

OFFICE OF ZONING ADMINISTRATION  
200 N. SPRING STREET, ROOM 763  
LOS ANGELES, CA 90012-4801  
(213) 978-1318

ESTINEH MAILIAN  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
JONATHAN A. HERSHEY, AICP  
THEODORE L. IRVING, AICP  
CHARLES J. RAUSCH JR.  
CHRISTINA TOY LEE

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

LOS ANGELES DEPARTMENT  
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DEPUTY DIRECTOR  
planning.lacity.org

February 15, 2022

Amazon Retail, LLC (A)  
P.O. Box 81023  
Seattle, WA 98108

Wolowitz Family Trust (O)  
22001 Ventura Boulevard  
Woodland Hills, CA 91364

Stephen Jamieson (R)  
Solomon, Saltsman & Jamieson  
426 Culver Boulevard  
Playa Del Rey, CA 90293

CASE NO. ZA-2021-9299-CUB  
CONDITIONAL USE - ALCOHOL  
22001 West Ventura Boulevard  
Canoga Park – Winnetka – Woodland Hills  
– West Hills Community Plan  
Zone: C4-1VLD  
C.D: 3  
D.M.: 171-B101, 174-B101  
CEQA: ENV-2021-9301-CE  
Legal Description: Lots 1-3, Tract TR 6510

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

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

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

a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with a proposed grocery market,

Upon the following additional terms and conditions:

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

2. The use and development of the property shall be in substantial conformance with the plot plan 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. Within 30 days of the effective date 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 the case file.
7. Authorized herein is the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with a new 4,893 square-foot market. The grant shall be subject to the following limitations:
  - a. The hours of operation shall be limited to 6:00 a.m. to 12:00 a.m., daily.
8. All deliveries shall be made in the rear parking area. No loading or unloading of deliveries shall be permitted along Ventura Boulevard or Topanga Canyon Boulevard.
9. Trash pick-up, compacting, loading and unloading and receiving activities shall be limited to 7 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday.
10. After hours use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
11. **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.

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. **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 to the Department of City Planning 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.
14. 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.
15. The applicant shall be responsible for maintaining the premises and adjoining sidewalk and alley free of debris or litter.
16. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the LAMC (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.
17. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
18. 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.

19. 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.
20. 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, including the parking lot area.
21. 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.
22. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
23. 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.
24. 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 facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
25. 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.
26. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.

#### **ADMINISTRATIVE CONDITIONS**

27. **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.

28. **MVIP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
- a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
29. 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.
30. 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.

**31. 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 **MARCH 2, 2022**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

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

**NOTICE**

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

**FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on February 1, 2022, 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 consists of three rectangular lots located at the corner of Ventura Boulevard and Topanga Canyon Boulevard in the Woodland Hills neighborhood. The property encompasses approximately 9,768 square feet of lot area and has an approximately 80-foot frontage along Ventura Boulevard and 125-foot frontage along Topanga Canyon Boulevard. A public alley abuts the property to the rear.

The subject property is developed with an existing two-story commercial building which immediately abuts the public streets and is surrounded by surface parking. The subject property is currently being used as a bank use with associated offices and conference rooms, as approved by the Department of Building and Safety under Permit No. VN 14256/80 issued on December 11, 1980. The applicant is a new commercial tenant (Amazon Retail) which will be occupying the existing building as a new small-format market use. No new construction is proposed and, as such, no additional parking will be provided as part of the request herein.

The project site is located within the boundaries of the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan area. The Community Plan designates the subject property for Community Commercial land uses, corresponding to the CR, C2, C4, RAS3, and RAS4 Zones. The project site is zoned C4-1VLD and is thus consistent with the existing land use designation. The Development "D" Limitation on the subject property limits the Floor Area Ratio for new projects to 1.0:1, pursuant to Ordinance 174,052 which became effective on August 18, 2001. The subject property is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan (ZI-1729) and the Woodland Hills Streetscape Plan. There are no other specific plans, overlays, or interim control ordinances that pertain to the project site.

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 4,893 square-foot market. The proposed hours of operation are from 6:00 a.m. to 12:00 a.m., daily.

