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December 3, 2021

Target Corporation (A)
1000 Nicollet Mall, CC-1128
Minneapolis, MN 55403

South Echo Park Apartments LLC (O)
c/o Trammell Crow Residential
5790 Fleet Street, #140
Carlsbad, CA 92008

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

CASE NO. ZA-2021-6670-CUB
CONDITIONAL USE

330 North Westlake, Unit 500 (312-330 North
Westlake Avenue, 1900-1924 West Temple
Street, 315-333 North Bonnie Brae Street)

Westlake Planning Area

Zone : (T)(Q)RAS4-1

C.D. : 13

D.M. : 136-5A207

CEQA: ENV-2021-6676-CE

Legal Description: Lot FR 1, Tract 27834

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 Section 12.24-W,1, I hereby APPROVE:

a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with an existing retail store in the (T)(Q)RAS4-1 Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale of a full line of alcoholic beverages off-site consumption in conjunction with an existing 18,547 square-foot retail store. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 8:00 a.m. to 10:00 p.m., Monday to Saturday; and 8:00 a.m. to 9:00 p.m., Sunday.
8. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
9. 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.
10. All exterior portions of the tenant space 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.

11. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
12. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
13. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

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

14. **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.
15. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
16. 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.

17. 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.
18. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
19. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
20. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
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.

ADMINISTRATIVE CONDITIONS

22. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
23. **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 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs 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.
- 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 floor plan, seating arrangement or number of seats of the new operation.
- 25. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
- 26. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

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

DECEMBER 20, 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) 231-2588

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 December 1, 2021 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 have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped lot consisting of approximately 1.6 acres. It is located with street frontages along: Temple Street, Westlake Avenue, and Bonnie Brae Street. The property has frontage of approximately 217 linear feet along Temple Street, 250 linear feet along Westlake Avenue, and 270 linear feet along Bonnie Brae Avenue.

The property is developed with a six-story mixed-use development consisting of the Alexan Bahay Apartments with 200 residential units, a Starbucks coffee shop, and a Target retail store. The six-story building measures approximately 274,651 square-feet, inclusive of the 18,547 square-foot (Target) retail store. Target has been in operation since August 2021. There is a total of 73 parking spaces, of which 51 are reserved for Target patrons, and vehicular access along Westlake Avenue and Bonnie Brae Avenue.

The project site is located within the Westlake Community Plan Map. The Community Plan designates the property as Highway Oriented Commercial land use with corresponding zones of C2, C1, CR, RAS3, RAS4, P, and PB. The subject site is zoned (T)(Q)RAS4-1 and thus consistent with the existing land use designation. The subject property is within the Los Angeles State Enterprise Zone (ZI-2374), a Methane Zone and Urban Agriculture Incentive Zone. The project site is not located within any specific plan. The site is not located within a landslide, tsunami inundation zone, or liquefaction zone.

The applicant is requesting a Conditional Use to allow the sale of a full line of alcoholic beverages in conjunction with an existing 18,547 square-foot Target retail store. The store is opened from 8:00 a.m. to 10:00 p.m., Monday-Saturday and on Sunday from 8:00 a.m. to 9:00 p.m.

SURROUNDING PROPERTIES

Surrounding properties are zoned C2-1VL, C2-1, RD1.5-1, and R4-1. Properties to the north across Temple Avenue are zoned C2-1VL and are improved with a two-story commercial mini-shopping center. Properties to the south abutting the site are zoned C2-1VL and mostly undeveloped with a single-family residence on the southwest portion of the lot. Across Bonnie Brae to the east, properties are zoned C2-1 and RD1.5-1 and are improved with a church, barber shop, single-family residence, and multi-family residences. Properties to the west across Westlake Avenue are zoned C2-1 and R4-1 and are improved a vacant commercial building, multi-family residences, and single-family residences.

STREETS

Temple Street, adjoining the subject property to the north, is a designated Avenue II, dedicated to a Roadway width of 56 feet and a Right-of-Way width of 86 feet, and improved with asphalt roadway and concrete curb, gutter, sidewalk.

