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Decision Date: May 28, 2024

Appeal Period Ends: June 12, 2024

Mitch Nadler (A)
Trader Joe's Company
317 East Carson Street, Unit 333
Pittsburg, PA 15219

IMT Capital II Sherman Oaks, LLC
c/o Adam Thomas (O)
15303 Ventura Boulevard, Suite 200
Sherman Oaks, CA 91403

Dan Kramer (R)
Dan Kramer Law Group
350 Sansome Street, Unit 400
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CASE NO. ZA-2024-1023-MPA
MAIN PLAN APPROVAL
Related Case: CPC-2014-1361-ZC-
MCUP-SPR
14140 West Riverside Drive, Unit A110
(14130 and 14154 West Riverside
Drive; 4715-4745 North Hazeltine
Avenue)
Van Nuys – North Sherman Oaks
Community Plan
Zone: (Q)RAS3-1L-RIO
D. M.: 168B153
C. D.: 4 – Nithya Raman
CEQA: ENV-2024-1024-CE
Legal Description: Lot 2; Tract 72802-C

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 Section 13B.2.3.H, I hereby APPROVE:

A Main Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a new grocery store in the (Q)RAS3-1L-RIO Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked "Exhibit A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued 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 main covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a new grocery store located within an existing mixed-use building. The hours of operation shall be limited from 8:00 a.m. to 9:00 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 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.

10. The establishment shall be maintained as a bona fide grocery store, offering perishable food items for sale as well as a selection of packaged food, fresh food, and household items. Items for sale may include fresh and packaged meats, drinks, dairy products, produce, dry goods, frozen goods, sundries, paper goods, and other similar products.
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 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. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
15. **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 hostess station

Complaints shall be responded to within 24 hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
16. **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.
17. 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.

18. Loitering is prohibited on or around these premises or/and the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
19. 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, 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 activities on the subject premises and in any exterior area, including accessory parking areas, 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.
20. 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, the Department of Building and Safety, the Department of City Planning, or other responsible agencies. The on-site Manager and employees shall be knowledgeable of the conditions herein.
21. 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 and litter.
22. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
23. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
24. 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.
25. The project shall adhere to the conditions associated with the underlying Main Conditional Use Permit issued under Case No. CPC-2014-1361-ZC-MCUP-SPR.

ADMINISTRATIVE CONDITIONS

26. **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.
27. **MViP - Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01-E,3 -Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 -Miscellaneous ZA Sign Offs 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.
28. 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.
29. 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.

30. **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. Unless otherwise provided in Chapter 1A, Chapter 1 (General Provisions and Zoning), or in a project's conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and 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 Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code 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 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 or Chapter 1 (General Provisions and Zoning), shall constitute a violation of this Chapter or Chapter 1 (General Provisions and Zoning) 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 Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on May 22, 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 Main Plan Approval pursuant to Section 13B.2.3.H of the Los Angeles Municipal Code, have been established by the following facts:

BACKGROUND

The subject property site is an irregular-shaped parcel of land comprised of one (1) lot encompassing approximately 207,281 square feet of lot area. The subject property is bound by Riverside Drive to the north with a street frontage of 582 feet, Calhoun Avenue to the west with a street frontage of 222 feet, and Hazeltine Avenue to the east with a street frontage of 594 feet. The US-101 freeway and the Los Angeles River borders the property to the south.

The subject property site is zoned (Q)RAS3-1L-RIO and is located within the Van Nuys – North Sherman Oaks Community Plan area. The Community Plan designates the subject property for Community Commercial land uses corresponding to the CR, C2, C4, RAS3, and RAS4 zones. The property's (Q)RAS3-1L-RIO zoning is consistent with the General Plan's land use designation for the site. The project site is subject to Qualified "Q" Conditions pursuant to Section 12.32 G of the Municipal Code and limits the scale and scope of development. The subject property is located within a Transit Priority Area in the City of Los Angeles (ZI-2452), River Implementation Overlay District (ZI-2358), and the Freeway Adjacent Advisory Notice for Sensitive uses (ZI-2427). The subject property is not located within the boundaries of or subject to any other specific plan, community design overlay, or interim control ordinance.

