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March 9, 2021

Dee Ann Anderson (A)
Smart & Final Stores, LLC
600 Citadel Drive
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Realty Income Properties 14, LLC / Smart &
Final Stores, LLC Lessee (O)
600 Citadel Drive
Commerce, CA 90040

Maria Impala (R)
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444 East Huntington Drive, #208
Arcadia, CA 91006

CASE NO. ZA-2009-4061-CUB-PA1
APPROVAL OF PLANS
2949 West Pico Boulevard
Wilshire Community Plan
Zone: [Q]C2-2
C.D: 10
D.M.: 129B193
CEQA: ENV-2020-5469-CE
Legal Description: Lots FR 1-3, Block J,
Pellissier Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24-M, I hereby APPROVE:

plans to allow the continued sale and dispensing of a full line of alcohol for off-site consumption, in conjunction with an existing grocery store in the [Q] C2-2 Zone;

Upon the following additional terms and conditions (deletions are in ~~strikeout~~; additions are underlined):

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. ~~DELETED. 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. **MODIFIED.** The hours of operation shall not exceed 6 a.m. to 8 10 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 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.
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 5 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 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.
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."
23. ~~DELETED. 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. **MODIFIED.** 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.

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

27. **DELETED.** ~~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. **DELETED.** ~~No wine shall be sold with an alcoholic content of greater than 16 percent by volume.~~
29. **DELETED.** ~~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. **DELETED.** ~~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. **DELETED.** ~~The quarterly gross sales of alcoholic beverages shall not exceed the total sales of food. 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. **DELETED.** ~~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 years of the effective date of this action** or 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

35. **NEW.** Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
36. **NEW. 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. Within 12 to 18 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. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
37. **NEW. 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

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 **MARCH 24, 2021**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any

appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

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

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, and the plans submitted therewith 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 plan approval under the provisions of Section 12.24-M, have been established by the following facts:

BACKGROUND

The project site is a level, rectangular-shaped, corner parcel of land consisting of approximately 72,334 square-foot (1.66 acres). The property is located at the northeast intersection of Pico Boulevard and Hobart Boulevard, 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.

The project involves the continuation of the existing subject use on the site as a grocery store; no change of use or tenant improvements are proposed. The applicant has requested a plan approval to a previously approved Conditional Use Permit from 2011 (Case No. ZA-2009-4061-CUB) 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 (Smart & Final), in the [Q]C2-2 zone. No variance from LAMC parking requirements has been requested or granted herein.

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 subject parcel is located within the boundaries of the Wilshire Community Plan, with a zoning of [Q]C2-2, corresponding to the existing land use designation of General Commercial. The subject property is located within the Transit Priority Area in the City of Los Angeles; it is not located within any other specific plays, overlays, or interim control ordinances.

The surrounding neighborhood is substantially urban in character containing mostly commercial uses along Pico Boulevard corresponding with the [Q]C2-2 and C2-1VL-HPOZ-CPIO zones, and residential uses corresponding with the R4-1VL zone. The property adjoining the subject site 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. The property adjoining the site to the east is within the [Q]C2-2 zone and is developed with the KLG Sports Center. The property to the west of the site across Hobart Avenue is within the PF-1 zone and is developed with the Los Angeles Elementary School.

Harvard Boulevard, adjoining the subject property to the east, is a designated Collector dedicated to a right-of-way width of 60 feet along the project site's frontage and improved with curb, gutter, and sidewalk.

Hobart Boulevard, adjoining the subject property to the west, is a designated Local Street – Standard dedicated to a right-of-way width of 60 feet along the project site's frontage and improved with curb, gutter, and sidewalk.

Pico Boulevard, adjoining the subject property to the south, is a Avenue II dedicated to a varying right-of-way width of 80 to 83 feet and improved with curb, gutter, and sidewalk.

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

Case No. ZA-2009-4061-CUB – On February 16, 2011, the Zoning Administrator approved 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.

Case No. ZA 98-1005-CUB – On March 22, 1999, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a wholesaler market.

Previous Cases on Surrounding Properties

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. There were no cases identified.

PUBLIC CORRESPONDENCE

Staff received a letter of support dated February 8, 2021 from the Olympic Park Neighborhood Council.

PUBLIC HEARING

The public hearing was held on March 2, 2021 at 9:30 a.m. telephonically in conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19. There were approximately five people, including the applicant's representative, Janet Rodriguez, who attended.