Westlake Avenue, adjoining the subject property to the west, is local street, dedicated to a Roadway width of 36 feet and a Right-of-Way width of 60 feet, and improved with asphalt roadway and concrete curb, gutter, sidewalk.

Bonnie Brae Avenue, adjoining the subject property to the south, is a designated Collector Street, dedicated to a Roadway width of 40 feet and a Right-of-Way width of 66 feet, and improved with asphalt roadway and concrete curb, gutter, sidewalk.

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

Case No. CPC-2007-5307-ZC-PUB-ZV-ZAASPR: At its meeting on November 13, 2008, the City Planning Commission approved and recommended that the City Council adopt a Zone Change from C2-1 and P-1 to (T)(Q)RAS4-1 for Lot 1; approved Alternative Compliance Measures for a Public Benefit project to permit a density increase in excess of 25 percent, or 28 units in excess of the 18 units allowed by-right for a 100 percent affordable housing project located on Lot 2 in the RD1.5-1 zone with the following alternatives from: a) to permit a building height of up to 96 feet, and b) to waive the requirement to provide a solid decorative masonry wall or wrought iron wall or fence at least six feet in height; approved a Zone Variance on Lot 1 to permit an increase in the maximum floor area ratio allowed in the proposed (T)(Q)RAS4-1 Zone from 3:1 to 4:1; approved a Zone Variance to permit an increase in density from 179 units to 202 units on Lot 1 in the proposed (T)(Q)RAS4-1 zone; and approved a Site Plan Review.

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 of alcoholic beverages. No related cases were filed within the past 10 years and identified to be within 600 feet of the project site.

Agency Correspondence

A letter was received from the Echo Park Neighborhood Council, dated November 29, 2021, stating in support of the Conditional Use to permit the sale of alcohol.

PUBLIC CORRESPONDENCE

Three correspondences were received from two neighbors in opposition of the proposed project, stating the following:

- Photos submitted from home security camera; many examples of why permit should not be issued; people partying in alley at 2:00 a.m. and had PA system
- Lives behind target and has daily problems due to alcohol consumption in the area
- Called 911 multiples times to report cars speeding/swerving away after drinking excessively
- Will have immense negative repercussions for the safety of everyone living in the community
- Biohazard issue due to urination and defecation on the block and off-site alcohol sales will only exasperate this
- Do not put profit over community safety
- Do not issue the permit

PUBLIC HEARING

The public hearing was held on Wednesday, December 1, 2021 at approximately 10:00 a.m. via telephonically and/or videoconference due to concerns over COVID-19 and continued concerns that meeting in person would present imminent risks to the health and safety of the attendees.

Beth Aboulafia, the project representative, introduced the project and stated the following:

- This is for off-site sale for a full line of alcoholic beverages and there is no on-site consumption
- This is a new Target on Westlake and it opened in August
- This site is improved with a five-story mixed-used building
- There is retail on the ground floor and four-levels of residential above
- Significant amount of the store is grocery, ¼ of the square footage of the store
- This will allow the store to sell alcohol
- Provide a convenience for the customers to buy amenities and alcohol
- Alcohol is a project that is offered at other Targets
- Met with the Neighborhood Council and submitted a letter of support
- Reached out to the Council Office and believe they are supportive
- All the cashiers are trained for alcohol sales and will attend STAR training
- Hours of proposed alcohol sales are the same for the store hours

Two neighborhood residents spoke in opposition of the project with the following:

- Agrees this is a convenience, however there are existing problems
- People park their cars and drink
- The Neighborhood Council is usually in opposition for the sale of alcohol; they do not represent the neighborhood
- This is an undue nuisance and is near a church
- There are issues of drug use
- Horrible to add a liquor store
- Before Target the area was always dirty; and not that Target has opened it is filthy
- People smoke
- Urine from people in their cars
- Concerns regarding delivery; trucks unload and double park