The subject property is developed with an existing, approximately 287,900 square-foot mixed-used development, located at the southwest corner of Riverside Drive and Hazeltine Avenue. The property site was approved for a Main Conditional Use Permit under Case No. CPC-2014-1361-ZC-MCUP-SPR, to allow for the sale and dispensing of a full line of alcoholic beverages off-site consumption at up to three establishments (i.e., grocery stores and/or retail establishments) and on-site consumption at up to two establishments (i.e., restaurants).

The applicant is requesting a Main Plan Approval allowing the sale and dispensing of a full line of alcohol for off-site consumption in conjunction with a new, approximately 15,400 square-foot grocery store (Trader Joe's) within an existing, approximately 287, 900 square-foot mixed-used development. Hours of operation for the grocery store shall be limited to 8:00 a.m. to 9:00 p.m., daily. No indoor or outdoor seats are provided. The proposed grocery store is located within Building A of the mixed-use development having a five stories and a maximum height of 63 feet and five inches feet, located in the northeastern portion of the project site, with a parking structure (three above-grade and two below grade levels) and surface parking on the southern portion of the project site. The subject property provides a total of 1,141 shared parking spaces inclusive of 60 parking spaces for the Trader Joe's grocery store. The project is limited to tenant improvements and minor exterior renovations that would not result in any expansion of floor area and therefore does not conflict with the established development limitations.

SURROUNDING PROPERTIES

Surrounding properties are zoned (Q)C2-1L-RIO, C2-1L-RIO, R1-1-RIO, [Q]RD1.5-1-RIO, and [Q]RD1.5-1VL-RIO and are characterized by a mix of one- to two-story commercial uses, the two-story Westfield Fashion Mall immediately to the east, low- to medium-density multifamily residential uses, and single-family residential uses. Properties across Riverside Drive to the north are zoned R3-1-RIO and [Q]C1.5-1VL-RIO and are developed with a one-story commercial building with a surface parking lot and low-rise two- to four-story multifamily development. Properties abutting the subject site to the east across Hazeltine Avenue are zoned (Q)C2-1L-RIO and P-1L and are developed with commercial retail buildings. Properties abutting the subject site to the west across Calhoun Avenue are zoned R1-1-RIO and [Q]RD1.5-1-RIO and are improved with single-family residential uses. Properties abutting the subject property to the south are zoned (Q)RAS3-1L-RIO, P-1L-RIO, OS-1XL-RIO and PF-1XL, and are open space and public facility uses as the Los Angeles River and US-101 freeway.

STREETS AND CIRCULATION

Riverside Drive, adjoining the subject property to the north, is a designated Avenue I, dedicated to a right-of-way width of 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Hazeltine Avenue, adjoining the subject property to the east, is a designated Avenue II, dedicated to a right-of way width of 86 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Calhoun Avenue, adjoining the subject property to the west, is a designated Local Street - Standard, dedicated to a right-of-way width of 60 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Subject Property:

Case No. CPC-2014-1361-ZC-MCUP-SPR – At its meeting of October 24, 2019, the City Planning Commission approved and recommended that the City Council adopt a Zone Change from P-1L-RIO, PB-1L-RIO and C2-1L-RIO to (T)(Q)C2-1L-RIO for Proposed Lot 1 and P-1L-RIO, PB-1L-RIO and C2-1L-RIO to (T)(Q)RAS3-1L-RIO for Proposed Lot 2; approved a Main Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption at up to three establishments, and on-site consumption for up to two establishments; and approved a Site Plan Review for a project resulting in an increase in 50 or more dwelling units located at 14130 and 14154 West Riverside Drive; 4715-4745 North Hazeltine Avenue.

Previous relevant cases, affidavits and orders on Surrounding Properties:

ZA-2016-777-MCUP – On September 14, 2016, the Zoning Administrator approved a Main Conditional Use Permit to allow the sale of a full line of alcoholic beverages for on-site for up to eight restaurants within an existing shopping center in the (Q)C2-1L-RIO, C2-1L-RIO, P1L-RIO zones, located at 14006 Riverside Drive.

