and renovate the vacant commercial building and provide on-site parking with the surrounding surface parking lot.

The property is zoned C2-1L and P-1L with a land use designation of Community Commercial within the Silver Lake – Echo Park – Elysian Valley Community Plan. The proposed grocery market will be developed on the C2-1L Zone portion of the site. The subject project is located within the Transit Priority Area, State Enterprise Zone, Urban Agriculture Incentive Zone, Special Grading Area, Liquefaction Zone, and is located within the Upper Elysian Park Fault. The proposed grocery market will occupy a commercial building located within the C2-1L Zone portion of the site and the existing surface parking lot is developed in the P-1L Zone.

The subject grocery market, Sprouts Farmers Market, will offer customers a full line of grocery products including fresh produce, bakery goods, a full-service meat counter and deli. The market will be accessible from the sidewalks and driveways along North Glendale Boulevard and North Alvarado Street. Interior tenant improvements will be made to accommodate the subject grocery market. The project will provide 82 shared commercial parking within the surface parking lot.

The applicant requests a Conditional Use to allow the sale of beer and wine for off-site consumption only with a 20,834 square-foot grocery market with hours of operation from 7:00 a.m. to 10:00 p.m., daily.

SURROUNDING PROPERTIES

Properties surrounding the subject property are zoned RD2-1VL, R4-1L, C2-1L, and (Q)C2-1L. Properties surrounding the project site are characterized by flat terrain with commercial and residential uses along North Glendale Boulevard and North Alvarado Street. These properties are also characterized with fully improved streets.

Properties located along North Glendale Boulevard are zoned C2-1L, P-1L, and (Q)C2-1VL are developed low-rise commercial businesses with low-rise residential and commercial buildings and surface parking lots. Properties located along North Alvarado Street are zoned RD2-1VL, R4-1L, C2-1L, P-1L, and (Q)C2-1VL and are developed with low-rise residential and commercial buildings and surface parking lots.

STREETS AND PUBLIC TRANSIT

North Glendale Boulevard, adjoining the subject property to the east, is a designated Boulevard II, dedicated to a Right-of-Way width of 110 feet and a Roadway width of 80 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

North Alvarado Street, adjoining the subject property to the west, is a designated Avenue II, dedicated to a Right-of-Way width of 86 feet and a Roadway width of 56 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

The project site is located within 300 feet from two Metro Bus Lines along North Glendale Boulevard and North Alvarado Street. Metro Line 92 connects commuters to communities between Downtown Los Angeles and Sylmar, and Metro Line 603 connects commuters between Downtown Los Angeles and the City of Glendale.

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

No previous case were identified on the Applicant's Property.

Cases on Surrounding Properties:

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning

Administrator determinations associated with the sales and dispensing of alcoholic beverages filed after 2012:

Case No. ZA-2021-2269-CUB – On March 19, 2021, a Conditional Use Permit was filed for the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant. The case was terminated on May 1, 2024.

Case No. ZA-2017-2391-CUB – On January 2, 2018, 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 an existing 2,163 square-foot restaurant including a 298 square-foot uncovered outdoor patio with 72 indoor seats and 8 outdoor seats and hours of operation from 9:00 a.m. to 2:00 a.m., daily. Hours of operation for the exterior patio shall be limited from 9:00 a.m. to 9:00 p.m., daily. The restaurant will be located at 1412 North Glendale Boulevard.

Case No. ZA-2014-2088-CUB – On January 5, 2015, 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 2,163 square-foot bar with 72 interior seats and hours of operation limited to 7:00 a.m. to 12:00 a.m., Sunday – Thursday and 7:00 a.m. to 2:00 a.m., Friday and Saturday. The project is located at 1412 North Glendale Boulevard.

PUBLIC CORRESPONDENCE

No written comments were received.

PUBLIC HEARING

A public hearing was held before the Zoning Administrator through Zoom on July 9, 2022 at 10:30 a.m.