Stephanie, the store director of Target, stated the following:

- The store is opened from 8:00 a.m. to 10:00 p.m., Monday-Saturday and on Sunday from 8:00 a.m. to 9:00 p.m.
- Will abide to all City ordinances
- Can work with the neighbors
- Has safety and asset protection teams; uniformed and some undercover
- Works with LAPD
- Outside of Target has contract with the building and can address concerns
- Regarding loading, has worked with neighbors and the louder refrigerated trucks will be later and not in the morning; safety signs and cones

In response to statements made during the hearing and questions raised by the Zoning Administrator, Beth Aboulafia stated the following:

- This is not a liquor store and only a small component of the Target will have liquor
- It is a convenience to the customers
- Stephanie will be available and can speak to the neighbors regarding any concerns

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.

- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- No alcoholic beverages shall be consumed on any property adjacent to the licensed premises.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

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

The subject property is a generally level, rectangular-shaped lot consisting of one parcel with approximately 1.6 acres or 71,625 square-feet in area. The site is located with street frontages along Temple Street, Westlake Avenue, and Bonnie Brae Street. The property has frontage of approximately 217 linear feet along Temple Street, 250 linear feet along Westlake Avenue, and 270 linear feet along Bonnie Brae Avenue. The site is not located within a landslide, tsunami inundation zone, or liquefaction zone. The site is located within a Methane Zone and Urban Agriculture Incentive Zone.

The property is developed with a six-story mixed-use development consisting of the Alexan Bahay Apartments with 200 residential units, a Starbucks coffee shop, and the Target retail store. The six-story building measures approximately 274,651 square-feet, inclusive of the 18,547 square-foot (Target) retail store. The Target opened its door to the Echo Park neighborhood in August 2021. There are a total of 73 parking spaces, of which 51 are reserved for Target patrons. Vehicular access is along Westlake Avenue and Bonnie Brae Avenue.

The proposed project is a Conditional Use to permit the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 18,547 square-foot Target retail store. The store is opened from 8:00 a.m. to 10:00 p.m., Monday-Saturday and on Sunday from 8:00 a.m. to 9:00 p.m. The Target retail store is neighborhood-serving and offers general merchandise, household goods and groceries. The ancillary sale of alcoholic beverages with other everyday essentials at the proposed location is a desired amenity and one that is expected by the general public. With the imposition of a number of conditions addressing operational and alcohol-related issues will assure that the service of alcohol will not be disruptive to the community. The availability of sale of alcohol for off-site consumption will allow the retail store to offer a convenience to shoppers where alcohol can be purchased with groceries and other products. This allows the retail store to serve as a one-stop shop to meet the needs of its customers.

In addition, the store's relatively small footprint ensures that it will cater to the immediate neighborhood more so than a regional serving super center type store. The project will directly serve nearby homes and businesses by providing a desirable amenity for area workers and residents. The availability of alcoholic beverages incidental to the sale of groceries and household items is an essential feature of a retail store, as patrons in general expect these goods to be available. The primary emphasis of the store will be household items and groceries, and it will offer the convenience of one-stop shopping, including the purchase of alcoholic beverages. A small portion of the store's floor area and shelf space will be devoted to alcohol sales. The provision of alcohol sales in conjunction with the existing retail store will provide a convenience to shoppers and as such, will provide a beneficial service to the 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 site is a level, rectangular-shaped lot consisting of 1.6 acres. The site is located with frontages along Temple Street, Westlake Avenue, and Bonnie Brae Street. The property has frontage of approximately 217 linear feet along Temple Street, 250 linear feet along Westlake Avenue, and 270 linear feet along Bonnie Brae Avenue. The property is developed with a six-story mixed-use development including the Alexan Bahay Apartments consisting of 200 residential units, a Starbucks coffee shop, and the Target retail store. The request herein involves a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in the existing 18,547 square-foot Target store. The hours of operation are from 8:00 a.m. to 10:00 p.m., Monday-Saturday and on Sunday from 8:00 a.m. to 9:00 p.m.

