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April 28, 2022

Krishna K. Kaur (A)
Pickford Market
4566 Pickford Street
Los Angeles, CA 90019

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11422 Barman Avenue
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609 St. Paul Avenue, Unit 757
Los Angeles, CA 90017

CASE NO. ZA-2021-6372-CUB
CONDITIONAL USE - ALCOHOL
4566 West Pickford Street
West Adams – Baldwin Hills - Leimert
Community Plan
Zone: C2-1VL-O-CPIO
C.D: 10
D.M.: 126B185
CEQA: ENV-2021-6373-CE
Legal Description: Lot 1, Block A, Tract 666

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 permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with an existing market in the C2-1VL-O-CPIO Zone; and

Pursuant to Los Angeles Municipal Code Section 12.24 W.27, I hereby APPROVE:

a conditional use to authorize hours of operation beyond 7 a.m. to 11 p.m.,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
7. **Authorization.** Approved herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with the continued operation of an existing approximately 3,000 square-foot market, upon the following:
 - a. Prior to obtaining a Type 21 license from the California Department of Alcoholic Beverage Control, the applicant shall submit to the Development Services Center a revised floor plan showing compliance with the following West Adams-Baldwin Hills-Leimert Community Plan Implementation Overlay requirement: Convenience Food Stores and other Off-Site Alcohol Sales establishments shall maintain the following dedicated sales floor area percentages:
 - i. No more than 5 percent devoted to alcoholic beverage products.

ii. More than 20 percent devoted to the sale of fresh produce, meat, cheese or other perishable food.

"Sales floor area" includes, but is not limited to, shelving, refrigerators, and display cases.

b. The hours of operation are limited to 7 a.m. to 12 a.m. (midnight) daily.

8. After hour 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.

9. Complaint Log. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

a. Entry, visible to pedestrians

b. Customer service desk, front desk or near the hostess station

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.

10. **STAR/LEAD Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department of "Standardized Training for Alcohol Retailers" (STAR) or the California Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. (The applicant is advised to contact the Wilshire Vice Unit of LAPD to coordinate training) 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 referencing Case No. ZA-2021-6372-CUB and identifying which employees completed the training. STAR or LEAD training shall be conducted for all new hires within three months of their employment and all employees every 24 months thereafter.

11. An electronic age verification device shall be purchased and retained on the premises available to determine the age of any individual and shall be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.

12. Upon receipt of any violations issued by any City department or other public jurisdictions relating to such operation's alcohol service, the applicant shall submit a copy of the violation, within five business days, to the Development Services Center, Department of City Planning, for inclusion in the administrative case file.

13. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.01, 115.02, or 116.01 of the Los Angeles Municipal Code (Citywide

14. A camera surveillance system shall be installed, in consultation with the Los Angeles Police Department, 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. All data shall be made available to law enforcement agencies upon request.
15. No variance from parking requirements have been granted herein. Parking shall be subject to the determination of the Department of Building and Safety.
16. Vendor(s) delivery of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. through 7:00 p.m. daily.
17. Adequate lighting shall be installed and maintained in all areas within the business in conformance with the LAMC. The lighting shall be such that it renders all objects and persons clearly visible.
18. The exterior windows and glass doors of the market shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height so as to permit surveillance into the restaurant by Police and private security.
19. No more than 33 percent of the square-footage of the windows and clear doors may have advertising or signs of any sort. Signage shall be placed so that law enforcement personnel have a clear and unobstructed view of the interior of the store from the outside. This includes areas where the cash register is located.
20. 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.
21. Only the front door or entryway shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door, but shall be solid.
22. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.

23. 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.
24. 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.
25. The applicant(s) shall comply with Section 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. The applicant/business operator/manager 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.
27. Conditions of this grant shall be retained at all times on the premises and shall be made immediately available upon request by the LAPD, ABC, Building and Safety, or City Planning. The manager and all employees shall be knowledgeable of the conditions herein.
28. The applicant/business operator/manager of the premise permitted by this action shall maintain on the premise, and present upon request to any law enforcement officer, a copy of the business permit and insurance information.
29. 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, including accessory parking areas, 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.
30. The applicant/business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, litter and loitering from patrons.
31. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all the ABC conditions as well as all the conditions of this grant. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.

32. **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.

33. Should there be a change in the ownership and/or the operator of the business, the property owner and/or 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 Development Services Center, 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 Development Services Center, Department of City Planning, within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

34. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

35. At any time during the period of validity of this grant, should documented evidence be submitted showing the period of 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 their own initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall file for a plan approval application together with associated fees, 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, the Los Angeles Police Department's corresponding division, and the local Neighborhood Council. 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.

36. 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 **MAY 13, 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

Figuerola 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 March 17, 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 have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped, corner, approximately 4,250 square-foot parcel of land with a 50-foot frontage on the south side of Pickford Street and an 85-foot frontage on the east side of Vineyard Avenue. The property has an even width and depth of 50 feet and 85 feet, respectively.

The property is developed with a one-story, approximately 3,000 square-foot commercial building, constructed circa 1936, containing the subject market. There is no on-site parking associated with the development and use of this property.

