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Decision Date: May 31, 2023

Appeal Period Ends: June 15, 2023

James Yip (A)(O)  
Wing Ming Properties LTD.  
1350 Via Del Rey  
South Pasadena, CA 91030

Brett Engstrom (R)  
Engstrom Planning  
1641 Paloma Street  
Pasadena, CA 91104

CASE NO. ZA-2023-873-CUB  
CONDITIONAL USE  
9224 North Reseda Boulevard  
Northridge Planning Area  
Zone : QC4-1VL and QP-1VL  
C.D. : 12 - Lee  
D.M. : 198B125  
CEQA : ENV-2023-874-CE  
Legal Description: Lot PT 105, Arb 2,  
Tract 2334; Lots FR2 and 1, Tract 19572

Pursuant to CEQA Guidelines Section 15061, 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, 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 and dispensing a full line of alcoholic beverages for off-site consumption in conjunction with a specialty retail market in the QC4-1VL Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the 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 a full line of alcoholic beverages for off-site consumption, in conjunction with a new 12,500 square-foot specialty retail market. 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. No after-hours use is permitted, except routine clean-up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. 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.
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. 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.
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. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries, trash removal, and emergency access.
14. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
15. 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.
16. **Complaint Log.** Prior to the utilization of this grant, a phone number and an 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.

The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.

17. **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.
18. 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.
19. 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.
20. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.



21. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
23. 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.
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. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
26. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, performers or fashion shows.
27. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
28. During hours of employment, all employees working at the location shall wear name tags identifying them as employees of the location.
29. A file containing all employees' names current address and a photocopy of valid identification shall be maintained and accessible.
30. All employees shall have valid identification and shall possess them on the premise when working.
31. A thorough background/criminal check shall be conducted on all new senior management personnel employed at the location and shall be in accordance with State Labor Code Section 432.7.

32. All windows shall be maintained free of excessive signs and/or other material which inhibit view into the facility
33. The petitioner(s) shall post a prominent, permanent sign stating, "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" in a place that is clearly visible to patrons of the licensed premises. The sign shall be at least two feet squared with at least two-inch block lettering and include "VIOLATORS ARE SUBJECT TO ARREST". The signage shall be posted in English and Spanish.
34. Prior to the issuance of a building permit, a parking area and driveway plan shall be submitted to the Department of Transportation for review and approval.

#### ADMINISTRATIVE CONDITIONS

35. **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.
36. **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.
37. 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.

38. 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.

39. **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 May 23, 2023 all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use approval under the provisions of Section 12.24-W,1 have been established by the following facts:

#### BACKGROUND

The subject property is a 108,748 square-foot level, corner site bound by Reseda Boulevard to the west and Dearborn Street to the south. The site has 300 feet of frontage along Reseda Boulevard and 378 feet of frontage along Dearborn Street. The site is improved with one commercial building (Chili's restaurant) that will remain unchanged and another 10,510 square-foot building that will be expanded by 1,990 square feet to become a new 12,500 square-foot specialty retail market.

The subject site is located within the Northridge Community Plan, has a Community Commercial land use designation, and is zoned QC4-1VL and QP-1VL. The site is not located within any Specific Plan Areas or Community Design Overlays.

The applicant is requesting a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a specialty retail market. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m., daily.

#### SURROUNDING PROPERTIES

The surrounding properties consist of a mix of commercial and multi-family residential properties. Properties to the north of the subject site are zoned (Q)C2-1VL and RA-1VL and is improved with a car wash. The property to the east is zoned R3-1 and improved with a multi-family residential building. The property across Dearborn Street to the south is zoned (Q)C2-1VL and P-1L and improved with commercial structures. The property to the west across Reseda Boulevard is zoned C4-1VL and improved with commercial structures.

#### STREETS

Reseda Boulevard, adjoining the subject property to the west, is a designated Boulevard II, dedicated to a width of 100 feet, and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.



Dearborn Street, adjoining the subject property to the south, is a designated Local Street Standard, dedicated to a width of 60 feet, and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

The Alley, adjoining the subject property to the east, is dedicated to a width of 20 feet.

**Previous relevant cases, affidavits and orders on the subject property:**

There are no previous relevant cases on the subject 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. The following case was identified to be within 600 feet of the subject property.

