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ASSOCIATE ZONING ADMINISTRATORS

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September 30, 2020

Parham Natanzi (A)
Sunset Fairfax Oil LLC
5134 Kanan Road
Agoura Hills, CA 91301

Sunset Landlord, LLC (O)
5134 Kanan Road
Los Angeles, CA 91301

Brii Herzog (R)
Craig Fry & Associates
1010 South Arroyo Parkway, Unit 6
Pasadena, CA 91105

CASE NO. ZA-2019-6201-CUB
CONDITIONAL USE
7865 Sunset Boulevard, Los Angeles, CA
90046

Hollywood Planning Area

Zone : C4-1VL

C.D. : 4 – David E. Ryu

D.M. : 147B177

CEQA : ENV-2019-6202-CE

Legal Description : Lot FR1, Tract 3656

Pursuant to California Environmental Quality Act (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 (Class 1), 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 (LAMC) Section 12.24 W, I hereby APPROVE:

a Conditional Use to allow the sale of beer and wine for off-site consumption in conjunction with an existing gas station and new 2,500 square foot convenience store operating 24 hours daily as a Commercial Corner in the C4-1VL 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 beer and wine for off-site consumption, in conjunction with an existing approximately 815 square-foot convenience store with current hours of operation 24 hours daily.
8. Prior to the utilization of this grant, a camera surveillance system shall be installed to monitor the interior, entrance, exits, and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 90 days.
9. 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.
10. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

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

11. **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.
12. 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.
13. The business operator shall post signage advising the public that parking for convenience store patrons is limited to fifteen minutes, which by LAMC Section 80.56 can be enforced through citation by LAPD and the business operator shall provide a private tow when vehicles are left over the time limit.
14. 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.
15. Loitering is prohibited on or around the subject premises or the area under the control of the applicant. The business operator shall post “No Loitering” signs as well as signs in compliance with Section 41.27(E) of the L.A.M.C. that read: “It’s a violation of Section 41.27(D) of the LAMC to possess any open bottle, can or receptacle containing any alcoholic beverage which has been opened, the seal broken or contents of which have been partially removed, on or adjacent to the premises”.
16. Trash/recycling containers shall be locked when not in use. Trash/recycling containers shall not be placed in or block access to required parking.
17. 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.
18. 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.
19. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition

and all employees shall be instructed in its use.

20. 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.
21. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
22. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
23. Smoking tobacco or any non-tobacco substance including from electronic smoking devices is prohibited in or within 10 feet of any outdoor dining/entrance to the restaurant in accordance with LAMC Section 41.50 B2C.
24. The business operator and or the operator's agents shall comply with California Labor Code Section 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.
25. The exterior windows and glass doors of the building shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground so as to permit surveillance into the location by Police and private security. Notwithstanding this condition, exterior windows and glass doors of the location may be covered by sheer roll-up shades or other mechanisms to shield the patrons from excessive glare of the sun, if necessary.
26. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state:

We, the undersigned, have read and understood the conditions of approval to allow the sale of beer and wine for off-site consumption, in conjunction with the

Mobil gas station and convenience store known as _____, and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

ADMINISTRATIVE CONDITIONS

27. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement, or number of seats of the new operation.
28. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained. 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 owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
29. **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.

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

Applicant shall do all of the following:

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

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the

applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. 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 **OCTOBER 15, 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](tel:(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](tel:(818)374-5050)

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

Upon thorough review of statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on **March 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 permit under the provisions of **Section 12.24 W.1** have been established by the following facts:

BACKGROUND

The subject property is comprised of a level, rectangular-shaped, corner lot at the intersection of Fairfax Avenue and Sunset Boulevard, with a frontage of 152.6 feet on the North-easterly side of Sunset Boulevard, and 135.3-foot frontage along the North-easterly side of Fairfax Avenue, the total parcel area being 8,851.1 square feet. The site is zoned C4-1VL designated for Neighborhood Office Commercial. The site falls within a Transit Priority Area (ZI-2452) in the City of Los Angeles as well as the Hollywood Community Plan Injunction (ZI-2433). The subject site is 0.314 kilometers from the Hollywood Fault in the Transverse Ranges and Los Angeles Basin (Fault Type B).

The site is an existing gas station and convenience store with an adjoined auto repair built 1969.