Ms. Rodriguez made the following statements:

- This is a plan approval request for an existing 11,970 s.f. grocery store with hours of operation from 6 a.m. to 10 p.m., daily.
- Modifications to conditions 7, 23, 27, 28, 29, 31 and 32 are also requested.
- The first conditional use was issued in 1999 for alcohol sales. The second was granted in 2009 and the third was filed in 2020.
- The site is at the intersection of Pico and Hobart.
- Outreach was made to the LAPD. In November of last year, Officer Sandoval submitted an email of non-opposition.
- The project was presented to the Olympic Park Neighborhood Council.
- The Council Office, both the prior office and the current office, were also contacted.
- The requests involves Condition No. 7, extending the operating hours to change with a close time of 10 p.m.
- No. 23 would remove the security guard condition. The project provides surveillance cameras and a loss prevention program. The Neighborhood Council would like to have that condition remain so that a presence can be there for food vendors outside of the property.
- No. 26 would bring clarity for outside storage.
- Nos. 27 and 28 are alcohol related conditions.
- No. 31 would be removed to permit on-site tasting.
- No. 32 is for quarterly sales, which is typically for restaurants.

- The market has served Olympic Park for 20 years and there have been no violations or disciplinary action. This is a responsible operator.

There were no public speakers.

At the conclusion of the public hearing, the Zoning Administrator granted the requests included the modification and deletions requested. He stated the extended hours would not be an issue since there has been no disciplinary action, the security guard condition could be removed because of the existing theft prevention program and surveillance provided, and that there was no connection for having a security guard for uses outside the premises, and the alcohol related condition could be removed since they were ABC's authority. Conditions that would be incorporated would not conflict the applicant's intent to provide craft beer upon the authority of ABC and to provide on-site tasting. Also, quarterly gross sales, No. 32, would be removed.

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

nor operate as a public premises.

- Signs shall be prominently posted in English, and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. No Loitering or Public Drinking" signs shall be posted in and outside of the facility in the same languages(s).
- There shall be no on-site consumption of alcoholic beverages on the premises. This excludes any on-site tasting license granted by the ABC.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of alcohol 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.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in pertinent part:

"M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site. On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ...".

FINDINGS

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

The project involves the continuation of the existing Smart & Final grocery store. No change of use or tenant improvements are proposed. There is no expansion of the grocery store. The plan approval to a previously approved Conditional Use Permit from 2011 (Case No. ZA-2009-4061-CUB) allows 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 (Smart & Final), in the [Q]C2-2 zone. No variance from LAMC parking requirements has been requested or granted herein.

The subject operation has served the Olympic Park area with convenient grocery shopping and other household products. The market offers convenience of one-stop shopping for residents, employees and visitors of the area.

With the plan approval, hours of operation will expand to allow more hours to serve the community. Other modifications to conditions merely update current conditions that would be imposed, and allow for the applicant to pursue practices that are evolving in this sector. For example, the sale of craft beer and on-site instructional tasting, are part of what other markets offer, and are regulated by the Alcoholic Beverage Control. Smart & Final desires to be competitive with other markets in order to better serve the community.

The subject grant in conjunction with the imposition of the Conditions of Approval from the prior grant and additional and updated conditions addressing operations, will safeguard public welfare and enhance public convenience. It will allow for the operation to continue to be compatible with surrounding uses. As such, the approval of the request will enhance the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.

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

The project involves the continuation of the existing subject use on the site as a grocery store. The project does not expand the existing grocery market and does not change its use. The plan approval to a previously approved Conditional Use Permit from 2011 (Case No. ZA-2009-4061-CUB) allows 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 (Smart & Final), in the [Q]C2-2 zone. No variance from LAMC parking requirements has been requested or granted herein.

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. There has been no disciplinary action and no evidence submitting showing the current operation with its hours of operation has been detrimental to the community. Smart & Final is also requesting to modify conditions 26, 27, 28 and 31, to clarify restrictions on outdoor open-air storage within the parking area, and beverage size and quantities, and to allow for the possibility on-site instructional tastings that would be subject to the regulations of the ABC. The current permit is valid for a period of 10 years, and the plan approval would remove any term limits. The condition that requires a security guard was removed because there has been no evidence submitting indicating the site has led to any increase in criminal activity, degrading of the community, or even affecting the surrounding neighborhood in a negative way.