## **SURROUNDING PROPERTIES**

The surrounding area is fully developed and heavily urbanized and consists of residential and commercial uses. The subject property is located along Ventura Boulevard which is a major commercial corridor serving both the immediate and surrounding communities. The 101 Ventura Freeway is also 1-2 blocks north of the subject site. Properties to the north and south are zoned C4-1VLD and developed with a veterinary hospital, bank, restaurants, and offices. Properties to the west are zoned C4-1VLD and are developed with retail stores, a laundromat, and more office uses. Properties to the east, across Topanga Canyon Boulevard, are zoned [T][Q]C4-1L and are developed with a large shopping mall/commercial plaza which includes a variety of retail stores, eating establishments, and personal service uses along with associated surface parking.

## **STREETS**

Ventura Boulevard, adjoining the subject property to the south, is a designated Boulevard II and is dedicated to a variable right-of-way width of 120 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

Topanga Canyon Boulevard, adjoining the subject property to the east, is a designated Boulevard II and is dedicated to a variable right-of-way width of 114 and 119 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

An Alley, adjoining the subject property to the north, is dedicated to a right-of-way width of 20 feet and improved with concrete paving.

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

Building Permit No. VN 14256/80 – On December 11, 1980, the Department of Building and Safety issued a Certificate of Occupancy for the establishment of the subject property as a two-story office use with conference room and 14 required parking spaces provided.

## **Previous Cases on Surrounding Properties**

Upon utilizing a 500-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), staff identified the following Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages.

Case No. ZA-2001-4264-CUB – On December 7, 2001, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and margaritas for on-site consumption in conjunction with an existing 3,564 square-foot restaurant. The subject property is zoned [T][Q]C4-1L and located at 5430 North Topanga Canyon Boulevard.

## **PUBLIC CORRESPONDENCE**

Staff did not receive any correspondence from the general public.

## **PUBLIC HEARING**

The public hearing was held on Tuesday, February 1, 2022 at 10:00 a.m. The hearing was attended by the applicant's representative, Stephen Jamieson, and members of the applicant's team.

Mr. Jamieson made the following statements:

- This is for a new Amazon Retail store located at the northwest corner of Topanga and Ventura. This will be a small format market.
- An ABC license and a conditional use is what's needed. The conditional use before you is for the sale of a full line of alcoholic beverages for off-site consumption.

- This small format market will have a secured gated area where an employee inside the store will be able to meet the patron, open the gate and retrieve the alcohol the patron is requesting.
- The project was presented to the Land Use Committee of the Neighborhood Council a little over a week ago. The Land Use Committee for 6 to 0 to recommend support to the Full Board. We are scheduled to present to the Full Board on February 9.
- We are not opposed if the ZA chooses to hold the record open.
- We had several conversations with LAPD and received positive comments. Officer Carr was who we contacted.
- We also reached out to the community.
- This location was previously a bank and we have worked with Building and Safety for a change of use permit.
- The hours of operation will be from 6 a.m. to 12 a.m.

There were no speakers during the public comment portion of the public hearing.

At the conclusion of the public hearing, the Zoning Administrator stated he was inclined to approve the request but would hold the case under advisement to allow the Neighborhood Council Full Board to hear the presentation and vote on the project.

**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.

- Alcohol purchased at any self-checkout register shall require proof of age to an employee or through appropriate mechanisms as approved by the State Alcoholic Beverage Control.
- No alcohol shall be consumed on any property adjacent to the licensed premises under the control of the applicant.

**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 and dispensing 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.

### **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 project involves a conditional use authorization that allows the sale of a full line of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 4,893 square-foot market. The proposed hours of operation are from 6:00 a.m. to 12:00 a.m., daily.