Case No. ZA-2020-5988-CUB – On January 25, 2021, the Zoning Administrator approved a Conditional Use Permit to allow the sale of beer and wine for on-site consumption in conjunction with an existing restaurant in the (Q)C2-1VL Zone, located at 8431 West Nordhoff Street, Unit #2.

Case No. ZA-2020-5705-CUB – On March 17, 2021, the Zoning Administrator approved a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant in the (Q)C2-1VL Zone, located at 9160 North Reseda Boulevard.

Case No. ZA-2015-3757-CUB – On February 2, 2016, the Zoning Administrator approved a Conditional Use Permit to allow the sale of beer and wine for on-site consumption in conjunction with an existing restaurant in the (Q)C2-1VL Zone, located at 9118 North Reseda Street.

Case No. ZA-2014-3474-CUB – On June 15, 2015, the Zoning Administrator approved a Conditional Use Permit to allow the sale and consumption of beer and wine in conjunction with an existing restaurant with an outdoor patio in the C1-1L and P-1VL Zones, located at 9233 North Reseda Boulevard.

**PUBLIC CORRESPONDENCE**

A correspondence was received from the Los Angeles Police Department, Devonshire Vice Unit, dated March 3, 2023, stating non-opposition with recommended conditions of approval.

**PUBLIC HEARING**

A public hearing was held before the Zoning Administrator on May 23, 2023 at 9:30:00 a.m. Due to COVID-19 and continued concerns that meeting in person would present imminent risks to the health and safety of the attendees, the hearing was conducted entirely Zoom teleconference.

Brett Engstrom, the project representative, presented the project and stated the following:

- Full line of alcoholic beverages for off-site consumption
- A new Trader Joe's Market
- Community Commercial land use designation
- There is a Chili's restaurant that will remain
- Building is 10,504 square feet and adding on to existing building to a 12,500 square-foot building

- 145 on-site parking spaces that will be shared
- Will provide produce, dairy, sundries and beverages
- Off-site consumption of alcohol
- Type 21 license
- Alcohol is ancillary, expected amenity in Trader Joe's
- Hours will be 7:00 a.m. to 10:00 p.m., daily
- Reached out to the Neighborhood Council since February but they did not have meeting
- Understands NC has concerns and would like vehicles to exit site with right turns only and no left turns off Reseda Boulevard and Dearborn Street
- LAPD reached out to letter and will submit letter to file
- Vacant restaurant building, previously occupied by a seafood buffet

Glenn Bailey, representative from the Northridge East Neighborhood Council, stated the following:

- Applicant has been in contact with the co-chair of PLUM
- Aware of the application and included on the March 15<sup>th</sup> agenda for information purposes
- Would like to clarify record and the full board met on March 16, March 29 (Special Meeting), April 19<sup>th</sup> and May 17<sup>th</sup>
- Had four dates when the board met
- Virtual in March and then in person starting April 19<sup>th</sup>
- The Planning and Land Use Committee has had no meetings
- Regarding the two commercial buildings; one has been demoed and is a vacant lot with weeds
- Trader Joe's will build a new building from the ground up
- Concerns regarding traffic and adequate parking
- Reseda Boulevard is a great street and has protected bicycle lanes
- Dearborn Street has a signal
- One block away from California State University Northridge
- May need to plant street tree
- The full board did not consider the project
- Will there be new driveways

In response to questions raised by the Zoning Administrator and from the public testimony, Mr. Engstrom clarified the following:

- Didn't mean to disregard the Neighborhood Council
- Excited to have you as a customer
- The building was existing when the project was filed; will confirm
- There are gates on the alley; locked when business is closed; will confirm hours
- Existing locations of the driveways will remain; will confirm

The Zoning Administrator closed the public hearing and stated that the case will be hold on advisement for a week pending the receipt of the following information:

- Confirmation from LADOT
- LAPD letter
- Hours on the gate

After the public hearing, the project representative clarified the following:

- The construction at the site is a remodel and expansion of an existing building, although a good portion of the building was torn down.
- The gates on the alley are open during business hours and closed when the on-site businesses close for the day.