On June 6th, 2017 the Zoning Administrator approved the conditional use permit for the construction of a new convenience store not to exceed 2,500 square feet and a height of 30 feet, continued hours of operation 24-hours daily, as well as a zero-foot landscape buffer in lieu of the otherwise required five-foot landscape buffer.

The subject site will be developed into a single-story mini-shopping commercial corner structure, with 2,500 square-feet of floor area and a height of 30 feet. The existing gas station pump islands and canopies will remain on the site. The subject site has 8 parking spaces including one ADA accessible space with unloading zone. The subject site is currently awaiting verification from the Los Angeles Department of Building and Safety for an application to permit the construction of a new 30'-8" x 86'-0" (95'-4" x 30'-2" with trash enclosures) convenience store, including a 10-door walk-in cooler, freezer, alcohol storage, beverage and pastry counter, coffee island, office, backroom, two restrooms, and an external trash enclosure totaling 2,500 square-feet.

The applicant is requesting a new Conditional Use Permit to allow the sale of beer and wine for off-site consumption, in conjunction with a 2,500 square-foot 24-hour convenience store.

SURROUNDING PROPERTIES

The properties surrounding the subject site are within the C4-1VL, C4-1VL-HPOZ, C1-1VL, C4-1D, R1-1, R1-1-HPOZ, R2-1XL, R3-1XL, P-1, (Q)RAS4-1, [T][Q]C2-1, and [Q]RD1.5-1 zones and are topographically level with fully improved streets. Abutting properties to the north of the subject site along Fairfax Avenue are zoned R1-1 and R1-1-HPOZ with primarily single family two-story homes. To the west of the subject site is a single-story commercial corner gas station with convenience store and auto repair shop in the C4-1D zone abutting other commercial enterprises within the same zone along Sunset Boulevard. To the south of the subject site along Fairfax Avenue is a full-service Bristol Farms grocery store and food service enterprises in the C4-1VL zone. To the east of the subject site along Sunset Boulevard is an abutting liquor store and restaurant in the C4-1VL zone. Further east, a Chase bank and other two-story retail enterprises in the C1-1VL zone. Surrounding the subject site in from the major intersection are residentially zoned uses.

STREETS

Sunset Boulevard, abutting the subject property running east and west, is a designated Avenue I with a dedicated roadway width of 70 feet and right-of-way width of 100 feet, and is improved with a curb, gutter, and sidewalk.

Fairfax Avenue, abutting the subject site running north and south, is a designated Avenue I dedicated to a roadway width of 70 feet and right-of-way width of 100 feet, and is improved with a curb, gutter, and sidewalk.

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

Case No. ZA-2014-3316-CU – On June 6th, 2019, the Zoning Administrator approved a conditional use permit to allow the continued operation of an existing gas station and the construction of a new convenience store 24-hours a day, daily and a zero-foot landscape buffer in lieu of the otherwise required five-foot landscaped buffer.

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.

Case No. ZA-2018-681-CUB – On April 15, 2019, the Zoning Administrator approved a conditional use permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption within an existing restaurant with 128 interior seats and 40 outdoor patio seats in the [Q]C2-2D Zone.

Case No. ZA-2015-2876-CUB – On January 6, 2016, the Zoning Administrator approved a conditional use permit for the continued sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing Trader Joe's market.

Case No. ZA-2015-2106-ZV-CUB – On December 2, 2015, the Zoning Administrator approved a conditional use permit for the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing pharmacy/market in the [Q]C2-2D Zone.

Case No. ZA-2012-1479-CUB – On November 9, 2012, the Zoning Administrator approved a condition use permit authorizing the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant in the [Q]C2-2D Zone.

Case No. ZA-2012-0501-CUB – On July 24, 2012, the Zoning Administrator approved a conditional use permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed new restaurant in the [Q]C2-2D Zone.

Case No. ZA-2012-0372-CUB – On December 26, 2012, the Zoning Administrator conditionally permitted the sale and dispensing of beer and wine for on-site consumption, in conjunction with the opening of a rehabilitated motion picture theater multiplex containing five auditoriums and adjoining patio situated in a larger commercial mall structure in the [Q]C2-2D Zone.

Case No. ZA-2011-0461-CUB – On July 7, 2011, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 6,072 square-foot restaurant in the [Q]C2-2D Zone.

Case No. ZA-2009-1768-CUB – On October 20, 2009, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of beer and wine for on-site consumption with a restaurant in the [Q]C2-2D Zone.

