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planning.lacity.org

March 3, 2022

Devs Traders, Inc. (A)
ST Market
11494 Dellmont Drive
Tujunga, CA 91042

Changok Choi
7200 Tujunga Plaza, LLC (O)
10358 Silverton Avenue
Tujunga, CA 91042

Janelle Williams (R)
Williams Land use Services
2418 Honolulu Avenue, Unit B
Montrose, CA 91020

CASE NO. ZA 2021-3548-CUB
CONDITIONAL USE - BEVERAGE
7240 Foothill Boulevard (7200-7240
Foothill Boulevard)
Sunland-Tujunga-Lake View Terrace-
Shadow Hills-East La Tuna Canyon
Planning Area
Zone : C2-1VL
C.D. : 7 - Rodriguez
D.M. : 202-5A199
CEQA: ENV-2021-3550-CE
Legal Description: Fraction of Lots 11-
17 and 18 (Arbs 3-5); Lots 8-10 and Lot
24 (Arbs 1-4), Tract 9944

Pursuant to California Environmental Quality Act Guidelines Section 15061, I hereby
DETERMINE:

That based on the whole of the administrative record, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301 (Class 1, reuse of an existing facility) and Section 15304 (Class 4, minor alterations of land), and that 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, hazardous waste sites or historic resources applies; and

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

a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing grocery market in the C2-1VL Zone,

upon the following additional terms and conditions:

1. *OK* 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. *OK* The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. *OK* 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. *OK* 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. *OK* 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's Development Services Center 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. *CP-6770 OK* Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard main covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.

7. *OK* Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 5,000 square foot grocery store operating from 7:00 a.m. to 10:00 p.m. daily. No after hours use of the site shall be permitted except for clean-up and maintenance.
8. *OK* Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
9. *OK* Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
10. *OK* A camera surveillance system and monitors shall be installed and operated at all times to monitor the interior, entrance, and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days.
11. *OK* Only two entry doors facing Foothill Boulevard and the Foothill Commerce Plaza parking garage 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 access for deliveries, trash removal, and emergency access.
12. *OK* All exterior portions of the site shall be adequately illuminated at night 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.
13. *OK* Interior 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.
14. *OK* The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
15. *OK* Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
16. *OK* Signs shall be posted in English and Spanish that California State Law prohibits the sale of alcoholic beverages to person who are under 21 years of age.

17. *OK* Exterior windows and glass doors shall be maintained substantially free of signs and other materials from the ground to at least six feet above the ground so as to permit visibility into the market by both Police and any assigned guards of the site.





SIGN 18. *OK* Prior to the utilization of this grant, a phone 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 cash registers.



LOG 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. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours. *OK*

OK 19. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. 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.

OK 20. 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 "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or the ABC to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2021-3548-CUB, from the Police Department or the ABC to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.

21.  An electronic age verification device shall be retained on the premises to determine the age of any individual attempting to purchase alcohol and tobacco products and shall be installed at each cash register. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22.  The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
23.  Smoking tobacco or any non-tobacco substance including from electronic smoking devices is prohibited in or within 10 feet of any entrance to the market in accordance with LAMC Section 41.50 B(2)(c).
24.  The business operator and/or the operator's agents shall comply with Section 6404.5(b) of the Labor Code which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.

ADMINISTRATIVE CONDITIONS

25.  MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01 E.3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
26.  Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her

new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

27. *OK* At any time during the period of validity of this grant, if it is determined that the operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application together with associated fees. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add, or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

28. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- OK* 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.
- OK* 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.
- OK* 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).

- OK 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).
- OK 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

OK 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

OK 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:

OK "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

OK 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

OK Administrator's determination in this matter will become effective after **March 18, 2022**, unless an appeal therefrom is filed with the Department of City Planning. 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 all subsequent contact with this office regarding this determination must be with the Development Services Center. 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, the statements made at the public hearing on December 8, 2021, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24 W have been established by the following facts:

BACKGROUND

The subject property is irregularly shaped and is comprised of 17 parcels with a total area of 1.88 acres (81,972 square feet). It is located on the south side of Foothill Boulevard and occupies the northern portion of the block between Hillhaven Avenue and Commerce Avenue. It is developed with Foothill Commerce Plaza, a multi-tenant shopping center. The 5,000 square-foot grocery market that is the subject of the instant request is one of several businesses located in Building D, a 28,228 square-foot building that is one of four buildings on the property. The subject property is zoned C2-1VL with a General Plan Land Use designation of General Commercial and is also within the Foothill Boulevard Corridor Specific Plan.