The project will provide a service that is beneficial to the surrounding community by introducing a small new format market that provides a convenient place to shop for food and daily necessities. The proposed market will offer hot and cold food prepared on-site in addition to a wide variety of products, including deli goods, dairy and cheese products, and a small selection of household goods and personal care items. The proposed project also intends to offer ancillary alcoholic beverage options which would be convenient for customers. The location of the proposed project is convenient for multiple modes of transportation as it is near the 101 Ventura freeway ramp and situated along the intersection of two major commercial corridors (Topanga Canyon Boulevard and Ventura Boulevard). Ventura Boulevard, specifically, is surrounded by many residential uses which will benefit from this new amenity that is within walking distance, particularly because commercial uses are scarce within these single-family neighborhoods. Grocery stores are, by nature, neighborhood serving uses and, as such, the proposed project will directly serve nearby homes and businesses, supporting the area by providing desirable amenities for area workers and residents. The availability of alcoholic beverages incidental to the sale of groceries and household items is an essential feature of the supermarket, as patrons in general expect these goods to be available. With conditions related to safety and security, responsible operation, and the addressing of nuisances, the project will operate in a manner that is compatible with surrounding uses. Therefore, the instant grant of the subject request will provide a service that is beneficial to the community, city, or region.

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

The subject property consists of three rectangular lots located at the corner of Ventura Boulevard and Topanga Canyon Boulevard in the Woodland Hills neighborhood. The property encompasses approximately 9,768 square feet of lot area and has an approximately 80-foot frontage along Ventura Boulevard and 125-foot frontage along Topanga Canyon Boulevard. A public alley abuts the property to the rear.

The subject property is developed with an existing two-story commercial building which immediately abuts the public streets and is surrounded by surface parking. The subject property is currently being used as a bank use with associated offices and conference rooms, as approved by the Department of Building and Safety under Permit No. VN 14256/80 issued on December 11, 1980. The applicant is a new commercial tenant (Amazon Retail) which will be occupying the existing building as a new small-format market use. No new construction is proposed and, as such, no additional parking will be provided as part of the project.

The project site is located within the boundaries of the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan area. The Community Plan designates the subject property for Community Commercial land uses, corresponding to the CR, C2, C4, RAS3, and RAS4 Zones. The project site is zoned C4-1VLD and is consistent with the existing land use designation. The Development "D" Limitation on the subject property limits the Floor Area Ratio for new projects to 1.0:1, pursuant to Ordinance 174,052 which became effective on August 18, 2001. The subject property is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan (ZI-1729) and the Woodland Hills Streetscape Plan. There are no other specific plans, overlays, or interim control ordinances that pertain to the project site.

The Conditional Use Permit allows the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 4,893 square-foot market. The proposed hours of operation are from 6:00 a.m. to 12:00 a.m., daily. According to the applicant, patrons who wish to purchase alcohol will go to a secured gated area within the market retail floor, and be met by an employee. Verification of age will occur before alcohol is handed to the patron. Thereafter, the patron would go to the point of sale/cash register and purchase alcohol with appropriate identification.

The surrounding area is fully developed and heavily urbanized and consists of residential and commercial uses. The subject property is located along Ventura Boulevard which is a major commercial corridor serving both the immediate and surrounding communities. The 101 Ventura Freeway is also 1-2 blocks north of the subject site. Properties to the north and south are zoned C4-1VLD and developed with a veterinary hospital, bank, restaurants, and offices. Properties to the west are zoned C4-1VLD and are developed with retail stores, a laundromat, and more office uses. Properties to the east, across Topanga Canyon Boulevard, are zoned [T][Q]C4-1L and are developed with a large shopping mall/commercial plaza which includes a variety of retail stores, eating establishments, and personal service uses along with associated surface parking.

The conditional use authorizes the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 4,893 square-foot market. The proposed hours of operation are from 6:00 a.m. to 12:00 a.m., daily. The use and location of this neighborhood-serving project are appropriate given the context as well as the policies and zoning governing the project site. The project is not requesting any late hours of operation nor karaoke, live entertainment, or patron dancing. The Applicant is only seeking approval for the sale and dispensing of a full line of alcoholic beverages to complement the customer experience offered by the proposed market. Conditions have also been imposed to encourage responsible management, deter criminal activity, and ensure compatibility with the surrounding neighborhood. As such, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The General Plan is the City's roadmap for future growth and development. 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 majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan area. The Community Plan Area Map designates the property for Community Commercial land uses, with corresponding zones of the CR, C2, C4, RAS3, and RAS4 Zones. The project site is zoned C4-1VLD and is thus consistent with the existing land use designation.