Case No. ZA-2002-2629-CU-ZV – On March 17, 2004, the Zoning Administrator dismissed a conditional use zone variance which included request to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption from 6 a.m. to 2 a.m. daily, in conjunction with a proposed 4,400 square-foot restaurant accommodating approximately 150 patrons operating 24 hours daily; also alcoholic beverage sales within hotel rooms, 24 hours daily. Applicant lacked necessary environmental clearances and subsequently rescinded application.

Case No. ZA-1995-0691-CUE – On December 4, 1995, the Zoning Administrator approved a conditional use exception (CUE) to permit the sale of beer and wine for on-site consumption in a 2,700 square-foot restaurant of 50 patrons in a C4-1D and P1 zone sharing a parking lot with Thrifty Drug Store (now Rite Aid Pharmacy), the restaurant owned by Thrifty Drug Store.

PUBLIC CORRESPONDENCE

A letter dated January 21, 2020, was received from the Hollywood Hills West Neighborhood Council indicating that the council unanimously voted to not support, and to oppose, the Mobil gas station and convenience store's pending application for a new conditional use

permit to sell beer and wine at the convenience store for off-site consumption at their board meeting held on January 15th, 2020.

On February 21st, 2020, The Area 7A representative of the Hollywood Hills West Neighborhood Council, Lincoln Williamson contacted Obiamaka Ude via telephone and email indicating that the project falls within the area that he represents on the Neighborhood Council. The Neighborhood Council Representative indicated that “several neighbors and stakeholders have asked me to convey to the zoning administrator there are far too many retail outlets currently selling beer and wine, and with the current homeless situation, it is not prudent to add another outlet.”

A letter dated February 25, 2020 was received from the LAPD Hollywood Vice Unit in opposition to the request due to the negative impacts to crime trends and traffic patterns caused from oversaturation of existing alcohol licensed businesses operating in the same area, including public intoxication, traffic collisions involving pedestrians, robberies, thefts, fights with serious injuries and vandalism.

A petition in support of the request was submitted by the applicant containing over 200 signatures from customers of the convenience store. No addresses were provided on the petition, only names and phone numbers.

An email dated March 5, 2020 was submitted by Officer Gutierrez of LAPD Hollywood Vice with two attachments containing calls for service and crime summary reports within a five hundred foot radius of the subject site between March 2019 and February 2020.

An email dated July 8, 2020 was submitted by Officer Gutierrez containing recommended conditions.

Revised plans dated July 20, 2020 were transmitted on July 22, 2020 by the applicant's representative showing the revised project consisting of the maintenance of the existing 2,175 square-foot convenience store in lieu of the proposed 2,500 square-foot convenience store.

PUBLIC HEARING

A Notice of Public Hearing was sent to nearby property owners and/or occupants within 500 feet from the subject site for which an application for the subject request had been filed with the Department of City Planning. All interested person were invited to attend at which they could listen, ask questions, or present testimony regarding the project. The public hearing was held on March 4, 2020 at downtown Los Angeles City Hall.

The hearing was attended by the applicant, Parham Natanzi, by the applicant's representatives, Larry Mondragon and Saul Bolivar, by a representative of the Hollywood Hills West Neighborhood Council, Oren Feldman, by Officer Nicholas Gutierrez of LAPD and by a representative of Council District 4, Emma Howard.

Mr. Mondragon stated that the applicant is seeking a Conditional Use to authorize the sale of beer and wine for off-site consumption in conjunction with an existing convenience store within a Mobile gas station. Mr. Mondragon noted that the site is improved with an older gas station with an approximately 1,000 square-foot convenience store and auto service bays. Mr. Mondragon explained that the applicant previously received an entitlement to demolish the existing convenience store and auto service bays to construct a larger, 2,500 square-foot convenience store. However, the existing convenience store will be retained and the applicant is only requesting authorization to permit beer and wine sales for off-site consumption in conjunction with the existing convenience store. No construction is proposed.

Mr. Mondragon explained that his associate left the company unexpectedly and did not attend a meeting of the Hollywood Hills West Neighborhood Council in December and the Neighborhood Council voted against the requested application. However, he noted that no rationale was provided concerning the Neighborhood Council's opposition. Mr. Mondragon stated that he also reached out to Officer Sanchez of the LAPD. He requested that the matter be taken under advisement for 30 days to afford the applicant an opportunity to present the request before the Neighborhood Council.

