



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number _____

Env. Case Number _____

Application Type _____

Case Filed With (Print Name) _____ Date Filed _____

Application includes letter requesting:

Waived hearing Concurrent hearing Hearing not be scheduled on a specific date (e.g. vacation hold)

Related Case Number _____

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.

All terms in this document are applicable to the singular as well as the plural forms of such terms.

Detailed filing instructions are found on form CP-7810

1. PROJECT LOCATION

Street Address¹ _____ Unit/Space Number _____

Legal Description² (Lot, Block, Tract) _____

Assessor Parcel Number _____ Total Lot Area _____

2. PROJECT DESCRIPTION

Present Use _____

Proposed Use _____

Project Name (if applicable) _____

Describe in detail the characteristics, scope and/or operation of the proposed project _____

Additional information attached YES NO

Complete and check all that apply:

Existing Site Conditions

- | | |
|---|--|
| <input type="checkbox"/> Site is undeveloped or unimproved (i.e. vacant) | <input type="checkbox"/> Site is located within 500 feet of a freeway or railroad |
| <input type="checkbox"/> Site has existing buildings (provide copies of building permits) | <input type="checkbox"/> Site is located within 500 feet of a sensitive use (e.g. school, park) |
| <input type="checkbox"/> Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial) | <input type="checkbox"/> Site has special designation (e.g. National Historic Register, Survey LA) |

¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

Proposed Project Information

(Check all that apply or could apply)

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree

- Removal of protected trees on site or in the public right of way
- New construction: _____square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

Housing Component Information

Number of Residential Units: Existing _____ - Demolish(ed)³ _____ + Adding _____ = Total _____

Number of Affordable Units⁴ Existing _____ - Demolish(ed) _____ + Adding _____ = Total _____

Number of Market Rate Units Existing _____ - Demolish(ed) _____ + Adding _____ = Total _____

Mixed Use Projects, Amount of Non-Residential Floor Area: _____square feet

Public Right-of-Way Information

Have you submitted the Planning Case Referral Form to BOE? (required) YES NO

Is your project required to dedicate land to the public right-of-way? YES NO

If so, what is/are your dedication requirement(s)? _____ ft.

If you have dedication requirements on multiple streets, please indicate: _____

3. ACTION(S) REQUESTED

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36? YES NO

Authorizing Code Section _____

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: _____

Authorizing Code Section _____

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: _____

Additional Requests Attached YES NO

³ Number of units to be demolished and/or which have been demolished within the last five (5) years.

⁴ As determined by the Housing and Community Investment Department

4. RELATED DEPARTMENT OF CITY PLANNING CASES

Are there previous or pending cases/decisions/environmental clearances on the project site? YES NO

If YES, list all case number(s) _____

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. _____

Ordinance No.: _____

Condition compliance review

Clarification of Q (Qualified) classification

Modification of conditions

Clarification of D (Development Limitations) classification

Revision of approved plans

Amendment to T (Tentative) classification

Renewal of entitlement

Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? YES NO

Have you filed, or is there intent to file, a Subdivision with this project? YES NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

5. RELATED DOCUMENTS / REFERRALS

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

a. Specialized Requirement Form _____

b. Geographic Project Planning Referral _____

c. Citywide Design Guidelines Compliance Review Form _____

d. Affordable Housing Referral Form _____

e. Mello Form _____

f. Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form _____

g. HPOZ Authorization Form _____

h. Management Team Authorization _____

i. Expedite Fee Agreement _____

j. Department of Transportation (DOT) Referral Form _____

k. Preliminary Zoning Assessment Referral Form _____

l. SB330 Preliminary Application _____

m. Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) _____

n. Order to Comply _____

o. Building Permits and Certificates of Occupancy _____

p. Hillside Referral Form (BOE) _____

q. Low Impact Development (LID) Referral Form (Storm water Mitigation) _____

r. SB330 Determination Letter from Housing and Community Investment Department _____

s. Are there any recorded Covenants, affidavits or easements on this property? YES (provide copy) NO

PROJECT TEAM INFORMATION (Complete all applicable fields)

Applicant⁵ name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Are you in escrow to purchase the subject property? YES NO

Property Owner of Record Same as applicant Different from applicant

Name (if different from applicant) _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Agent/Representative name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip: _____

Telephone _____ E-mail: _____

Other (Specify Architect, Engineer, CEQA Consultant etc.) _____

Name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Primary Contact for Project Information Owner Applicant
(*select only one*) Agent/Representative Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

⁵ An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

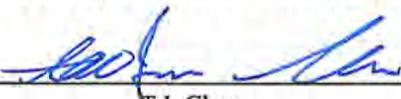
PROPERTY OWNER

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgement is available for your convenience on following page.*

Signature 
T.J. Chun

Date 7/27/20

Print Name Senior Vice President
Investments & Head of Asset Management

Signature _____

Date _____

Print Name _____

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

Angela M. Cummings
Notary Public, State of CA

On July 27, 2020 before me, _____
(Insert Name of Notary Public and Title)

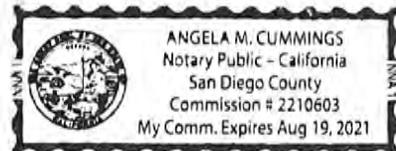
personally appeared Mr. T.J. Chun, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature

(Seal)



APPLICANT

8. **APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.
- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
 - b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
 - c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required. .
 - d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
 - e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
 - f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
 - g. I understand that if this application is denied, there is no refund of fees paid.
 - i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
 - i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature: 

Date: July 07, 2020

Print Name: Leland P. Smith
Senior Vice President
and Secretary

**OPTIONAL
NEIGHBORHOOD CONTACT SHEET**

9. **SIGNATURES** of adjoining or neighboring property owners in support of the request are not required but are helpful, especially for projects in single-family residential areas. Signatures may be provided below (attach additional sheets if necessary).

NAME (PRINT)	SIGNATURE	ADDRESS	KEY # ON MAP

REVIEW of the project by the applicable Neighborhood Council is not required, but is helpful. If applicable, describe, below or separately, any contact you have had with the Neighborhood Council or other community groups, business associations and/or officials in the area surrounding the project site (attach additional sheets if necessary).

2. PROJECT DESCRIPTION

Describe in detail the characteristics, scope and/or operation of the proposed project:

An Approval of Plans to allow the continued sale and dispensing of a full-line of alcoholic beverages for off-site consumption in conjunction with an existing 11,970 square-foot grocery store in the [Q]C2-2 zone. Smart & Final is requesting to modify conditions 7, 26, 27, 28, and 31 as follows:

MODIFY 7. The hours of operation shall not exceed 6 a.m. to ~~8 p.m.~~ 10 p.m. daily.

MODIFY 26. No outdoor open-air storage is permitted in the parking area. Any storage of outdoor pallets, boxes, and similar materials shall be removed from any parking area.

MODIFY 27. ~~There shall be no sale of beer in individual cans or bottles. Beer and malt liquor products under 16 ounces shall only be sold in manufacturer's pre-packaged of 12 packs or larger quantities. No malt liquors and/or malt based products with alcoholic content greater than 15% by volume shall be sold.~~ Beer and malt liquor products under 16 ounces shall only be sold in manufacturer's pre-packaged of 12 packs or larger quantities. ~~No malt liquors and/or malt based products with alcoholic content greater than 15% by volume shall be sold.~~

REMOVE 28. ~~No wine shall be sold with an alcoholic content of greater than 16 percent by volume.~~

MODIFY 31. No alcohol will be allowed to be consumed on any property under the control of the applicant: without first obtaining an on-site instructional tasting license, in conjunction with the grocery store.

3. ACTION(S) REQUIRED

Authorizing Code Section: 12.24-M

Code Section from which relief is requested (if any): N/A

Action Requested, Narrative:

An Approval of Plans, under previous case no. ZA-2009-4061-CUB, pursuant to Section 12.24-M of the LAMC to allow the continued sale and dispensing of a full-line of alcoholic beverages for off-site consumption in conjunction with an existing 11,970 square-foot grocery store in the [Q]C2-2 zone. Smart & Final is requesting to modify condition 7 to allow the hours of operation from 6 AM to 10 PM, daily; and is requesting to modify conditions 26, 27, 28, and 31 as stated in the project description above.

2. PROJECT DESCRIPTION

Describe in detail the characteristics, scope and/or operation of the proposed project:

An Approval of Plans to allow the continued sale of a full-line of alcoholic beverages for off-site consumption in conjunction with an existing 11,970 square-foot grocery store in the [Q]C2-2 zone. Smart & Final is requesting to modify conditions 7, 23, 26, 27, 28, 29, 31 and 32 as follows:

MODIFY 7. The hours of operation shall not exceed 6 a.m. to ~~8 p.m.~~ 10 p.m. daily.

REMOVE 23. ~~A State-licensed uniformed security guard shall be on duty at all times that the facility is open for business and shall patrol both the interior and the exterior of the premises, including, the parking lot and perimeter.~~

MODIFY 26. No outdoor open-air storage is permitted in the parking area. Any storage of outdoor pallets, boxes, and similar materials shall be removed from any parking area.

REMOVE 27. ~~There shall be no sale of beer in individual cans or bottles. Beer and malt liquor products under 16 ounces shall only be in manufacturer's pre-packaged of 12 packs or larger quantities. No malt liquors and/or malt based products with alcoholic content greater than 15% by volume shall be sold.~~

REMOVE 28. ~~No wine shall be sold with an alcoholic content of greater than 16 percent by volume.~~

REMOVE 29. ~~The total area for alcohol sales shall not exceed four percent of the total floor area of the market. The area set aside for the display of beer, wine and alcoholic beverages shall not be visible from outside the store.~~

MODIFY 31. No alcohol will be allowed to be consumed on any property under the control of the applicant- without first obtaining an on-site instructional tasting license, in conjunction with the grocery store.

REMOVE 32. ~~The quarterly gross sales of alcoholic beverages shall not exceed the total sales of food items. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department or any other enforcement agency upon demand.~~

3. ACTION(S) REQUIRED

Authorizing Code Section: 12.24-M

Code Section from which relief is requested (if any): N/A

Action Requested, Narrative:

An Approval of Plans, under previous case no. ZA-2009-4061-CUB, pursuant to Section 12.24-M of the LAMC to allow the continued sale of a full-line of alcoholic beverages for off-site consumption in conjunction with an existing 11,970 square-foot grocery store in the [Q]C2-2 zone. Smart & Final is requesting to modify condition 7 to allow the hours of operation from 6 AM to 10 PM, daily; condition 23, to remove the requirement for a security guard; condition 26, to clarify that outdoor storage is not allowed in the parking area; condition 31 to allow for on-site instruction tastings; and to remove conditions 27, 28, 29, and 32.