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 the 5,000 square-foot grocery store, with sales of alcoholic beverages during the store's hours of operation from 7:00 a.m. to 10:00 p.m. daily.

Surrounding Properties

The grocery store is on the southeast corner of the intersection of Foothill Boulevard and Hillhaven Avenue. Abutting properties to the northwest, north, and east along Foothill Boulevard are zoned C2-1VL with a land use designation of General Commercial, or C2-1L with a land use designation of Neighborhood Commercial. All surrounding development on Foothill Boulevard consists of one- and two-story commercial buildings. Adjacent uses include a motel and banquet hall, an adult day care center, independent retailers and service providers, and a used car sales lot. The motel located across Hillhaven Avenue to the northwest has a split zone: the front half of the property (facing Foothill Boulevard) is zoned C2-1VL while the rear half, which also abuts the subject property, is zoned R1-1VL. Both portions of the motel site have a land use designation of General Commercial.

To the south, the subject property abuts the Haines Canyon Flood Control Channel, part of the U.S. Army Corps of Engineers' flood risk management system. The western portion of the channel adjacent to the subject property is zoned OS-1XL, while the eastern portion

is zoned A1-1XL, both with a General Plan Land Use designation of Open Space. Further to the south is a single-family residential neighborhood with zones ranging from R1-1 to RE40-1.

Streets

Foothill Boulevard, adjoining the property to the north, is a designated Avenue I in the Mobility 2035 Plan, with a designated right-of-way (ROW) width of 100 feet and a roadway width of 70 feet. The existing right-of-way is 90 feet wide with a 70-foot wide roadway, and is improved with a concrete sidewalk with street trees, gutter, and curb.

Hillhaven Avenue is a designated Local Standard Street, with a designated right-of-way width of 60 feet and a roadway width of 36 feet per the Mobility 2035 Plan. The existing ROW is 40 feet wide with a 36 foot-wide roadway; it is improved with asphalt roadway, a concrete sidewalk on the east side of the street with two street trees, gutter, and curb.

Commerce Avenue is a designated Local Standard Street, with a designated right-of-way width of 60 feet and a roadway width of 36 feet per the Mobility 2035 Plan. The existing ROW is 42 feet wide with a 40 foot-wide roadway; while the west side of the street is improved with asphalt roadway, a concrete sidewalk with street trees, gutter, and curb, these improvements are located on the subject property rather than the public ROW.

Previous zoning related actions on the subject site:

APCNV-2004-2159-SPE-CU-SPP-PA1: On October 26, 2006, the Director of Planning approved plans to deviate from Commercial Corner Development restrictions to allow 26 tandem parking spaces in lieu of the zero tandem parking spaces otherwise permitted.

APCNV-2004-2159-SPE-CU-SPP: On November 18, 2004, the North Valley Area Planning Commission approved a Specific Plan Exception, a Conditional Use, and a Project Permit Compliance entitlements for a Commercial Corner Development with deviations including allowing operating hours from 5:30 a.m. to 12:00 a.m. daily, a building height of 58 feet, less than the 50 percent exterior wall transparency required, and to permit more than 30 percent of the street frontage of the first story of a multi-level parking structure to be used for parking purposes in lieu of the required percentage of street frontage containing financial services, neighborhood retail, neighborhood services, or other related services.

Cases on Surrounding Properties:

There are no related cases on surrounding properties.

Public Correspondence:

In a letter dated August 4, 2021, Captain Christopher Zine, Area Commanding Officer of the Foothill Station of the Los Angeles Police Department, stated that the Foothill Area Vice Unit would not be opposed to the Conditional Use Permit if the 22 conditions listed in the letter were included as conditions of approval.

In a letter dated July 14, 2021, Lydia Grant, President of the Sunland-Tujunga Neighborhood Council, stated that at its July 14, 2021, meeting, the Council voted to support the applicant's request for a CUB for the subject property. According to the letter, the Council's support was based on the applicant's track record as a current business owner in the community and the applicant's proposal to keep all alcoholic beverages locked behind the checkout counter and install security cameras.