The Community Plan contains the following goals, objectives, and policies:

*Goal 2:* An economically vital commercial sector offering a diversity of goods and services to meet the needs of the Community Plan area. This means that commercial land use policies must support maximum efficiency and accessibility of commercial development while preserving the historic commercial and cultural character of the district.

*Objective 2-1:* Conserve and strengthen viable commercial development and encourage recycling of obsolete commercial development.

*Policy 2-1.1:* Locate new commercial development in areas currently designated for such development.

The project does not deviate from any requirements of the LAMC. The project involves a conditional use which is a discretionary action that is permitted with appropriate conditions of approval. The project involves an existing commercial building that is located along Ventura Boulevard and Topanga Canyon Boulevard which is a major commercial corridor within the Woodland Hills neighborhood. The project will allow for revitalization and activation of the existing commercial space with a neighborhood-serving market use. The project will also promote economic viability of the commercially planned and zoned land while preserving the unique design and layout of the existing building.

Approval of the sale for off-site consumption of a full line of alcoholic beverages in conjunction with the operation of a proposed market would further extend the amenities and choices available to residents of and visitors to the South San Fernando Valley area. The proposed project would be conveniently located at the corner of a major intersection which is also near the 101 Ventura Freeway. The surrounding area is characterized by residential uses and neighborhood-serving uses; the proposed market with alcoholic beverage service would complement this existing land use pattern by providing a neighborhood serving use that provides a one-stop shopping amenity. The proposed project would support maximum efficiency and accessibility through its re-use of an obsolete commercial development into a valuable and desirable amenity. Although the Community Plan does not address alcohol directly (nor does the Ventura Cahuenga Boulevard Corridor Specific Plan), the project is consistent with the stated goals and policies for commercial development. Thus, the project substantially conforms with 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 subject property is located in the C4-1VLD Zone where conditional authorization for the sale of a full line of alcoholic beverages for off-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. The market use is permitted by-right and is appropriate given the surrounding context and general plan land use designation. The project is not proposing any public dancing, late operating hours, or live entertainment, but rather proposing the offering of alcoholic beverages incidental to a small format grocery store which also provides everyday essentials. The Applicant is an experienced and proven responsibility retailer of alcoholic beverages. The market will operate for 18 hours daily with alcohol sales limited from 6 a.m. to 12 a.m., to meet the needs of the community and ensure that local customers have convenient access to their neighborhood market as needed. The sale of a full line of alcoholic beverages is incidental to the products and services offered by this store, but is a vital aspect of this use, which will serve the public convenience or necessity through its offering of a variety of packaged and prepared food. The project does not propose any unreasonable hours of operation

and, 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. The applicant is a reputable operator proposing a market that is modest in size with minimal potential for noise impacts and other nuisance-type activity. 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. Therefore, it is expected that the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed market 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, there are four (4) on-site licenses and two (2) off-site licenses allocated for the subject tract (Census Tract No. 1374.01). Currently, there are seven (7) active on-site licenses and three (3) active off-site licenses in this census tract. Within 1,000 feet of the subject site, there are 11 alcohol-selling retail establishments with licenses for on-site consumption and six (6) with licenses for off-site consumption.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community. In this case, the granting of the

application will not result in undue concentration as the project will enable the provision of an additional service and desirable amenity to complement the neighborhood. Although the number of existing licenses exceeds the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in an area which functions as a major commercial corridor with a variety of commercial services and amenities. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by 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. The project will provide a valuable amenity and a desirable service while preserving and revitalizing an existing building unique to the Woodland Hills area.

According to statistics provided by the Los Angeles Police Department's Topanga Division Vice Unit, within Crime Reporting District No. 2185, a total of 146 crimes (117 Part I Crimes and 29 Part II Crimes) were reported in 2020, compared to the Citywide Average of 141 crimes and the High Crime Reporting District Average of 169 crimes for the same period. In 2020, there were (5) Narcotics, (1) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (9) Driving While Influence (DWI) related arrests, and (4) 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 above statistics indicate that the crime rate in Reporting District 2185 is slightly higher than the Citywide Average, but lower than the High Crime Reporting District Average citywide. 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 community- and neighborhood-serving commercial uses. The Los Angeles Police Department submitted no communication in support of 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 beer and wine.**

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:

Single-family Residential Uses  
Multi-family Residential Uses  
Rockland Academy

5340 Topanga Canyon Boulevard

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The project site is located in a heavily urbanized and fully built out neighborhood in the San Fernando Valley area. Although there are residential uses nearby, the project has been conditioned to be compatible with such uses with specified hours of operation and requirements for the operator to maintain the property in good order. The project is a small format market that does not have any fixed seating and proposes hours of operation that end no later than 12:00 a.m.