COUNTY CLERK'S USE

CITY OF LOS ANGELES

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

LEAD CITY AGENCY City of Los Angeles (Department of City Planning)	CASE NUMBER ENV-
--	---------------------

PROJECT TITLE	COUNCIL DISTRICT
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PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)	<input type="checkbox"/> Map attached.
---	--

PROJECT DESCRIPTION:	<input type="checkbox"/> Additional page(s) attached.
----------------------	---

NAME OF APPLICANT / OWNER:

CONTACT PERSON (If different from Applicant/Owner above)	(AREA CODE) TELEPHONE NUMBER	EXT.
--	------------------------------	------

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)
Public Resources Code Section(s) _____

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)
CEQA Guideline Section(s) / Class(es) Section 15301, Class 1

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:	<input type="checkbox"/> Additional page(s) attached
--------------------------------------	--

Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

- None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.
- The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.
If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE	STAFF TITLE
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ENTITLEMENTS APPROVED

FEE:	RECEIPT NO.	REC'D. BY (DCP DSC STAFF NAME)
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Smart & Final #364
Categorical Exemption

PROJECT DESCRIPTION:

An Approval of Plans, under previous case no. ZA-2009-4061-CUB, pursuant to Section 12.24-M of the Los Angeles Municipal Code, to allow the continued sale of a full-line of alcoholic beverages for off-site consumption in conjunction with an existing 11,970 square-foot grocery store in the [Q]C2-2 zone, with hours of operation from 6:00 am to 10:00 pm, daily.

This page is part of your document - DO NOT DISCARD



20110459205



Pages:
0008

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

03/28/11 AT 02:31PM

FEES:	36.00
TAXES:	0.00
OTHER:	0.00
PAID:	36.00



LEADSHEET



201103280030068

00003952093



003235198

SEQ:
03

DAR - Counter (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUEST BY
PCTS

WHEN RECORDED MAIL TO
Dee Ann Catlin
Smart & Final
600 Citadel Dr.,
Commerce, CA 9004



2

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)
MASTER COVENANT AND AGREEMENT

#364
3

Recording requested by and mail to

Name: Dee Ann Catlin
Address: Smart & Final
600 Citadel Dr.
Commerce, CA 90040

*****Space Above This Line For Recorder's Use*****

MASTER COVENANT AND AGREEMENT

The undersigned hereby certifies I am (we are) the owner(s) of the hereinafter legally described real property located in the City of Los Angeles, County of Los Angeles, State of California (please give the legal description):

Lots 1-3, Block J, Pellissier Tract
Site Address 2949 W. Pico Blvd, Los Angeles, CA 90006

That in consideration of the approval of Case No. ZA 2009-4061 (CUB) by the City Planning Department, I (we) do hereby promise, covenant and agree to and with the City of Los Angeles and the City Planning Department of said City that to the extent of our interest, I (we) acknowledge and will comply with Condition Nos. 1 through 37 (see attached).

This covenant and agreement shall run with the land and shall be binding upon any future owners, encumbrancers, their successors, heirs or assigns and shall continue in effect until the City Planning Department of the City of Los Angeles approves its termination.

Smart & Final Properties I LLC _____
(Print Name of Property Owner) (Print Name of Property Owner)
By [Signature] _____
(Signature of Property Owner) (Signature of Property Owner)

Donald G. Alvarado, Secretary
Dated this _____ day of _____ 20____

*****Space Below This Line For Notary's Use*****

ALL-PURPOSE ACKNOWLEDGMENT

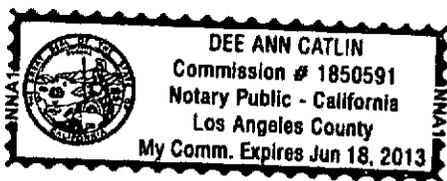
State of California
County of Los Angeles
On 3-2-11

before me, Dee Ann Catlin, Notary
(Insert Name of Notary Public and Title)
personally appeared Donald G. Alvarado, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/his/their authorized capacity(ies), and that by his/his/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature] _____ (Seal)
Signature



Case No. ZA 2009-4061 (CUB)
Condition No(s). 1-37
Approved for recording by A. PEREZ Date: 3-25-11
(Department of City Planning)

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318
FAX: (213) 978-1334

www.planning.lacity.org

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February 16, 2011

Smart & Final Stores, LLC (A)
600 Citadel Drive
Commerce, CA 90040

Smart & Final Properties I, LLC (O)
600 Citadel Drive
Commerce, CA 90040

Art Rodriguez & Associates (R)
709 East Colorado Boulevard, Suite #200
Pasadena, CA 91101

CASE NO. ZA 2009-4061(CUB)
CONDITIONAL USE

2949 West Pico Boulevard
Wilshire Planning Area

Zone : [Q]C2-2
D. M. : 129B193
C. D. : 1

CEQA : ENV 2009-4062-CE
Legal Description: Lots 1-3, Block J,
Pellissier Tract

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

a conditional use to permit the continued sale and dispensing for consideration of a full line of alcoholic beverages for off-site consumption in conjunction with an existing market,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.



6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The hours of operation shall not exceed 6 a.m. to 8 p.m. daily.
8. The market shall not exceed 11,970 square feet.
9. No coin operated amusement devices, video games or similar game activities shall be maintained on the premises.
10. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which the applicant has control. All trash dumpsters shall have a cover and no debris or trash shall be allowed to overflow. The trash dumpster shall be locked when not in use.
11. Conditions of approval shall be maintained on the premises at all times and produced immediately upon request of the Police Department, the Department of Building and Safety or other government entity.
12. **Within six months of the effective date of this determination**, all staff and management of the market shall be required to complete the STAR training program regarding alcohol sales, as sponsored by the Los Angeles Police Department unless staff has completed such training within the prior 12 months. A copy of completion of such training shall be forwarded to the Zoning Administrator for inclusion in the file.
13. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter and mount it on either the inside of the window of the subject site facing the street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.
14. An electronic age verification device which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sale location. This device shall be maintained in operational condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage.
15. The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control, including insuring that no activities associated with narcotics sales, use or possession, gambling or prostitution occur.

16. The applicant shall maintain on the premises and present upon request to any enforcement agency a copy of the Business Permit, Insurance Information, and a valid emergency contact phone number for the security company.
17. Ice shall be sold in bags of a minimum of five pounds or larger. Disposable cups, glasses or similar containers may be sold in multiple quantities.
18. Any exterior lights shall be installed such that the light is directed onto the subject site and shielded to prevent the light source from being a nuisance to adjacent residential uses. Lighting shall be adequate to identify anyone in the front or rear of the building at night.
19. The Los Angeles Police Department shall be consulted as needed for recommendations regarding any additional security measures to provide adequate protection for shoppers, employees and nearby residents. Security features may also include implementation of a surveillance system, installation of locks and alarms where appropriate and security lighting.
20. A sign or signs shall be posted on the site and in the parking lots being used by the market in English and the predominant language of the community within a clear view of any interested person containing a telephone number and the name of a person to be contacted in the event that the operation of the market is causing concerns or problems in the adjacent neighborhood resulting from the subject use.
21. Signs will be prominently posted in English and the predominant language of the community stating that California State Law prohibits sale of alcoholic beverages to persons who are under 21 years of age. Signs 12 inches by 12 inches stating, "No Loitering or Public Drinking" shall be posted in, outside and around all parking lots used by the subject facility. Said signs shall be in English and the predominant language of the community.
22. Licensee shall post signs on the outside of the premises notifying the public of the provisions of Section 41.27(d) of the Los Angeles Municipal Code, in both English and the predominant language of the facilities clientele as follows:
- "It is a violation of Section 41.27(d) of the Los Angeles Municipal Code to possess any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, on or adjacent to these premises."
23. A State-licensed uniformed security guard shall be on duty at all times that the facility is open for business and shall patrol both the interior and the exterior of the premises, including the parking lot and perimeter.
24. **Within 60 days of the effective date of this determination**, a landscaping and design plan for the street frontages shall be implemented with the purpose of providing landscaping such as vines to promote coverage of walls. The plan shall provide for the following:
- a. Vines to help cover the small block wall surrounding the parking area.

- b. Vines or other vegetation along the storage area and Hobart Boulevard frontage.
 - c. Small trees in the parking lot as feasible.
 - d. Vegetation to soften the appearance of the premises along Hobart Boulevard.
25. All landscaped areas shall be maintained in a neat and attractive manner at all times. Maintenance shall include continuous watering, removal of weeds, mowing, trimming, edging, cultivation, reseeding, plant replacement, fertilization, spraying, control of pests, insects and rodents, and other operations necessary to assure normal plant growth. Any trees, shrubs and ground cover shall be healthy and vigorous. Irrigation systems shall be continuously maintained.
26. No outdoor open air storage is permitted. Any storage of outdoor pallets, boxes, and similar materials shall be removed from any parking area.

Condition Nos. 27 through 32 are alcohol-specific volunteered by the applicant:

27. There shall be no sale of beer in individual cans or bottles. Beer and malt liquor products under 16 ounces shall only be in manufactured prepackaged units of 12 packs or larger. No malt liquors and/or malt based products with alcoholic content greater than 15% by volume shall be sold.
28. No wine shall be sold with an alcoholic content of greater than 16 percent by volume.
29. The total area for alcohol sales shall not exceed four percent of the total floor area of the market. The area set aside for the display of beer, wine and alcoholic beverages shall not be visible from outside the store.
30. There shall be no exterior advertising of any kind or type promoting or indicating the availability of alcoholic beverages except that the market may post its weekly fliers which may include alcohol advertisements.
31. No alcohol will be allowed to be consumed on any property under the control of the applicant.
32. The quarterly gross sales of alcoholic beverages shall not exceed the total sales of food items. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department or any other enforcement agency upon demand.
33. The term of this grant shall be for a period of **ten (10) years** from the effective date of this action, after which time it shall become null and void and a new request will be necessary to permit the continuation of sales of a full line of alcoholic beverages.
34. **Within 30 days of the effective date of this action** or prior to the issuance of any permits relative to this matter prior to the issuance of any permits relative to this matter, 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 Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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 \$1,000 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

CONDITION COMPLIANCE

Smart & Final #364
2949 W. Pico Blvd.

PLAN APPROVAL – COMPLIANCE OF CONDITIONS

Applicant:	Smart & Final (364)
Property:	2949 W. Pico Blvd., Los Angeles, CA 90006
Reference:	A Plan Approval to allow the continued sale of a full line of alcoholic beverages for off-site consumption, in conjunction with an existing 11,970 SF grocery store and having the hours of operation from 6:00 am to 10:00 pm, daily in the C2-2 zone. Smart & Final is requesting to modify conditions 7, 26, 27, 28, and 31, relating to hours of operation, size and quantity regulations for beer and wine, and on-site instructional tasting of alcoholic beverages.

ADDITIONAL INFORMATION/FINDINGS FOR APPROVAL OF A PLAN APPROVAL

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.

Proof: The applicant has complied with all applicable Municipal Codes and government/regulatory agencies since the opening of the grocery store. The boundaries of the store have been consistent with the original entitlement ZA 2009-4061(CUB). Smart & Final has complied with the conditions as approved by the existing entitlement.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

Proof: The use and development of the property have been in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

Proof: The operation of the store has been conducted with due regard for the character of the surrounding district, as the project's use, size, building height, facade and operations have been consistent with the general plan and the community plan of the area. There have not been any known operational violations issued nor any violations reported to the Department of Alcoholic Beverage Control.

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.

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Proof: There is no graffiti on the property. If any were to exist, it would be removed immediately as required by this condition.