The surrounding neighborhood is substantially urban in character containing mostly commercial uses along Pico Boulevard corresponding with the [Q]C2-2 and C2-1VL-HPOZ-CPIO zones, and residential uses corresponding with the R4-1VL zone. The property adjoining the subject site 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. The property adjoining the site to the east is within the [Q]C2-2 zone and is developed with the KLG Sports Center. The property to the west of the site across Hobart Avenue is within the PF-1 zone and is developed with the Los Angeles Elementary School.

The subject operation has served the community for the past 20 years. No evidence has been presented that the sale of alcohol within the subject establishment has been or will be materially detrimental or will be disturbing to the immediate neighborhood. In addition, a compliance review from the previous grant was reviewed and was determined the operator has been in full compliance with the conditions of the grant. The Zoning Administrator has imposed a number of conditions addressing alcohol-related issues that will continue to safeguard public welfare and enhance public convenience. Thus, as conditioned, 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.

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

The elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC. With the exception of the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The subject parcel is located within the boundaries of the Wilshire Community Plan, with a zoning of [Q]C2-2, corresponding to the existing land use designation of General Commercial. The subject property is located within the Transit Priority Area in the City of Los Angeles; it is not located within any other specific plans, overlays, or interim control ordinances. The market store use and the associated sale of a full line of alcoholic beverages for off-site consumption are consistent with this zone and land use designation.

Additionally, the project is consistent with the following Goal, Objective, and Policy of the Community Plan:

Goal 2: Encourage 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

Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

The Community Plan text does not specifically address Plan Approvals for the sale of alcoholic beverages. The LAMC allows the Zoning Administrator to approve the use under the authority of Section 12.24 M if the findings of fact can be made in the affirmative. As conditioned, approval of continued sales of a full line of alcoholic beverages for off-site consumption can be deemed to substantially conform to the purpose, intent and provisions of the General Plan and the Community Plan. The request is located in an existing established commercial area, the granting of the request would conserve a viable commercial use and ensure the viability of an existing neighborhood store. Approval of the request would allow a long-standing, neighborhood-serving business to continue operations. The project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

CONDITIONAL USE FINDINGS FOR THE SALE AND DISPENSING OF ALCOHOLIC BEVERAGES

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

The plan approval for the sale and dispensing of a full line of alcoholic beverages for off-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the proposed off-site alcohol sales. The proposed project will be consistent with the intent of the General Plan and Community Plan.

The subject establishment is an existing use that has operated without incidence for many years. A variety of commercial uses are an intrinsic part of these service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the sale of a full line of alcoholic beverages for off-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of alcohol including training provided by the Los Angeles

Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. Therefore, with the imposition of such conditions the sale of a full line of alcoholic beverages for off-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

According to the State Department of Alcoholic Beverage Control (ABC), there are four on-site licenses and two off-site licenses allocated to Census Tract No. 2132.02. Currently, there are seven active on-site licenses and four active off-site licenses within this census tract.

Undue concentration can occur when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The number of active licenses for off-site sales within the census tract is above the number allocated by ABC guidelines. However, approval of the request is not expected to result in any criminal nuisance activity. The subject operator currently holds an active Type 20 license for the off-site sale of beer and wine (License No. 456557) with no history of disciplinary action based on ABC's records. The subject application will not be adding a new off-site license to the census tract. No documented history of criminal or nuisance activity and no complaints concerning the site were received for the record. In these active commercial areas where there is a demand for licenses beyond the allocated number and where an undue-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness.

According to statistics provided by the Los Angeles Police Department's West Olympic Division Vice Unit, within Crime Reporting District No. 2063, which has jurisdiction over the subject property, a total of 94 crimes were reported in 2020 (66 Part I and 28

Part II crimes), compared to the Citywide average of 141 crimes and the High Crime Reporting District average of 169 crimes. Alcohol related Part II Crimes reported include Narcotics (3), Liquor Laws (1) Public Drunkenness (2), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (5), Moving Traffic Violations (1), and other offenses (6). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

While the site is located in a district where the crime rate is higher than the citywide average, there is no specifically established link between the above information and the property, since the statistics cover an entire district and do not pertain particularly to the subject site. No evidence was submitted to the record establishing any link between the subject site and the area's crime rate. In addition, there has been no disciplinary action or any violations for the subject operation. The incorporation of conditions relative to the specific operation of the establishment was deemed necessary in order to mitigate any possible adverse impact on the welfare of the surrounding area.