A variety of commercial and residential uses exist within 500 feet of the site. Surrounding properties are zoned C2-1VL, C2-1, RD1.5-1, and R4-1. Properties to the north across Temple Avenue are zoned C2-1VL and are improved with a two-story commercial mini-shopping center. Properties to the south abutting the site are zoned C2-1VL and mostly undeveloped with a single-family residence on the southwest portion of the lot. Across Bonnie Brae to the east, properties are zoned C2-1 and RD1.5-1 and are improved with a church, barber shop, single-family residence, and multi-family residences. Properties to the west across Westlake Avenue are zoned C2-1 and R4-1 and are improved a vacant commercial building, multi-family residences, and single-family residences.

Public testimony from the public hearing and correspondence received have indicated concerns of noise and several other issues, as described in the Public Correspondence and Public Hearing Section of this determination letter. Conditions have been imposed to address security, safety, monitoring, and responsible management practices pertaining to the sale and dispensing of a full line of alcoholic beverages for off-site. As a result, the operation will not negatively affect the public health, welfare, or safety of nearby communities nor further degrade adjacent properties.

The sale of a full line of alcoholic beverages in conjunction with the proposed retail store is proper in relation to adjacent uses. A retail store providing household and grocery items will not be materially detrimental to the character of the neighborhood. The retail store with the off-site sale of alcohol will provide employees, residents, and patrons of nearby businesses with a readily available general merchandise, thereby contributing to the development of a viable economic environment in the Westlake Community Plan area. Conditions have been imposed in the grant to address nuisances, security, mode and character, and responsible management. A complaint number posted at the front of the store and the maintenance of the complaint log will enable abutting neighbors and the community to inform the applicant of complaints of the use. Furthermore, employees will be required to participate in training

pertaining to alcohol sales. As conditioned, the continued operation of the store with the sale of a full line of alcoholic beverages for off-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

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

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

The project site is located within the Westlake Community Plan, which designates the property as Highway Oriented Commercial land use with corresponding zones of C2, C1, CR, RAS3, RAS4, P, and PB. The subject site is zoned (T)(Q)RAS4-1 and is thus consistent with the existing land use designation. The purpose of the Westlake Plan is to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social, and physical health, safety, welfare, and convenience to the community. The existing use is consistent with following objectives identified in the Community Plan:

- Objective 1: To coordinate and harmonize the development of the Westlake Community with other parts of the City of Los Angeles within the framework of the General Plan.
- Objective 4: To provide a supply of commercial land adequate to meet both regional and community needs, and to regulate [he locations, types and intensities of commercial uses so as to assure their compatibility with other land uses.

The request is also consistent with General Plan Framework Element objectives and policy:

- Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while reserving the historic commercial and cultural character of the community.
- Objective 2-1: To conserve and strengthen viable commercial development.
- Policy 2-1.1: New commercial uses shall be located in existing established commercial areas or existing shopping centers.

The proposed project is consistent with the purpose, intent, and provisions of the General Plan and applicable community plan. The existing Target retail store improves the economic vitality of the Temple Street and Westlake corridor. The sale of a full line of alcoholic beverages for off-site consumption is ancillary to the operation of the existing retail store, which is a neighborhood serving use. The Community Plan text is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the plan. Given the numerous conditions of approval imposed to ensure the use will be in harmony and compatible with surrounding uses and the fact that the proposed sale of alcohol is ancillary to the operation of the existing retail store, the project can be deemed to be in harmony with the General Plan and the surrounding land uses will not be significantly impacted by the proposed off-site alcohol sales.

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

The subject property is located in the (T)(Q)RAS4-1 Zone where conditional authorization for the sale of a full line of alcoholic beverages for on-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. The property is zoned for commercial uses and is utilized as such with the existing Target retail store. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the proposed conditional use.