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.

Proof: This application does not require any change to the building permits and is an existing grocery store. However, the applicant will comply with all requirements of the Zoning Administrator, as well as the Department of Building and Safety.

6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Proof: The applicant understands this condition and will defend, indemnify, and hold harmless the City and all applicable parties from any actions brought against the City regarding this particular case.

7. The hours of operation shall not exceed 6 a.m. to 8 p.m. daily.

Proof: The applicant is requesting to modify this condition (via struck-through deleted language and underlined proposed language) as follows:

The hours of operation shall not exceed 6 a.m. to 8 10p.m. daily.

8. The market shall not exceed 11,970 square feet.

Proof: The applicant will continue to comply with this condition. No floor area will be added as a part of this request.

9. No coin operated amusement devices, video games or similar game activities shall be maintained on the premises.

Proof: There are no coin operated amusement devices, video games, or any other gaming activities on the subject site. The applicant will continue to comply with this condition.

10. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which the applicant has control. All trash dumpsters shall have a cover and no debris or trash shall be allowed to overflow. The trash dumpster shall be locked when

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not in use.

Proof: The applicant will continue to comply with this condition.

11. Conditions of approval shall be maintained on the premises at all times and produced immediately upon request of the Police Department, the Department of Building and Safety or other government entity.

Proof: The applicant will continue to comply with this condition.

12. Within six months of the effective date of this action, all staff and management of the market shall be required to complete the STAR training program regarding alcohol sales, as sponsored by the Police Department unless staff has completed such training within the prior 12 months. A copy of completion of such training shall be forwarded to the Zoning Administrator for inclusion in the file.

Proof: The applicant has complied with this condition.

13. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter and mount it on either the inside of the window of the subject site facing the street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.

Proof: The applicant has complied with this condition.

14. An electronic age verification device which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sale location. This device shall be maintained in operational condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage.

Proof: The applicant has complied with this condition. An electronic age verification device is a part of each cash register system.

15. The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control, including insuring that no activities associated with narcotics sales, use or possession, gambling or prostitution occur.

Proof: The applicant will continue to comply with this condition.

16. The applicant shall maintain on the premises and present upon request to any enforcement agency, a copy of the Business Permit, Insurance Information and a valid emergency contact phone number for the security company.

Proof: The applicant will continue to comply with this condition.

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17. Ice shall be sold in bags of a minimum of 5 pounds or larger. Disposable cups, glasses or similar containers may be sold in multiple quantities.

Proof: The applicant will continue to comply with this condition.

18. Any exterior lights shall be installed such that the light is directed onto the subject site and shielded to prevent the light source from being a nuisance to adjacent residential uses. Lighting shall be adequate to identify anyone in the front or rear of the building at night.

Proof: The applicant will continue to comply with this condition.

19. The Los Angeles Police Department shall be consulted as needed for recommendations regarding any additional security measures to provide adequate protection for shoppers, employees and nearby residents. Security features may also include implementation of a surveillance system, installation of locks and alarms where appropriate and security lighting.

Proof: The applicant has will complied with this condition. Security measures such as a camera surveillance system are already in place. Cameras are installed at the entrances, exits, and all high-risk areas.

20. A sign or signs shall be posted on the site and in the parking lots being used by the market in English and the predominant language of the community within a clear view of any interested person containing a telephone number and the name of a person to be contacted in the event that the operation of the market is causing concerns or problems in the adjacent neighborhood resulting from the subject use.

Proof: The applicant has complied with this condition.

21. Signs will be prominently posted in English and the predominant language of the community stating that California State Law prohibits sale of alcoholic beverages to persons who are under 21 years of age. Signs 12 inches x 12 inches stating "No Loitering or Public Drinking" shall be posted in, outside and in all parking lots used by the subject facility. Said signs shall be in English and the predominant language of the community.

Proof: The applicant has complied with this condition.

22. Licensee shall post signs on the outside of the premises notifying the public of the provisions of Section 41.27(d) of the LAMC, in both English and the predominant language of the facilities clientele as follows:

"It is a violation of Section 41.27(d) of the Los Angeles Municipal Code to possess any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, on or adjacent to these premises."

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Proof: The applicant has complied with this condition.

23. A State-licensed uniformed security guard shall be on duty at all times that the facility is open for business and shall patrol both the interior and exterior of the premises, including the parking lot and perimeter.

Proof: The applicant has complied with this condition.

23. Within 60 days of the effective date of this determination, a landscaping and design plan for the street frontages shall be implemented with the purpose of providing landscaping such as vines to promote coverage of walls. The plan shall provide for the following:

- a. Vines to help cover the small block wall surrounding the parking area.**
- b. Vines or other vegetation along the storage area and Hobart Boulevard frontage.**
- c. Small trees in the parking lot as feasible.**
- d. Vegetation to soften the appearance of the premises along Hobart Boulevard.**

Proof: The applicant has complied with the above conditions.

25. All landscaped areas shall be maintained in a neat and attractive manner at all times. Maintenance shall include continuous watering, removal of weeds, mowing, trimming, edging, cultivation, reseeding, plant replacement, fertilization, spraying, control of pests, insects and rodents, and other operations necessary to assure normal plant growth. Any trees, shrubs, and ground cover shall be healthy and vigorous. Irrigation systems shall be continuously maintained.

Proof: The applicant has complied with this condition.

26. No outdoor open air storage is permitted. Any storage of outdoor pallets, boxes, and similar materials shall be removed.

Proof: The applicant is requesting to modify this condition (via struck-through deleted language and underlined proposed language) as follows:

No outdoor open-air storage is permitted in the parking area. Any storage of outdoor pallets, boxes, and similar materials shall be removed from any parking area.

27. There shall be no sale of beer in individual cans or bottles. Beer and malt liquor products under 16 ounces shall only be sold in manufacturer's pre-packaged of 12 packs or larger quantities. No malt liquors and/or malt-based products with alcoholic content greater than 15% by volume shall be sold.

Proof: The applicant is requesting to modify this condition (via struck-through deleted language and underlined proposed language) as follows:

~~There shall be no sale of beer in individual cans or bottles.~~ Beer and malt liquor products under 16 ounces shall only be sold in manufacturer's pre-packaged ~~of 12 packs or larger~~

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~~quantities. No malt liquors and/or malt-based products with alcoholic content greater than 15% by volume shall be sold.~~

28. No wine shall be sold with an alcoholic content of greater than 16 percent by volume.

Proof: The applicant is requesting to remove this condition (via struck-through deleted language and underlined proposed language) as follows:

~~No wine shall be sold with an alcoholic content of greater than 16 percent by volume.~~

29. The total area for alcohol sales shall not exceed four percent of the total floor area of the market. The area set aside for the display of beer, wine and alcoholic beverages shall not be visible from outside the store.

Proof: The applicant will continue to comply with this condition.

30. There shall be no exterior advertising of any kind or type promoting or indicating the availability of alcoholic beverages except that the market may post its weekly fliers which may include alcohol advertisements.

Proof: The applicant will continue to comply with this condition.

31. No alcohol will be allowed to be consumed on any property under the control of the applicant.

Proof: The applicant is requesting to modify this condition (via struck-through deleted language and underlined proposed language) as follows:

~~No alcohol will be allowed to be consumed on any property under the control of the applicant.~~ without first obtaining an on-site instructional tasting license, in conjunction with the grocery store.

32. The quarterly gross sales of alcoholic beverages shall not exceed the total sales of food items. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department or any other enforcement agency upon demand.

Proof: The applicant will continue to comply with this condition. Alcohol sales are a small percentage of the total sales of the grocery store.

33. The term of this grant shall be for a period of ten (10) years from the effective date of this action, after which time it shall become null and void and a new request will be necessary to permit the continuation of sales of a full line of alcoholic beverages.

Proof: The applicant acknowledges this condition and is renewing this conditional use permit through the plan approval process.

34. Within 30 days of the effective date of this action, or prior to the issuance of any permits

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relative to this matter, 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 Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Proof: The applicant has complied with this condition. The recorded covenant acknowledging and agreeing to comply with the terms and conditions mentioned above, is a part of the filing documents.

APPLICATION TO THE ZONING ADMINISTRATOR FOR PLAN APPROVAL– ALCOHOLIC BEVERAGE SERVICE

APPLICANT: **SMART & FINAL STORES LLC.
2949 W. PICO BLVD.,
LOS ANGELES, CA 90006**

AGENT: **MARIA IMPALA, ART RODRIGUEZ ASSOCIATES**

OWNER: **REALTY INCOME PROPERTIES 14, LLC**

REFERENCE: **A PLAN APPROVAL PURSUANT TO SECTION 12.24-M OF THE LOS ANGELES MUNICIPAL CODE, TO ALLOW THE CONTINUED SALE OF A FULL-LINE OF ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION, IN CONJUNCTION WITH A 11,970 SQUARE-FOOT GROCERY STORE HAVING THE HOURS OF OPERATION FROM 6 AM TO 10 PM, DAILY, IN THE [Q]C2-2 ZONE.**

PROJECT DESCRIPTION

Smart & Final is requesting a Plan Approval (PA), under the previous case no. ZA 2009-4061(CUB), pursuant to Section 12.24-M of the LAMC, to allow the continued sale of a full-line of alcoholic beverages for off-site consumption in conjunction with an existing 11,970 square-foot grocery store, in the [Q]C2-2 zone. Smart & Final is requesting to modify Condition No. 7, to allow hours of operation from 6:00 a.m. to 10:00 p.m., daily, in lieu of the current hours of operation from 6:00 a.m. to 8:00 p.m., daily. Smart & Final is also requesting to modify conditions 26, 27, 28 and 31, to remove restrictions on outdoor open-air storage, and beverage size and quantities, and to allow for on-site instructional tastings. The current permit is valid for a period of 10 years. The applicant seeks to continue operations after this term expires.

The property is a level, rectangular-shaped, corner parcel of land consisting of approximately 72,334 square feet, having a frontage of approximately 135 feet along the north side of Pico Boulevard and a frontage of approximately 179 feet along the east side of Hobart Boulevard. The easterly portion of the site is developed with a stand-alone, one-story Smart & Final store. Vehicular ingress and egress are via a two-way driveway along Pico Boulevard and Hobart Boulevard. There are 24 on-site parking spaces for patrons of the store. The property is located within the Wilshire Community Planning Area. The application is not proposing any changes to the physical conditions of the site including the use, size, facade or parking spaces.

3. GENERAL FINDINGS

a. General Conditional Use

i. That 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.

Smart & Final will continue to provide services that are essential and beneficial to the community, city and region, by offering wholesale items, quality grocery, various sundry goods, as well as alcoholic and non-alcoholic beverages to nearby residents, workers, and commuters. Smart & Final is requesting a PA to continue the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the existing, 11,970 square-foot, grocery store. The wholesale grocery store was first authorized to sell a full line of alcoholic

beverages at this location in March 1999, pursuant to a Conditional Use Permit (CUB) [Case No. ZA 98-1005(CUB)]. A second CUB was granted in February 2011, [Case No. ZA 2009-4061(CUB)], to continue the sale of a full line of alcoholic beverages in conjunction with the existing store. This grant is valid for a period of 10 years and expires in February 2021. The applicant seeks to continue operations after the current permit expires.