Mr. Bolivar stated that the existing gas station and convenience store has been family owned and operated since the applicant purchased it in 2013. There have been no issues or problems associated with the existing operation since the applicant acquired the site. Mr. Bolivar noted that the applicant owns 20 other similar businesses and is a very experienced and responsible operator. At least seven of his businesses are licensed by ABC, two of which are within the City of Los Angeles. All of his licenses are for beer and wine only, none are for a full line of alcoholic beverages. Mr. Bolivar stated that the site is located in highly travelled corridor and the sale of beer and wine incidental to the purchase of other items would provide a public convenience.

Mr. Bolivar noted that the petrol industry is changing and that it is no longer viable to rely on fuel sales only and that gas stations are needing to diversify by adding other services such as car washes and convenience stores out of necessity to remain viable. Mr. Bolivar pointed out that the Arco gas station directly across from the subject site currently sells beer and wine.

Mr. Bolivar stated that the opposition to the request is based on principle, but, he noted that the sale of beer and wine for off-site consumption in conjunction with the existing convenience store is no different than purchasing beer and wine at a BevMo, and that the sale of beer and wine would not result in a higher incidents of drinking and driving.

Mr. Bolivar stated that customers' ability to purchase beer or a bottle of wine for dinner allows for one-stop shopping opportunity that reduces trips to other stores and provides a public convenience.

Mr. Natanzi reiterated that the business model for fueling stations is changing. Mr. Natanzi noted that with the increasing number of fuel efficient and electric vehicles on the market, fuel sales need to be supplemented. The vision for fueling stations is to become a one-stop destination for alternative services including ATMs in order to increase foot traffic. Mr.

Natanzi noted that the existing convenience store is just under 1,000 square feet and contains a maximum of five cooler doors measuring 26" x 72" each and beer and wine sales will be limited to only one cooler door. He noted that beer and wine sales would be limited to 10:00 a.m. to 11:00 p.m. and that no exterior signage advertising beer and wine sales would be maintained on the premises. He noted that he submitted additional proposed conditions to which he is willing to stipulate and noted that a petition with approximately 336 signatures in support of the request was submitted for the case file.

Mr. Feldman testified on behalf of the Hollywood Hills West Neighborhood Council. He affirmed that the Neighborhood Council considered the matter and the applicant's representative was not present at their meeting. Mr. Feldman noted that he reached out to the former associate representing the applicant by email and by phone but did not hear back. Mr. Feldman stated that the intersection where the subject site is located is over-saturated with ABC licenses for off-site consumption. He noted that the Arco across the site, Bristol Farms across the site, Rite Aid across the site and the Almor Liquor store immediately to the east of the site all sell alcohol for off-site consumption.

The Zoning Administrator inquired whether Mr. Feldman or any members of the Neighborhood Council were aware of any problems or nuisance activity associated with the subject premises. Mr. Feldman stated that the opposition was primarily based on the number of outlets within the census tract and at this intersection, which is higher than other census tracts, and that there was no real argument for a public convenience given the number of licensed premises.

Officer Nicholas Gutierrez testified that he reviewed the CUP application and spoke to members of the community. Officer Gutierrez stated that LAPD is opposed to the request due to the negative effects based on over saturation of licensed premises such as public intoxication, fights, vandalism and other problems.

The Zoning Administrator noted that according to LAPD statistics, the subject site is located within a reporting district where the crime rate is lower than the city average and inquired whether the subject site was known to be the source of any criminal or nuisance activity. Officer Gutierrez stated that the subject site is not on LAPD's radar but that there are problems in the general area. The Zoning Administrator requested Officer Gutierrez to submit data on calls for service and/or crime reports over the last year within a five hundred foot radius of the subject site.

Ms. Howard testified that her office was not in support of the request. However, she stated she was ok with an extension of time to allow the applicant an opportunity to present to the Neighborhood Council. With respect to the petition in support submitted by the applicant, she stated that she had not had an opportunity to review the petition. Nevertheless, Ms. Howard stated that the Councilman would probably not change his opposition to the request and that in general, the Councilman opposes the off-site sale of alcoholic beverages at gas stations. In the event that the request were to be approved, Ms. Howard requested that the hours of operation be reduced.

The Zoning Administrator took the request under advisement initially for 30 days to afford the applicant an opportunity to present the request before the Neighborhood Council. Subsequent to the hearing, the applicant's representative requested an extension of the advisement period due to the suspension of all Neighborhood Council Meetings by the Department of Neighborhood Empowerment due to Covid 19.

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.