The project will not adversely affect community welfare because the existing Smart & Final store is a desirable use in an area designated for commercial uses. The proposed project will continue to provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

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 Hollywood Community Plan Map designates the property for Neighborhood Office Commercial land uses. The area surrounding the project currently includes a wide variety of retail, commercial, and residential uses. The following sensitive uses are located within a 600-foot radius of the project site:

Single Family – 43

Multi-family – 79

The Faithful & True First KM Church & The Methodist Bible College in LA – 1230-36-38 South Hobart Boulevard

Urban Pilgrims Church – 2901 West Pico Boulevard

Iglesia Evangelica Pentecostes Church – 3000 West Pico Boulevard

Bishop Conaty Our Lady of Loretto High School – 2900 West Pico Boulevard

Los Angeles Elementary School – 1211 South Hobart Boulevard

KLG Sports Center – 2933 West Pico Boulevard

The following sensitive uses are located within a 1,000-foot radius of the project site:

Church God's Guest – 2848 West Pico Boulevard

The Lord's Hope Church – 2869 West Pico Boulevard

Salon Del Reino De Los Testigos De Jehova – 3051 West Pico Boulevard

Faith Baptist Church – 1135 South Hobart Boulevard

These sensitive uses are buffered from the project site by intervening commercial uses, surface parking, and existing roadways. The surrounding neighborhood has been and continues to be a mixed-use neighborhood. The project has been conditioned to help preserve such these characteristics of the neighborhood through responsible service of alcohol in conjunction with the operation of the Smart & Final market store. Such imposition of conditions will the use to continue being compatible and accountable neighbor to the surrounding and on-site uses than would otherwise be the case.

ADDITIONAL MANDATORY FINDINGS

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

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

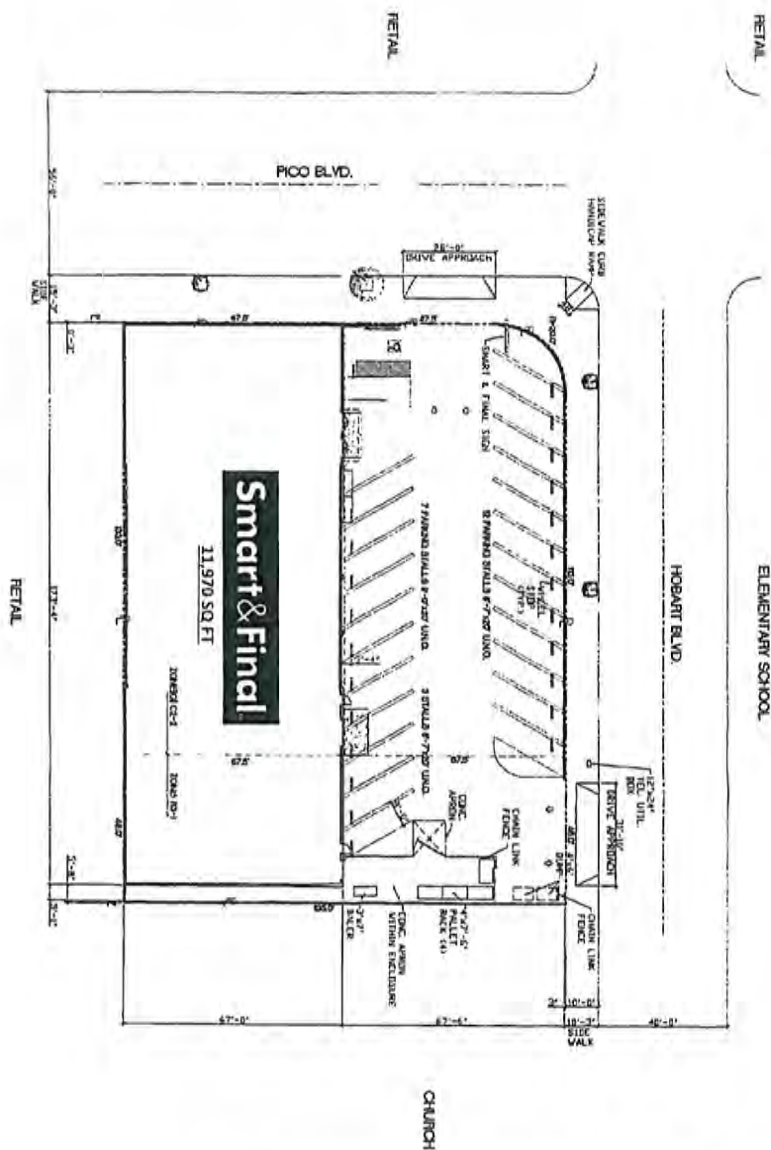
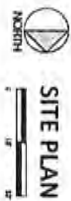