Smart & Final's unique warehouse style grocery operation allows the chain retailer to offer their communities with bulk sale items at lower prices. Smart & Final also offers its own brands of grocery and household products including First Street, Sun Harvest and Simply Value, with the aim to deliver "uncompromising quality" at affordable prices. They offer a wide range of products from grocery, frozen and dairy products to packaging and cleaning household products. As such, Smart & Final is not only a family-oriented market, but they also offer items for small businesses in the area.

Neither the structure nor the space will be altered or changed in any way as a result of this PA. Thus, the request will not affect the built environment of the surrounding neighborhood and will only serve to continue providing an essential service to the community.

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

Smart & Final's location, size, building height, and operations will continue to be compatible with and will not adversely affect the adjacent properties or surrounding neighborhood. Zoned as [Q]C2-2, the sale of alcoholic beverages, in conjunction with a grocery store at this location is consistent and compatible with the designated 'General Commercial' land-use. Adjoining property to the north is developed with a Korean Church in the R4-1VL zone. Properties to the south across Pico Boulevard are within the C2-1VL-HPOZ zone and are developed with a variety of commercial uses. Adjoining property to the east is within the [Q]C2-2 zone and is developed with the KLG Sports Center. Property to the west across Hobart Avenue is within the PF-1 zone and is developed with a Los Angeles Elementary School.

The applicant has operated at this location for over two decades, without any violations, complaints or concerns from the surrounding property owners and tenants. Immediately adjacent properties have been sufficiently buffered through the years with chain link fences and block walls surrounding the property. In addition to proposing minor operational modifications to Conditions No. 26, 27, 28, and 31, the applicant is requesting to extend the hours of operation from 6:00 a.m. to 10:00 p.m., daily (Condition No. 7), as they have seen an increased demand from their patrons. The request for the modification of hours and restrictions on alcohol sales will not significantly change from the current operations nor will it adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. To reiterate, the applicant is requesting to modify or remove the following conditions (via struck-through deleted language and underlined proposed language):

MODIFY Condition 7. The hours of operation shall not exceed 6 a.m. to ~~8 p.m.~~ 10 p.m. daily.

MODIFY Condition 26. No outdoor open-air storage is permitted in the parking area. Any storage of outdoor pallets, boxes, and similar materials shall be removed from any parking area.

MODIFY Condition 27. ~~There shall be no sale of beer in individual cans or bottles.~~ Beer and malt liquor products under 16 ounces shall only be sold in manufacturer's pre-

~~packaged of 12 packs or larger quantities. No malt liquors and/or malt-based products with alcoholic content greater than 15% by volume shall be sold.~~

REMOVE Condition 28. ~~No wine shall be sold with an alcoholic content of greater than 16 percent by volume.~~

MODIFY Condition 31. No alcohol will be allowed to be consumed on any property under the control of the applicant- without first obtaining an on-site instructional tasting license, in conjunction with the grocery store.

Market conditions and consumer tastes have changed the make-up of the alcohol beverage industry since the previous approval for the project was granted in 2009. The popularity of the standard canned lagers and ales, distributed and sold in mass quantities by major beer producers, has decreased. Replacing this product type is an array of quality craft beers and wines sold in singles, smaller quantities, and stylish packaging. Many of these beverages are gluten free, infused with flavored ingredients, imported from other countries, or produced by local breweries. As these carefully selected craft beverages have become commonplace among large-scale grocery chains, Smart & Final is requesting the above modifications to simply keep up with changing market trends and remain competitive in the grocery store landscape. Similarly, tasting licenses provide patrons the opportunity to learn about the niche products offered at the store, in a regulated manner, further satisfying an increasing demand of new-age customers.

Smart & Final is not proposing any changes to the physical conditions of the site—including the use, area, façade, or parking—and the proposed minor modifications do not change the main operational characteristics of the market. Furthermore, Smart & Final understands its responsibility towards nearby residents and businesses and aims to operate its stores in a manner most harmonious with its surrounding community. Smart & Final Stores all over the state of California have a record of adherence to all codes and requirements placed upon them. All Smart & Final employees are required to complete the STAR training program for alcohol sales, as sponsored by the Los Angeles Police Department (LAPD). Smart & Final maintains electronic age verification system in all point-of-sale-registers. Smart & Final has a 24-hour hotline phone number where patrons can voice any complaints and maintains open communication with its neighbors to create a harmonious environment.

The renewal of the existing CUB with the proposed minor modifications will simply allow Smart & Final to serve a wider range of quality beverages to supplement their existing product lines, and will have no detrimental effect on neighborhood public health, welfare, or safety.

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

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject property falls within the Wilshire Community Plan Area, which designates the property for General Commercial land uses within the corresponding zones of C1.5, C2, C4, RAS3 and RAS4.

General Plan:

The subject property is planned and zoned for General Commercial land use within the [Q]C2-2 zone. Smart & Final will continue to be consistent with the General

Commercial land use designation. The Plan Approval would further the intent of the General Plan by helping to maintain the character of the existing commercial district, serving the surrounding neighborhood, and providing continued economic development and job opportunities.

Community Plan:

The Plan Approval for the continued sale of off-site alcoholic beverages in conjunction with the existing grocery store follows the goals and objectives of the Wilshire Community Plan:

Goal 2:

“Encourages strong and competitive commercial sectors which promote economic vitality and serve the needs of The Wilshire Community through well-designed, safe and accessible areas, while preserving historic and cultural character.”

Objective 2-1: “Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.”

b. Additional Findings

i. Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments.

Smart & Final is an existing grocery store currently operating with a Type 20 (off-sale beer and wine) license (#456557) and maintains an exemplary record with the State Department of Alcoholic Beverage Control (ABC). Thus, granting of this request will not increase the number of approved licenses for the subject census tract. The first alcohol entitlement for Smart & Final at this location was approved in March 1999, pursuant to Case No. ZA-1998-1005-CUB. The previous Conditional Use Permit No. ZA-2009-4606-CUB, to allow the sale of a full line of alcoholic beverages was granted in February 2009. The current request is a Plan Approval to renew the previous entitlement. There is currently no other establishment entitled to sell a full line of alcoholic beverages within 1000 feet of the subject property. As such, the approval of this application will not result in, or contribute to an undue concentration of similar establishments.

ii. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.

Smart & Final has been operating as a full-service grocery store at this location for over 20 years, providing groceries and other household products to nearby residents, workers, and commuters. The project site is zoned for commercial uses and will continue to be utilized as such. The continued sale of alcoholic beverages for off-site consumption will not adversely affect nearby residences, as the sales will continue to be incidental to the store’s primary retail use.

The site is developed with a surface parking lot with its main access on Hobart Boulevard, a fully improved collector street—sufficiently separating the property from adjacent uses. Block walls and chain link fences along the property line also provide buffer from activities on the site. As such, there will be no impact from noise or vehicular traffic on adjacent properties. This request will not result in any additional traffic to the site.

Residential land uses within a 1,000-foot radius of the Smart and Final Store include:

- 43 Single-family residences

- 79 Multi-family residences

Smart & Final is a neighborhood and community centered grocery store, committed to supporting and encouraging small businesses, bringing more jobs to the community and giving back through volunteer work and company donations to local non-profits. The well-established grocery chain provides a unique shopping convenience and experience to the public and operates in a responsible manner so as to avoid detrimentally affecting the neighborhood and will continue to do so.

4. QUESTIONS REGARDING THE PHYSICAL DEVELOPMENT OF THE SITE

a. What is the total square footage of the building or center the establishment is located in?

The total square footage of the building is 11,970 sq. ft.

b. What is the total square footage of the space the establishment will occupy?

The establishment will occupy 11,970 sq. ft.

c. What is the total occupancy load of the space as determined by the Fire Department?

The applicant will comply with Fire Department occupancy load maximums.

d. What is the total number of seats that will be provided indoors? Outdoors?

N/A

e. If there is an outdoor area, will there be an option to consume alcoholic outdoors.

N/A

f. If there is an outdoor area, is it on private property or the public light of way, or both?

N/A

g. If any outdoor area is on public right-of-way, has a revocable permit has been obtained?

N/A.

h. Are you adding floor area?

No floor area is being added.

i. Parking

i. How many parking spaces are available on the site?

A total of 24 on-site parking spaces are available, including one handicap stall.

ii. Are they shared or designated for the subject use?

The spaces are designated for the subject use.

iii. If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety?

N/A, no floor area is being added.

iv. Have any arrangements been made to provide parking off-site?

N/A

1. If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety?

N/A

2. Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.

N/A

3. Will valet service be available? Will the service be for a charge?

N/A

j. Is the site within 1,000 feet of any schools (public private or nursery), churches, or parks?

- The Faithful & True First KM Church & The Methodist Bible College in LA (1230-36-38 S. Hobart Blvd.)
- Urban Pilgrims Church (2901 W. Pico Blvd.)
- Iglesia Evangelica Pentecostes Church (3000 W. Pico Blvd.)
- Church God's Guest (2848 W. Pico Blvd.)
- The Lord's Hope Church (2869 W. Pico Blvd.)
- Salon Del Reino De Los Testigos De Jehova (3051 W. Pico Blvd.)
- Faith Baptist Church (1135 S. Hobart Blvd.)
- Bishop Conaty Our Lady of Loretto High School (2900 W. Pico Blvd.)
- Los Angeles Elementary School (1211 S. Hobart Blvd.)
- KLG Sports Center (2933 W. Pico Blvd.)
- El Templo David Christian Church (6450 Bellingham Ave.)

k. For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other Adult Establishment as defined by LAMC 12.70 B17?

N/A

5. QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT

a. Has the use been discontinued for more than a year?

No, the use has not been discontinued.

b. What are the proposed hours of operation and which days of the week will the establishment be open?

	M	Tu	W	Th	F	Sa	Su
Existing Hours of Operation	6:00AM-8:00PM						
Proposed Hours of Operation	6:00AM-10:00PM						
Proposed Hours of Alcohol Sales	6:00AM-10:00PM						

c. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video games machines, etc.?

N/A

d. Will there be minimum age requirements for entry? If yes, what is the minimum age requirement and how will it be enforced?

There is no minimum age requirement to enter the premises. However, all patrons who purchase alcohol must be at least 21 years old.

e. Will there be any accessory retail uses on the site? What will be sold?

No.

f. Security

i. How many employees will you have on the site at any given time?

10-25

ii. Will security guards be provided on-site?

Yes.

1. If yes, how many and when?

One state-licensed uniformed security guard patrols the premises at all times during business hours.

iii. Has LAPD issued any citations or violations?

No.

g. Alcohol

i. Will there be beer & wine only, or a full line of alcoholic beverages available?

A full line of alcoholic beverages will be available for off-site sales.

ii. Will “fortified” wine (greater than 16% alcohol) be sold?

Specialty wines with greater than 16% alcohol (aged ports) may be sold.

iii. Will alcohol be consumed on any adjacent property under the control of the applicant?

No alcohol will be consumed on any property under the control of the applicant without first obtaining an on-site instructional tasting license, in conjunction with the grocery store.

iv. Will there be signs visible from the exterior -that advertise the availability of alcohol?