The property is located within the West Adams – Baldwin Hills - Leimert Community Plan, which designates the site for Neighborhood Commercial Land Uses with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3, and the Commercial Corridors Subarea of the Community Plan Implementation Overlay. The property is further located within a Transit Priority Area (Z1-2452), the Mid City Redevelopment Project Area (Z1-2488), Mid City Recovery (Billboard) Redevelopment Project Area (Z1-2280), the Methane Buffer Zone of a Methane Hazard Site, and is approximately 3.36 kilometers from the Newport-Inglewood Fault Zone (Onshore).

The applicant seeks a conditional use authorization to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the operation of an existing 3,000 square-foot market with hours of operation from 7 a.m. to 12 midnight daily.

According to information submitted by the applicant:

Pickford Market has been in business since 2000 serving the needs of the nearby residents. In addition to the typical local market we offer fruits and vegetables to better serve our customers and always have complied with local and state regulations.

Pickford Market is located on a secondary street mixed with residential and commercial businesses. Our customers are predominantly residents that reside

within 1 mile radius. We are the go-to market within this area and most of our customers walk to our establishment. For those customers that are in their vehicles we offer designated street parking directly in front of the store away from the 100' residents.

Our northern Ingress and egress across to the location will not disturb our nearby residents that are north and west of our location. The separation factor includes secondary streets and sidewalks. These factors serve as a buffer for any noise or interference to our neighbors' daily quiet enjoyment.

Pickford market has been operating responsibly for the past 21 years. It should be noted that our market hasn't had any local or state violations and we provide essential services to our nearby neighbors.

Our market has been part of this community for the past 28 years. Our neighbors support our business on a daily basis and our market has demonstrated responsible business practices over the years. We will continue to operate without disturbing our nearby residents and continue to offer our services.

According to the submitted plans, of the 3,000 square-foot market, 105 square feet will be for wine display and shelving, 16 square feet would be for liquor display behind the cash register, and 11 out of 22 coolers would be dedicated to beer and wine sales. The market also features an 866 square-foot main floor space for the sales of other items including produce.

According to the Department of Alcoholic Beverage Control (ABC), the applicant possesses License No. 363897, a Type 20 license, for the sale of beer and wine for off-site consumption. A license of this type is first documented to have been issued to the property in 1993. There are no documented disciplinary actions associated with the maintenance of the license.

Surrounding properties

The north adjoining properties, across Pickford Street, are zoned RD1.5-1-O and developed with one- and two-story duplex and multi-family residential dwellings. The east adjoining property is zoned C2-1VL-O-CPIO and developed with a one-story commercial building fronting on Washington Boulevard and associated on-grade parking lot fronting on Pickford Street. The south adjoining property, fronting on Washington Boulevard, is zoned C2-1VL-O-CPIO and developed with a two-story mixed-use building with ground-level commercial and upper-story residential dwellings. The west adjoining properties, across Vineyard Avenue, are zone R3-1VL-O (fronting on Pickford Street) and C2-1VL-O-CPIO (fronting on Washington Boulevard) and developed with a single-family dwelling and a city-owned parking lot.

Streets

Pickford Street, adjoining the property on the north, is designated by the Mobility plan 2035 as a Local Standard Street, having a dedicated width of 60 feet and is improved with asphalt roadway, concrete curb, gutter and sidewalk.

Vineyard Avenue, adjoining the property on the west, is designated by the Mobility Plan 2035 as a Local Standard Street, having a dedicated width of 50 feet and improved with asphalt roadway, concrete curb, gutter and sidewalk.

Previous Cases, Affidavits, and Orders

City Planning staff, utilizing the Department's Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions associated with the subject property and those within a 500-foot radius of the subject property and found the following:

Subject Property:

Case No. CPC 2006-5567(CPU) – On April 19, 2017, Ordinance No. 184,796-SA450 became effective, resulting in a change of zone from [Q]C2-1VL-O-CPIO to C2-1VL-O-CPIO.

Case No. CPC 2006-5567(CPU) – On April 19, 2017, Ordinance No. 184,794 became effective, resulting in the addition of the "CPIO" suffix to the zoning of the property and the implementation of the West Adams Community Plan Implementation Overlay District.

Case No. CPC 86-0821(GPC) – On March 6, 1990, Ordinance No. 165,481-SA1380 became effective, resulting in a change of Height District from C2-1-O to [Q]C2-1VL-O and the amendment of "Q" Qualified conditions to the prefix of the zoning of the property, limiting residential uses to the provisions of the R3 Zone.

Case No. ZA 7348 – On April 6, 1943, the Zoning Administrator approved a conditional use to authorize the operation of a machine shop for precision parts for war materials, for the duration of the war, in the C3 Zone, at 4566 Pickford Street.

Surrounding Properties:

Case No. ZA-2021-6932-CUB – On March 24, 2022, the Zoning Administrator approved a conditional use to authorize the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing 1,877 square-foot restaurant, located on property within the C2-1VL-O-CPIO Zone, at 4566-4570 West Washington Boulevard.

Case No. ZA-2019-5656-CUB – On February 28, 2020, the Zoning Administrator approved a conditional use to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 2,460 square-foot

restaurant with outdoor 782 square-foot patio area, located on property within the C2-1VL-O-CPIO Zone, at 4566-4570 West Washington Boulevard.