The following alcohol related conditions were volunteered by the applicant:

- Alcoholic beverages shall be limited to beer and wine and may only be sold between the hours of 10:00 a.m. and 11:00 p.m. daily.
- Beer and wine shall only be available from a single refrigerated standing wall cooler, 26 inches by 72 inches in size, that will be securely locked and inaccessible to customers between the hours of 11:00 p.m. and 10:00 a.m. The cooler doors may be locked by electronic device or lock and key or a cooler door cover to block the display of alcohol.
- The cooler containing alcoholic beverages will be visible from the cashier counter, either directly or via a wall-mounted mirror, in addition to being monitored by a security camera at all times during business hours.
- Alcoholic beverages shall not be available anywhere else within the convenience store, including retail shelves or open ice chests.
- There shall be no exterior signage promoting the availability of alcoholic beverages.
- There shall be no cups, glasses or similar receptacles commonly used for the drinking of beverages, sold, furnished, or given away at the petitioner's premises in quantities of less than 24 in their original multi-container package.
- No single cans or bottles sales of beer apart from premium beer. Wine sales are also limited to a minimum 750 milliliter bottles. Fortified wine is prohibited.
- The sales of beer or malt liquor in quantities of 12 oz., 16 oz., 22 oz., 40 oz. or similar size containers is prohibited.

BASIS FOR CONDITIONAL USE PERMITS

Certain 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 for from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for the sale of beer and wine 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 site is located at the northeast corner of Sunset Boulevard and Fairfax Avenue. The site is zoned C4-1VL and is improved with a Mobile gas station and an existing convenience store with an adjoining auto repair service containing three bays. The building containing the convenience store and the auto repair bays was constructed in 1969 and contains approximately 2,136 square feet. The convenience store portion of the building contains approximately 815 square feet.

On June 6th, 2017, under Case No. ZA-2014-3316-CU, the Zoning Administrator approved a conditional use to allow the construction of a new convenience store not to exceed 2,500 square feet with continued hours of operation 24-hours daily and a zero-foot landscape buffer in lieu of the otherwise required five-foot landscape buffer. The previously approved 2,500 square-foot convenience entailed enlarging the existing building slightly and entailed the conversion of the existing automobile service bays into the store. However, the project was not constructed.

The instant application is a Conditional Use that, as filed, south to authorize the sale of beer and wine for off-site consumption in conjunction with the previously proposed, 2,500 square-foot convenience store. However, at the hearing, the applicant revised the request to allow the sale of beer and wine for off-site consumption in conjunction with the existing 815 square-foot convenience store, in lieu of the proposed 2,500 square foot store. The existing building housing the convenience store and automobile bays will remain on the site. A total of 13 on-site parking spaces are maintained including one ADA accessible space. The sale of beer and wine will be incidental to other retail items within the convenience store and will provide a one-stop shopping opportunity for patrons. The primary function of the site will remain as fueling station and customers will have the option to purchase retail items including

beer and wine while pumping gas. As such, the sale of beer and wine for off-site consumption would provide an additional convenience for local customers who patronize the gas station.

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 site is located at the northeast corner of Sunset Boulevard and Fairfax Avenue within the Hollywood Community Plan Area. The site is zoned C4-1VL and is improved with an existing gas station and convenience store and auto repair shop constructed in 1969. Properties along Sunset Boulevard, east of Fairfax Avenue, are similarly zoned C4-1VL and properties west of Fairfax Avenue are zoned C4-1D.

Properties immediately to the east fronting on Sunset Boulevard are improved with a liquor store with surface parking, a fast food restaurant (Zankou Chicken), and a Chase Bank at the northeast corner of Sunset Boulevard and Orange Grove Avenue. Properties on the south side of Sunset are improved with a Bristol Farms market at the southwest intersection of Sunset and Fairfax and a one-story commercial building containing a bagel shop and a vacant restaurant. The property at the northwest corner of Sunset Boulevard and Fairfax Avenue is improved with an Arco gas station and food mart, and the property at the southwest corner of Sunset Boulevard and Fairfax Avenue is improved with a Rite Aid Store.