- Electronic Clearance Summary Sheet for the building permits for this project included a clearance item for DOT. DOT reviewed the plans, parking and traffic and cleared that item. Not requesting any deviation from parking standards.
- Submitted LAPD letter.
- Confirmed that the existing driveways will remain the same.

**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.
- 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.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- Cashiers selling alcoholic beverages shall be 18 years of age or older
- Signs shall be posted in English and Spanish stating that the California state law prohibits the sale of alcoholic beverages to people who are under 21 years of age.
- The petitioner(s) shall post a prominent, permanent sign stating, "NO OPEN ALCOHOLIC BEVERAGES CONTAINERS ARE ALLOWED ON THESE PREMISES" in a place that is clearly visible to patrons of the licensed premises. The sign shall be at least two feet squared with at least two-inch block lettering and include "VIOLATORS ARE SUBJECT TO ARREST". The signage shall be posted in English and Spanish.



## **BASIS FOR CONDITIONAL USE PERMITS**

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

## **CONDITIONAL USE FINDINGS**

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

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

The subject property is a 108,748 square-foot level, corner site bound by Reseda Boulevard to the west and Dearborn Street to the south. The site has 300 feet of frontage along Reseda Boulevard and 378 feet of frontage along Dearborn Street. The site is improved with one commercial building (Chili's restaurant) that will remain unchanged and the subject building, a 10,510 square-foot building that will be expanded by 1,990 square feet to become a new 12,500 square-foot specialty retail market.

The proposed project involves the sale of a full line of alcoholic for off-site consumption in conjunction with a specialty retail market. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m., daily. The proposed retail market will provide a service that benefits the neighborhood and Northridge area by keeping with the keeping with the nature of the area's commercial development. Approval of the request will provide the opportunity for enhanced shopping options within walking distance for nearby residents, students, employees and visitors of the area and support a more pedestrian friendly environment, thereby enhancing the built environment in the surrounding neighborhood and providing a service that is essential or beneficial to the community. The grant allows this market to be competitive with other markets in the area that offer this as a standard component of their operation. It is an expected amenity in any full service market. Given the above, approval of the CUB request will not only enhance the market but will perform a function that is beneficial to the local community as well.

The project will perform a beneficial function to the local economy by providing a revenue-generating use which will enhance the built environment through the continued activation of a critically-located parcel. The market will add to the diversity of the site for area residents and visitors and provided vital services to the local residential population. Therefore, the project will perform a function that will be beneficial to the community and surrounding neighborhood. The availability of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed project will continue to offer a pleasant dining experience that caters to the local community and visitors to Northridge.

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 proposed use of the specialty retail market will be compatible with the surrounding neighborhood and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety. The site is improved with one commercial building (Chili's restaurant) that will remain unchanged and the subject building, a 10,510 square-foot building that will be expanded by 1,990 square feet to become a new 12,500 square-foot specialty retail market.

The project's location, size, height, and operations will be compatible with the immediate neighborhood since this is an expansion of an existing building. The subject property is surrounded by both commercial and residential uses. The subject property has 145 total parking stalls shared by two commercial tenants. All patrons visiting the market will have a place to park and not impact the nearby residential streets. The project will be compatible with, and will not adversely affect the surrounding properties.

The market operation will be maintained within the building, and there is a large parking area between and alley between the proposed market and the nearest residential use. Properties to the north of the subject site are zoned (Q)C2-1VL and RA-1VL and is improved with a car wash. The property to the east is zoned R3-1 and improved with a multi-family residential building. The property across Dearborn Street to the south is zoned (Q)C2-1VL and P-1L and improved with commercial structures. The property to the west across Reseda Boulevard is zoned C4-1VL and improved with commercial structures.

The sale of alcohol is an expected offering of retail market and allows the Northridge 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.

The conditions of the grant will ensure that the location and other characteristics of the use of the subject site will be compatible with and will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The

Framework Element establishes the broad overall policy and direction for the General Plan. Objective 7.3 of the Framework Element sets a goal to “maintain and enhance the existing businesses in the City” and Policy 7.3.2 encourages the establishment and retention of “neighborhood commercial activities within walking distance of residential areas.”

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The Northridge Community Plan designates the subject property for Community Commercial uses with corresponding zones of CR, C2, C4, and RAS3 and Height District No. 1VL. The proposed retail market will conform with the purpose, intent, and provisions of the General Plan in that the subject property is zoned QC4-1VL and QP-1 VL, and the retail market use is allowed by-right in these zones. The property is not located within the jurisdiction of any specific plans.