Case No. ZA 2017-4470(CUB) – On August 15, 2018, the Zoning Administrator approved conditional uses to allow the sale and dispensing of a full line of alcohol for on-site consumption and hours of operation from 7 a.m. to 12 midnight daily in conjunction with a new 2,332 square-foot restaurant with 700 square-foot outdoor patio area, on property located within the C2-1VL-O-CPIO Zone, at 4500 West Washington Boulevard.

Case No. ZA 2011-1176(CUB) – On October 14, 2011, the Zoning Administrator approved a conditional use to allow the continued sale of beer and wine for on-site consumption in conjunction with an existing 2,460 square-foot restaurant with outdoor 782 square-foot patio area, on property located within the [Q]C2-1VL-O Zone, at 4566 West Washington Boulevard.

Case No. ZA 2007-2021(CUB)(ZV) – On August 7, 2008, the Zoning Administrator approved a conditional use to allow the sale of beer and wine only in conjunction with a 782 square-foot expansion of an existing 1,674 square-foot restaurant; and a variance to permit eight parking spaces off-site via lease agreement in lieu of covenant and agreement; all on property located within the [Q]C2-1VL Zone, at 4566 West Washington Boulevard.

Case No. ZA 2006-3180(CUB) – On September 13, 2006, the Zoning Administrator approved a conditional use to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with a proposed 1,674 square-foot restaurant, on property located within the C2-1VL Zone, at 4566 West Washington Boulevard.

Case No. ZAI 82-167(B) – On September 1, 1982, the Zoning Administrator determined that the sale of alcoholic beverages for on-site consumption in conjunction with an existing restaurant and dance floor, located at 4603 West Washington Boulevard, had an approved conditional use status.

Correspondence

Mandeep Singh – In an email dated March 17, 2022, Mr. Singh reiterated that the market offers a variety of grocery items, clarified that alcohol-delivery service for both beer/wine and liquor would arrive by the same vendors, and that the neighborhood median income is \$100,000, home values exceeding \$1,000,000, and new dwelling units renting up to \$4,500 per month. In addition, several photographs were attached, including photos of the interior of the existing market.

Captain Sonia Monico, Commanding Officer, Wilshire Area Community Police Station, Los Angeles Police Department – In a letter dated March 5, 2022, the Wilshire Area Vice Unit stated:

A crime summary report was conducted which revealed that zero Part I crimes originate from the business.

Pickford Market is located on Pickford St in between Vineyard Ave and West Blvd, which is near various heavily populated residential areas consisting of multi-unit apartment complexes and single-family residences. It is also just north of a large parking lot (N/W/C of Vineyard Ave and Washington Blvd) which is a known location where Vice Officers have cited pedestrians for drinking in public.

Willshire Area Vice has no serious concerns with the approval of this application.

The letter included 16 recommended conditions of approval.

Richard Kissel – In a letter dated February 26, 2022, Mr. Kissel expresses his opposition to the project request. Mr. Kissel, who owns an adjoining residential property and another a block away, states that the location for a liquor store is unsuitable; that the request will result in increased crime and public drinking; that alcohol is problematic in this neighborhood; that there are already three liquor stores within walking distance; that the request will result in increased traffic and decrease in available curbside parking; that it will result in an increase in litter; that the property is too close to an existing church and school; and that approval of the grant will result in a decrease in property value. In addition, photographs of a traffic collision and litter in the gutter were attached.

Wendel Greer, President, Mid-City Neighborhood Council – In a letter dated October 16, 2021, the Neighborhood Council expressed support for the request.

PUBLIC HEARING

A Notice of Public Hearing was sent to abutting property owners and/or occupants residing near the subject site for which an application was filed with the Department of City Planning. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. A public hearing was held before the Zoning Administrator on March 17, 2022 at 9:00 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. Four individuals participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

Roger Song, representative for the applicant, gave the following summary of the project and request:

- The market had been in business since 2000.
- It is located on a secondary street.
- Most customers live within one mile.
- It is a go-to market for these residents.
- There are no violations associated with the existing use.
- The market provides groceries and sundries.

Mandeep Singh, applicant

- The market has been in the neighborhood since the 1940's.
- We have a large variety of goods for sale.

- We are involved in the community.
- Our goal is to provide a good shopping experience to our customers.
- This is more like a bodega.

In response to questions posed by the Zoning Administrator, Mr. Song and Mr. Singh clarified that approximately 25% of all sales are beer and wine; that the market tried to carry mid- to high-end; they have reached out to LAPD, who visited the store about a month-and-a-half ago but have not received any further response.

The general public was then given invited to provide testimony concerning the project and request:

Jasjaap Sidhu

- I live down the street.
- I am in full support of the project request.
- This is more than a convenience store.
- They have been providing a great service to the community.
- This will help them to become a full-service market.
- It will help the applicant to afford to maintain the property.

Rich Kissel

- I own a 10-unit apartment across the street from the market.
- I have submitted a letter.
- I strongly object to the request.
- I have a good relationship with the market owner.
- This is not a good location for a liquor store.
- Pickford Street frontage is not a commercial location.
- Many years have been spent cleaning up the neighborhood.
- A drunk driver collision just recently happened across the street.
- There are several existing liquor stores in the immediate area.
- There is a school and church nearby.
- Littering and public drinking are still problems in the neighborhood.
- The property has no parking; expanding the use will exacerbate this problem.
- All of the market's loading/unloading occurs in the street, blocking it.
- No one wants to live next door to a liquor store; all surrounding property values will be negatively affected; this will affect my ability for future property sales.
- It will be more difficult to find future quality tenants for my building.
- We don't need another liquor store in the area.