PUBLIC HEARING

A Notice of Public Hearing was sent to property owners and occupants within a 500 foot radius of the proposed development site and interested parties. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. The public hearing was held remotely on December 8, 2021 at approximately 9:30 a.m. In conformance with the Governor's Executive Order N-29-20 (March 17, 2020), and due to concerns over COVID-19 the hearing was conducted telephonically and by ZOOM. The hearing received testimony from the applicant and the applicant's representative. No local stakeholders attended the hearing or presented public testimony. The applicant's representative stated that this is a full service market that would like to sell alcoholic beverages. It is located in a newer retail center on Foothill Boulevard. The 5,000 square feet is small in relation to the overall size of the center. There are no changes in the physical dimensions of the site. It is currently in operation and is located on the ground floor of the center. There are security cameras currently in operation on the site, and the center has security guards on site during the evening hours. It is buffered from residents to the rear of the site by the Haines Canyon Flood Control Channel and other buildings in the center. At the conclusion of the public hearing after noting the lack of opposition from the Police Department, the Sunland-Tujunga Neighborhood Council or local residents the Zoning Administrator approved the request.

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.

- correction
beer doors*
- The sale of alcoholic beverages for on-site consumption is prohibited.
 - There shall be no exterior advertising of any type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition.
 - Sales and delivery of alcoholic beverages will be restricted to and within the confines of the building portion of the premises.
 - Alcoholic beverages shall be contained in a locked area behind the cash registers.
 - There shall be no sales of alcoholic beverages from self-check out registers. All sales of alcoholic beverages shall be made by a employee of the store.
 - There shall be no sales of single bottles or cans of beer or wine from pre-packaged six- or four-packs. Sales of individual bottles of beer or craft beer in 16 fluid ounce bottles or larger shall be permitted.

BASIS FOR CONDITIONAL USE PERMITS

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

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

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

The proposed project is for a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the ST Market, an existing 5,000 square-foot market, with hours from 7:00 a.m. to 10:00 p.m. daily. The store offers a range of products, including groceries, snack foods, and a deli with Mediterranean food. Alcoholic beverages sales will be incidental to the overall business and will complement the existing product offerings.

ST Market is in Foothill Commerce Plaza, a multi-tenant shopping center with uses that include a spa, an urgent care clinic, and a nail salon. The addition of the market benefits the community in that it is large enough to offer a wide variety of products, including groceries and prepared food to go, in a neighborhood that is located about one mile from the nearest supermarket. In addition to serving drivers on heavily traveled Foothill Boulevard, the market provides a walkable grocery option for residents of the surrounding area, which includes a single-family neighborhood to the south and a multifamily neighborhood north of the boulevard. The sale of alcoholic beverages will complement the market's offerings, enabling customers to purchase food and beverages at the same location. Furthermore, the applicant's request is supported by the Sunland-Tujunga Neighborhood Council and is not opposed by the Foothill Area Vice Unit of the Los Angeles Police Department. Therefore, as conditioned the sale of a full line of alcoholic beverages for off-site consumption will provide a service that is beneficial to the local community.

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

The subject property is zoned C2-1VL with a land use designation of General Commercial in the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan. It is also within the Foothill Boulevard Corridor Specific Plan, although it is not in a major activity or target area of that plan.

The applicant is requesting a Conditional Use Permit for the sale of a full line of alcoholic beverages for off-site consumption, within an existing grocery store. The grocery store opened for business in October 2021, occupying a space that was previously vacant on the ground floor of a 28,228 square-foot building in the Foothill Commerce Plaza shopping center, which was built in 2015. The project does not propose any changes in the floor area of the building or any modifications of the exterior except for illuminated signs for the market. The project is conditioned to prohibit any advertising of alcoholic beverages that is visible from the exterior.

The subject market is located at the northwest corner of the shopping center, at the intersection of Foothill Boulevard and Hillhaven Avenue. It is adjacent to other commercial uses, including a motel, a motorcycle parts distributor, and an adult day care center and does not directly adjoin any residential uses, which are located behind the shopping center and further west on Foothill Boulevard. The shopping center has 205 parking spaces shared among its commercial tenants, in an above-ground parking lot facing Foothill Boulevard and a parking garage that is accessible from Hillhaven Avenue.

The subject grocery store operates from 7:00 a.m. to 10:00 p.m. daily and proposes the sale of alcoholic beverages during the same hours. These hours are compatible with other businesses licensed to sell alcohol on this segment of Foothill Boulevard, including the Crow's Nest Sports Bar and Grill, which closes at 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday; Joselito's Mexican Restaurant, which closes at 9:30 p.m. Sunday through Thursday and 10:00 p.m. on Friday and Saturday; and El Mariachi Loco, which is open daily until 11:00 p.m. In addition, the project is conditioned to install security cameras (and to maintain records for 30 days) and a security guard hired by the development will be present in the store's area during operating hours.

