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planning.lacity.org

June 23, 2022

K's Mini Market (A)
c/o Japjit Singh Grwal
G & H Grewal, Inc.
16061 Vanowen Street
Van Nuys, CA 91406

Harry & Aida Chakarian (O)
Chakarian Family Trust
17334 Toquet Drive
Encino, CA 91316

Wil Nieves (R)
Nieves and Associates
21250 Hawthorne Boulevard
Torrance, CA 90503

CASE NO. ZA-2021-1785-CUB-CU
CONDITIONAL USE – ALCOHOL
16057-16061 West Vanowen Street
(16041-16067 West Vanowen Street,
6804-6820 North Woodley Avenue)
Van Nuys-North Sherman Oaks Community
Plan
Zone: C2-1VL, [Q]R3-1, R1-1
C.D: 6
D.M.: 183B141
CEQA: ENV-2021-1786-CE
Legal Description: Arb 3, Lot 53; Arbs 1-2,
Lot 56; Lots FR 58-61; Tract 6629

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 12.24W.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 and expanded market in the C2-1VL Zone; and,

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

a conditional use to allow hours of operation beyond 7 a.m. to 11 p.m. in the C2-1VL Zone,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the 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 and expanded operation of a proposed approximately 3,160 square-foot market, upon the following:
 - a. The hours of operation are limited to 6 a.m. to 11 p.m. daily.
 - b. 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.

8. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the 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.

9. **STAR/LEAD Training.** Within six months of the effective date of this determination, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or the California 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 Department of Alcohol Beverage Control to issue a letter to the Department of City Planning referencing Case No. ZA-2021-1785-CUB-CU 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.
10. 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.
11. 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.
12. 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 Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
13. 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.

14. Market staff shall regularly monitor and patrol the exterior of the market and associated parking lot areas between 6 a.m. and 12 noon daily, to deter loitering and public drinking.
15. A uniformed security guard shall be provided from 12 noon to closing, daily. The security guard shall be responsible for patrolling the exterior of the market and the parking lot areas to deter loitering and public drinking.
16. All security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.
17. No variance from parking requirements have been granted herein. Parking shall be subject to the determination of the Department of Building and Safety. Any required parking provided off-site shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A,4(g) and 12.26-E,1(b).
18. Vendor(s) delivery of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. through 7:00 p.m. daily.
19. Trash/recycling pick-up is permitted to occur only between the hours of 8 a.m. and 7 p.m., Monday through Saturday.
 - a. Trash/recycling containers shall be locked when the restaurant is not in use.
 - b. Trash/recycling containers shall not be placed in or block access to required parking.
 - c. Trash/recycling items shall not be emptied or disposed of into outside containers earlier than 9 a.m. or later than 9 p.m.
20. 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.
21. The exterior windows and glass doors of the restaurant 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.
22. Within 24 months of the effective date of this determination, the applicant shall permanently alter existing roof sign(s) and pole sign(s) to remove all references to alcoholic beverages, including beer and wine, at the market.

23. 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.
24. 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.
25. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
26. Loitering is prohibited on or around these premises or the area under the control of the applicant. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility in the same language(s).
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

33. The applicant/business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.
34. 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.
35. Prior to commencing operations, the applicant/business operator/manager of the facility shall be made aware of the conditions of this grant and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning, Development Services Center. The statement shall state:

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with the market located at **16057-16061 West Vanowen Street**, and agree to abide and comply with said conditions.

36. **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.

37. 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.
38. 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.
39. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (upon 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.
40. **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 **JULY 8, 2022**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
[\(213\) 482-7077](tel:(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](tel:(818)374-5050)

West Los Angeles
West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
[\(310\) 231-2598](tel:(310)231-2598)

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on June 16, 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 Sections 12.24 have been established by the following facts:

BACKGROUND

The subject property, consisting of eight adjoining lots, is a level, irregular-shaped, corner, approximately 49,020 square-foot parcel of land with an approximately 225-foot frontage on the north side of Vanowen Street and a 200-foot frontage on the east side of Woodley

Avenue. The property varies in width from 140 feet to 240 feet north to south and varies in depth from 190 feet to 215 feet east to west.

The property is developed with a one-story commercial corner / mini-shopping center complex consisting of an approximately 5,800 square-foot multi-tenant commercial building located on the interior of the property, a second, approximately 4,800 square-foot multi-tenant commercial building on the eastern side of the property, and a third, approximately 3,881 square-foot multi-tenant commercial building on the southwestern corner, all located on the portions of the property within the C2-1VL Zone. The portion of the property zoned R1-1 is to the rear of the northernmost building and appears to be used for deliveries, storage, and trash collection. The property is further improved with 60 surface parking spaces, which span both the C2 Zone and the [Q]R3-1 portion of the property. Vehicle access to the property is via a two-way driveway taking access from Vanowen Street, and two two-way driveways taking access from Woodley Avenue. There is a 15-foot building setback line from Woodley Avenue across the [Q]R3-1 zoned portion of the property. There are two pole signs, one along Vanowen Street and one along Woodley Avenue. Present uses include a donut shop, travel agency, restaurants, laundromat, personal care salons, cleaners, a medical office, a cellular telephone store, and a market. In addition, there is one free-standing, double-sided, billboard located on the northwestern corner of the property. The subject market (K's Mini Market) is located on the western side of the "L"-shaped commercial building, and presently occupies 2,120 square feet.