The applicant and representative were then given an opportunity to respond to the testimony given:

Roger Song

- The upgraded liquor license will not significantly increase traffic.

- Property values will not be affected; the property already possesses a beer and wine license.
- The market wants to serve existing customers and be more full-service.
- The focus of the store is not liquor or alcohol.
- The owner and employees are mindful to keep the immediate area clean.

Mandeep Singh

- We are part of the community.
- The local Neighborhood Council supports the project.
- We were able to help support the community during the pandemic.
- We do not want to be a liquor store.
- We know many customers by name.

At the conclusion of the hearing, the Zoning Administrator announced that the matter would be taken under advisement until a recommendation letter from the Los Angeles Police Department has been received.

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

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

The following conditions are submitted for consideration:

- No more than 5 percent of the sales floor area shall be devoted to alcoholic beverage products; "sales floor area", includes, but is not limited to, shelving, refrigerators, and display cases.
- No person under 21 years of age shall sell alcoholic beverages.
- Petitioner shall not permit any person to possess an open container or consume alcoholic beverages in or around the licensed premises.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic

- beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The single unit sales of malt liquors and/or malt-based products shall be prohibited.
- The sale of distilled spirits in containers of less than 375 mL shall be prohibited.
- Beer and wine in containers of less than 750 mL shall only be sold in manufacturer pre-packaged quantities of four or more.
- 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.
- The petitioner(s) shall post a prominent, permanent sign stating, "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES" in a place that is clearly visible to patrons of the licensed premises. The sign shall be at least two feet square with at least two-inch block lettering.

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.

FINDINGS

Following 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 level, rectangular-shaped, corner, approximately 4,250 square-foot parcel of land with a 50-foot frontage on the south side of Pickford Street and an 85-foot frontage on the east side of Vineyard Avenue. The property has an even width and depth of 50 feet and 85 feet, respectively.

The property is developed with a one-story, approximately 3,000 square-foot commercial building, constructed circa 1936, containing the subject market. There is no on-site parking associated with the development and use of this property.

The north adjoining properties, across Pickford Street, are developed with one- and two-story duplex and multi-family residential dwellings. The east adjoining property is developed with a one-story commercial building fronting on Washington Boulevard and associated on-grade parking lot fronting on Pickford Street. The south adjoining property, fronting on Washington Boulevard, is developed with a two-story mixed-use

building with ground-level commercial and upper-story residential dwellings. The west adjoining properties, across Vineyard Avenue, are developed with a single-family dwelling and a city-owned parking lot.

The applicant seeks a conditional use authorization to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the operation of an existing 3,000 square-foot market with hours of operation from 7 a.m. to 12 midnight daily.

According to information submitted by the applicant:

Pickford Market has been in business since 2000 serving the needs of the nearby residents. In addition to the typical local market we offer fruits and vegetables to better serve our customers and always have complied with local and state regulations.

Pickford Market is located on a secondary street mixed with residential and commercial businesses. Our customers are predominantly residents that reside within 1 mile radius. We are the go-to market within this area and most of our customers walk to our establishment. For those customers that are in their vehicles we offer designated street parking directly in front of the store away from the 100' residents.

Our northern ingress and egress across to the location will not disturb our nearby residents that are north and west of our location. The separation factor includes secondary streets and sidewalks. These factors serve as a buffer for any noise or interference to our neighbors' daily quiet enjoyment.

Pickford market has been operating responsibly for the past 21 years. It should be noted that our market hasn't had any local or state violations and we provide essential services to our nearby neighbors.

Our market has been part of this community for the past 28 years. Our neighbors support our business on a daily basis and our market has demonstrated responsible business practices over the years. We will continue to operate without disturbing our nearby residents and continue to offer our services.

According to the submitted plans, of the 3,000 square-foot market, 105 square feet will be for wine display and shelving, 16 square feet would be for liquor display behind the cash register, and 11 out of 22 coolers would be dedicated to beer and wine sales. The market also features an 866 square-foot main floor space for the sales of other items including produce.

According to the Department of Alcoholic Beverage Control (ABC), the applicant possesses License No. 363897, a Type 20 license, for the sale of beer and wine for off-site consumption. A license of this type is first documented to have been issued

to the property in 1993. There are no documented disciplinary actions associated with the maintenance of the license.

The applicant enjoys the support of the local Neighborhood Council. One neighbor spoke in opposition to the request, citing the unsuitability of the site for a liquor store; that there are other liquor stores very close by; that the request will contribute to public drinking; that it will increase litter and nuisance activities in the community; it will increase curbside parking demand/competition and worsen traffic; that it is too close to an existing church and school use; and that it will negatively affect rental rates and property values.

Comments from the Los Angeles Police Department indicate that they are not concerned with the request and have not expressed any belief or concern about the market being the source of nuisance activities in the area.