Therefore, because the alcohol sales will take place in an existing market that has recently opened in a multi-tenant shopping center, the market does not adjoin residential uses, and the store operations are both compatible with other nearby businesses and will incorporate the necessary security precautions, the project will be compatible with and will not adversely affect or further degrade adjacent properties or the surrounding neighborhood.

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 Framework Element includes Goal 7C, "A city with thriving and expanding businesses." Although the objectives for this goal do not directly address alcoholic beverage sales, Objective 7.3 states: "Maintain and enhance the existing businesses in the City". In alignment with this objective, the Conditional Use Permit for off-site sale of a full line of alcoholic beverages will enable the market to expand its product offerings and improve its viability as a neighborhood-serving business.

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The subject property is in the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan area as well as the Foothill Boulevard Corridor Specific Plan area, both of which are silent regarding alcoholic beverage sales. The property is zoned C2-1VL, and the land use of the subject lot is designated in the Community Plan map as General Commercial, corresponding to the CR, C2, C4, and RAS3 Zones. In regard to commercial uses, the Community Plan goals and policies are largely related to design and development standards aimed at enhancing the physical character of commercial areas, rather than specifying preferred uses.

One of the purposes of the Foothill Boulevard Corridor Specific Plan is as follows:

D. To create a vibrant commercial environment along Foothill Boulevard and Commerce Avenue by encouraging appropriate uses, building design, landscaping, screening of unsightly views, minimizing uninteresting blank walls, and proper site designs.

The applicant, ST Market, is an independently owned grocery market that serves the surrounding community with a full range of products as well as a deli that emphasizes Mediterranean food. The grant of a Conditional Use Permit for the off-site sale of a full line of alcoholic beverages will complement the market's food products and offer convenience to customers, as the nearest grocery store with an alcohol sales permit is Roe Zee Market, located approximately 0.4 miles from the subject site. Therefore, the proposed project is in conformance with the spirit and intent of the General Plan, the Community Plan, and the Foothill Boulevard Corridor Specific Plan.

ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES

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

The grocery store that is the subject of the instant request is on Foothill Boulevard, the major commercial corridor in the Sunland-Tujunga area. The store is approximately 120 feet from single-family residential uses to the south and about 200 feet from multi-family residential uses west on Foothill Boulevard. However, the two entrances to the market are on Foothill Boulevard, about 300 feet from the nearest residential use. Customers who drive to the market will either park in the surface parking lot on Foothill Boulevard and take the elevator or stairs one level down to the market or they will park inside the garage (accessible from Hillhaven Avenue), which is on the same level as the market. Therefore, any activity related to the operation of the store is unlikely to disturb nearby residents.

Conditions have been incorporated into this grant to require security measures such as the operation of a surveillance system, deterrence of graffiti, and a prohibition on on-site consumption of alcohol. In addition, the grant requires the installation of an age verification device at the point of sale to deter underage drinking. Employees must also undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program or the Department of Alcoholic Beverage Control's LEAD (Licensee Education on Alcohol and Drugs) Program. The Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community.

Alcoholic beverage sales will be incidental to the overall store operations and therefore, the off-site sale of a full line of alcoholic beverages is not expected to adversely affect the welfare of the surrounding community.

4. **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 Department of Alcoholic Beverage Control ("ABC") licensing criteria, four on-sale and two off-sale alcoholic beverage licenses are allocated to Census Tract No. 1014, where the subject property is located. Data provided on the ABC's License Query System indicates that in this census tract there are four active on-sale general licenses and two existing off-sale licenses. The subject property is located near the intersection of three census tracts; the other two census tracts are Nos. 1012.10 (directly north) and 1012.20 (to the northeast). There are three active off-site licenses in Census Tract No. 1012.10, at a distance of 0.09 miles to 0.65 miles from the subject site. In Census Tract No. 1012.20 there is one active off-site license (Tujunga Chevron, 0.61 miles east of the subject site).

The following establishments with an off-site license are within 600 feet of the subject site:

Verdugo Hills Liquor, 7119 Foothill Blvd.	Type 21
Commerce Liquor, 9936 Commerce Ave.	Type 21

The following establishments with an on-site license are within 600 feet of the subject site:

Joselito's Mexican Food, 7308 Foothill Blvd.	Type 47
Sagastume Bar, 7144 Foothill Blvd.	Type 42
Crow's Nest Sports Grille, 7279 Foothill Blvd.	Type 41

There are no establishments licensed to sell alcoholic beverages between 600 and 1,000 feet of the site.