PUBLIC CORRESPONDENCE

A correspondence was received from the Sherman Oaks Neighborhood Council Planning and Land Use Committee, dated April 23, 2024, recommending approval of the proposed project.

PUBLIC HEARING

The public hearing was held virtually over Zoom Webinar on May 22, 2024, at 9:30 a.m. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

Margaret Taylor, the land use consultant assisting the project representative, presented a presentation and responded to questions raised by the Zoning Administrator with the following:

- The hearing notice information is accurate
- This is a Main Plan application for the approval off-site sales of alcohol for a proposed Trader Joes
- A Main Conditional Use approval was approved per CPC-2014-1361-ZC-MCUP-SPR and per condition no. 27, three retail/grocery stores were approved on the ground floor of Building A or B; Trader Joes will be in Building A
- Site is north of the 101 freeway
- Lived in this area for many years
- Proximity to Fashion Square Mall, 101 freeway
- This is a comprehensive plan development
- Conceptual rendering
- Project is staying consistent with the rendering with residential uses above; was vetted with the community
- Same development proposed is under construction

- The market is located at corner
- There is an existing Trader Joe's located across the street; just renewed five-year lease and plans to stay
- Did neighborhood outreach
- Neighborhood Council requested a 500-foot mailing to occupants and 411 mailers were sent out
- During the Neighborhood Council meeting, some neighbors inquired if the existing Trader Joe's located across the street was going to stay and that it was positive for the community
- Two are allowed for off-site sales and this is the second one allowed; within concentration allocation
- It will support existing community; residents can walk to
- Loading area is within closed portion of building; insulated; other mechanical equipment in that area
- This is a modern concept
- Mixed-use development; under construction and not opened yet
- Across the street there is an older
- Alcohol is consistent with other Trader Joe's stores
- Rachel Peterson from Trader Joe's was at the Neighborhood Council meeting and was accessible to the neighbors
- Received support letter from the Sherman Oaks Neighborhood Council
- Area has a high crime rate; but its from the shopping center across the street, retail theft, automobile theft and theft from the nearby park; no record for the existing Trader Joe's by LAPD, City Planning, or Part I crimes
- Did reach out to Council District 4; talked to Mashaal Majid and advised them of today's hearing but had no concerns
- Reached out to Van Nuys LAPD; they have not submitted anything to the file and aware of the application
- The existing Trader Joe's located across the street does sell alcohol
- There will be one public entrance
- Site will have surface parking and underground parking
- Immediate access to the parking at the entrance
- This is a popular location
- Regarding noise, the Main Conditional Use has conditions related to commercial corner relations for loading hours, trash, parking below ground, loading trucks, delivery area
- Neighbors were engaged and it was positive at the Neighborhood Council with the mode and character of the project
- Credit goes to the engaged management team

No members of the public spoke during the public hearing.

The Zoning Administrator closed the public hearing and indicated that findings can be made in the affirmative after review of the administrative record and intends to conditionally grant approval of the case.

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 alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The quarterly gross sales of alcohol shall not exceed the quarterly gross sales of food. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or
- 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.

AUTHORITY FOR PLAN APPROVAL

Section 13B.2.3.H of the Los Angeles Municipal Code provides in-part:

1. Development of Site. On any lot or portion of a lot on which an approved or deemed-approved conditional use is permitted pursuant to the provisions of this Section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, provided that plans are submitted to and approved by the City Planning Commission, and, where applicable, the use is consistent with the provisions of Sec. 12.24 C (*Existing Uses*) of Chapter 1 (*General Provisions and Zoning*)

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use plan approval process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Main Plan Approval from the Zoning Administrator are located within Section 13B.2.3.H of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a grocery store 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.

CLASS 3 CONDITIONAL USE PERMIT FINDINGS PURSUANT TO LAMC SECTION 13B.2.3.H

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

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

The applicant is requesting a Main Plan Approval allowing the sale and dispensing of a full line of alcohol for on-site consumption in conjunction with a new 15,400 square feet of retail/grocery use, Trader Joe's, within an existing, approximately 287,900 square-foot mixed-used development. Proposed hours of operation for the grocery store use shall be limited to 8:00 a.m. to 9:00 p.m., daily. No indoor or outdoor seats are provided. The project site was previously authorized under Case No. CPC-2014-1361-ZC-MCUP-SPR to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption at up to three establishments, and on-site consumption at up to two establishments.

