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September 17, 2019

Moiz Ali (A)  
King and Fig, Inc.  
5842 East Seaglass Circle  
Playa Vista, CA 90094

Steve Needleman (O)  
Cast Real Estate Holdings, L.P.  
PO Box 55047  
Los Angeles, CA 90055

Armen D. Ross (R)  
The Ross Group, Inc.  
5482 Wilshire Boulevard, Unit 415  
Los Angeles, CA 90036

CASE NO. ZA-2019-265-CUB  
CONDITIONAL USE  
3994 South Figueroa Street (3974-3998 South  
Figueroa Street and 457 West Martin Luther  
King, Jr. Boulevard)  
Southeast Los Angeles Planning Area  
Zone : C2-1L  
C.D. : 9 – Price  
D.M. : 115-5A201  
CEQA : ENV-2019-266-CE  
Legal Description: FR 1 & 2 of Tract No. 2411,  
Lots 12 to 18, Lots 31 to 38, Block 15,  
Zobelein's Grad Avenue and Figueroa  
Street Tract

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, I hereby  
**DETERMINE:**

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

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

a Conditional Use to allow the sale and dispensing of beer and wine for off-site consumption  
in conjunction with a an existing convenience store,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning ("DEPARTMENT OF CITY PLANNING") and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 2,866 square-foot convenience store. The grant shall be subject to the following limitations:
  - a. The hours of operation are permitted 24 hours daily.
8. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
  - a. Entry, visible to pedestrians
  - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
9. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
10. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
11. Petitioner(s) shall install and maintain security cameras and a two-week DVR that covers all common areas of the business, high-risk areas, entrances and exits and views to the parking lot and adjacent streets. The DVRs shall be made available to the Los Angeles Police Department upon request.

12. The business operator shall post "No Loitering" signs as well as signs in compliance with Section 41.27(E) of the L.A.M.C. that read: "It's a violation of Section 41.27(D) of the LAMC to possess any open bottle, can or receptacle containing any alcoholic beverage which has been opened, the seal broken or contents of which have been partially removed, on or adjacent to the premises".
13. The business operator shall post a sign stating: "California Law prohibits sale of alcoholic beverages to persons under the age of 21".
14. The business operator shall provide signage advising the public that parking is limited to ten minutes, which by LAMC Section 80.56 can be enforced through citation by LAPD and the business operator shall provide a private tow when vehicles are left over the time limit. It is understood this can only apply to the spaces allotted to 7-Eleven in the shopping center parking lot.
15. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
16. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
17. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
18. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
19. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
20. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
21. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
22. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.

23. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.

#### **ADMINISTRATIVE CONDITIONS**

24. 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.
25. The Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application if it is determined that the operation is not in substantial conformance with the approved floor plan; or the operation has changed in mode or character from the original approval; or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
26. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
- a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

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

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the

environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

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

### **TRANSFERABILITY**

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

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

### **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **OCTOBER 2, 2019**, 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

**West Los Angeles**  
West Los Angeles Development  
Services Center  
1828 Sawtelle Boulevard,  
2nd Floor

(818) 374-5050

Los Angeles, CA 90025  
(310) 231-2598

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

### NOTICE

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

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on June 26, 2019, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use approval under the provisions of Section 12.24-W,1 have been established by the following facts:

### **BACKGROUND**

The subject property is a 114,302 square-foot, irregular-shaped parcel of land bounded by Figueroa Street to the west, Martin Luther King, Jr. Boulevard to the south, and Flower Drive to the west. The project site is zoned C2-1L with a land use designation of Community Commercial within the South Los Angeles Community Plan area. The site is also located within the North University Park – Exposition Park – West Adams Neighborhood Stabilization overlay (NSO) District, the South Los Angeles Alcohol Sales Specific Plan area, a Transit Priority Area, and a State Enterprise Zone.

The project site is improved with a two-story mini-shopping center with 51 shared parking spaces between 12 tenant spaces and the subject stand-alone convenience store (7-Eleven). The project site has been previously authorized for a Conditional Use to allow a 24-hour daily operation of a convenience store at a mini-shopping center under Case No. ZA 2015-2019-CU on November 6, 2015.