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 alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program, Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program. In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. All activity occurring on the subject premises will be required to adhere to the imposed conditions as well as the City's Noise Ordinance. The City's conditions of approval and any conditions by the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. The Target retail store provides a broad range of everyday essentials to meet the needs of local residents, workers, and visitors. The addition of alcoholic beverage sales will not change the character of the proposed retail use. Alcoholic beverage sales will be a small component and incidental to Target's overall retail operations as a retail and grocery store and will not adversely affect the surrounding community. Therefore, it is expected that the off-site sale and dispensing of a full line of alcoholic beverages in conjunction with the existing Target retail store will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including full line of alcoholic beverages, 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. 2084.02, there are one (1) off-site and two (2) on-site licenses allocated. There are zero (0) existing on-site and two (2) existing off-site licenses. The subject location is within a developed urban neighborhood which has a variety of retail establishments which have resulted in the existing off-site alcohol licenses to exceed the maximum number allocated.

In these active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers located within community-serving hubs 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 Central Los Angeles Division Vice Unit, within Crime Reporting District No. 236, a total of 276 crimes were reported in 2020 (169 Part I and 107 Part II crimes), compared to the Citywide Average of 149 crimes and compared to the High Crimes average of 169 crimes for the same reporting period. In 2020, there were Narcotics (24), Liquor Laws (5), Public Drunkenness (2), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (24), DUI related (5), Moving Traffic Violation (0), Miscellaneous Other Violations (14), and other offenses (21). 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 above statistics indicate that the crime rate in Reporting District 236 is higher than the citywide average; however, there has been no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. The project will not adversely affect public welfare because it is a desirable use and convenient amenity in an area designated for such neighborhood-serving commercial uses. The Los Angeles Police Department submitted no communication in support of or opposition to the project. Nevertheless, conditions, such as those related to the

STAR/LEAD/RBS 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. Further conditions may be imposed by the California 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 full line of alcoholic beverages.**

The project site is zoned for commercial uses and will continue to be utilized as such. The following sensitive uses are located within a 1,000-foot radius of the site:

Gigi's Bakery	2200 West Temple Street
Arco-AM/PM	2106 West Temple Street
Choong Shin Church	261 North Bonnie Brae Street
La Hermosa Pentecostal Temple	263 North Mountain Avenue
Filipino Christian Church	301 North Union Avenue
Calvary Chapel Echo Park Church	1822 Temple Street
Burlington Nursery PreSchool	242 North Burlington Avenue
Flores Family Childcare	250 Alvarado Street
Burlington Nursery Preschool	242 North Burlington Avenue
Our Lady of Loretto Elementary School	258 North Union Avenue
Our Lady of Loretto Catholic Church	250 North Union Avenue
Iglesia Ni Cristo Christian Church	141 North Union Avenue
Lake Street Community Center	227 North Lake Avenue
Children's Institute	2121 Temple Street
Single-family and multi-family residential uses	

The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Alcohol sales for off-site consumption will not detrimentally affect the neighboring residential and other sensitive uses in the area because they will occur in a controlled environment within the existing retail store by trained employees and be subject to multiple security measures. Conditions of Approval including the requirement to keep a complaint log and to conduct STAR/LEAD/RBS training should reduce impacts to the surrounding community. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will continue to contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

FLOOD HAZARD FINDING

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, an area of minimal flood hazard.