HENRY CHU

Associate Zoning Administrator

HC:LR:bk

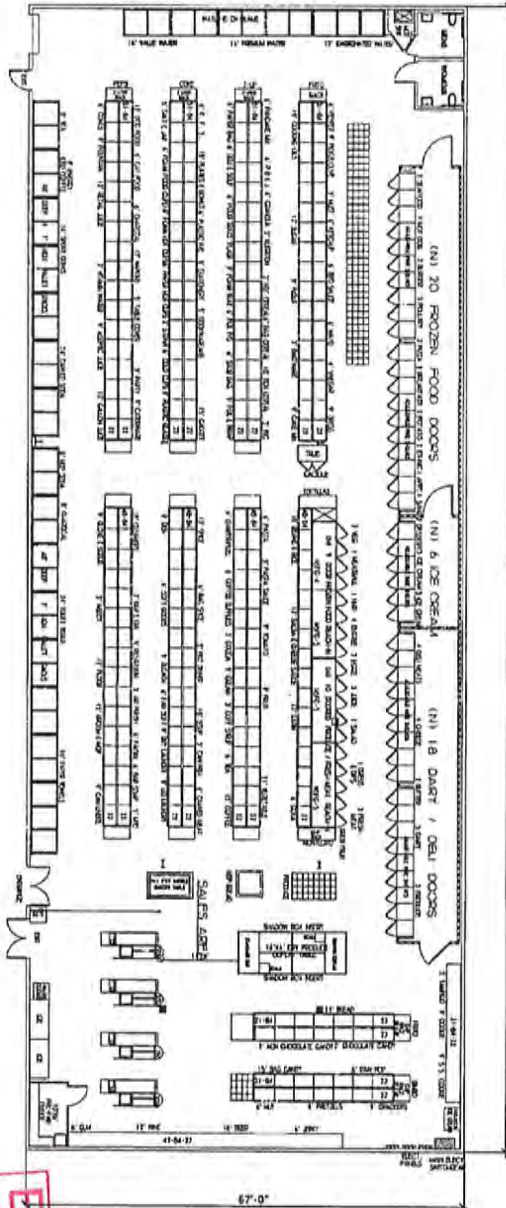
cc: Councilmember Mark Ridley Thomas
Tenth Council District
Adjoining Property Owners

[illegible]

ZA-2009-4061-CVB-P#1

Smart & Final

364 LOS ANGELES, CA
EXISTING



Alcohol Beverage Area Calculation		
Refrigerated Cases	=	0 sf
Dry Shelving	=	65 sf
Total Alcohol Sales Area	=	65 sf
Sales Area	=	10520 sf
Total Alcohol Sales Area ÷ Sales Area sf		
65 sf ÷ 10,520 sf	=	0.00618 = 0.62%

EXHIBIT "A"
Page No. 2
Case No. 21-2009-1061-000001

PROJECT DATA	
DATE: 10/17/2017	10/17/2017
PROJECT: 2009-1061-000001	2009-1061-000001
CLIENT: 364 LOS ANGELES	364 LOS ANGELES
ARCHITECT: 364 LOS ANGELES	364 LOS ANGELES
ENGINEER: 364 LOS ANGELES	364 LOS ANGELES
DESIGNER: 364 LOS ANGELES	364 LOS ANGELES
DATE: 10/17/2017	10/17/2017
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ENGINEER: 364 LOS ANGELES	364 LOS ANGELES
DESIGNER: 364 LOS ANGELES	364 LOS ANGELES

FLOOR PLAN
2940 W. PICO BLVD.
LOS ANGELES, CA 90006

Smart & Final
364 Los Angeles • 364 Los Angeles, CA 90006 • 364 Los Angeles