The applicant is requesting a Conditional Use Permit to allow the sale of beer and wine for off-site consumption, in conjunction with an existing 2,866 square-foot convenience store (7-Eleven) having a 24-hour operation.

### **SURROUNDING PROPERTIES**

Surrounding properties are generally developed with commercial and residential uses. Properties to the north abutting the subject property are zoned C2-1L and are developed with surface parking lots. To the east, across Flower Drive, the area is developed with the Harbor Freeway. Properties to the south, across Martin Luther King, Jr. Boulevard, are zoned C2-1L and are developed with a gas station, a fast-food restaurant, and parking. Properties to the west, across Figueroa Street, are zoned OS-1XL and are developed with the grounds of the Los Angeles Sports Arena.

**STREETS**

Figueroa Street, adjoining the subject property to the west, is a designated Avenue I, dedicated to a width of 100 feet and is improved with curb, gutter, and sidewalk.

Martin Luther King Jr. Boulevard, adjoining the subject property to the south, is a designated Avenue I, dedicated to a varying width of 95 to 115 feet and is improved with curb, gutter, and sidewalk.

Flower Drive, Adjoining the subject property is a designated Local Street and is dedicated to a width of 49 feet.

The Harbor Freeway, abuts Flower Drive to the east.

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

Building Permit No. 15016-10000-24352 – On December 8, 2015, a building permit was issued for tenant improvements to an existing retail space for a convenience store. Two new restrooms were added per Case No. ZA -2015-2019-CU.

Case No. ZA-2015-2019-CU – On November 6, 2015, the Zoning Administrator approved a Conditional Use to allow the 24-hour operation, daily, of a convenience store at a mini-shopping center in the C2-1L Zone, located at 3994 South Figueroa Street.

Certificate of Occupancy No. 1988LA10141 – On March 9, 1992, a Certificate of Occupancy was issued for a two-story, type V-N, 200' x 220' irregular-shaped, retail shopping center and office building (building "A", "B", and "C") with B2/B1 occupancy. 48 parking spaces required and 79 provided.

Building Permit No. 1988LA10141 – On September 13, 1988, a building permit was issued for the construction of a new retail shopping center consisting of three (3) buildings.

**Previous Cases on Surrounding Properties**

No similar cases found on surrounding properties within a 500-foot radius.

**PUBLIC CORRESPONDENCE**

No public correspondence was received for the case file.

**PUBLIC HEARING**

The public hearing was conducted on June 26, 2019 in downtown Los Angeles City Hall. The hearing was attended by the applicant, Moiz Ali and by the applicant's representative, Armen Ross. No members of the public or representatives of any public agency attended the hearing.

Mr. Ross indicated that the subject site is located at the northeast corner of Martin King Boulevard and Figueroa Street, directly across from the new Banc of California Stadium. He noted that the site is improved with a shopping center and the applicant is a 7-Eleven convenience store and is located on the ground floor of the shopping center directly abutting MLK Boulevard. Mr. Ross stated that the 7-Eleven received authorization to operate 24-hours daily three years and the applicant is seeking authorization to allow the off-site sale of beer and wine in conjunction with the convenience store.

Mr. Ross stated that the abutting property to the north is planned for a new 21-story hotel development. With the completion of the new stadium and the proposed hotel, Mr. Ali sees an increasing demand for beer and wine, particularly higher end beer and wine. Mr. Ali intends to sell



designer beers to be purchased from smaller breweries and high end wines. No single beer bottles or fortified beer or wine will be sold.

Mr. Ali stated that the shopping center provides two security guards during the day and 7-Eleven contracts with a security service that patrols the site every two hours. In addition, 7-Eleven has policies and protocols to ensure customer and employee safety.

Mr. Ross stated that the request was reviewed the land use of committee of the Empowerment Zone Congress and the request received support subject to stopping beer and wine sales at 12 midnight. The full board of the neighborhood council is scheduled to consider the request on July 26, 2019 and Mr. Ross requested that the matter be taken under advisement to allow the full board to consider the matter.