The Community Plan allows a variety of commercial uses, but is silent on the issue of alcohol beverage outlets, leaving interpreting the intent of the Plan to the Zoning Administrator. The proposed use is permitted by the plan designation and C4-1VL and P-1VL Zone classifications of the property, and the sale of alcoholic beverages is permitted subject to the issuance of a Conditional Use permit. The conditional authorization for the sale of a full line of alcoholic beverages for off-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support have been made herein. While the Community Plan text does not specifically address Conditional Use Permits for alcoholic beverages, the Los Angeles Municipal Code authorizes the Zoning Administrator to grant a Conditional Use Permit in the corresponding zones of the Community Plan land use designation.

The project addresses the following objectives and policies of the Commercial land use designation of the Northridge Community Plan:

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

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

**Policy 2-1.1:** Encourage retail and service commercial uses, including professional services and restaurants on both sides of Reseda Boulevard. Fast food restaurants and mini-malls should be discouraged.

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

**Policy 2-1.3:** New commercial uses should be located in existing commercial areas or shopping centers, and should not encroach into residential areas. There should be no increase in existing building height limitations.

**Objective 2-2:** To enhance the community identity in distinctive commercial districts.

**Policy 2-2.1:** Improve security and parking standards in commercial areas. Where new development occurs, parking should be located in the rear of buildings.



The proposed market supports the Community's Plan Objectives by provide a convenient and beneficial service to the surrounding community including residents, employees, and visitors to the area. The alcohol service is an incidental use as the proposed market and will contribute to a viable commercial environment of the immediate area through the sale of essential goods such as food and groceries. Given the numerous conditions of approval, the instant project is in line with these purpose, intent and provision of the General Plan, the Community Plan and Specific Plans by locating commercial uses in existing established commercial areas and substantially conforms to the project area.

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

The proposed specialty retail market is within an established commercial center. The use will serve the residents of the local community, students of Cal-State Northridge, local employees and patrons of adjacent retail. The requested approval is for a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed specialty retail market. The approval of the conditional use will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be utilized as such with the sale of alcoholic beverages.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity and public drunkenness are mitigated by the imposition of conditions requiring responsible management. With oversight from the California Department of Alcoholic Beverage Control and conditions which have been imposed upon the proposed retail market, the project will be compatible with the character of the immediate neighborhood. Such conditions include the requirement of security measures such as a surveillance system and deterrence of graffiti and loitering. In addition, the grant requires the use and maintenance of an age verification device to deter underage purchases and drinking. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training provided by the Los Angeles Police Department, LEAD (Licensee Education on Alcohol and Drugs) training provided by the Department of Alcoholic Beverage Control, or RBS (Responsible Beverage Service) Training. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the allowance for the sale of a full line of alcoholic beverages 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, five (5) on-site and three (3) off-site consumption licenses are allocated to the subject census tract (Census Tract 1152.02). Currently there are 17 on-sale licenses and six (6) off-sale licenses in this census tract. There is no record of an ABC License on the subject site.

Although the number of active on-sale ABC licenses within the census tract exceeds ABC guidelines, the project will not adversely affect community welfare because the specialty retail store is a desirable use in an area designated for such use. In this case, the proposed project will provide a convenience to residents, shoppers in the commercial center, students of Cal-State University, Northridge and employees of the surrounding commercial areas. As conditioned and therefore will not negatively impact the area.

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 addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness. The concentration of ABC Licenses is not undue when the approval of a license benefits the public welfare and convenience.

As reported by the Los Angeles Police Department Valley Devonshire Area Division Vice Unit which has jurisdiction over the subject property, within Crime Reporting District No. 1785, a total of 249 crimes were reported in 2022 (184 Part I and 65 Part II crimes), compared to the Citywide Average of 156 crimes and compared to the High Crime Reporting District Average of 187 crimes. Alcohol related Part II Crimes reported include Narcotics (10), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (3), Moving Traffic Violations (1), 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, and constitutes a High Crime Reporting District. No evidence was submitted for the record establishing any link between the subject site and the area's crime rate. The statistics cover an entire district and do not pertain particularly to the subject site. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions that will safeguard the welfare of the community. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. As such, the project will not adversely affect community welfare because the proposed specialty store will be a desirable use in an area designated for commercial uses. In this case, the proposed project will provide a convenience and new amenity to workers, visitors, and residents in the immediate neighborhood and, as conditioned, will not negatively impact the area.