Since 2000, the applicant has provided a variety of goods and services including, but not limited to, grocery items such as fresh produce as well as pre-packaged foods, dry goods, household goods, and beer and wine. The market is a part of the fabric of the local commercial activity within the community. Due to the market's physical orientation toward the residential community on a secondary street, the market caters to the residential neighborhood surrounding it. The request will allow the applicant to continue to offer a beneficial "one-stop" service to the surrounding and local community by offering its patrons a full line of alcoholic beverages for off-site consumption.

The project will provide a service that is beneficial to the community. The current market use operates with a beer and wine license, but with no conditional use grant. Granting the request will bring the market operation and the sale of alcoholic beverage authorization within greater control and oversight by the City, helping to ensure that the availability of alcoholic beverages at this location remains compatible with its surroundings. In conjunction with the imposition of conditions addressing operational and alcohol-related issues, the authorization will assure that the availability of alcohol is not disruptive to the community. Compliance with the conditions of operation will minimize the potential for disruptive impacts on the surrounding community; non-compliance can result in the imposition of more restrictive conditions or revocation of the authorization. Not granting the request would allow the applicant to continue to operate the market, including the sale of beer and wine for off-site consumption, with more limited opportunities for the city to initiate intervention or corrective action. Therefore, the Zoning Administrator finds that the project will perform a function and 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 is a level, rectangular-shaped, corner, approximately 4,250 square-foot parcel of land with a 50-foot frontage on the south side of Pickford Street and an 85-foot frontage on the east side of Vineyard Avenue. The property has an even width and depth of 50 feet and 85 feet, respectively.

The property is developed with a one-story, approximately 3,000 square-foot commercial building, constructed circa 1936, containing the subject market. There is no on-site parking associated with the development and use of this property.

The north adjoining properties, across Pickford Street, are developed with one- and two-story duplex and multi-family residential dwellings. The east adjoining property is developed with a one-story commercial building fronting on Washington Boulevard and associated on-grade parking lot fronting on Pickford Street. The south adjoining property, fronting on Washington Boulevard, is developed with a two-story mixed-use building with ground-level commercial and upper-story residential dwellings. The west adjoining properties, across Vineyard Avenue, are developed with a single-family dwelling and a city-owned parking lot.

The applicant seeks a conditional use authorization to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the operation of an existing 3,000 square-foot market with hours of operation from 7 a.m. to 12 midnight daily.

According to information submitted by the applicant:

Pickford Market has been in business since 2000 serving the needs of the nearby residents. In addition to the typical local market we offer fruits and vegetables to better serve our customers and always have complied with local and state regulations.

Pickford Market is located on a secondary street mixed with residential and commercial businesses. Our customers are predominantly residents that reside within 1 mile radius. We are the go-to market within this area and most of our customers walk to our establishment. For those customers that are in their vehicles we offer designated street parking directly in front of the store away from the 100' residents.

Our northern ingress and egress across to the location will not disturb our nearby residents that are north and west of our location. The separation factor includes secondary streets and sidewalks. These factors serve as a buffer for any noise or interference to our neighbors' daily quiet enjoyment.

Pickford market has been operating responsibly for the past 21 years. It should be noted that our market hasn't had any local or state violations and we provide essential services to our nearby neighbors.

Our market has been part of this community for the past 28 years. Our neighbors support our business on a daily basis and our market has

demonstrated responsible business practices over the years. We will continue to operate without disturbing our nearby residents and continue to offer our services.

According to the submitted plans, of the 3,000 square-foot market, 105 square feet will be for wine display and shelving, 16 square feet would be for liquor display behind the cash register, and 11 out of 22 coolers would be dedicated to beer and wine sales. The market also features an 866 square-foot main floor space for the sales of other items including produce.

According to the Department of Alcoholic Beverage Control (ABC), the applicant possesses License No. 363897, a Type 20 license, for the sale of beer and wine for off-site consumption. A license of this type is first documented to have been issued to the property in 1993. There are no documented disciplinary actions associated with the maintenance of the license.

The applicant enjoys the support of the local Neighborhood Council. The Los Angeles Police Department has recommended conditions on the operation of the use to minimize the potential for burdening their staffing resources.

One neighbor spoke in opposition to the request, citing the unsuitability of the site for a liquor store; that there are other liquor stores very close by; that the request will contribute to public drinking; that it will increase litter and nuisance activities in the community; it will increase curbside parking demand/competition and worsen traffic; that it is too close to an existing church and school use; and that it will negatively affect rental rates and property values.

Conditions have been fashioned and imposed upon this authorization, including those recommended by the Police Department, to address concerns regarding security, loitering and littering. In contrast to the other establishments in the area which sell alcoholic beverages for off-site consumption, this establishment will operate under a conditional use grant, with conditions of operation imposed upon its use and operation to ensure its operation remains compatible with its surroundings. Given the market's orientation toward the residential neighborhood and away from the more heavily trafficked Washington Boulevard, and the limited available parking, the market is unlikely to attract new or additional patrons from outside the immediate area, thus minimizing an increase in pass-through patron vehicular traffic associated with the market. Conditions, such as a prohibition on the exterior advertisement or display of alcoholic beverages, have been recommended to the Department of Alcoholic Beverage Control (ABC) for imposition as part of their license issuing process.