Properties to the north and northeast fronting on Fairfax Avenue and Orange Grove Avenue are zoned R1-1 and are improved with single-family homes. The subject site directly abuts a single-family home to the north. The building containing the convenience store and automotive bays is setback along the north property line abutting the R1 Zone to the north and is facing Sunset Boulevard. The rear elevation of the building and a solid wall abut a 15-foot driveway for the adjoining single-family dwelling. The abutting R1 lot has a thick hedge along the subject site's northerly property line with a variable height of at least 20 feet to 40 feet. The island pumps are oriented along Fairfax Avenue and Sunset Boulevard. Three parking spaces are provided directly in front of and perpendicular to the convenience store entrance and nine parking spaces are parked perpendicular to the east property line abutting the exterior wall of the adjoining liquor store to the east.

The applicant is requesting a Conditional Use to allow the sale of beer and wine for off-site consumption in conjunction with the existing convenience store. The sale of beer and wine will be incidental to the sale of fuel and retail items within the convenience store. The existing service station and convenience store were constructed in 1969 and according to the applicant have been operating 24-hours daily for many years, prior to the adoption of the Commercial Corner regulations that limit hours of operation from 7:00 a.m. to 11:00 p.m. The existing 24-hour operation was acknowledged and approved under previous Case No. ZA-2014-3316-CU.

Opposition to the request was received from the Hollywood Hills West Neighborhood Council and from the LAPD Hollywood Vice Unit. Opposition to the request stemmed from concerns over the number of active ABC licenses within the census tract where the subject site is located and particularly within the immediate vicinity of the subject site. At the public hearing, testimony pointed out that there are currently four establishments located at the same intersection as the subject site with active ABC licenses for the off-site sale of alcoholic beverages including an Arco gas station at the northwest corner of Sunset Boulevard and Fairfax Avenue (beer and wine), a Rite Aid Pharmacy and Bristol Farms market (full line of alcoholic beverages) at the southwest and southeast corner of Sunset Boulevard and Fairfax Avenue, and a liquor store immediate adjoining the site to the east. LAPD opposed the request *"...due to the negative impacts to crime trends and traffic patterns caused from oversaturation of existing alcohol licensed businesses operating in the same area, including public intoxication, traffic collisions involving pedestrians, robberies, thefts, fights with serious injuries and vandalism"*.

At the hearing, the Zoning Administrator inquired of Officer Gutierrez whether the subject site was known for criminal or nuisance activity. According to Officer Gutierrez, the subject site is not on LAPD's radar but he indicated that there are policing problems in the general area. Subsequent to the hearing, LAPD submitted a calls for service summary between March 2019 and February 2020 and associated crime summaries during approximately the same period for a 500-foot radius surrounding the subject site. A total of 236 calls for service were made during this period resulting in 29 crimes. Only one of the crimes was occurred on the subject site. Crimes in the area included vandalism, burglaries and stolen property from vehicles, surrounding businesses or an adjacent home. Only one incident occurred on the subject premises which involved a suspect kicking the door of another vehicle and then fleeing. Two incidents entailed, verbal disputes that resulted in altercations on the sidewalk or in a dwelling unit on an adjacent residential street. Two other incidents involved fraud or scams reported by victims. One incident entailed a suspect placing merchandise in a bag and walking out of the adjacent liquor store without paying for the items. A similar incident occurred at the Bristol Farms market where a suspect placed liquor bottles in a bag and walked out without paying. One incident involved a suspect passing a demand note asking for money to a teller at the Chase bank who then fled when the teller pushed the alarm. Other incidents involved accidents between vehicles on Sunset Boulevard adjacent to the subject site, one of which was a hit and run. One incident involved a person in a vehicle at the intersection of Sunset and Fairfax brandishing a gun to a person in another vehicle then speeding off.

None of the crimes except one were attributed to the subject site. The one incident on the subject site appears to have been random and did not result in serious harm to any person. More important, none of the crimes appear to be alcohol related and nothing in the record suggests that the sale of beer and wine for off-site consumption on the subject premises would result in an increase in crime. The subject site is well maintained and has no history of complaints of any criminal or nuisance activity. No complaints were received from any adjacent neighbors concerning any problems

associated with the operation on the subject site. As such, the site is not contributing to the area's crime rate and appears to be well managed.