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

- Residential uses
- California State University Northridge – 18111 Nordhoff Street



- Northridge Branch Library – 9051 Darby Avenue

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses and alcohol-serving establishments. 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 limiting operating hours and entertainment. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. The proposed specialty retail market will contribute to the neighborhood and will serve the neighboring residents and local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

## **FLOOD HAZARD FINDING**

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas of minimal flooding.

## **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](mailto:planning.figcounter@lacity.org)

Van Nuys DSC  
(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401  
[planning.mbc2@lacity.org](mailto: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](mailto: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 portal ([appointments.lacity.org](http://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

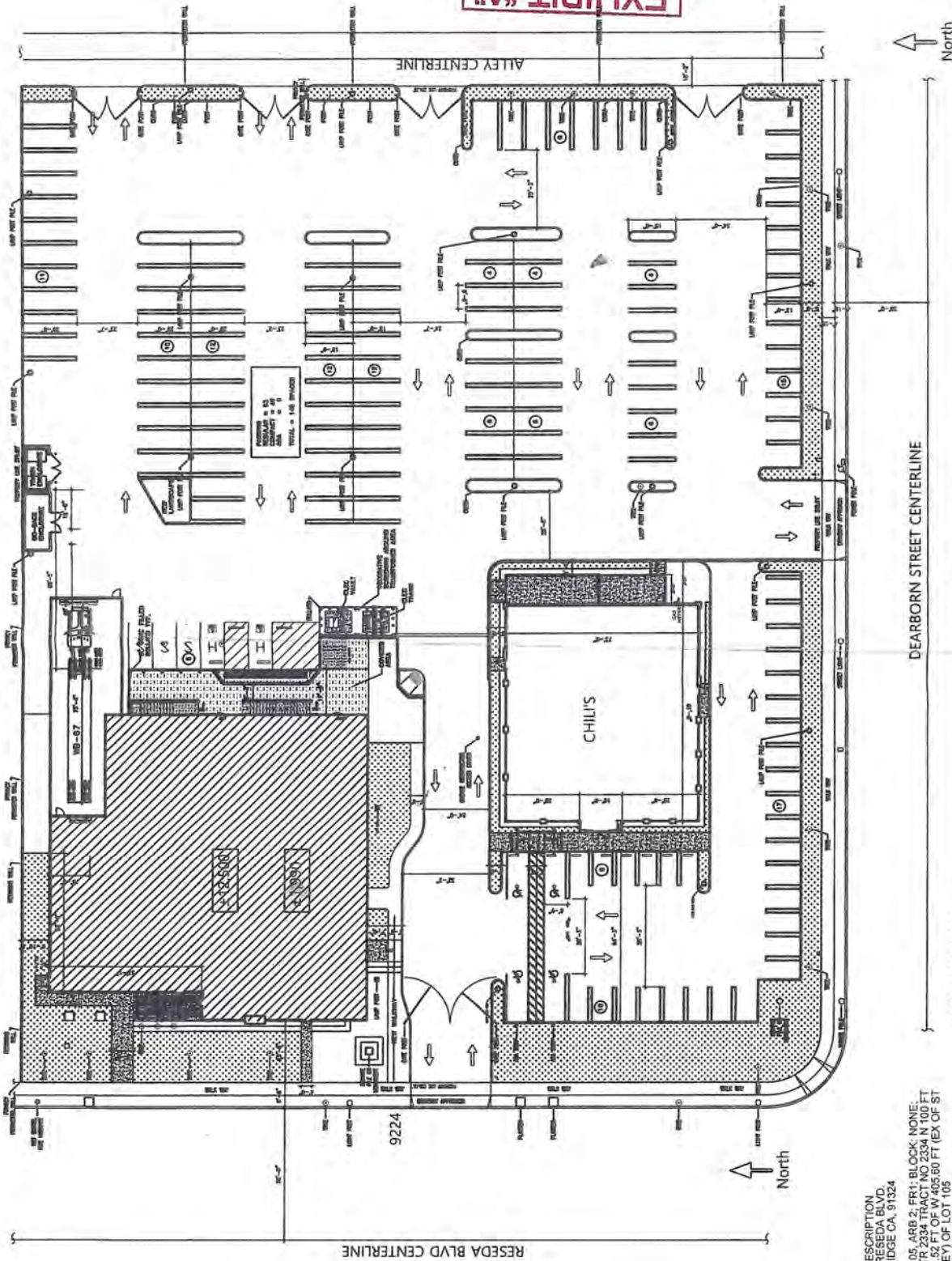
Inquiries regarding this matter shall be directed to Alex Truong, Planning Staff for the Department of City Planning at (213) 978-3308 or [alexander.truong@lacity.org](mailto:alexander.truong@lacity.org).