The applicant would like to advertise alcoholic beverages for promotional discounts in their savings advertisements along with other items sold.

v. Food

1. Will there be a kitchen on the site?

No.

2. Will alcohol be sold without a food order?

N/A

3. Will the sale of alcohol exceed the sale of food items on a quarterly basis?

N/A

4. Provide a copy of the menu if food is to be served.

N/A.

vi. On-Site

1. Will a bar or cocktail lounge be maintained incidental to a restaurant?

N/A

2. Will off-site sales of alcohol be provided accessory to on-site sales (“Take Out”)?

N/A

3. Will discounted alcoholic drinks (“Happy Hour”) be offered at any time?

N/A

vii. Off-Site

1. Will cups, glasses or other containers be sold which might be used for the consumption of alcohol on the premises?

No.

2. Will beer or wine coolers be sold in single cans, or will wine be sold in containers less than 1 liter (750 ml)?

Yes.

viii. Contact the CA Department of Alcoholic Beverage Control (ABC) regarding its requirements – <http://abc.ca.gov>

6. Caldera Bill (CA Business and Professions Code Section 23958 and 23958.4)

a. Is this application a request for on-site or off-site sales of alcoholic beverages?

This request is for off-site sales of alcoholic beverages.

i. If yes, is the establishment a bona-fide eating place (restaurant) or hotel/motel?

No, the applicant is a full-service grocery store.

1. If no, contact the CA Department of Alcoholic Beverage Control (ABC) to determine whether the proposed site is located in an area whereby:

a. Issuance of a license to serve alcohol on-site or off-site would tend to create a law enforcement problem, or

N/A.

b. If issuance would result in, or add to an undue concentration of licenses.

N/A.

PENALTY OF PERJURY STATEMENT

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The attached Ownership List is an: Original Mailing List or Updated Mailing List

YVETTE CUELLAR
(Print of type)


(Signature)

I hereby certify that to the best of my knowledge and under penalty of perjury, the attached occupants list correctly indicates address of the required occupants that fall within the radius of the following date of preparation : _____.

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(Print of type)

(Signature)

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- (3) Refused Access
- (4) Other: Specify

- ** (1) Returned to building on three separate occasions
- (2) Efforts to contact owner or manager without success
- (3) Contact made with owner or manager, who refused to Provide the information
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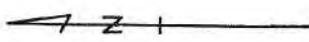
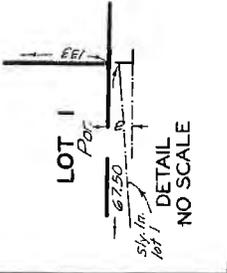
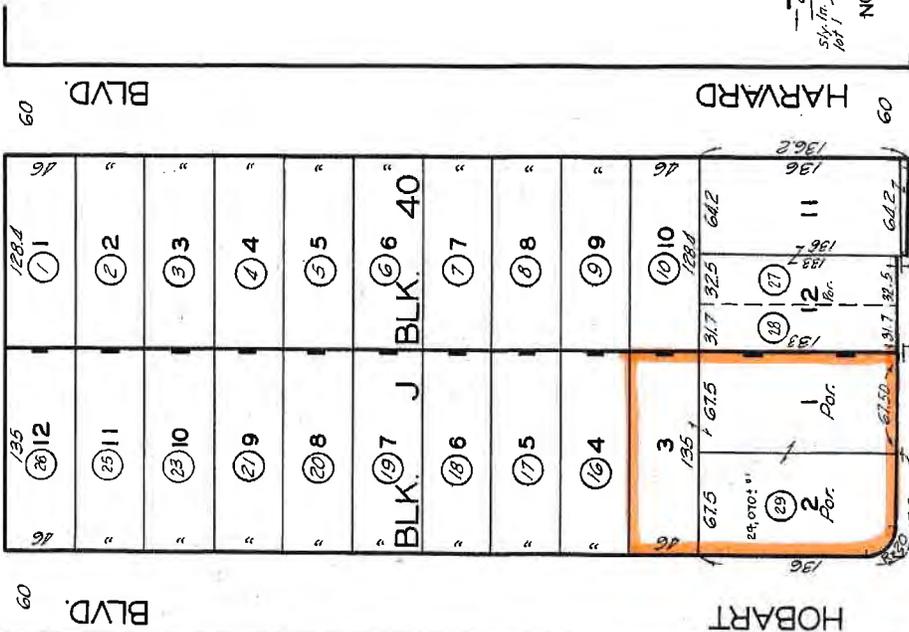
5080 | 20

SCALE 1" = 80'

REVISED
2-26-63
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790228219
86/11/0603-87
88/10/208021002
200203/203001004-25

200 1/2

12TH ST.



ELECTRIC RAILWAY
HOMESTEAD ASSOCIATION

M. R. 14-27-28

PELLISSIER TRACT

M. R. 15-70

CODE
67

PICO BLVD.