Terri Dickerhoff, the project representative, provided a presentation and stated the following:

- Sprouts sells throughout the country. Sprouts Farmers Market is a full service grocery store. It has bold offerings. It has its own labels, similar to Trader Joe's or Whole Foods.
- Their aim is to bring affordable, healthy grocery options. They are like a cross between a Trader Joe's and Whole Foods, and they are cheaper than Whole Foods.
- The site has frontage on Glendale Boulevard and Alvarado Boulevard. The site is developed with a vacant building formerly occupied by Rite Aid pharmacy. The building is currently vacant, and there have been incidences where people have been stealing materials from the building.
- It would be good to utilize the site rather than keep it vacant.
- The closest grocery store is Von's. There is a gas station and laundry operation near the subject building.
- We reached out to the neighborhood council's land use committee, and sent out mailers to just under 500 people. There were concerns raised by a few residents of the area. Their motion never moved to the full board.
- LAPD was contacted, but they did not respond. LAPD typically doesn't respond unless there is a problem.

There were no people from the public in attendance. Thus, there were no speakers during the public comment portion of the public hearing.

The Zoning Administrator took the case under advisement to allow for the representative to discuss the hearing with the applicant and determine if a revision to the floor plan would be considered.

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.

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 beer and wine of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

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

- 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 grocery market is located in a portion of the Echo Park community which is predominantly comprised of single- and multi-family residential developments and commercial businesses.

The site previously operated as a Rite Aid Pharmacy. The building has been vacant for some time, and has brought about activities such as theft of building materials. The project occupies the vacant pharmacy building with a new grocery market that will provide essential goods nearby residents and workers, increase employment opportunities, and contribute to the economic vitality of the Echo Park community.

With the applicant's Conditional Use, the grocery market would permit the sale of a beer and wine for off-site consumption only in conjunction with a 20,384 square-foot grocery market with hours of operation from 7:00 a.m. to 10:00 p.m., daily. The sale of alcohol in conjunction with grocery markets is not new or uncommon, and is often desired by customers as it allows individuals to purchase all their groceries at one destination. Alcohol sales would be ancillary to grocery sales. The grocery market would enhance the commercial character and economic prosperity of the community. It would activate a vacant site and promote revitalization of the area. The grocery market would offer organic produce and foods, as well as affordable health options, and health supplements. Alcohol sales revenue generated would contribute to the collection of tax revenue and the increase of employment opportunities.

The grocery market would be neighborhood serving and complement the surrounding residential and commercial uses in the vicinity and would attract local investment and employment opportunities. Furthermore, the grant to allow the alcohol service has been well conditioned to ensure that that use will not adversely impact neighboring residents or other sensitive uses. As such, the project will provide a beneficial service to the Echo Park 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 Conditional Use allows the sale of beer and wine for off-site consumption at the proposed grocery market. The project site is surrounded by residential development and commercial businesses and is adjacent to North Alvarado Street and North Glendale Boulevard which function as major transit corridors that provide north-south travel through the Echo Park community. The proposed grocery market would provide local residents and workers convenient access to essential goods such as food and household supplies. The sale of alcoholic beverages would be ancillary to grocery sales. The project would contribute to the commercial character and economic vitality of the community therefore the project would be compatible with the surrounding neighborhood.

The project site is located in the C2-1L and P-1L Zones with a land use designation of Community Commercial. Retail uses, such as the operation of grocery markets, are permitted and compatible with the Community Commercial designation. As discussed above, the proposed grocery market would complement the surrounding residential and commercial uses in the neighborhood. The grocery market will maintain a square footage of 20,834 square feet with hours of operation of 7:00 a.m.

to 10:00 p.m., daily. The grocery market will occupy and renovate an existing commercial building with interior tenant improvements that will accommodate the new business. The existing surface parking lot will remain on-site providing a total of 82 vehicular parking spaces. Pedestrian and vehicular access will be located along North Alvarado Street and North Glendale Boulevard.

At the public hearing, the applicant's representative presented some of the concerns raised by neighbors of the area. In response to issues raised by a few in the community, the applicant revised the floor plan to reduce the alcohol sales area square footage. The Zoning Administrator reviewed the revision to the floor plan and determined the project with the reduction of alcohol floor space would not be detrimental to the surrounding uses through conditions of this grant.