In addition, the West Adams-Baldwin Hills-Leimert Community Plan Implementation Overlay (CPIO) prohibits, along Commercial Corridors Subareas, more than one establishment having alcoholic beverages for off-site consumption within a one-half mile radius of another Off-Site Alcohol Sales use. The property is located within a Commercial Corridor Subarea, and there are more than one Off-Site Alcohol Sales

uses within a one-half mile radius of the subject property. There is an exemption from this prohibition:

Convenience Food Stores and other Off-Site Alcohol Sales establishments shall be exempt provided that they maintain the following dedicated sales floor area percentages, enforceable by a covenant:

- No more than 5 percent devoted to alcoholic beverage products; and
- More than 20 percent devoted to the sale of fresh produce, meat, cheese or other perishable food.

Sales floor area, includes, but is not limited to, shelving, refrigerators, and display cases.

As proposed, the areas indicated on the submitted floor plan for the sales of alcoholic beverages within the market may exceed the requirements of this exemption. A condition has been imposed which requires the applicant to revise their floor plan to show compliance with the CPIO, prior to obtaining a license from the Department of Alcoholic Beverage Control.

Given the compatible way in which the operator has conducted business in close proximity to their residential neighbors and the longevity of their operation, some allowances are appropriate. So long as the operator is mindful of and sensitive to their residential neighbors, an authorization to upgrade from beer and wine to a full line of alcoholic beverages should pose little disruption in the community.

The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with the addition of alcohol sales will be compatible with other uses in the surrounding community. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the restaurant is found to be noncompliant with these conditions. Conditions have also been recommended to the Department of Alcoholic Beverages Control for consideration as part of their license issuing process, which the applicant may also be subject to. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, 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 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

3.

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 Washington/Rimpau Neighborhood District of the West Adams - Baldwin Hills - Leimert Community Plan area. The Community Plan Area Map designates the property for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The property is zoned C2-1VL-O-CPIO. The property's zoning is thus consistent with the General Plan's land use designation for the site. The property is also located within the Commercial Corridors Subarea of the Community Plan Implementation Overlay. The West Adams - Baldwin Hills - Leimert Community Plan text is silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following goals and policies of the Community Plan:

Goal LU18: A community where a diversity of uses which contribute to safe, pedestrian - friendly commercial environments are encouraged, and which enhance the health and welfare of the community by limiting certain uses and expanding opportunities for others.

LU18-5 Limit Off-site Liquor Sales. Strive to limit further proliferation of "off-site" alcohol sales, and in particular, liquor stores within commercial areas. (P37, P78, P236, P237)

Goal LU19: A community where the appearance and safety of commercial areas is enhanced.

LU19-1 Graffiti Abatement. Pursue urban design strategies that effectively address graffiti abatement. (P26, P144)

LU19-2 CPTED. Pursue urban design strategies that reduce street crime and violence such as Crime Prevention Through Environmental Design (CPTED) (e.g., "defensible space," "eyes on the street," and pedestrian friendly lighting) without creating barriers that disconnect neighborhoods or diminish desirable neighborhood character. (P26, P34, P113)

Goal LU23: A community where neighborhood serving uses which strengthen and diversify the economic base are attracted by expanding market opportunities for both traditional existing businesses and emerging new businesses.

LU23-1 Support Neighborhood Stores. Encourage the viability of existing neighborhood district stores (i.e. "mom and pop") which support

the needs of local residents and are compatible with the socio-economic milieu of the area. (P4, P49)

Goal LU30: A community where distinct neighborhood commercial districts that best serve daily needs are strengthened while preserving and conserving the enduring, often historic and cultural, commercial character of the area.

LU30-2 Support Neighborhood Stores. Ensure the viability of existing neighborhood district stores (i.e. "mom and pop") which support the needs of local residents and are compatible with the socio-economic milieu of the area. (P25, P246)

Goal LU31: A Community where residents will be able to access their daily needs by walking, biking or using other sustainable modes of transportation.

LU31-1 Daily Needs Within Walking Distance. Ensure that a mix of uses that serve the daily needs of adjacent residential areas occur within neighborhood commercial districts in order to encourage walkability. (P49)

The current market offers beer and wine for off-site consumption without the benefit of a prior conditional use authorization. Granting the request will bring the operation of the market, including the sale of a full line of alcoholic beverages, under conditional use regulation. As a part of this grant, conditions have been incorporated to ensure that the proposed use will be compatibly operated with the surrounding neighborhood. In conformity with Policies LU19-1 and LU19-2, the grant is contingent upon maintaining the property free from graffiti and litter, and windows and glass doors are required to be maintained free and clear to permit interior observation. Granting the request support the continued viability of an existing Neighborhood Store (Policies LU23-1 and LU30-2), which provides daily needs within walking distance of the neighborhood it serves (LU31-1).

Policy LU18-5-1 seeks to limit further proliferation of "off-site" alcohol sales, and in particular, liquor stores within commercial areas, and approval of the grant would seem to conflict with this policy. However, as discussed below, the project has been conditioned to comply with the requirements of the West Adams-Baldwin Hills-Leimert Community Plan Implementation Overlay, and the market already possesses a license for the sale of beer and wine for off-site consumption.