HOBART

HARVARD

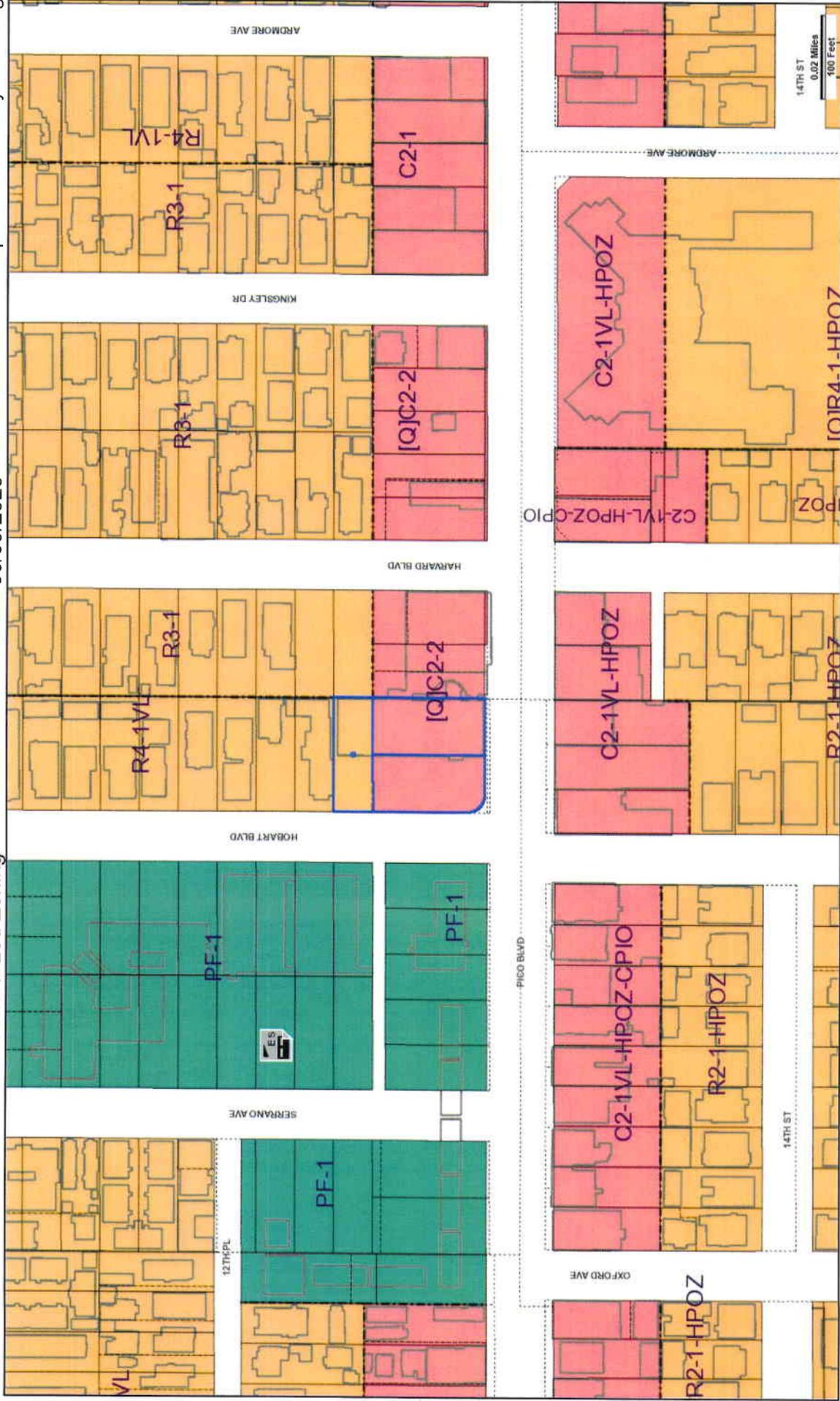
FOR PREV. ASSMT. SEE: 254-26
290-16

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

06/09/2020

Generalized Zoning

ZIMAS PUBLIC

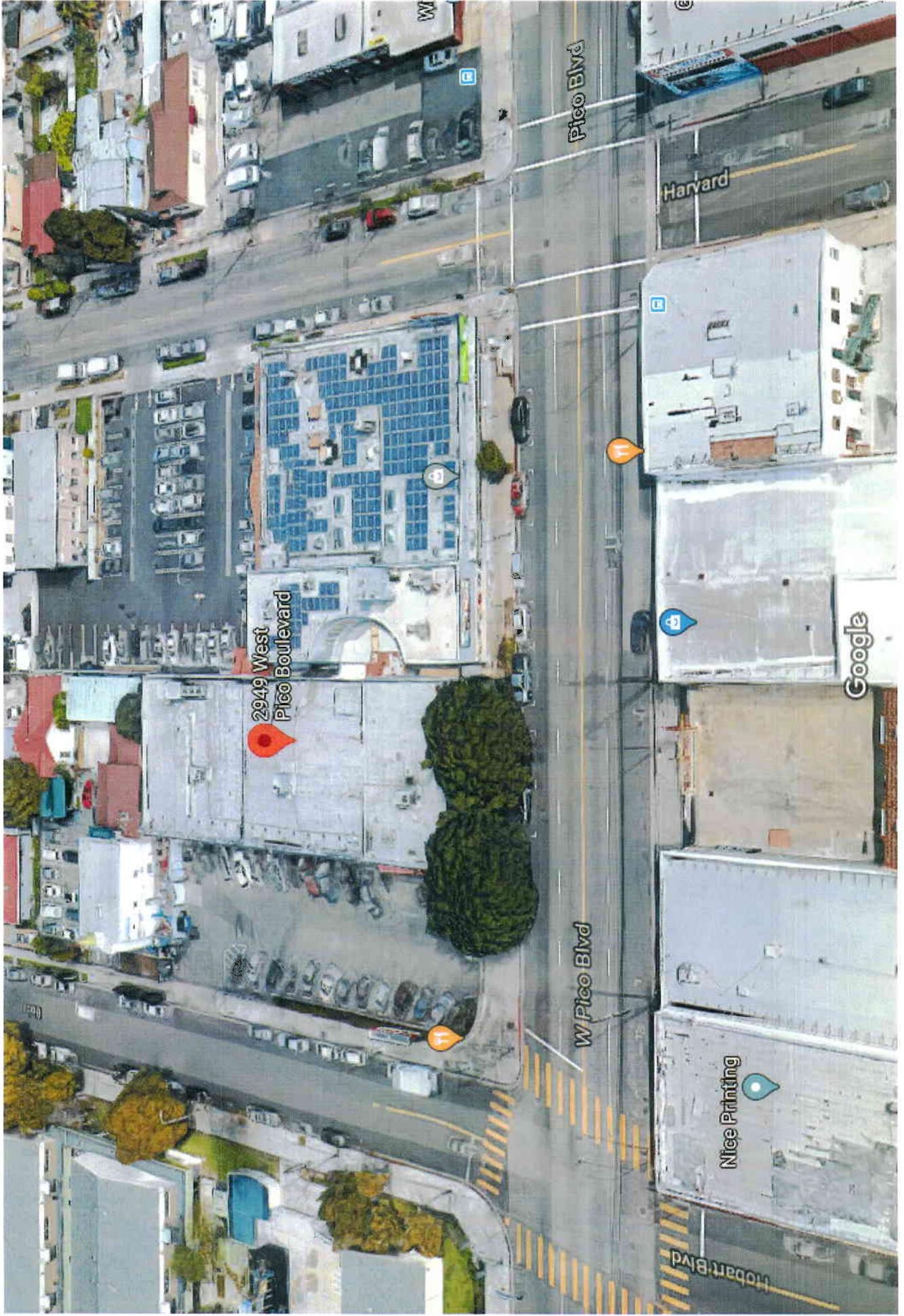


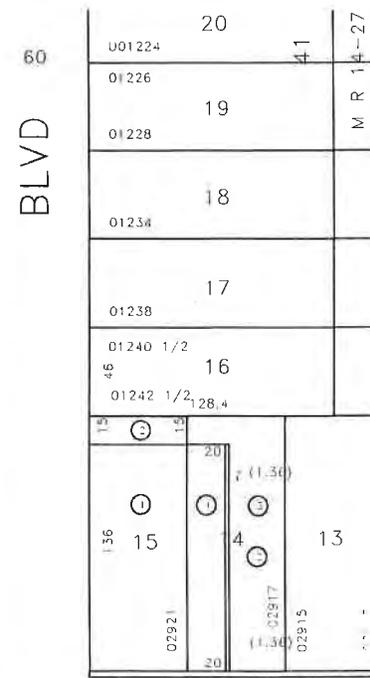
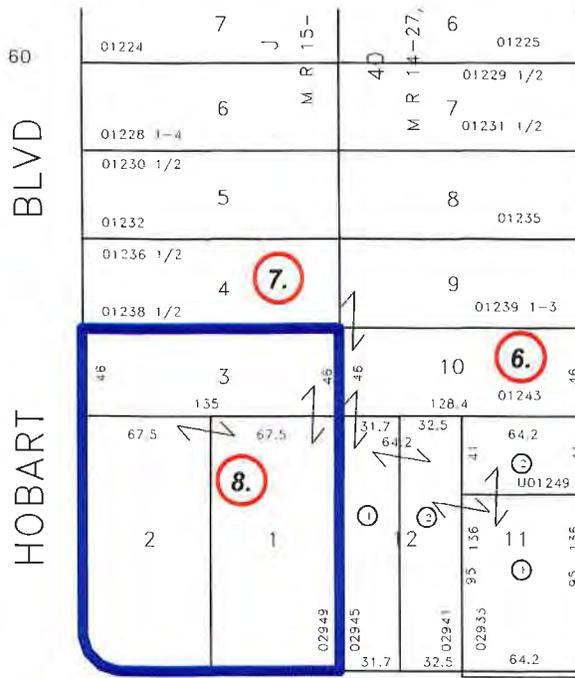
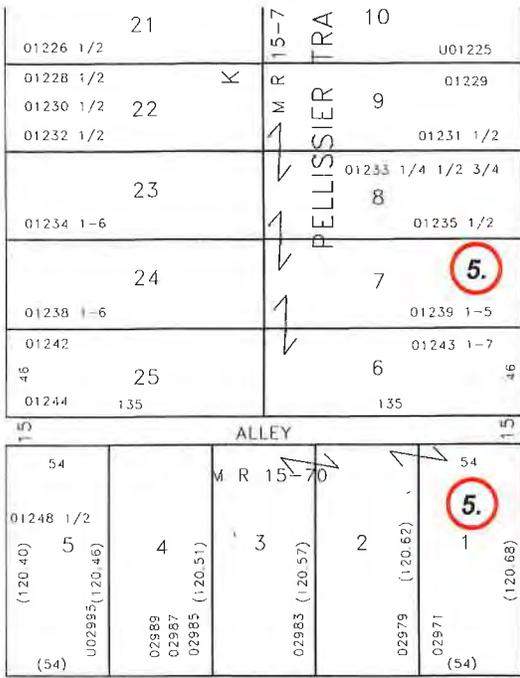
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APN: 5080020029
PIN #: 129B193 1207

Tract: PELLISSIER TRACT
Block: J
Lot: 3
Arb: None

Zoning: R4-1VL
General Plan: High Medium Residential

Google Maps 2949 W Pico Blvd

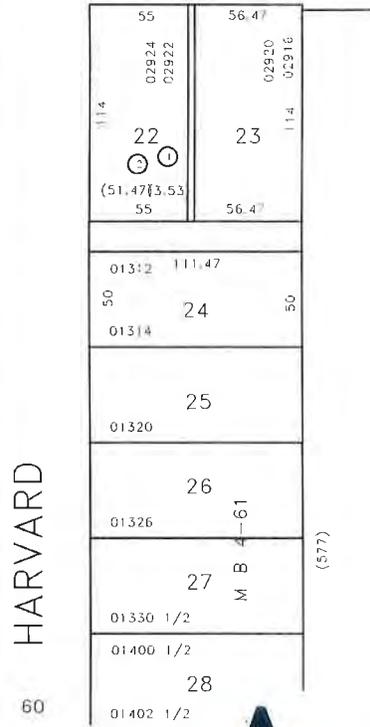
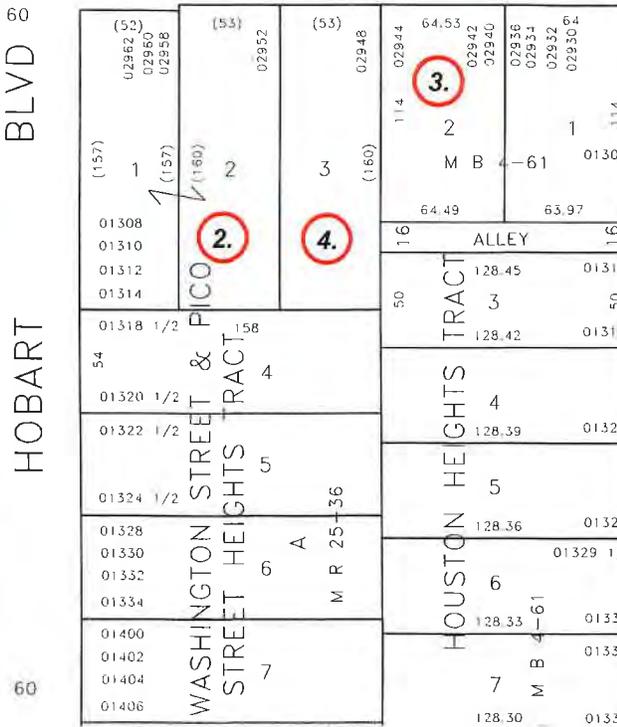
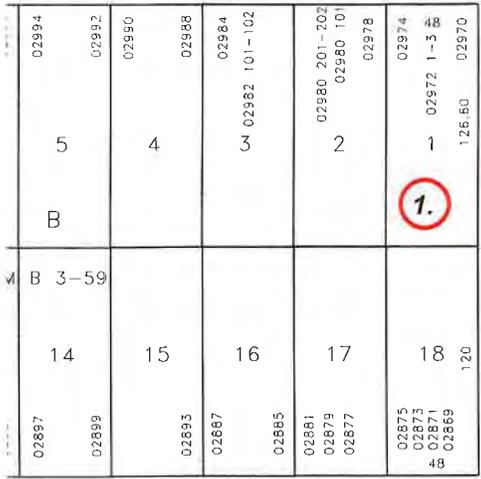




80 PICO 80

86 83 80

BLVD 80 83



60 14TH ST 60

HOBBART 60

HARVARD 60

LEGEND

- 5. OWNERSHIP NO.
- OWNERSHIP HOOK

C.D. 10
 C.T. 2132.02
 P.A. WILSHIRE
 N.C. OLYMPIC PARK



NET AC. 0.21

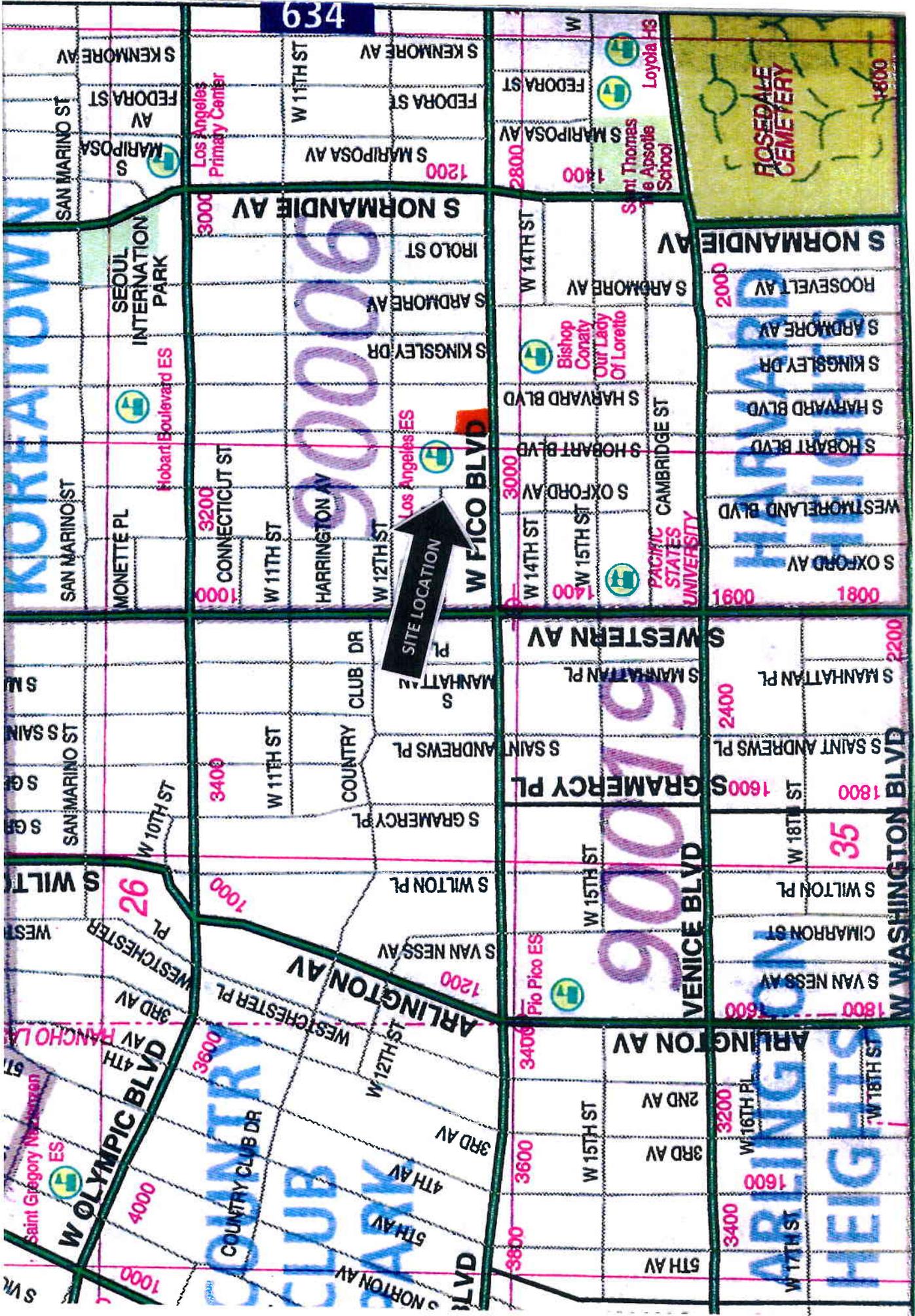
ABUTTING OWNERSHIP MAP

RADIUS MAPS ETC
 3544 PORTOLA AVENUE
 LOS ANGELES CA 90032
 TEL/FAX: (323) 221-4555
 radiusmapsetc@yahoo.com