The instant request is for a Conditional Use Permit to sell a full line of alcoholic beverages at ST Market, an existing grocery store. The sale of alcoholic beverages will complement the market's products, which include groceries, snack foods, and a deli offering Mediterranean food. The operating hours are 7:00 a.m. to 10:00 p.m. daily. Cameras are installed in the interior of the business and a security guard is present at the shopping center when the businesses are closed. In addition, the applicant proposes to keep all alcoholic beverages on the sales floor either in a locked cooler or behind the sales counter.

According to statistics provided by the Los Angeles Police Department Devonshire Division, which has jurisdiction over the subject property within Crime Reporting District No. 1668, a total of 86 Part I Crimes and 16 Part II arrests were reported in 2020, compared to the citywide average of 141 crimes and arrests and the high crime average of 169 crimes for 2020. In 2020, there were two Narcotics, zero

Liquor Law, and two DUI related arrests. 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.

Concentration of establishments offering the sale of alcoholic beverages on and off-site can be undue when the addition of a license will negatively impact a community. Concentration is not undue when the approval of such a license does not negatively impact an area, but rather such a license will benefit the public welfare and convenience. The approval of the request will allow the applicant to provide a convenient amenity to the community and contribute to the competitiveness and viability of the grocery store as a neighborhood-serving business.

The conditions imposed will ensure that the use is conducted with due regard for surrounding uses and will be beneficial to the community and contribute to the continued development of the area. Additionally, there have been no revocation or nuisance proceedings initiated for any use within close proximity of the subject site. Based on the aforementioned information regarding crime and proposed operations for alcohol sales, the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages.

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 following sensitive uses were observed within a 1,000-foot radius of the subject property:

- Mission College, 7200 Foothill Blvd.
- Nor Day Care Center, 9945 Commerce Ave.
- Little World Preschool, 7114 Greeley St.
- Jump Club Trampolines, 10001 Commerce Ave.
- Community Christian Church, 10193 Tujunga Canyon Blvd.
- Residential uses, including single-family and multi-family

The store is in an existing shopping center that is zoned for commercial uses. Other neighborhood-serving businesses in the shopping center, aside from Mission College, are a frozen yogurt shop, spa, urgent care clinic, and pharmacy. The tenant space occupied by ST Market is on the northwest corner of the shopping center, at the corner of Hillhaven Street. Adjacent uses include a motel to the

northwest (across Hillhaven Street), a motorcycle distribution business and adult day care center to the north (across Foothill Boulevard), and the other businesses in the shopping center. Although the rear of the shopping center abuts single-family residential uses to the south, the two entrances to ST Market are located around the corner on the north and east facades of the building, facing Foothill Boulevard and the interior of the shopping center parking garage, respectively. The Foothill Boulevard entrance is approximately 330 feet north of those residential uses, and approximately 300 feet southeast of residential uses on Valaho Drive, which intersects with Foothill Boulevard. Therefore, it is not likely that customer activity at ST Market will affect those residential uses.

As mentioned in Finding 5, the nearest businesses licensed for off-site sale of alcoholic beverages are Verdugo Liquors, approximately 1,000 feet from the subject site, and Commerce Liquor, about 800 feet from the subject site. However, unlike those businesses, ST Market provides a wide range of food and household products, which would be complemented by the sale of alcoholic beverages.

The grant has been well conditioned, to protect the health, safety and welfare of the surrounding neighbors. The Zoning Administrator has given consideration to the distance of the subject establishment from the above-referenced sensitive uses and recognizes that implementing proactive security measures will decrease the potential for adverse effects to the community due to the alcohol consumption and operations of the subject site. The potential effects of excessive noise or disruptive behavior, criminal activity and underage drinking have been considered and addressed by requiring adequate lighting and requiring the use of electronic age verification devices to deter underage purchases. As conditioned, the use will not detrimentally affect nearby residentially zoned community and the sensitive uses located in close proximity to the subject site.

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 not located in a Flood Zone.

Inquiries regarding this matter shall be directed to Sarah Hounsell, Planning Staff for the Department of City Planning at (818) 374-9917.

A handwritten signature in black ink, appearing to read "Charles J. Rausch, Jr.", with a long horizontal flourish extending to the right.