Revised plans for the existing building and convenience store were submitted after the hearing. The convenience store is relatively small and has a 5 door cooler consisting of 120 square feet. According to the plans and to the applicant, only one cooler door will be devoted to beer and wine sales. Hence, beer and wine sales will constitute a small portion of the products and items sold within the convenience store. Nothing in the record suggests that the sale of beer and wine for off-site consumption would degrade the adjacent commercial or residential properties. In addition, the conditions of the grant require the installation of surveillance cameras to monitor activity on the site and require STAR training for employees to ensure the sale of beer and wine is conducted responsibly and in compliance to ABC requirements. Signage is required to restrict parking to fifteen minutes to discourage loitering and to prohibit open containers on the premises. As conditioned, 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 applicable 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 Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Hollywood Community Plan Map and designates the land use as Neighborhood Office Commercial. Commercial land uses in the Hollywood area are concentrated along the major commercial corridors. Commercial districts in the Hollywood area are characterized by the diversity of uses and neighborhood character. The Hollywood Community Plan draft seeks to ensure that the "commercial districts provide integral support and amenities for adjacent neighborhoods, providing for walkable communities where multiple needs can be met without relying on travel by vehicles, potentially reducing travel time."

Land Use Goal 5 of the Hollywood Community Plan prioritizes "strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs and enhance the character of the community" through the following objectives:

- LU 5.1 Encourage Investment. Strengthen and encourage investment along Hollywood's existing commercial corridors encourages investment along the existing commercial corridors.

- LU 5.2 Extended use hours. Encourage 24/7 or extended hour active commercial uses adjacent to Metro stations and major transit stops to create safe waiting environments for transit commuters. Discourage concentrations of commercial uses which have limited operating hours in areas with high pedestrian activity.
- LU 5.4 Pedestrian-friendly building design. Encourage building designs that create interesting, safe, and welcoming walking environments on streets with high pedestrian activity. Utilize the citywide Urban Design Guidelines to promote pedestrian-oriented retail with transparent façades to allow visibility of commercial uses.

While the Community Plan is silent on alcohol sales in the Community Commercial areas, the project is nevertheless consistent with the Commercial Objectives and Policies of the Community Plan indicated above.

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

The subject property is zoned C4-1VL which allows for commercial uses, and has operated as a gas station and convenience store since 1969. The site will continue to operate as such. The property, located along Sunset Boulevard, will be enhanced with the construction of the new convenience store structure while remaining in line with the appearance of similar retail entities in the surrounding area. The Hollywood Regional Center area is characterized by dining and entertainment that is easily accessible to local residents, tourists and visitors, and those employed by the local economy.

The potential effects of excessive noise or disruptive behavior has been considered and the project does not include any windows opening the activity of the site towards the abutting residences. The site is also mandated to construct a six-foot solid decorative masonry wall adjacent to the residential properties, and will incorporate noise-attenuating features designed by a licensed acoustic sound engineer. Solid waste will be enclosed within the concrete trash enclosure and open trash receptacles are mandated to be located a minimum of 50 feet away from any residential zones and uses.

The California Department of Alcoholic Beverage Control, coupled with conditions herein which have been imposed upon the gas station convenience store ensure that 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, or RBS (Responsible Beverage Service) provided by the Department of Alcoholic Beverage Control. 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 sale and dispensing of beer and wine for on-site consumption

in conjunction with an existing restaurant will not adversely affect the welfare of the pertinent community.

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

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four (4) on-site and two (2) off-site consumption licenses are allocated to the subject census tract (Census Tract 1898). There are currently eighteen (18) on-sale licenses and nine (9) off-sale licenses in this census tract. There is no history of an ABC license on the subject site.

Within 1,000 feet of the subject site, there are eighteen (18) alcohol establishments (6 off-site, 12 on-site). These establishments include grocery stores, pharmacies, gas stations, and a liquor store for off-site consumption. The majority of license holders are dining establishments with licenses for the on-site consumption of alcoholic beverages.

According to statistics provided by the Los Angeles Police Department's Hollywood Division, within Crime Reporting District No. 642, which has jurisdiction over the subject property, a total of 157 crimes were reported in 2019 (106 Part I and 51 Part II crimes), compared to the total area average of 170 offenses for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Rape (3), Robbery (9), Aggravated Assault (4), Burglary (19), Vehicle Theft (6), Larceny (65). Part II Crimes reported include, Other Assault (2), Forgery/Counterfeit (0) Embezzlement/Fraud (0), Stolen Property (0), Weapons Violation (1), Prostitution Related (0), Sex Offenses (0), Offenses Against Family (1), Narcotics (3), Liquor Laws (2), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (19), Moving Traffic Violations (1), Miscellaneous Other Violations (9) and other offenses (12).