SITE LOCATION:
SMART & FINAL #364
 2949 W. PICO BOULEVARD
 LOS ANGELES CA 90006

LEGAL DESCRIPTION:
 LOTS 1,2 AND 3, BLOCK J,
 PELLISSIER TRACT, M.R. 15-70.

CASE NO.:
DATE: 06 - 09 - 2020
SCALE: 1" = 100'
D.M.: 129 A 213
T.B. PAGE: 633 GRID: J-4
APN: 5080-020-029



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VICINITY MAP

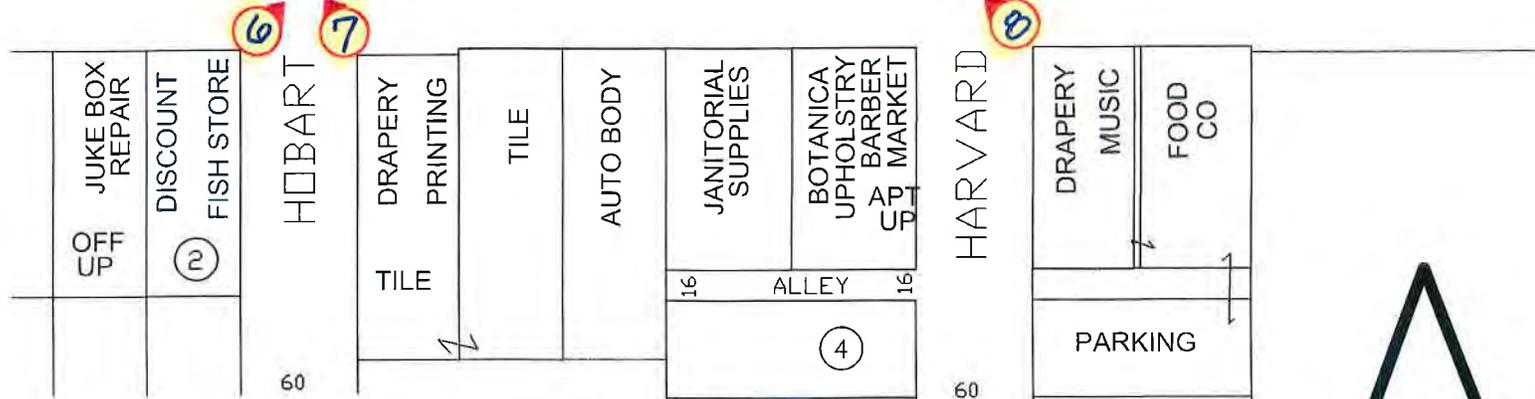
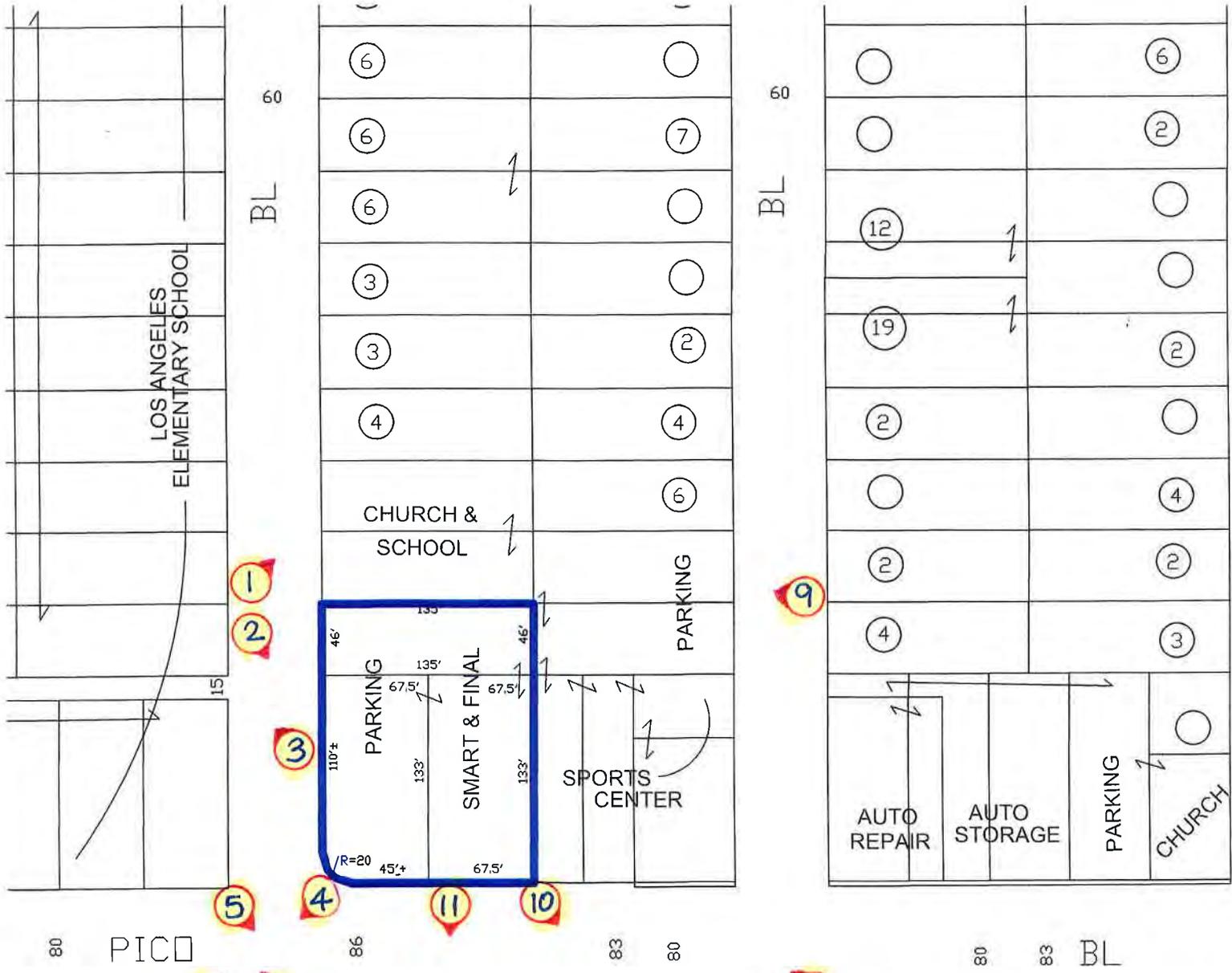