The project site is located within the Van Nuys-North Sherman Oaks Community Plan area and is designated for Community Commercial land uses, which allows for the proposed retail uses. The area surrounding the project site is urbanized and improved with a range of low- to medium-density residential uses and commercial uses, including a regional serving shopping mall immediately to the east. The proposed Trader Joe's store will be desirable to the public convenience and welfare as the uses

are in a convenient location accessible to on-site residents, nearby residents, workers, and visitors. The project will provide a convenient shopping place to serve the residents, employees and visitors in the area, and add to the number of available dining venues. A variety of commercial uses is an intrinsic part of the service amenities that are necessary for the conservation, development, and success of a vibrant neighborhood. The ability for the project to offer a full line of alcoholic beverages will allow the retail/grocery uses to remain competitive with other similar uses serving the same area, as alcohol service is a common and expected by patrons as part of these commercial uses. The ancillary alcohol service is a common amenity for grocery stores throughout the City, and will provide a public convenience for local shoppers within the neighborhood as well as visitors from abroad.

The Main Plan Approval (CPC-2014-1361-ZC-MCUP-SPR) provides an umbrella entitlement with conditions that apply to the project site. These conditions include, but are not limited to, security measures, such as a camera surveillance system and appropriate lighting in the evening hours and all music, sound or noise which is under the control of the applicant shall be in compliance with the Citywide Noise Ordinance. Further, loitering is prohibited on and around the premises, and the project will be required to maintain the premises and sidewalk in good condition. These conditions will be supplemented by more specific conditions designed to address the characteristics of the project, prior to the effectuation of the approval for the grocery store tenancy. Additionally, the Zoning Administrator and LAPD will have the opportunity to comment and recommend any conditions for the proposed project.

As such, the service of alcoholic beverages within the retail/grocery use as part of an existing mixed-use development will enhance the built environment in the surrounding neighborhood, and will provide a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole.

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 applicant is requesting a Main Plan Approval allowing the sale and dispensing approximately 15,400 square feet of retail/grocery use within an existing, approximately 287,900 square-foot mixed-used development. Proposed hours of operation for the grocery store use shall be limited to 8:00 a.m. to 9:00 p.m., daily. No indoor or outdoor seats are provided. The project site was previously authorized under Case No. CPC-2014-1361-ZC-MCUP-SPR to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption at up to three establishments, and on-site consumption at up to two establishments.

Surrounding properties are zoned (Q)C2-1L-RIO, C2-1L-RIO, R1-1-RIO, [Q]RD1.5-1-RIO, and [Q]RD1.5-1VL-RIO and are characterized by a mix of one- to two-story commercial uses, the two-story Westfield Fashion Mall immediately to the east, low- to medium-density multifamily residential uses, and single-family residential uses. Properties across Riverside Drive to the north are zoned R3-1-RIO and [Q]C1.5-1VL-RIO and are developed with a one-story commercial building with a surface parking lot and low-rise two- to four-story multi-family development. Properties abutting the subject site to the east across Hazeltine Avenue are zoned (Q)C2-1L-RIO and P-1L and are developed with commercial retail buildings. Properties abutting the subject site to the west across Calhoun Avenue are zoned R1-1-RIO and [Q]RD1.5-1-RIO and are improved with single-family residential uses. Properties abutting the subject property to the south are zoned (Q)RAS3-1L-RIO, P-1L-RIO, OS-1XL-RIO and PF-1XL, and are open space and public facility uses as the Los Angeles River and US-101 freeway.

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. The sale of alcohol is an expected offering of retail market and allows the Van Nuys-North Sherman Oaks community to enjoy the same level of amenities and beverage options and as expected in other markets. The sale of alcohol is only a portion of the goods and services offered from the specialty retail store, where groceries, sundries, beverages, and meats, in addition to other goods typically offered at a market. Conditions of approval have been imposed to encourage responsible management and deter criminal activity. These conditions will ensure that the operation will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety by ensuring security and safety, provide STAR training, and responsible management. In addition, a 24-hour complaint hotline and email address are required to be posted on the site to allow the community to inform the applicant/operator of any complaints due to the operation of the subject grocery store.