Concentration can be undue 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 license benefits the public welfare and convenience. The subject site is located within a Census Tract where the number of active off-site ABC licenses exceeds ABC guidelines. The off-site sale of alcoholic beverages at the intersection where the subject site is located includes an Arco service station, a Rite Aid Pharmacy and a Bristol Farms grocery store that sell

alcoholic beverages for off-site consumption. While the number of off-site ABC licenses exceeds ABC guidelines, nothing in the record suggests that sale of beer and wine on the subject site for off-site consumption will be the tipping point that will result in an undue concentration.

The above statistics indicate that the crime rate in the Reporting District where the subject site is located is lower than the city average, and does not constitute a High Crime Reporting District. Moreover, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate. LAPD expressed opposition to the request due to criminal activity surrounding the subject site. However, a review of the crime summaries found that none of the crimes were attributed to the subject site except for one incident over a one year period. The incident on the subject site was not significant and there is no history or pattern of criminal or nuisance activity associated with the subject site.

The project site is located along a major commercial corridor and has been in operation for many years operating 24 hours daily. The existing service station and convenience store have provided a beneficial service to the community for many years. The sale of beer and wine will be incidental to other merchandise in the store and will constitute a small portion of total sales. The gas station and convenience store have established a good record and the applicant appears to be a responsible operator. Nothing in the record suggests that the site's normal operations will be contrary to the public welfare or interfere with the quiet enjoyment of surrounding properties. No complaints were received from immediate neighbors surrounding the site regarding any problems with the subject site's operation.

The conditions of the grant address noise, safety and security to ensure the use is conducted with due regard for surrounding neighbors. The conditions of the grant require the installation of surveillance cameras to monitor activity on the site and require STAR training for employees to ensure the sale of beer and wine is conducted responsibly and in compliance to ABC requirements. Signage is required to restrict parking to fifteen minutes to discourage loitering and to prohibit open containers on the premises. As conditioned, the sale of beer and wine for off-site consumption is not expected to contribute to the area's crime rate or result in nuisance activity. Therefore, 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 commercial uses and will continue to be utilized as such with the continued operation of the convenience store. The following sensitive uses and alcohol-selling establishments are located within a 1,000-foot radius of the site:

Residential Uses

Single-/family Residential	Fairfax Avenue, Orange Grove Avenue, Ogden Drive, Genesee Avenue, De Longpre Avenue, Selma Avenue
<i>Multi-Family Residential</i>	Fairfax Boulevard, Hayworth Avenue, Laurel Avenue, Sunset Avenue, Selma Avenue

Sensitive Uses

No sensitive uses beyond residential were identified within 1,000 feet of the subject property.

Alcohol Selling Establishments

Almor Liquor	7855 Sunset Boulevard
Rite Aid Pharmacy	7900 Sunset Boulevard
Sun Fax Arco	7901 Sunset Boulevard
Bristol Farms Grocery	7880 Sunset Boulevard
The Griddle Café	7916 Sunset Boulevard
Flavor of India	7950 Sunset Boulevard
Greenblatts Delicatessen	8019 Sunset Boulevard
Laugh Factory	8001 Sunset Boulevard
Hyde Sunset	8117 Sunset Boulevard
Trader Joe’s	8000 Sunset Boulevard #C120
AMC Sunset	8000 Sunset Boulevard #D230
Malibu Fish Grill	8000 Sunset Boulevard #A120
Veggie Grill	8000 Sunset Boulevard #112
Wokcano	8000 Sunset Boulevard #A110
CVS Pharmacy	8000 Sunset Boulevard #D1A – D1H
Vivoli Pizzeria	7994 Sunset Boulevard
Tacosway	7980 Sunset Boulevard
Rock N Roll Sushi	8000 Sunset Boulevard #A202

Consideration has been given to the distance of the subject establishment from the above-referenced alcohol-serving establishments and sensitive uses. Similar to the establishments listed above providing alcoholic beverages for off-site consumption, the sale of beer and wine for off-site consumption at the subject site will also be incidental to the goods and services they provide the surrounding community. The project is consistent with the zoning and in keeping with the existing uses adjacent to the property. Therefore, as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

9. 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 C4-1VL, an area of minimal flood hazard.

Inquiries regarding this matter shall be directed to **Obiamaka Ude**, Planning Staff for the Department of City Planning at **(213) 978-1393**.

A handwritten signature in blue ink that reads "Fernando Tovar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Associate Zoning Administrator
FERNANDO TOVAR

cc: Councilmember David E. Ryu
Fourth Council District
Adjoining Property Owners