PHOTO BROCHURE

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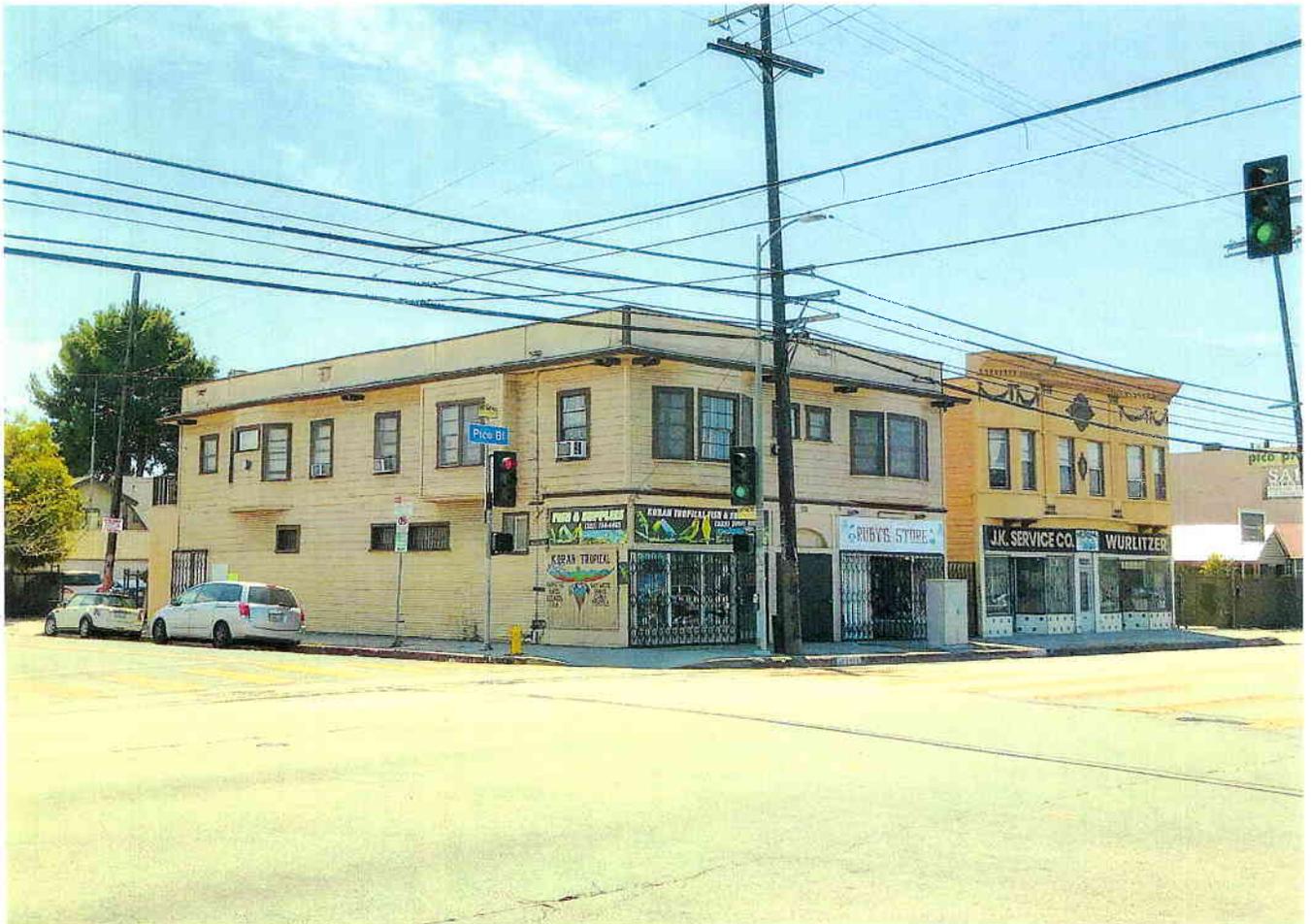
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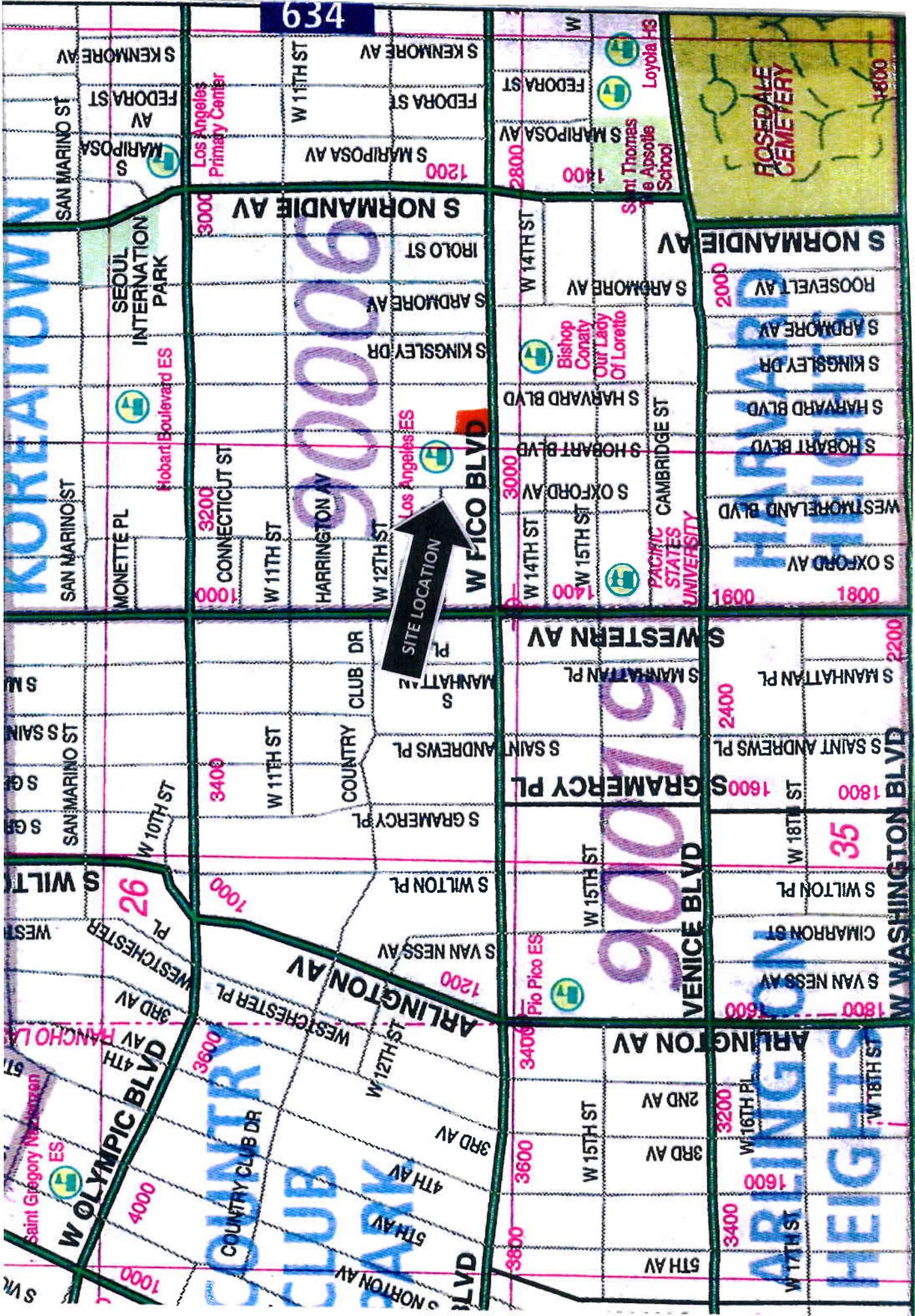


10.



11.





KOREATOWN

COUNTRY CLUB PARK

ARLINGTON HEIGHTS

HARVARD

634

SITE LOCATION

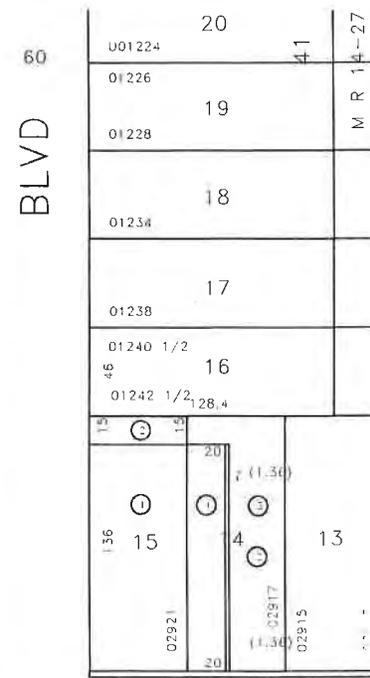
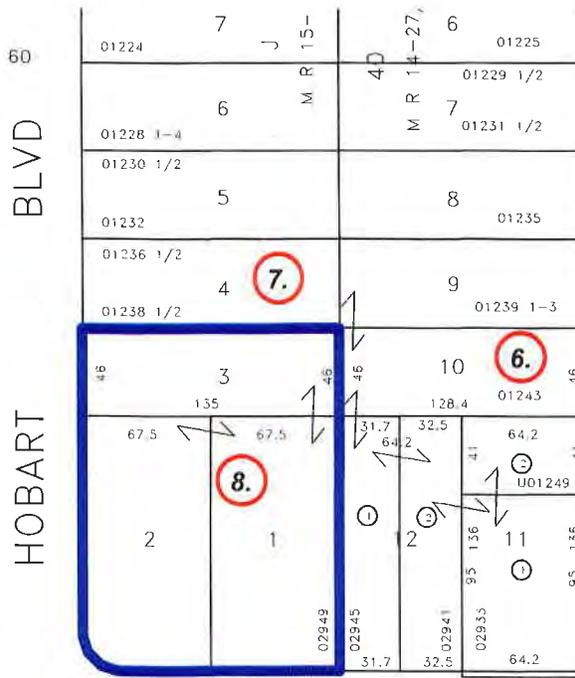
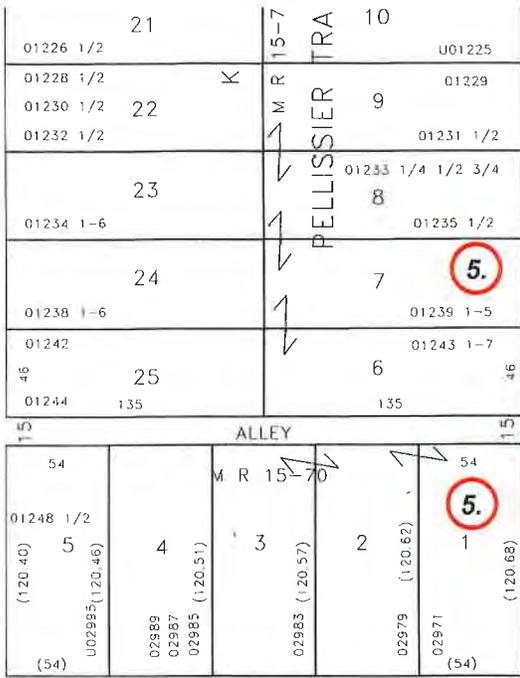
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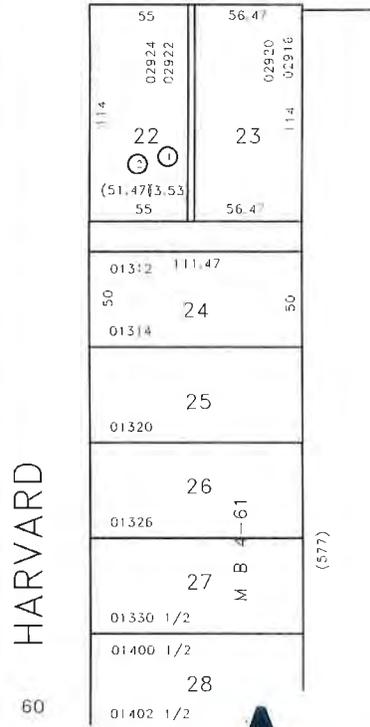
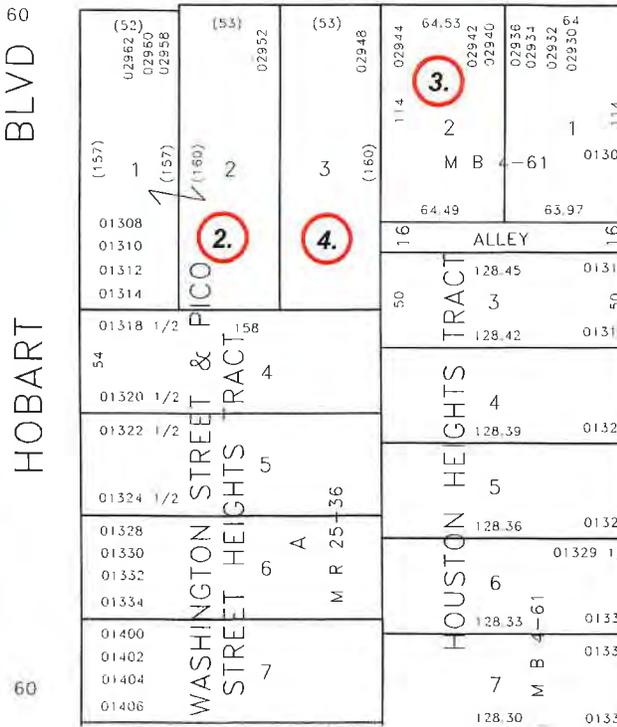
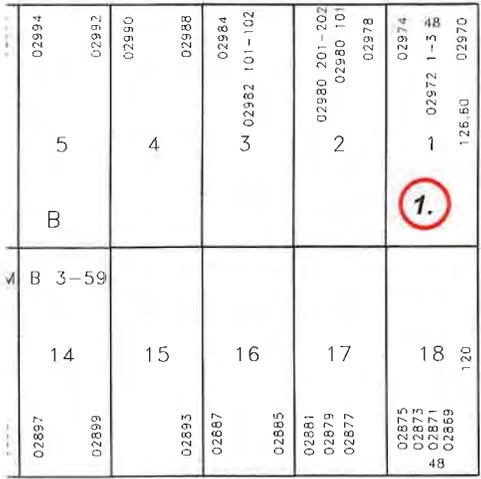




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