The property is located within the Van Nuys-North Sherman Oaks Community Plan area which designates the property for Neighborhood Commercial land uses, having corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4, and Height District No. 1VL. The property is further located approximately 8.73 kilometers from the Los Angeles Blind Thrusts fault.

On June 5, 1991, the Zoning Administrator approved a conditional use, pursuant to Case No. ZA 91-0203(CUB), to authorize the sale and dispensing of beer and wine for off-site consumption in conjunction with the expansion of an existing approximately 1,000 square-foot mini-market into the adjacent, approximately 1,200 square-foot unit; having hours of operation from 7:30 a.m. to 10 p.m., Sunday through Thursday, and 8 a.m. to 10:30 p.m., Friday and Saturday, at 16061 Vanowen Street.

The applicant seeks a conditional use authorization to upgrade their existing beer and wine license to a full line of alcohol for off-site consumption and hours of operation from 6 a.m. to 12 midnight daily, in conjunction with the operation of an existing 2,120 square-foot market expanded to 3,160 square feet. The proposed hours of operation exceed the maximum 7 a.m. to 11 p.m. hours of operation otherwise permitted within a Commercial Corner / Mini-Shopping Center development.

According to information submitted by the applicant:

The existing market, K's Mini Market, has been serving the needs of the surrounding community for years. The premise has been historically used as a market with off-site beer and wine sales since the 1980's. The surrounding area is a mix of primarily mini shopping centers and single/multi-family residential uses. The subject business

serves these neighboring areas. Residents, commuters, visitors, workers and guests from the surrounding area patronize the convenience market on a regular basis.

The facilities beneficial use for the site has been well established. Furthermore, the facility fulfills a convenience market niche that has operated with a beer and wine license since as early as 1985. The owners seek to expand into an adjacent lease space and upgrade from beer and wine only to full line alcoholic beverages with hour of operation from 6:00 am to 12:00 midnight daily.

The added revenue from the longer hours of the market will bolster the economic vitality of the subject business, while improving the function of how it services the neighboring resident's food and beverage needs.

The development of commercial uses, such that of the K's Mini Market, is needed to keep pace with a growing populace and their commensurate needs. The proposed expansion, upgrade and licensing privileges and extending the hours of operation at this location will allow the business to develop economically, and meets the needs of area residents who benefit from having said use located within walking distance of their place of employment or residence. This results in a use which is both proper and positive in its relation to adjacent uses.

Previous approvals and multiple discretionary actions for the subject premise, the historic use of the site as a market and the fact that this particular market has operated with beer and wine privileges without harm for many years, suggests that the public convenience is served and continues to be served. The applicant is providing a first class branded venue and the requested privileges will complement and complete these specific goals and desired ambiance of the premises.

According to submitted plans, the existing 2,120 square-foot market would expand into an adjoining 1,040 square-foot space, resulting in a larger 3,160 square-foot market. Alcoholic beverages would be available toward the rear of the store and from behind the cashier's counter.

According to the California Department of Alcoholic Beverage Control's (ABC) online License Query System, License No. 600881, for Off-Sale Beer and Wine, has been issued to the market since late 2018. Operating Restrictions are attached to the license. An undated disciplinary action for violation of Section 25612.5(C)(7) and fine been noted. According to ABC records, a license has been issued to this site since 1991.

Surrounding properties

The northeast adjoining properties, fronting on Hartland Street, are zoned R1-1 and developed with single-family dwellings. The east adjoining property is zoned [Q]R3-1 and developed with a two-story over semi-subterranean parking multi-family apartment building. The south adjoining properties, across Vanowen Street, are zoned C2-1VL-RIO and developed with a commercial landscaping nursery and a complex of one-story multi-tenant commercial buildings forming a commercial corner / mini-shopping center. A liquor store is prominently located on the corner of this property. The southwest adjoining property, across

the intersection of Vanowen Street and Woodley Avenue, is zoned PF-1XL-RIO and developed with an LADWP power distribution station. The west adjoining properties, across Woodley Avenue, are zoned C2-1VL, [T][Q]P-1, and [T][Q]MR1-1 and developed with a one-story bakery, a commercial office, and a three-story self-storage facility. The northwest adjoining property, fronting on Woodley Avenue and Hartland Street, is zoned [Q]R3-1 and developed with a two-story multi-family apartment building.

Streets

Vanowen Street, adjoining the property to the south, is a designated Secondary Highway dedicated to a width of 85 feet and improved with asphalt roadway, concrete gutter, curb, and sidewalk.

Woodley Avenue, adjoining the property to the west, is a designated Secondary Highway dedicated to a width of 100 feet and improved with asphalt roadway, concrete gutter, curb, 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 600-foot radius of the subject property and found the following:

Subject Property:

Case No. CPC 93-0116(GPC) – On November 2, 1994, Ordinance 170,031-Area 3-SA5036 became effective, resulting in a change of Height District from C2-1L to C2-1VL.