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 project site is located within the Van Nuys - North Sherman Oaks Community Plan area, which designates the subject property for Community Commercial land uses corresponding to the CR, C2, C4, RAS3, and RAS4 zones. The project site is zoned (Q)RAS3-1L-RIO, which is thus consistent with the General Plan's land use designation for the site. The subject property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The Van Nuys - North Sherman Oaks Community Plan text is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Community Plan. The proposed request is for the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a new grocery store, which is consistent with the following goal, objective, and policy of the Van Nuys - North Sherman Oaks Community Plan:

Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while reserving the historic commercial and cultural character of the community.

Objective 2-1: To conserve and strengthen viable commercial development.

Policy 2-1.1: New commercial uses shall be located in existing established commercial areas or existing shopping centers.

The project is a grocery store that will activate the tenant space and provide retail and grocery uses in a mixed-used development designated for Community Commercial land uses. The area surrounding the project site is urbanized and improved with a range of low- to medium-density residential uses and commercial uses, including a regional serving shopping mall immediately to the east. The proposed grocery store use will be desirable to the public convenience and welfare as the uses are in a convenient infill location accessible to on-site and nearby residents, workers, and visitors to eat, drink, and socialize. The ability for the project site to offer a full line of alcoholic beverages will allow the restaurants and retail/grocery uses to remain competitive with other similar uses serving the same area, as alcohol service is a common and expected by patrons as part of these commercial uses. The sale and dispensing of alcoholic beverages for off-site consumption in conjunction with the operations of the proposed grocery store use, will be an added amenity for residents and patrons, and will thus help to conserve and strengthen a viable commercial development along Riverside Drive within the Sherman Oaks neighborhood.

In addition to the goal, objectives, and their policies described above, the request fulfills the intent of the Van Nuys - North Sherman Oaks Community Plan provisions regarding land use compatibility and maintaining desirable characteristics of existing residential neighborhoods. The project proposes a convenient and desirable commercial service while remaining aligned with the existing commercial pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding neighborhood. As such, the project maintains an existing commercial use within an established commercial district and is consistent with the purpose, intent, and provisions of the General Plan and the Van Nuys - North Sherman Oaks Community Plan Community Plan.

ADDITIONAL FINDINGS PURSUANT TO LAMC SECTION 12.24 W.1

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

The proposed grocery store is a use that is allowed by right within mixed-use development in the RAS3 Zone. The grant to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption will be ancillary to the grocery store service. The availability of alcoholic beverages is consistent with the pattern of many grocery store establishments in Los Angeles. Additionally, the project will not physically alter the subject building's location, size, or height. Operational conditions imposed on the project will help to ensure that the ancillary alcohol service in conjunction with the grocery store use will not adversely affect the neighborhood, including surrounding residences and businesses. The applicant, Trader Joe's, is a nationwide chain of grocery stores, that are widely popular within communities and are responsible operators. The introduction of a new grocery store located as a ground-floor retail will enliven the area with more eyes on the street and help maintain a safe environment.

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 responsible management and deterrents against loitering. 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 or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program.

Furthermore, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been included to ensure the operation provides adequate security measures, includes a surveillance system, and adequate lighting, adherence to the City's Noise Ordinance, and responsible management practices. Both the Conditions of Approval and the requirements of the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, as conditioned herein, the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with the proposed grocery store will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of ABC licensing criteria, there are three (3) on-site and two (2) off-site licenses allocated to the subject Census Tract Number 1287.02, based on a population of 3,317 people. Within the subject Census Tract, there are currently two (2) total active licenses, including one (1) on-site license and one (1) off-site license. As such, the number of existing on-site licenses within the census tract where the Project Site is located does not exceed ABC guidelines. Within 1,000 feet of the subject site, there are currently zero (0) establishments that have ABC licenses.