Conditions have been imposed in the grant to address nuisances, security, mode and character, and responsible management. A complaint number posted at the entrance of the grocery market visible to pedestrians and the maintenance of the complaint log will enable abutting neighbors and the community to inform the owner of complaints of the use. Exterior portions of the project site will be adequately illuminated, loitering shall be prohibited, and the applicant shall maintain a premises that is free of debris or litter. Furthermore, employees will be required to participate in training pertaining to alcohol sales. As conditioned, the operation of the grocery market with the sale of beer and wine 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 General Plan serves as a blueprint for future growth and development of the City. The twelve elements of the General Plan establish goals, policies, purposes, and programs 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 Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Silver Lake – Echo Park – Elysian Valley Community Plan Area, and designates the land use as Community Commercial with the corresponding zones CR, C2, C4, and RAS3. The Community Plan highlights several commercial opportunities including the integration of residential and commercial uses along commercial corridors to create functional, traditional neighborhoods which retain the area's urban character, increase housing capacity and improve the jobs-housing balance. The proposed project will support this goal by providing nearby residents an essential and beneficial service and job opportunities for the local community. The project site is zoned C2-1L and P-1L and the proposed grocery market use and request to permit the sale of beer and wine

will be located on the C2-1L Zone portion of the site. Therefore, the project is permitted on the project site. The Silver Lake – Echo Park – Elysian Valley Community Plan text is silent with regard to alcohol sales. In such cases, the Zoning Administrator shall interpret the intent of the Plan. The purpose of the Plan is to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the community. The project is consistent with the following objectives of the Community Plan:

Goal 2: *An economically vital commercial sector and strong viable commercial areas that offer a diversity of goods and services to meet the needs of the community in the plan area. Commercial areas should satisfy market demand, maximize convenience and accessibility while preserving and enhancing the unique historic and cultural identities of the district.*

Objective 2-1: *Conserve and strengthen viable commercial development and encourage the reuse of obsolete commercial development.*

Policy 2-1.1: *New commercial uses shall be located in established commercial areas, emphasizing more intense and efficient use of existing commercial land, ultimately contributing to and enhancing the existing urban form and village atmosphere.*

The project supports the Community Plan's Goals and Policies by replacing a vacant pharmacy and market building with a new neighborhood serving grocery market that will provide essential goods nearby residents and workers, increase employment opportunities, and contribute to the economic vitality of the Echo Park community. The proposed grocery market will provide a convenient and beneficial service to the surrounding residential and commercial through the sale of essential goods. The required findings in support have been made and the operation has been imposed with conditions of approval to minimize potential impacts on the surrounding neighborhood. Therefore, the project conforms to the purpose, intent, and provisions of the General Plan and the Silver Lake – Echo Park – Elysian Valley Community Plan.

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

The approval of the Conditional Use Permit to allow the sale of beer and wine on the subject site will not adversely affect the welfare of the community. Similar to many markets located in the Echo Park community, the incidental service of alcohol will not be new or uncommon. It is a convenient service that is commonly provided at markets to allow customers to purchase all their grocery goods at a single destination. In particular, the grocery market will be beneficial and convenient to the nearby single- and multi-family households and commercial businesses in the area. As such, the

proposed grocery market will complement the mixed-use character of the neighborhood as well as contribute to the collection of tax revenue and the increase of employment opportunities.

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. All activity occurring on the subject premises will be required to adhere to the imposed conditions. Additional conditions have been included to ensure the operation provides adequate security measures, including a surveillance system, adherence to the City's Noise Ordinance, and responsible management practices. 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 of beer and wine for off-site consumption in conjunction with a proposed grocery 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 Department of Alcoholic Beverage Control (ABC) licensing criteria, three (3) on-sale and one (1) off-sale alcohol licenses are allocated to the subject census tract (Census Tract 1956). Currently there are 19 alcohol licenses held by 15 establishments in the census tract.

- (1) Type 20: Off-Sale Beer & Wine
- (3) Type 21: Off-Sale General
- (8) Type 41: On-Sale Beer & Wine – Eating Place
- (6) Type 47: On-Sale General – Eating Place
- (3) Type 58: Caterer Permit
- (1) Type 77: Event Permit

The subject site is located in a census tract where the number of active on-and off-site licenses exceeds ABC's census tract authorizations. The Project is located within the Echo Park community, an urbanized area with a high concentration of housing, retail services, shops, and restaurants. Concentration can be undue when the addition of licenses will negatively impact a neighborhood. Concentration is not undue, however, when a determination is made that the ABC license(s) will not negatively impact an area, but rather such license benefits the public welfare and convenience. The proposed grocery market will provide a beneficial and convenient service to the community as it will offer local residents and visitors the opportunity to purchase essential goods such as food, and kitchen and home supplies. The sale of alcoholic beverages is typically desired by shoppers and offered at grocery markets to serve as a one-stop shop. As such, alcohol sales will be ancillary to grocery sales. Therefore, the project site will not result in an undue concentration of alcohol licenses.