CHARLES J. RAUSCH, JR.
Associate Zoning Administrator

CJR:CR:SH:KM:ds

cc: Councilmember Monica Rodriguez
Seventh District
Adjoining Property Owners

LEGAL DESCRIPTION
 TRACT 18924
 LOT 11
 BLOCK NONE
 MAP REFERENCE IN B 138-20/21
 APN: 2663-016-028
 ZONE: CZ-1VL

DETAILED SPACE / MARKET AREA
 5,019 SQ. FT.
 LOT AREA
 82,426.5 SQ. FT.
 NUMBER OF PARKING SPACES (SHARED PARKING)
 280 SPACES

SITE PLAN

SCALE: 1/8"=1'-0"



7240 W. FOOTHILL BLVD., TUNJUNGA, CA 91042

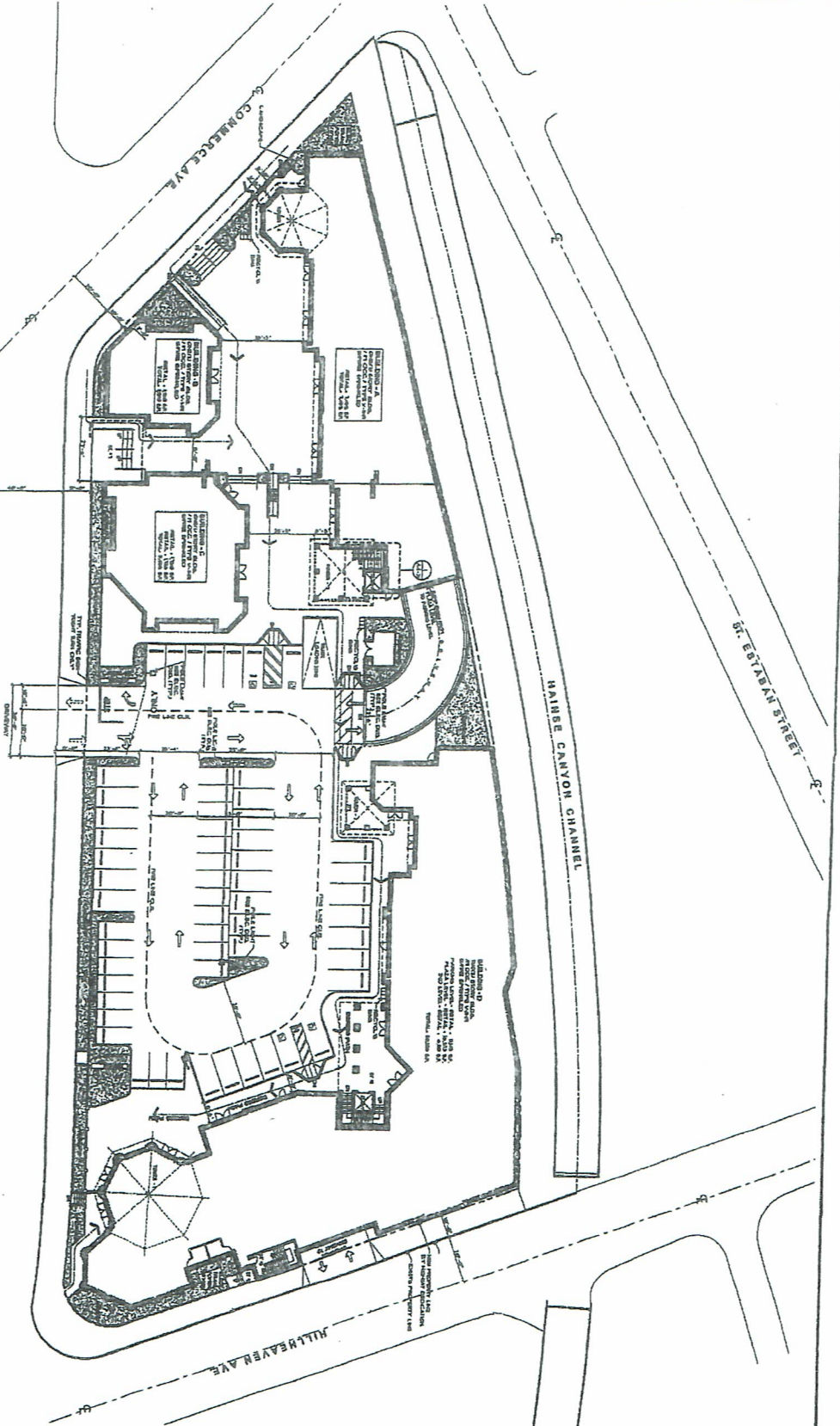


EXHIBIT "A"

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