The subject property is located within a fully built-out neighborhood where the proposed off-site license would be within the maximum number allocated by ABC. 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 does not negatively impact an area, but rather provides a public service and benefits the community. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to the public welfare and will not interfere with the quiet enjoyment of property by residents in the area. The activation of the new ground floor grocery store and ancillary sale of a full line of alcoholic beverages for off-site consumption will contribute to the collection of tax revenue, increased employment opportunities, and the commercial vibrancy of the neighborhood.

According to statistics provided by the LAPD's Central Vice Unit within Crime Reporting District No. 964 which has jurisdiction over the subject property, a total of 522 crimes were reported in 2023 (482 Part I and 40 Part II crimes), compared to the Citywide Average of 162 crimes and the High Crime Reporting District Average of 194 crimes. The vast majority (377) of the Part I crimes are reported as larceny. Alcohol-related Part II Crimes reported include Narcotics (2), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (17), and other offenses (4). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the 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 project will not adversely affect public welfare because it is a desirable use and convenient amenity in an area designated for such neighborhood- and regional-serving commercial uses. 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 minimize 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 alcoholic beverages.

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 retail uses and will be utilized as such with the proposed Trader Joe's grocery store located on the ground floor of a new mixed-use development. The following sensitive uses and alcohol uses are located within a 1,000-foot radius of the site:

- Van Nuys/Sherman Oaks Recreation Center - 14201 Huston Street
- Single and multi-family residential uses

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. The project will contribute to the neighborhood and will serve neighboring residents and local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect nearby residentially zoned communities 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
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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://appointments.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

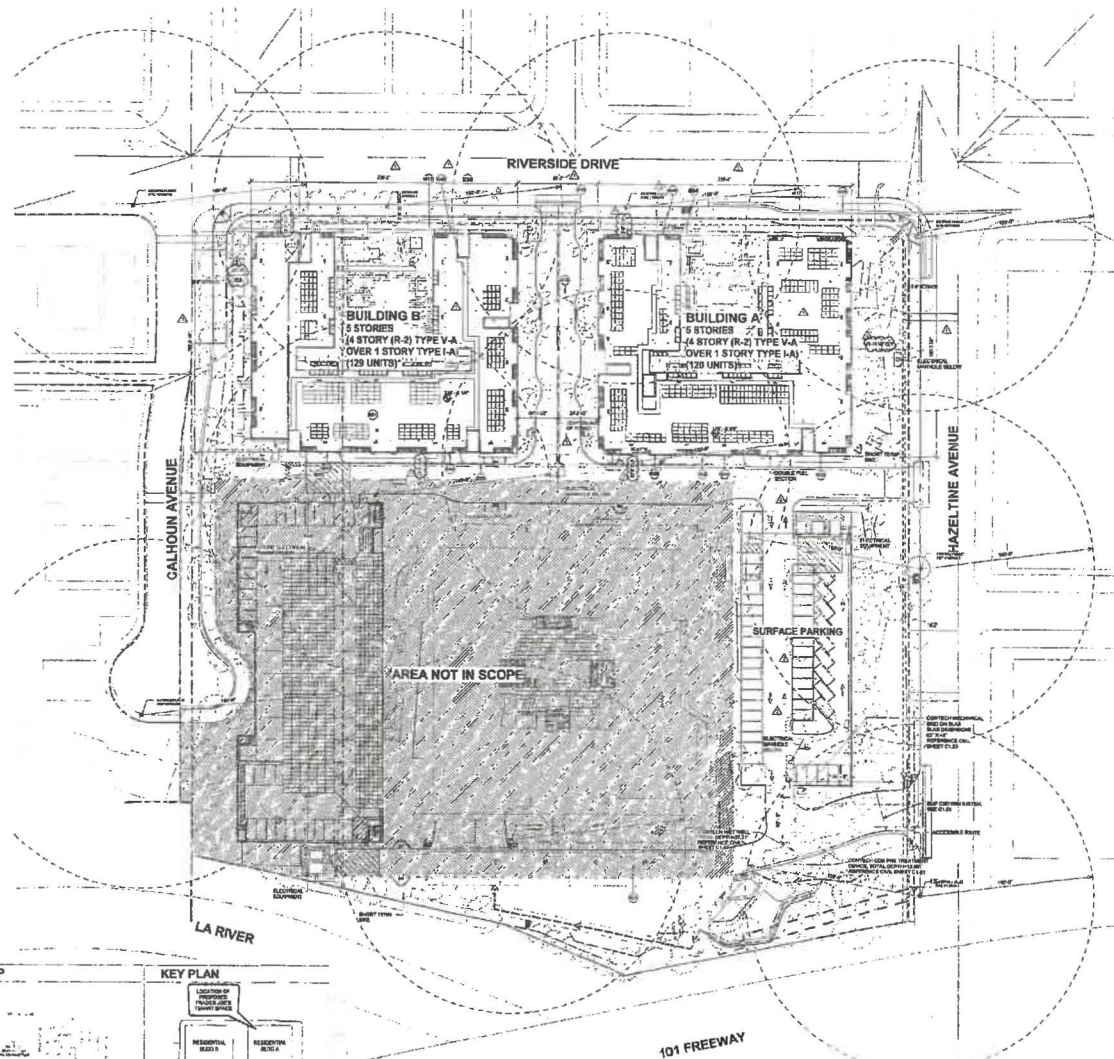
Inquiries regarding the matter shall be directed to Alice Okumura, Planning Staff for the Department of City Planning at (213) 978-1356 or alice.okumura@lacity.org.

