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November 13, 2020

Target Corporation (A)(O)
33 South 6th Street, CC-1128
Minneapolis, MN 55402

Beth Aboulafia (R)
Hinman & Carmichael LLP
260 California Street #700
San Francisco, CA 94111

CASE NO. ZA-2020-3622-CUB
CONDITIONAL USE

3535 South La Cienega Boulevard (5801,
5805, 5851, 5861 West Obama
Boulevard)

West Adams – Baldwin Hills – Leimert
Planning Area

Zone : C4-2D-CPIO

C.D. : 10 - Wesson

D.M. : 120B173

CEQA: ENV-2020-3623-CE

Legal Description: PT LT 12, Tract
Subdivision of the Southern portion of
the Rincon De Los Bueyes

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies,

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

a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing retail store in the C4-2D-CPIO 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 ("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 an existing 144,105 square-foot retail store from the effective date of this grant, subject to the following limitations:
 - a. The hours of operation shall be limited to 7:00 a.m. to 12:00 a.m. (midnight), 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. 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.
10. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

- a. Entry, visible to pedestrians
- b. Customer service desk and main entrance.

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.

- 11. **STAR/LEAD Training.** Within the first six months of operation or the effectuation of the grant, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training. Thereafter, STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.
- 12. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
- 13. 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.
- 14. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
- 15. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
- 16. 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.
- 17. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.

18. 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.
19. 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.
20. 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.
21. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
22. The 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.
23. 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.

ADMINISTRATIVE CONDITIONS

24. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

25. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
26. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

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

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **NOVEMBER 30, 2020**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on November 4, 2020, 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 have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular shaped parcel comprised of four lots totaling 546,125 square feet having frontages on La Cienega Boulevard and Obama Boulevard. The property is improved with a 144,105 square-foot Target which was built in 2000. The request herein involves a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption. The store is proposed to operate between the hours of 7:00 a.m. to 12:00 a.m. (midnight), daily.

The project site is located within the West Adams – Baldwin Hills - Leimert Community Plan, which designates the site for Community Commercial land uses corresponding to the CR, C1.5, C2, C4, R3, R4, RAS3, and RAS4 Zones. The property is zoned C4-2D-CPIO and is thus consistent with the existing land use designation. The site is located within the Los Angeles State Enterprise Zone (ZI-2374), the Los Angeles Transit Priority Area (ZI-2452), and the Community Plan Implementation Overlay (CPIO): West Adams – Baldwin Hills – Leimert (ZI-2468) Subarea: Jefferson/La Cienega TOD. On March 9, 2020, the proposed project received an administrative clearance from the West Adams – Baldwin Hills – Leimert CPIO.

Surrounding properties are improved with a mix of commercial, manufacturing, and residential uses. Properties to the north zoned C4-2D-CPIO and are improved with commercial uses. Properties to the south are zoned C4-2D-CPIO and RD2-1 and are improved with commercial and multi-family residential uses. Properties to the east are zoned C4-2D-CPIO and R4-2D-CPIO and are also improved with commercial and multi-family residential uses. Properties to the west are zoned MR1-2D-CPIO and are improved with manufacturing uses.

La Cienega Boulevard, adjoining the subject property to the east, is a designated Modified Boulevard II, dedicated to a right-of-way variable width of 100-120 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

Obama Boulevard, adjoining the subject property to the south, is a Modified Avenue I, dedicated to a right-of-way width of 95 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

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

There are no related cases on the applicant's property.

Previous 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-2000-2145-CU – On September 14, 2000, the Zoning Administrator approved a conditional use permit to allow the construction, use, and maintenance of an approximate 4,796 square-foot fast food restaurant (McDonald's) with an enclosed play area, located at 3501 South La Cienega Boulevard.

PUBLIC CORRESPONDENCE

Planning Staff has not received any public correspondence related to the proposed project.

PUBLIC HEARING

The public hearing was held on November 4, 2020 at approximately 10:00 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the hearing was conducted entirely telephonically. The applicant's representative, Beth Aboulafia, and two representatives from the Council Office participated in the meeting.

Ms. Aboulafia made the following statements:

- The applicant is requesting a CUB for a full line of alcoholic beverages for off-site consumption.
- This is an existing Target store located at 3535 La Cienega Boulevard.