Thus, the project is unlikely to have any direct impact on any sensitive use. The grant has been well conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Alcoholic beverage sales will be incidental to the offering of food items and other household goods. There is no dancing or live entertainment being proposed. The project is consistent with the zoning and is in keeping with the existing uses adjacent to the development. The project will contribute to the neighborhood and will serve neighboring residents and local employees as well as visitors. Therefore, as conditioned, the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved.

#### **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, an area of minimal flood hazard.

Inquiries regarding this matter shall be directed to Esther Ahn, Planning Staff for the Department of City Planning, at (213) 978-1486.



HENRY CHU  
Associate Zoning Administrator

HC:EA:bk

cc: Councilmember Bob Blumenfield  
Third Council District  
Adjoining Property Owners

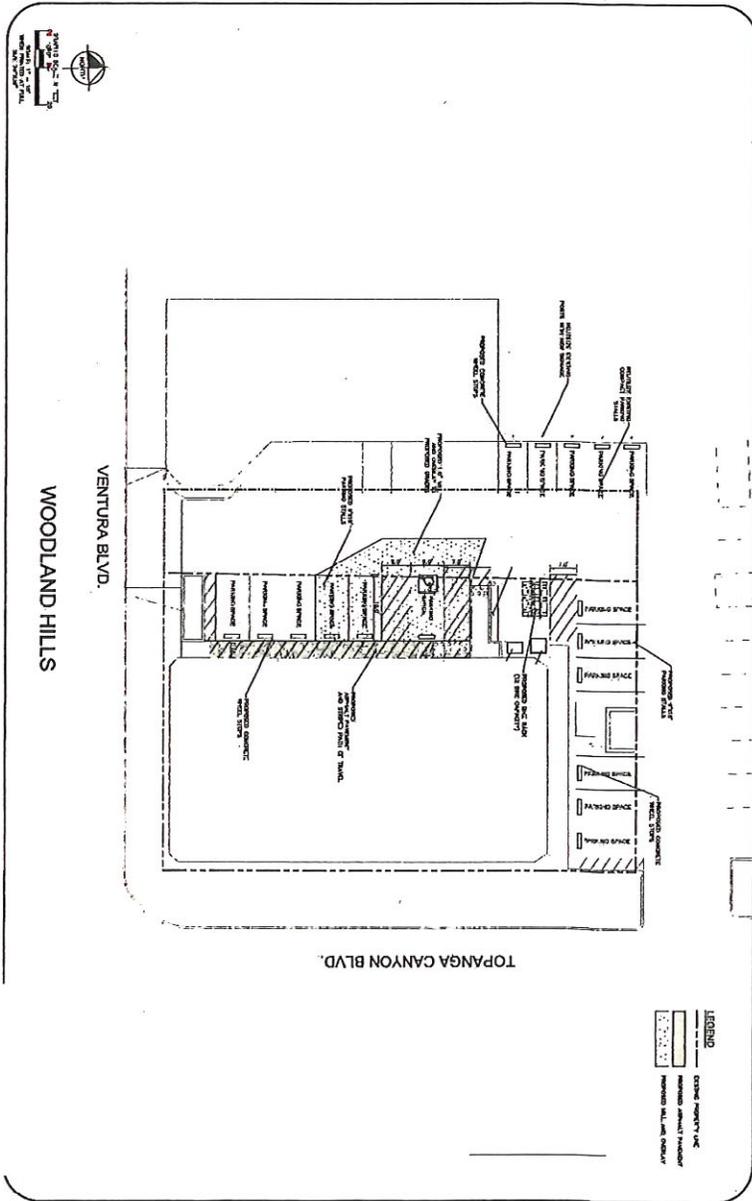
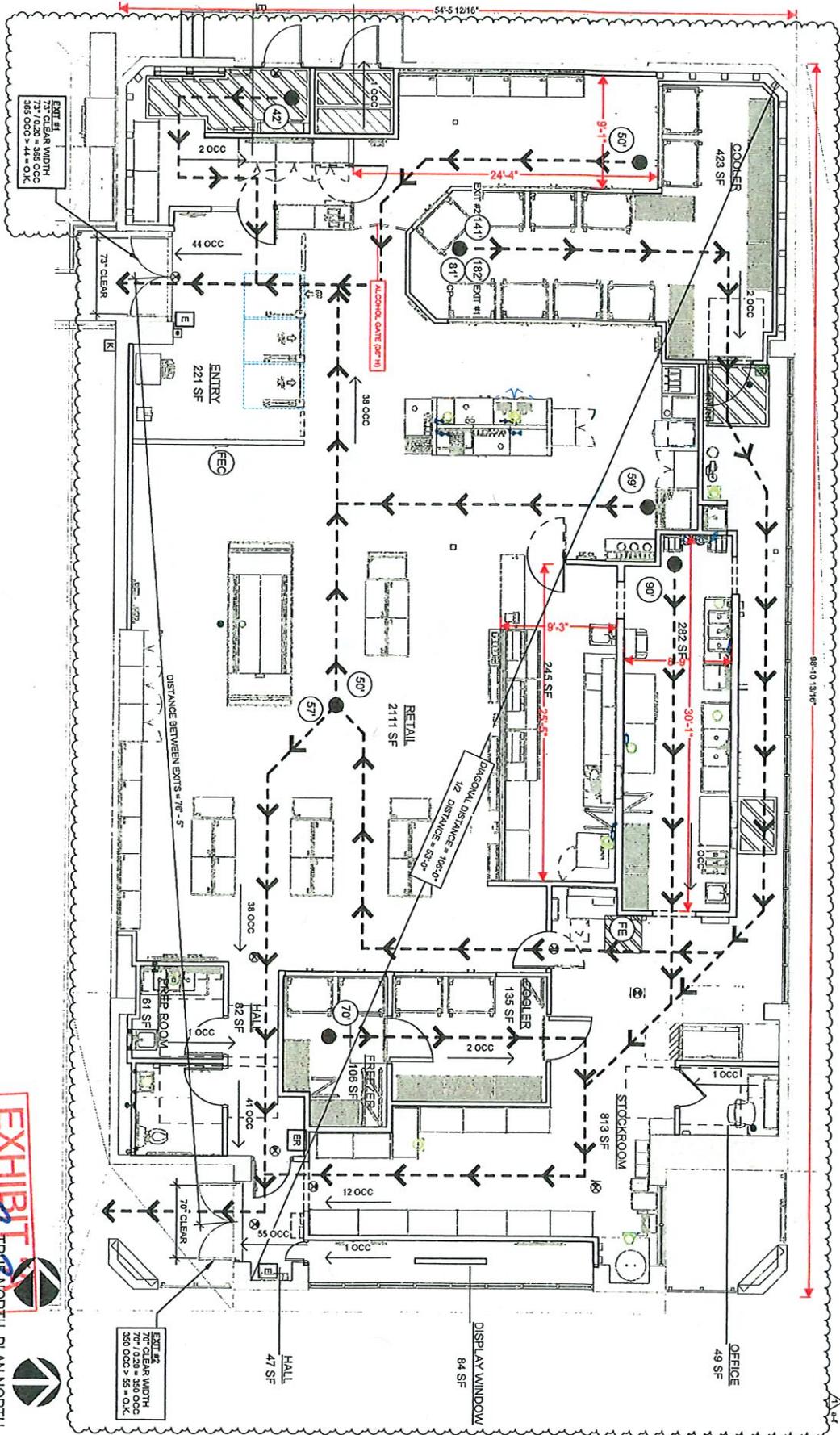


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**EXHIBIT**  
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 Case No. **A-2021-9299-013**  
 TRUE NORTH PLAN NORTH

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ZA-2021-9299



# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](http://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. **Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

#### Metro DSC

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### Van Nuys DSC

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### West Los Angeles DSC

(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