A handwritten signature in blue ink, appearing to read 'Christina Toy Lee'.

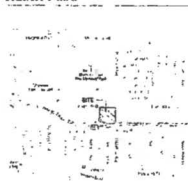
CHRISTINA TOY LEE
Associate Zoning Administrator

CTL:TM:AO:nm

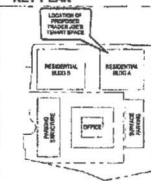
cc: Councilmember Nithya Raman
4th Council District
Adjacent Property Owners
Interested Parties



VICINITY MAP



KEY PLAN



1 SITE PLAN
SCALE: 1/8" = 1'-0"

SITE AREA: 237,360.5 SF
FAR: 1.4
APN: 2248-028-011
LEGAL DESCRIPTION: LOT 2, TRACT 72803-C
ZONING: (D) RA3S-1L R10
GENERAL PLAN LAND USE: COMMUNITY COMMERCIAL
GENERAL PLAN: VAN NUYS - NORTH SHERMAN OAKS
COUNCIL DISTRICT: 4
CENSUS TRACT: 1287-03

SITE SUMMARY

RESIDENTIAL YIELD: 141 UNITS

STUDIO	41 UNITS	(17%)
1 BEDROOM	160 UNITS	(64%)
2 BEDROOM	28 UNITS	(11%)
3 BEDROOM	15 UNITS	(7%)
2 BEDROOMS+SUITE	4 UNITS	(1%)

COMMERCIAL: 27,470 sq. ft.
OFFICE (RETAILING): 128,678 sq. ft.

PARKING SUMMARY

COMMERCIAL	102 SPACES (51 COMPACT @ 19%)
OFFICE	818 SPACES (511 FULL @ 50% + 307 BLDG @ 24%)
RETAIL	428 SPACES (106 TANDUM @ 25% + 322 @ 19%)
TOTAL	1,348 SPACES

TENANT SPACE: 15,409 SF

SCOPE OF WORK:
MAIN PLAN APPROVAL TO PERMIT THE OFF-SITE
SALE OF FULL LINE OF ALCOHOLIC BEVERAGES IN
CONJUNCTION WITH THE OPERATION OF A
GROCERY STORE IN BUILDING "A"