- Target has alcohol sales at all stores and would like to offer alcohol as part of the shopping experience at this store.
- The store was remodeled two years ago. The market grocery is 20 to 30 percent of the sales floor area. Alcohol sales would only be a small percentage of sales for the store.
- The Target store has protocols in place so alcohol would be sold responsibly.
- Cashiers have to undergo in-house training and undergo LAPD's STAR training.
- Outreach was made to the West Adams Neighborhood Council. On September 11, 2020, the Land Use Committee voted to recommend approval. The Full Board had this item on their agenda on September 21, but there was no quorum. It was scheduled for the October 19 agenda, but again, there were no quorum.
- The project was also presented to the Council Office where there were conversations.
- LAPD's Southwest Division remained neutral on the request.

During the public comment portion of the public hearing, Liz Carlin and Jamie Hwang, Planning Deputies for Council District 10, stated they met with the applicant's representative last week. The Council Office received no comments or complaints. They stated the applicant in good faith reached out to the community.

At the conclusion of the public hearing, the Zoning Administrator approved the request.

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

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

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

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

The following conditions are submitted for consideration:

- There shall be no "single sale" of beer from the business. (Single sale of beer cans or bottles)
- No alcoholic beverages shall be consumed on any property adjacent to the licensed premises.

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

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 existing Target retail store will continue to offer a selection of merchandise that caters to the surrounding population. As part of this selection, Target will offer the customers the ability to purchase grocery items, including alcoholic beverages, while shopping for everyday essentials. The sale of alcoholic beverages will offer customers a more complete shopping experience and will provide a convenience to Target's customers by eliminating the need for additional shopping trips. The project will introduce a retail and grocery establishment that will be consistent with the needs of the community, thereby strengthening the economic base within the subject site, promoting economic activity and stimulating market opportunities for existing and new businesses. The continued presence of the subject Target store will continue to attract and provide a larger base of potential customers to purchase goods, add to the economic base of the community, create and maintain employment opportunity and generate revenue to various municipalities.

The Conditional Use allows the off-site sale of a full line of alcoholic beverages in conjunction with the existing retail store. The store's hours of operation will be limited to 7:00 a.m. to 12:00 a.m. (midnight), daily. The continued operation of a retail store offers household goods and other everyday essentials that will continue improve and revitalize the neighborhood. The sale of alcohol will be incidental to groceries and other household items already sold. No floor area will be added to the existing building, and the only change will be the placement and location of the alcohol product inside the existing store. The subject retail store will continue to activate and provide amenities along La Cienega Boulevard. Thus, the project will perform a function and provide a service that proves to be beneficial to the community, city or region.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property is a level, rectangular shaped parcel comprised of four lots totaling 546,125 square feet having frontages on La Cienega Boulevard and Obama Boulevard. The property is improved with a 144,105 square-foot Target which was

built in 2000. The Conditional Use allows the sale of a full line of alcoholic beverages for off-site consumption. The store is proposed to operate between the hours of 7:00 a.m. to 12:00 a.m. (midnight), daily.

Surrounding properties are improved with a mix of commercial, manufacturing, and residential uses. Properties to the north zoned C4-2D-CPIO and are improved with commercial uses. Properties to the south are zoned C4-2D-CPIO and RD2-1 and are improved with commercial and multi-family residential uses. Properties to the east are zoned C4-2D-CPIO and R4-2D-CPIO and are also improved with commercial and multi-family residential uses. Properties to the west are zoned MR1-2D-CPIO and are improved with manufacturing uses.

The sale of a full line of alcoholic beverages in conjunction with the existing retail store is proper in relation to adjacent uses. The store entrance is oriented toward La Cienega Boulevard and Obama Boulevard, oriented away from any residential-zoned properties. The store has adequate code required parking provided within the surface parking lot. The existing retail store provides household and grocery items and will not be materially detrimental to the character of the neighborhood. The existing retail establishment will continue to be maintained and operated with ample lighting and trained staff, while enhancing the neighborhood's aesthetics, convenience, livability, and security. Conditions of the grant address noise and loitering and security. The Target store will continue to activate the site and help improve safety and security. Conditions such as requirements for STAR training and security cameras will continue to be imposed to ensure that the project will not adversely affect or degrade adjacent properties. Therefore, the project's location, 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.

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

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

The project site is located within the West Adams – Baldwin Hills – Leimert Community Plan, which designates the site for Community Commercial land uses corresponding to the CR, C1.5, C2, C4, R3, R4, RAS3, and RAS4 Zones. The property is zoned C4-2D-CPIO and is thus consistent with the existing land use designation. The site is located within the Los Angeles State Enterprise Zone (ZI-2374), the Los Angeles Transit Priority Area (ZI-2452), and the Community Plan Implementation Overlay (CPIO): West Adams – Baldwin Hills – Leimert (ZI-2468) Subarea: Jefferson/La Cienega TOD. On March 9, 2020, the proposed project received an administrative clearance from the West Adams – Baldwin Hills – Leimert CPIO.