The Zoning Administrator took the request under advisement.

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

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

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

The following conditions are submitted for consideration:

- Beer and wine sales shall cease at 12 midnight daily.
- No single sales of beer bottles shall be permitted.
- No fortified beer or wine shall be sold.

### **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 of the Los Angeles Municipal Code. In order for the sale of beer and wine for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

### **CONDITIONAL USE FINDINGS**

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 applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for off-site consumption, in conjunction with an existing 2,866 square-foot convenience store (7-Eleven). The project is proposing a 24-hour operation, daily. 7-Eleven is an international chain of convenience stores with over 68,000 stores in 17 countries. The subject 7-Eleven will offer a variety of everyday items, such as coffee, groceries, snack foods, confectionery, soft drinks, over-the-counter drugs, toiletries, and magazines. A variety of goods and services is vital for the growth of any neighborhood and with an increase in retail choices, neighborhoods become more desirable to residents. The proposed convenience store provides neighboring residents and workers an additional neighborhood retail alternative for their shopping needs.

The applicant is requesting a Conditional Use to allow the off-site sale of beer and wine in conjunction with the existing convenience store. The sale of alcohol will be incidental to groceries and other items. The location is suited for the proposed supermarket, in that it promotes livability and convenience for residents and employees that furthers community and economic development. As such, the project will enhance the built environment in the surrounding neighborhood and will perform a function and provide a service that is beneficial to the surrounding community.

**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's location, size, height, and operations will be compatible with and will not adversely affect or further degrade adjacent properties. The subject property is developed with a commercial shopping center consisting of a one-story building and a two-story building containing a variety of commercial and office uses. The property maintains 49 off-street parking spaces that are dedicated in common to patrons of the retail commercial shopping center. The project site is a proposed 2,397 square-foot convenience store (7-Eleven), located in the northwestern corner of the property, which will occupy Unit Nos. 113 and 114. No new construction is proposed.

The sale and dispensing of beer and wine for off-site consumption in conjunction with the existing convenience store is proper in relation to adjacent uses. A convenience store will not be materially detrimental to the character of the neighborhood. The proposed retail establishment will be maintained and operated with ample lighting and trained staff, while enhancing the neighborhood's aesthetics, convenience, livability, and security. Conditions of the grant address noise and loitering and security. The supermarket store will activate the site and help improve safety and security. Conditions such as requirements for STAR training will be imposed to ensure that the project will not adversely affect or degrade adjacent properties. Therefore, the project's location, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The South Los Angeles Community Plan designates the site for Community Commercial land uses with corresponding zones of C2, C4, RAS3, R3, RAS4 and R4. The subject site is zoned C2-1L, consistent with the property's land use designation. The approved grant, will positively contribute to the overall goals and objectives

of the South Los Angeles Community Plan by strengthening the establishment so that it could continue to provide a diverse job-producing economic base.

The Los Angeles Municipal Code allows the Zoning Administrator to approve the use under the authority of Section 12.24-W if the findings of fact can be made in the affirmative. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale of a full line of alcoholic beverages for on-site consumption. The project is consistent with the following goals and policies of the Community Plan:

- Goal LU12: A commercial sector that is strong and competitive, that serves the needs of individual neighborhoods and the broader community, and that provides local residents with access to high quality jobs providing a pathway out of poverty.
- Policy LU6.2: Feasible Development Sites. Encourage consolidation and deepening of shallow commercial corridor lots in a manner that is compatible with the prevailing urban form as a means to stimulate existing businesses and create feasible opportunities for new development.
- Policy LU6.3: Diverse and Desirable Uses. Attract a diversity of uses that strengthen the economic base and expand market opportunities for existing and new businesses, and provide a distribution of desirable amenities throughout the community, including full service grocery stores, quality sit-down restaurants, and entertainment venues.
- Goal LU12: Strong and competitive community commercial areas that serve the needs of the surrounding community while preserving historic commercial and cultural character.

The site has a history of being developed with a shopping center. The subject establishment will offer a neighborhood serving use that brings a benefit to the community. The project will serve residents, employees and visitors of the area and will be open 24 hours, daily. Additionally, 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, which include commercial, residential and light industrial uses. Thus, the project substantially conforms to the purpose, intent, and provisions of the General Plan and the Community Plan.