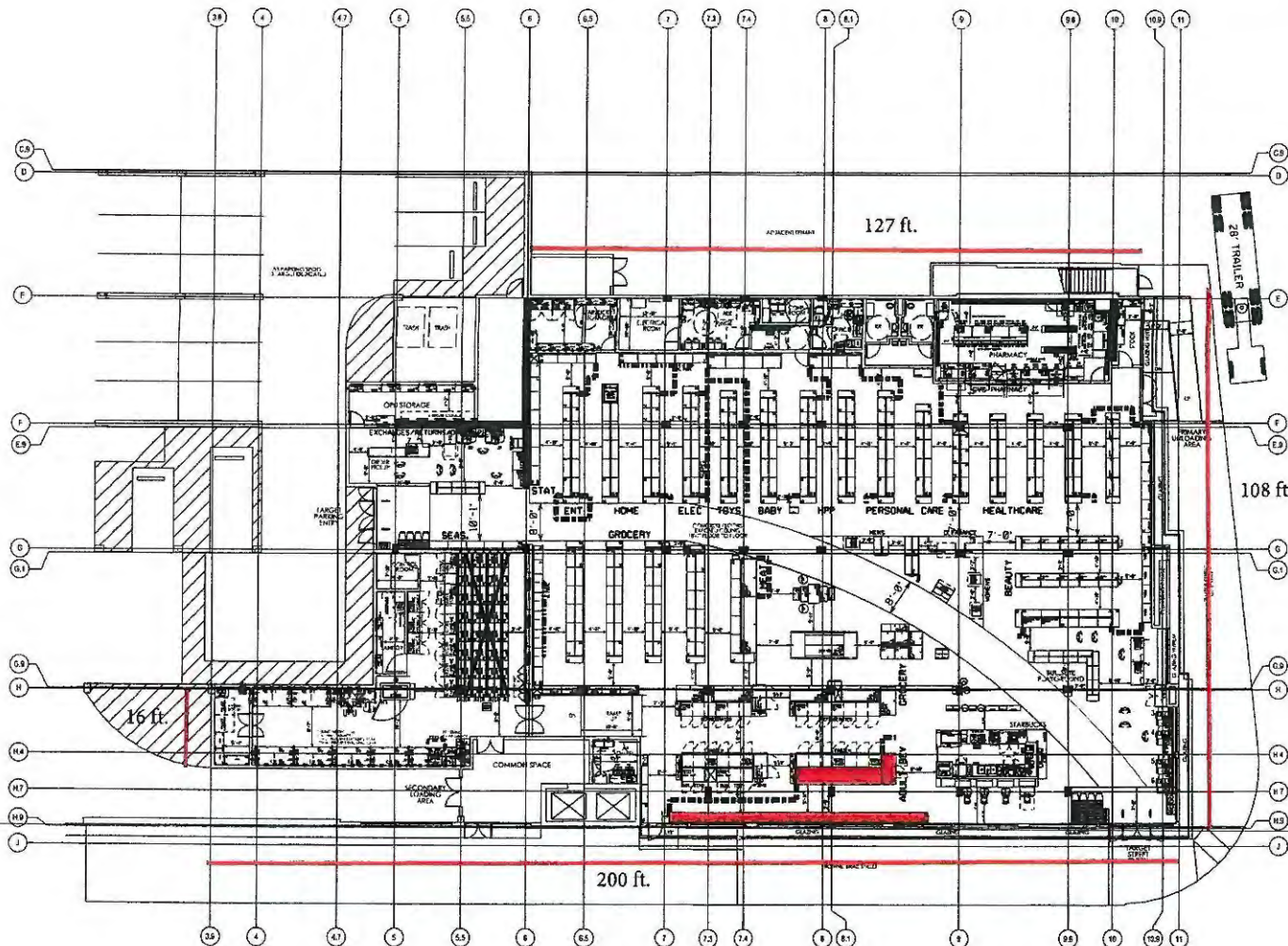
Inquiries regarding this matter shall be directed to Jessica C. Jimenez, Planning Staff for the Department of City Planning at (213) 978-1344.



CHRISTINA TOY LEE
Zoning Administrator

CTL:EC:JJ:ds

cc: Councilmember Mitch O' Farrell
Thirteenth District
Adjoining Property Owners



TARGET CORPORATION

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CEILING HEIGHT

A & B:	18'-7"
Hardlines:	18'-7"
Stockroom:	17'-6"
	18'-7"

1. SEE HEIGHT TO BOTTOM OF STRUCTURE

SCHEMATIC PUBLICATION



DATE: 01/11/2021	BY: [Signature]
PROJECT: LA Shops Dr Temple	Los Angeles, CA
STORE: T-3393	
TITLE: FIXTURE PLAN	
PLAN TYPE: X21	SHEET NO: FW1

Target, 330 N. Westlake Ave., Los Angeles, CA 90026

Store: 18,547 sq. ft.
 Sales Floor Area: 9,092 sq. ft.
 Alcohol Beverage Display Area (red): 208 sq. ft.