The project is consistent with the following goal, objective, and policy of the Community Plan:

Goal LU40: A community where the economic vitality of commercial nodes, centers and transit-oriented development areas is increased by encouraging contextual new development that maximizes access to transit, jobs, goods and services, and conserves desirable community character.

Policy LU40-2: Mix of Uses Compatible with Local Needs. Encourage a mix of uses in community centers that are compatible with the needs of local residents and accommodate viable existing neighborhood businesses. (P49)

The existing Target retail store is located within an established manufacturing and commercial area along La Cienega Boulevard and is consistent with the purpose, intent, and provisions of the General Plan and applicable community plan. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale of alcoholic beverages for off-site consumption. The approved grant will continue to positively contribute to the overall goals and policies of the Community Plan by providing a new neighborhood-serving commercial use. The Community Plan text is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the plan. Given the numerous conditions of approval and the fact that the proposed sale of alcohol is incidental to a retail store, the existing use can be deemed to be in harmony with the General Plan and the surrounding land uses will not be significantly impacted by the proposed off-site alcohol sales.

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

The conditional use will not adversely affect the welfare of the community. The property is zoned for light manufacturing uses and allows for the retail store that is already existing on the site. With oversight from the California Department of Alcoholic Beverage Control and the incorporation of a number of conditions with this grant, the project will be compatible with the character of the immediate neighborhood. Further, the retail store's operation will be fully enclosed within the building and should not impact the surrounding community. Conditions have been incorporated into this grant to require security measures such as the installation of a surveillance system and deterrence of graffiti. In addition, the grant requires the installation of age verification device at the point of sale to deter underage drinking. Employees must also undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. 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.

The existing Target retail store will continue to provide a broad range of everyday essentials to meet the needs of local residents, workers, and visitors. The addition of alcoholic beverage sales will not change the character of the existing retail use. Alcoholic beverage sales will be a small component and incidental to Target's overall

retail operations as a retail and grocery store and will not adversely affect the surrounding community. Therefore, it is expected that incidental off-site alcohol sales at the existing Target retail 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 State Department of Alcoholic Beverage Control (ABC), there are two on-site licenses and one off-site license allocated to Census Tract No. 2201.00. There are zero existing on-site licenses and two active off-site license.

Undue concentration can occur when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. With the approval of the request herein, the number of active licenses for off-site sales within the census tract will be modestly above the number allocated by ABC guidelines.

According to statistics provided by the Los Angeles Police Department's Southwest Vice Unit, within Crime Reporting District No. 321, which has jurisdiction over the subject property, a total of 265 crimes were reported in 2019 (236 Part I and 29 Part II crimes), compared to the Citywide average of 170 crimes and the High Crime Reporting District average of 204 crimes. 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 (3), Moving Traffic Violations (1), and other offenses (15). 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 site is located in a district where the crime rate is higher than the citywide average. However, 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. No complaints were submitted for the record concerning any criminal or nuisance activity associated with the subject site. The incorporation of conditions relative to the specific operation of the establishment will address and minimize any possible adverse impact on the welfare of the surrounding area. The sale of alcohol will be incidental to groceries and other retail and household items, and the sale of alcoholic beverages for off-site consumption on the subject site is not expected to contribute to the area's crime rate or result in any nuisance activity.

Therefore, the project will not adversely affect community welfare because the existing Target retail store will continue to be desirable use in this area. In this case, the requested action will provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Further, Target has policies and protocols in place to ensure that alcohol sales are handled responsibly. As such, approval of the request will not result in an undue concentration of licensed premises.

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 light manufacturing uses and the subject target already exists with no reported complaints by nearby neighbors. The following sensitive uses are located within a 1,000-foot radius of the site:

IDEAS Campus – UCLA Architecture and Urban Design – 3691 Lenawee Avenue
UCLA Margo Leavin Graduate Art Studios – 8535 Warner Drive
Residential Uses

While there are sensitive uses within 1,000 feet of the project site, 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. Alcohol sales for off-site consumption will not detrimentally affect the neighboring residential and other sensitive uses in the area because they will occur in a controlled environment within the existing retail store by trained employees and be subject to multiple security measures. Conditions of Approval including the requirement to keep a complaint log and to conduct STAR training should reduce impacts to the surrounding community. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside the 500-year flood plain.

Inquiries regarding this matter shall be directed to Lilian Rubio, Planning Staff for the Department of City Planning at (213) 978-1840.



HENRY CHU
Associate Zoning Administrator

HC:LR:bk

cc: Councilmember Herb J. Wesson, Jr.
Tenth Council District
Adjoining Property Owners