According to statistics provided by the Los Angeles Police Department's Northeast Division Vice Unit, within Crime Reporting District No. 1181, which has jurisdiction over the subject property, a total of 221 crimes and arrests were reported in 2023 (164 Part I - Crimes and 57 Part II - Arrests), compared to the total area average of 162 offenses, and a High Crime Reporting District of 194 offenses, for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Rape (2), Robbery (10), Aggravated Assault (11), Burglary (19), Auto Theft (25), and Larceny (97). Part II Crimes reported include, Other Assault (4), Forgery/Counterfeit (0), Embezzlement/Fraud (1), Stolen Property (1), Weapons Violation (2), Prostitution Related (0), Sex Offenses (0) Offenses Against Family (3), Narcotics (9), Liquor Laws (1), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (3), Moving Traffic Violations (1), Miscellaneous Other Violations (16) and other offenses (16). Of the 221 total crimes and arrests reported for the Reporting District, three arrests were made for driving under the influence.

The above statistics indicate that the crime rate in Reporting District No. 1181 is higher than the citywide average, however, there has been no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. The crime statistics do not connect the subject property to any incidents as it pertains to the reporting district as a whole. Surrounding the project site, along North Glendale Boulevard and West Sunset Boulevard, are other alcohol-selling establishment including convenience stores and restaurants that may also contribute to the area's crime rate. As noted above, the subject project will be beneficial to the surrounding community as it will provide a beneficial, convenient, and essential service. ABC has the 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 enjoyment of property by neighboring tenants. Nevertheless, to safeguard the welfare of the community, negative impacts commonly associated with the sale of alcohol for on-site consumption such as criminal activity, public drunkenness, and loitering are addressed through the imposition of conditions set forth by the Zoning Administrator. Employees will be required to fulfill specialized training relating to the sale of alcohol

and a complaint log shall be maintained by the restaurant operator to receive and address any complaints from the public. The approval of the operation of the subject grocery market at the project site, in conjunction with the sale of beer and wine for off-site consumption will serve to enhance the commercial character of the area while operating in a manner that will be responsible and considerate of its surrounding uses.

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

The project site is zoned for commercial uses and will continue to be utilized as such with the operation of the proposed bar. The following sensitive uses are located within a 1,000-foot radius of the site:

- Edendale Branch Library
- Echo Park Methodist Church
- Inside Out Church
- Logan Early Education Center
- Logan Academy of Global Ecology
- Gabriella Charter School
- Berkeley Ave Childrens Center

Consideration has been given to the distance of the subject establishment from the above-referenced 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 in keeping with the existing uses adjacent to the development. This project will continue to contribute to the Silverlake neighborhood and will continue to serve the neighboring residents, local employees, and visitors. Therefore, as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

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 outside a flood zone.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning’s DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012
planning.figcounter@lacity.org

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401
planning.mbc2@lacity.org

West Los Angeles DSC
(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA
90025
planning.westla@lacity.org

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](https://build.lacity.org) portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal
Filing

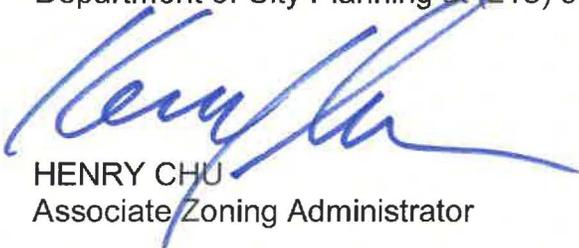


QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA Appointment
Portal for Condition Clearance

Inquiries regarding this matter shall be directed to David Woon, Planning Staff for the Department of City Planning at (213) 978-1368.



HENRY CHU
Associate Zoning Administrator

HC:EA:DW:nm

cc: Councilmember Hugo Soto-Martinez Farrell
Thirteenth Council District
Adjoining Property Owners
Interested Parties