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

The approval of the conditional use request will not adversely affect the welfare of the community. The property is zoned for commercial uses and will continue to be utilized as such with the proposed convenience store. With oversight from the California Department of Alcoholic Beverage Control and the incorporation of a number of conditions with this grant, the project will be compatible with the character of the immediate neighborhood. Conditions have been incorporated into this grant to require security measures such as the installation of a surveillance system and deterrence of graffiti. In addition, the grant requires the installation of age verification device at the point of sale to deter underage drinking. Employees must also undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community.

The convenience store will continue to provide a broad range of everyday essentials to meet the needs of local residents, workers, and visitors. The addition of beer and wine sales will not change the character of the retail use. Beer and wine sales will be incidental to market's overall retail operations as a convenience store and will not adversely affect the surrounding community. Therefore, it is expected that incidental off-site beer and wine sales at the existing convenience store will not adversely affect the welfare of the pertinent community.

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

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria for the subject Census Tract No. 2311, there are three (3) on-site and two (2) off-site licenses allocated. There are one (1) on-site and two (2) off-site licenses. The subject request will be adding a Type 41 ABC License to the census tract.

The granting of the Conditional Use will not result in an undue concentration of premises with such licenses. The granting of an application for the sale beer and wine would be undue when the addition of a license will negatively impact a neighborhood. It is not undue when approval of a license does not negatively impact an area, but rather such license benefits the public welfare and serves as a convenience. As support by the aforementioned facts, the project involves the granting of an application to sell beer in conjunction with a convenience store. The grant will be an asset to the community and will not adversely affect the community welfare. As a result, the instant grant will not result in an undue concentration of such licenses.

According to statistics provided by the Los Angeles Police Department's Southwest Division Vice Unit, which has jurisdiction over the subject property within Crime Reporting District No. 359, a total of 144 crimes (72 Part I Crimes and 72 Part II Crimes) were reported in 2018, compared to the Citywide Average of 185 crimes and the High Crime Reporting District Average of 222 crimes for the same period. In 2018, there were (3) Narcotics, (3) Liquor Law, (1) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (29) Driving While Influence (DWI) related arrests, and (14) Other Offences. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The crime numbers are lower than the citywide average and the high reporting district and there has been no evidence was submitted for the record establishing any nexus between the subject site and the area's crime rate. Nevertheless, conditions such as those related to the STAR Program, age verification and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to mitigate nuisance and criminal activities have been incorporated into the grant to assure better oversight. The Zoning Administrator has also included conditions related to the sale and distribution of alcohol for further consideration by the State Department of Alcoholic Beverage Control as conditions on the alcohol license. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing alcohol.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned for community commercial uses and will be utilized as a convenience use. The following sensitive uses were observed within a 1,000-foot radius of the subject property:

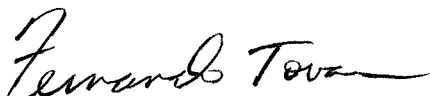
**Multi-Family Residential Uses**

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. While the site is within the proximity of sensitive uses, the convenience store does not directly open up to these sensitive uses and the sale of beer and wine for off-site consumption will be in addition to the sale of many convenience products. This grant has placed conditions on the store to ensure that it continues to operate as a compatible neighbor. The potential effects of excessive noise, disruptive behavior, loitering, littering, and security have been considered and addressed by imposing conditions related to these issues and concerns. As conditioned, the granting of the conditional use to allow the sale of beer and wine for off-site consumption in conjunction with the operation of a convenience store will not detrimentally affect nearby sensitive uses.

**ADDITIONAL MANDATORY FINDINGS**

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

Inquiries regarding this matter shall be directed to Joann Lim, Planning Staff for the Department of City Planning, at (213) 978-1341.



FERNANDO TOVAR  
Associate Zoning Administrator

FT:JL:bk

cc: Councilmember Curren D. Price, Jr.  
Ninth Council District  
Adjoining Property Owners