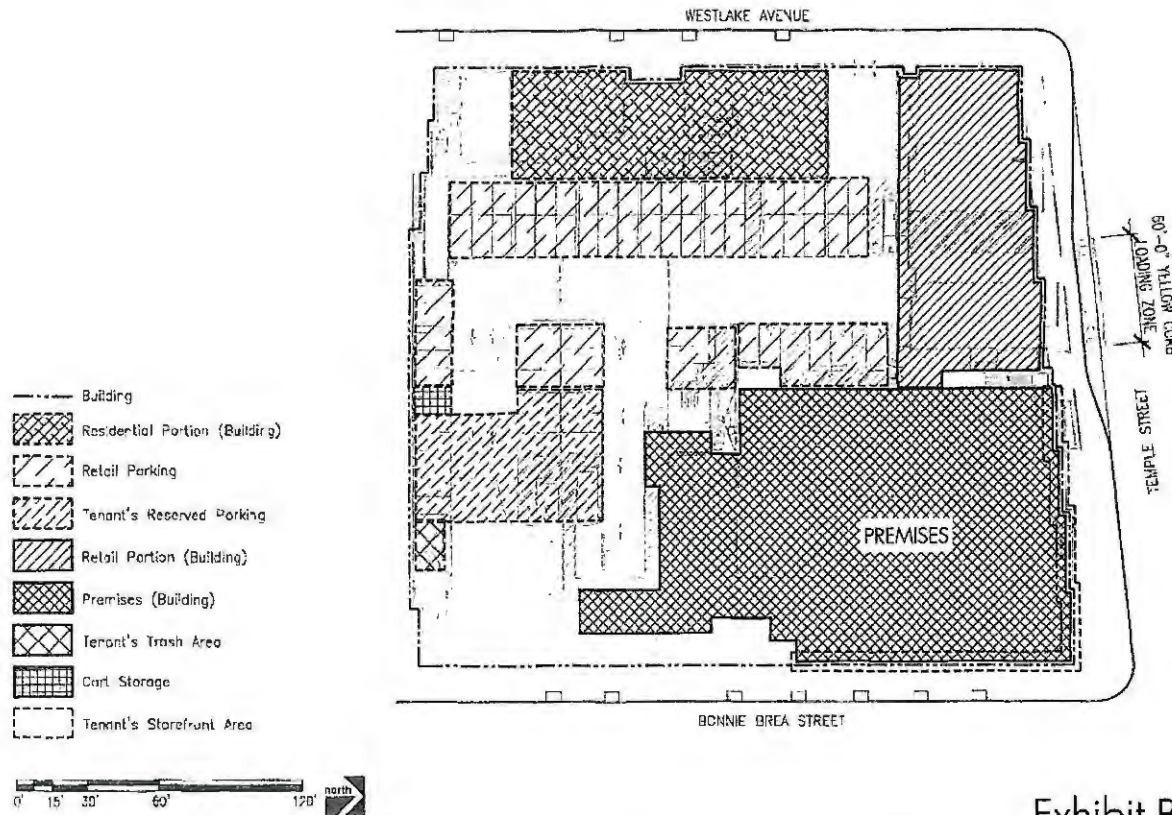


Exhibit B

T-0000 Los Angeles, CA 1/21/2023 1:17:23 PM Ground Level Plan

Target, 330 N. Westlake Ave., Los Angeles, CA 90026
 Legal Description: Lot 1 of Tract 27834

Summary Table:

Lot/Parcel: 71,615.2 sq. ft.
 Target Leased Premises ("Premises"): 18,547 sq. ft.
 Required Retail Parking Spaces: 51
 Total Retail Parking Spaces Provided: 70