A handwritten signature in black ink, appearing to read 'Christina Toy Lee', written over a horizontal line.

CHRISTINA TOY LEE  
Associate Zoning Administrator

CTL:AT:nm

cc: Councilmember John Lee  
Twelfth Council District  
Adjoining Property Owners



DEARBORN STREET CENTERLINE

LOT SIZE: 108,748.8 SF  
ON SITE PARKING: 145 SHARED SPACES  
PROJECT SIZE: 12,500 SF

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

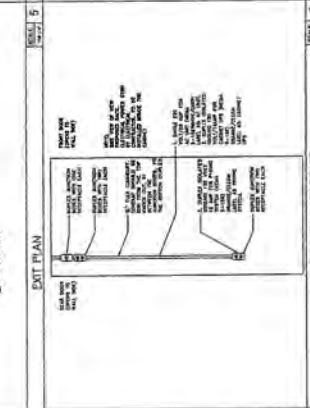
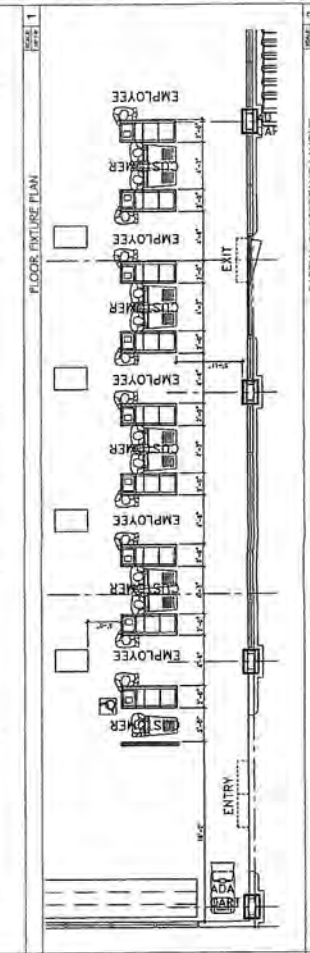
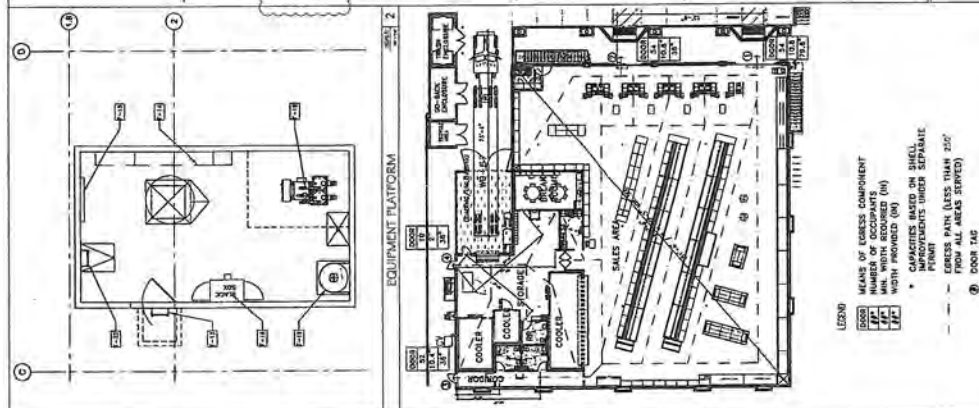
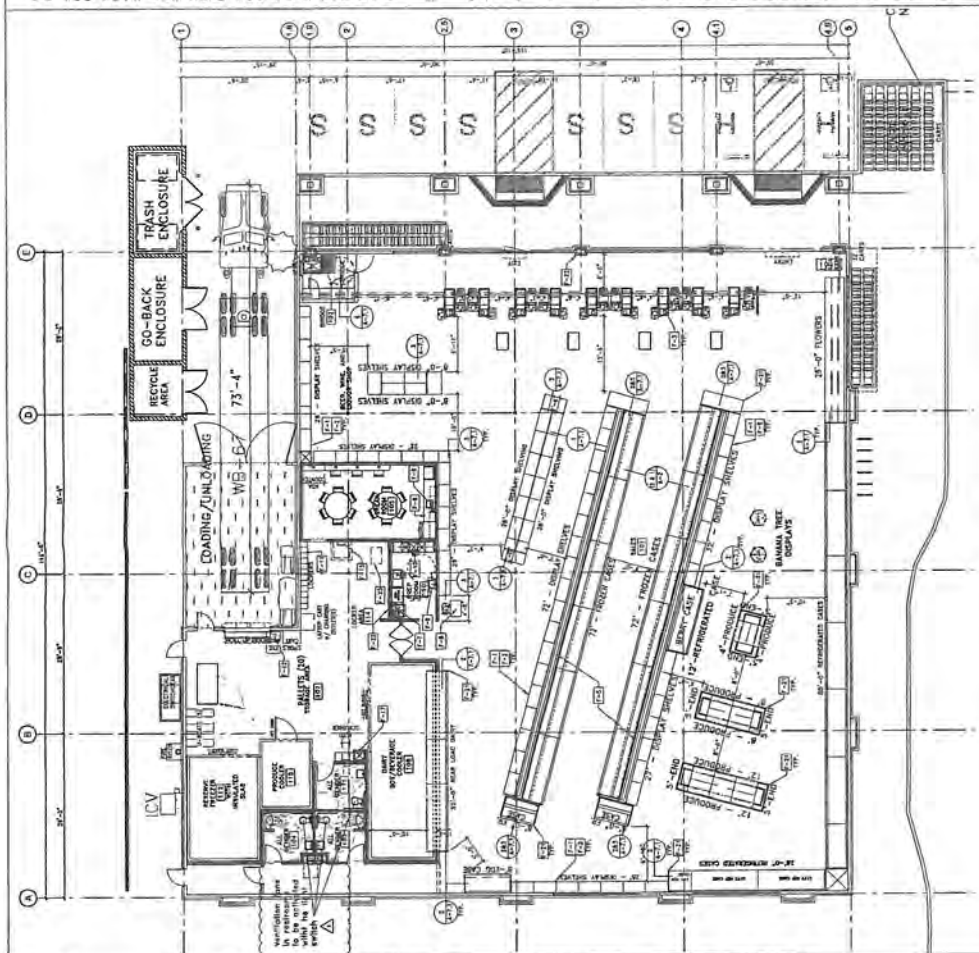
LEGAL DESCRIPTION  
9224 W. RESEDA BLVD.  
NORTH RIDGE CA, 91324

LOT PT. 105, ARB. 2, FR. 1 BLOCK, NONE  
TRACT NO 19572 1/2 VAC ALLEY ADJ. ON  
W AND (EX OF ALLEY) LOT 2  
AND ALLEY OF LOT 105

LOT, FR. 2, BLOCK, NONE; TRACT, TR 19572  
TRACT NO 19572 1/2 VAC ALLEY ADJ. ON  
W AND (EX OF ALLEY) LOT 2

LT: 1, BLOCK, NONE; TRACT, TR 19572  
TRACT NO 19572 1/2 VAC ALLEY ADJ. ON  
E AND LOT 1



[illegible]

MEANS OF EGRESS COMPONENT  
NUMBER OF OCCUPANTS  
MIN. WIDTH REQUIRED (IN)  
WIDTH PROVIDED (IN)

\* CAPACITIES BASED ON SHELL  
IMPROVEMENTS UNDER SEPARATE  
PERMIT

— EGRESS PATH (LESS THAN 250'  
FROM ALL AREAS SERVED)