The Commercial Corridors Subarea of the West Adams-Baldwin Hills-Leimert Community Plan Implementation Overlay (CPIO) requires that requests for sales of alcoholic beverages for off-site consumption comply with the Conditional Use Approval for Sale of Alcoholic Beverages Specific Plan, and that not more than one establishment is permitted within a 1/2-mile (2640 linear foot) radius of another Off-Site Alcohol Sales use. There are two exemptions to this: the first is for Full-Service Grocery stores (minimum 10,000 square feet); and the second is for Convenience Food Stores (A retail establishment that offers a selection of packaged food and household items that may include fresh food items, and that occupies less than

10,000 square feet of floor area. The term convenience food store shall not include produce, meat or cheese markets, or delicatessens, and other Off-Site Alcohol Sales establishments provided that they maintain the following dedicated sales floor area percentages, enforceable by a covenant: no more than 5 percent devoted to alcoholic beverage products; and more than 20 percent devoted to the sale of fresh produce, meat, cheese or other perishable food. Sales floor area, includes, but is not limited to, shelving, refrigerators, and display cases.

The property is not located within the boundaries of the Conditional Use Approval for Sale of Alcoholic Beverages Specific Plan, so these regulations do not apply. The market, having 3,000 square feet, is not a Full-Service Grocery store, and the property is located within a one-half mile of other Off-Site Alcohol Sales uses.

As proposed, the areas indicated on the submitted floor plan for the sales of alcoholic beverages within the market may exceed the requirements of the Convenience Food Store exemption. A condition has been imposed which requires the applicant to revise their floor plan to show compliance with the CPIO, prior to obtaining a license from the Department of Alcoholic Beverage Control.

The grocery store offers a beneficial "one-stop" shopping experience in which nearby residents can purchase grocery items, beverages, other necessary sundry items, and beer and wine for off-site consumption. The authorization will allow the grocery store to offer a beneficial service to the surrounding and regional community by offering its patrons a full line of alcoholic beverages for off-site consumption. The project will uphold the aforementioned goals and policies laid forth by the General Plan, Community Plan, and Specific Plan. Therefore, the project substantially conforms to the purpose, intent, and provisions of the applicable portions of the General Plan and Community Plan, and Specific Plan.

CONDITIONAL USE BEVERAGE FINDINGS

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

The applicant seeks a conditional use authorization to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the operation of an existing 3,000 square-foot market with hours of operation from 7 a.m. to 12 midnight daily.

The north adjoining properties, across Pickford Street, are developed with one- and two-story duplex and multi-family residential dwellings. The east adjoining property is developed with a one-story commercial building fronting on Washington Boulevard and associated on-grade parking lot fronting on Pickford Street. The south adjoining property, fronting on Washington Boulevard, is developed with a two-story mixed-use building with ground-level commercial and upper-story residential dwellings. The west adjoining properties, across Vineyard Avenue, are developed with a single-family dwelling and a city-owned parking lot.

The applicant enjoys the support of the local Neighborhood Council. The Los Angeles Police Department has recommended conditions on the operation of the use to minimize the potential for burdening their staffing resources. These recommended conditions have been incorporated into the conditions of approval or incorporated into the list of recommended conditions for consideration by the Department of Alcoholic Beverage Control.

One neighbor spoke in opposition to the request, citing the unsuitability of the site for a liquor store; that there are other liquor stores very close by; that the request will contribute to public drinking; that it will increase litter and nuisance activities in the community; it will increase curbside parking demand/competition and worsen traffic; that it is too close to an existing church and school use; and that it will negatively affect rental rates and property values.

The approval of the Conditional Use request for the upgrade from the sale of beer and wine only to the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the continued operation of the existing 3,000 square-foot neighborhood market will not adversely affect the welfare of the community. The market has operated at the site for over ten years offering a variety of groceries, pre-packaged foods, and sundries to its patrons, including beer and wine. For as long as the market has held an alcohol license with the California Department of Alcoholic Beverage Control (ABC), there has been no record indicating that it has adversely impacted the surrounding community. Negative impacts cited by the neighboring property owner are over the fear and concern of a use that is unregulated, attractive to pass-through out-of-community patron sales, and lax alcoholic beverage sales procedures. However, with the neighborhood orientation of the market, and no proposed change in use or operations, the sale of a full line of alcoholic beverages for off-site consumption will contribute to the collection of tax revenue, increased employment opportunities, and the cultural and commercial vibrancy of the neighborhood.

Further, the grant is contingent upon compliance with the strict sales floor area limitation on alcoholic beverages contained within the West Adams-Baldwin Hills-Leimert Community Plan Implementation Overlay, which significantly de-emphasizes the availability of alcoholic beverages in relation to the availability of other products.

In conjunction with the approval of the request to authorize the sale of a full line of alcoholic beverages from the market, the Zoning Administrator has imposed numerous conditions of approval that the owner/operator/manager is required to comply with. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the market is found to be noncompliant with these conditions. Additional conditions have been recommended for consideration by the Department of Alcoholic Beverage Control (ABC) in conjunction with their approval process. Conditions are intended to ensure that the continued use and operation of the restaurant is well integrated into the community as well as protect community

members from potential adverse impacts associated with alcohol sales. Conditions imposed will require responsible operations and will maintain the order and ensure cleanliness of the project and its surroundings.