EXHIBIT "A"
Page No. 1 of 3
Case No. 7A-2024-1023 mpa

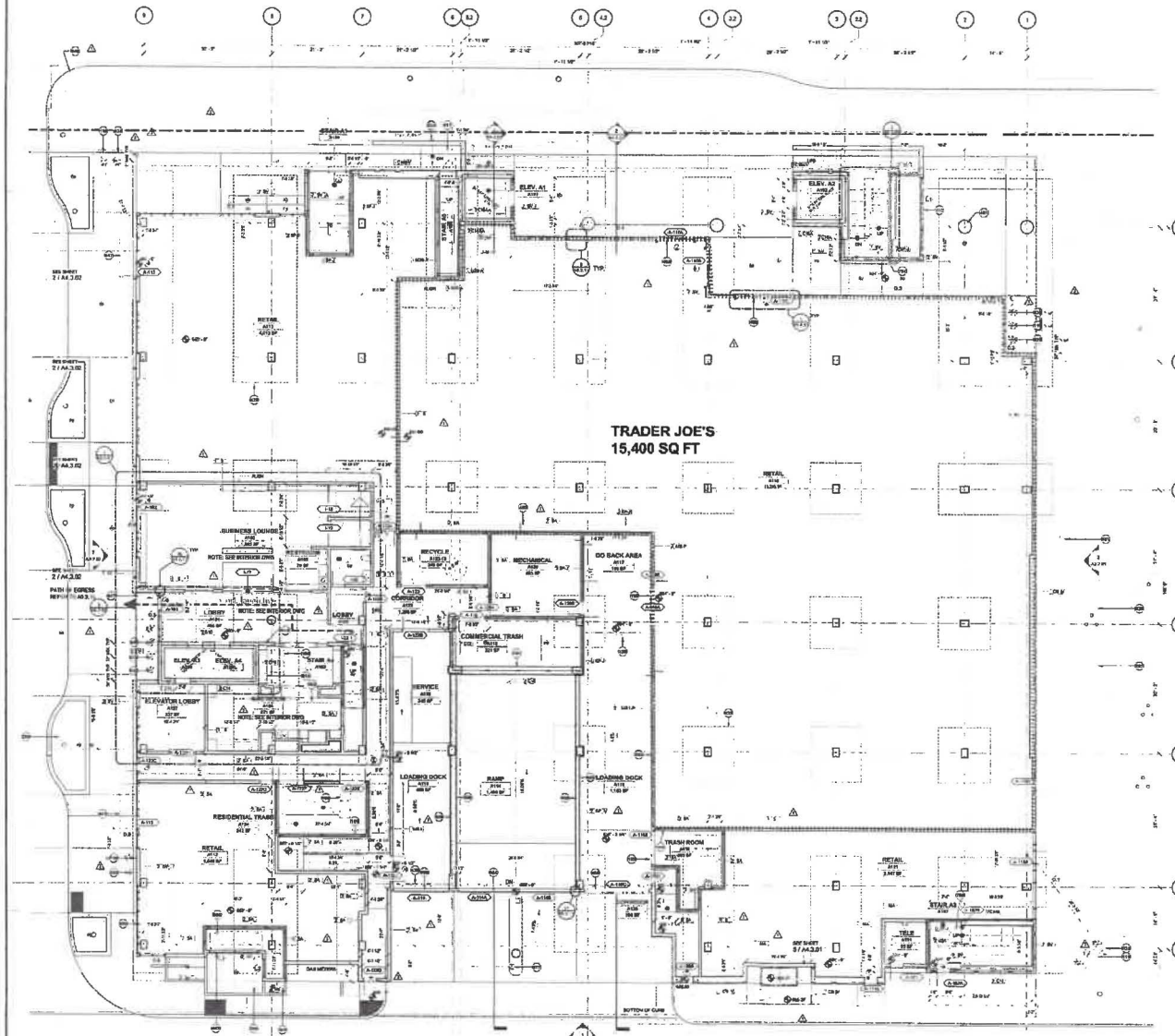
TRADER JOE'S

14314 N. RIVERSIDE DRIVE
SHERMAN OAKS, CA 91403

PROJECT TITLE
SITE PLAN
2/12/2024

PROJECT NUMBER
PROJECT LOCATION
PROJECT OWNER





1 FLOOR PLAN - BLDG A GROUND LEVEL
SCALE: 1/8" = 1'-0"

KEYPLAN



DATE DESCRIPTION	DATE

TRADER JOE'S

16334 W. BURNBURY DRIVE
BURNBURY, CALIF. 91702

FLOOR PLAN - BLDG A
GROUND FLOOR
PRIME AREA

2/1/2024

PROJECT

PLANNING

DESIGN

CONSTRUCTION

REVISIONS



EXHIBIT "A"
Page No. 2 of 3
Case No. 1A-CU-4-1023-mBA