Adherence to and compliance with these conditions of approval will minimize the potential for adverse impacts on the surrounding community, and as a result, granting the request will not adversely affect the welfare of the pertinent community. Thus, as conditioned, it can be found that the proposed use, including the sale of a full line of alcoholic beverages for off-site consumption 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 licensing criteria, four on-site and two off-site licenses are allocated to the subject Census Tract No. 2182.20. Presently, there are two off-site licenses (including the subject market) and one on-site license issued to the same Census Tract.

Statistics from the Los Angeles Police Department reveal that in Crime Reporting District No. 776, which has jurisdiction over the subject property, a total of 54 crimes (33 Part I Crimes and 18 Part II Arrests) were reported in 2021 compared to the citywide average of 149 crimes and a High Crime Reporting District average of 179 crimes. Reported arrests for this time period include (1) Narcotic Drug Laws, (0) Liquor Laws, (0) Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, (1) Driving Under the Influence, (2) Moving Traffic Violations, and (4) Miscellaneous Other Violations. 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.

According to information submitted by the applicant, within a 1,000-foot radius of the subject property, there is one establishment issued a license for the sale of a full line of alcohol for off-site consumption and one establishment issued a license for the sale and dispensing of beer and wine for on-site consumption.

No revocation or nuisance abatement cases are documented within the area.

The number of licenses issued within the Census Tract does not exceed ABC guidelines. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the

approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The project involves an existing market already in possession of a license for the sale of beer and wine for off-site consumption. The site is located in a reporting district where the crime rate is lower than the citywide average. According to the ABC's license query system summary and administrative records, there are no reported disciplinary or historic disciplinary actions against the establishment. Further, no evidence has been submitted for the record linking the subject site to the area's crime rate.

Nevertheless, to safeguard the welfare of the community, negative impacts commonly associated with the sale of alcohol for off-site consumption such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions set forth by the Zoning Administrator. The Los Angeles Police Department has recommended conditions to impose upon the use and operation of the market to ensure that its operation does not become a burden upon its resources; these conditions have been incorporated into the grant. The State Department of Alcoholic Beverage Control also 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. Employees will be required to fulfill specialized training relating to the sale of alcohol with additional security and monitoring conditions imposed.

The imposed conditions are a necessary part of this action, including alcohol-sales and service training, to help to safeguard the community and provide for a reasonable operation. Therefore, as conditioned, 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.

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 applicant seeks a conditional use authorization to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the operation of an existing 3,000 square-foot market with hours of operation from 7 a.m. to 12 midnight daily.

The north adjoining properties, across Pickford Street, are developed with one- and two-story duplex and multi-family residential dwellings. The east adjoining property is developed with a one-story commercial building fronting on Washington Boulevard and associated on-grade parking lot fronting on Pickford Street. The south adjoining property, fronting on Washington Boulevard, is developed with a two-story mixed-use building with ground-level commercial and upper-story residential dwellings. The

west adjoining properties, across Vineyard Avenue, are developed with a single-family dwelling and a city-owned parking lot.

According to information submitted by the applicant, within a 1,000-foot radius of the subject property, in addition to residential uses, there are the following sensitive uses:

- Alta Loma Elementary School
1745 Vineyard Avenue
- Mascot Park
4665 Pickford Street
- Roenne's Pre-School
4701 West Washington Boulevard
- First Presbyterian Church of Los Angeles
1809 West Boulevard

According to information submitted by the applicant, within a 1,000-foot radius of the subject property, there is one establishment issued a license for the sale of a full line of alcohol for off-site consumption and one establishment issued a license for the sale and dispensing of beer and wine for on-site consumption.

The expansion of an existing market's authorization from beer and wine sales to the sale of a full line of alcoholic beverages for off-site consumption will have little to no significant impact on the surrounding community or identified sensitive uses. Although the project site is near several residential, public, and institutional uses, the existing market has had no violations associated with its existing ABC license, and no complaints have been lodged against it.

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. 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. Numerous conditions, including those recommended by the Police Department, and several of which have been recommended to ABC, have been incorporated into this grant to minimize the potential for adverse effects on the 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 local employees. Therefore, for the reasons given, 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.

COMMERCIAL CORNER DEVELOPMENT CONDITIONAL USE

7. Based on data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.

The request to maintain hours of operation from 7 a.m. to 12 a.m. (midnight) daily, exceeds the otherwise permitted hours of operation from 7 a.m. to 11 p.m. daily within a Commercial Corner Development. The extended hours of operation until midnight daily will have no significant increase in traffic congestion or disruption of vehicular circulation on adjacent streets as this represents hours outside of peak traffic periods.

8. The project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.

The applicant seeks to have hours of operation that extend beyond the 7 a.m. to 11 p.m. limitation for uses located within a Commercial Corner Development. The project is located within an existing commercial corner development, on property zoned for commercial use. No new construction is proposed. The proposed hours of operation do not result in an increase in the concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.

ADDITIONAL MANDATORY FINDINGS

9. 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 outside of the flood zone.

Inquiries regarding this matter shall be directed to Kyle Winston, City Planning Associate for the Department of City Planning at kyle.winston@lacity.org.



JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator

JAH:MS:SI:KW

cc: Councilmember Herb Wesson
Tenth Council District
Adjoining Property Owners