Case No. CPC 86-0784(GPC) – On June 28, 1992, Ordinance No. 167,939-Area 3-SA880 became effective, resulting in the amendment of "Q" Qualified conditions to the zone, resulting in [Q]R3-1. The "Q" conditions limit maximum residential density and residential building height.

Case No. ZA 91-0203(CUB) – On June 5, 1991, the Zoning Administrator approved a conditional use to authorize the sale and dispensing of beer and wine for off-site consumption in conjunction with the expansion of an existing approximately 1,000 square-foot mini-market into the adjacent, approximately 1,200 square-foot unit; having hours of operation from 7:30 a.m. to 10 p.m., Sunday through Thursday, and 8 a.m. to 10:30 p.m., Friday and Saturday, at 16061 Vanowen Street.

Case No. ZA 90-0300(CUE) – On July 24, 1990, the Zoning Administrator approved an Interpretation to authorize the sale of beer and wine for on-site consumption in conjunction with an existing 1,250 square-foot restaurant, with 36 seats, having hours of operation from 10 a.m. to 9:30 p.m. daily, at 16067 Vanowen Street.

Certificate of Occupancy/Permit No. VN-69229/84 – Issued January 10, 1985, to convert 30 feet by 40 feet portion of a 1 story, 40 feet by 145 feet Type V, stores and office building to retail market (package food only). No change in parking.

Case No. CPC 29364 – On April 22, 1983, City Council approved Ordinance No. 157,683, resulting in a change of Height District to No. 1L on the commercially-zoned portion of the property.

Case No. ZV 77-442 – On January 9, 1978, the Zoning Administrator approved a Variance for use of a portion of the R1-1 zoned portion of the C2-1, R3-1 and R1-1 property as driveway access for trash collection from a container proposed for the C2-1 zoned portion of the property, at 6820 Woodley Avenue.

Surrounding Properties:

Case No. ZA 93-0462(CUB) – On July 26, 1993, the Zoning Administrator approved a conditional use to authorize the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing 1,415 square-foot meat/produce market, having hours of operation from 8 a.m. to 9 p.m. daily, on property located within the C2-1L Zone, at 16109 Vanowen Street.

The following cases, involving conditional use requests for alcoholic beverages sales for off-site consumption, were found beyond 600 feet at surrounding intersections:

Case No. ZA-2019-6325-CUB – On March 13, 2020, the Zoning Administrator approved a conditional use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 43,463 square-foot supermarket, having hours of operation from 7 a.m. to 11 p.m. daily, on property located within the C2-1VL Zone, at 16040 West Sherman Way.

Case No. ZA 2016-4478(CUB) – On April 3, 2017, the Zoning Administrator approved a conditional use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 22,796 square-foot supermarket, having hours of operation from 7 a.m. to 11 p.m. daily, on property located within the C2-1-VL-RIO Zone, at 16107 West Victory Boulevard.

Case No. ZA 2010-1390(CUB) – On April 29, 2011, the Zoning Administrator approved a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 3,950 square-foot convenience store, having 24-hour daily operation, with alcohol sales limited to between 8 a.m. and 12 midnight daily, on property located within the C2-1VL Zone, at 16056 Sherman Way.

Case No. ZA 2000-3294(CUB)(CU) – On December 12, 2000, the Zoning Administrator denied a conditional use to allow hours of operation between 11 p.m. and 2 a.m., and approved conditional uses to allow the sale of beer and wine for off-site consumption, in conjunction with a 2,072 square-foot convenience store, on property located within the C2-1VL Zone, at 15717 Vanowen Street.

Case No. ZA 94-0228(CUB) – On May 19, 1994, the Zoning Administrator approved a conditional use to allow the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing convenience store, with hours of operation from 5 a.m. to 12 midnight Monday through Thursday and from 5 a.m. to 1 a.m. on Friday and Saturday, on property located within the C2-1VL Zone, at 15700 Vanowen Street.

Case No. ZA 91-0235(CUB) – On June 17, 1991, the Zoning Administrator approved a conditional use to allow the sale of beer and wine for off-site consumption in conjunction with an existing 2,675 square-foot market, having 24-hour daily operations, on property located within the C2-1VL Zone, at 15706 Vanowen Street.

Correspondence

Wil Nieves, Nieves and Associates – In an email dated June 16, 2022, Mr. Nieves proposes the following: planned remodeling of the interior will result in new and increased visibility along the western side of the building; a second employee will be hired, who will also be responsible for monitoring the exterior of the premises and parking lot; and additional security cameras and lighting will be installed. If these measures do not resolve the issues within one year, a uniformed guard would be hired from 5 p.m. to closing on Friday, Saturday, and Sunday.

Captain David T. Grimes, Commanding Officer, West Valley Community Police Station, Los Angeles Police Department – In a letter dated May 5, 2021, the Police Department recommended 22 conditions in conjunction with the proposed request.

Linda Gravani, President, Lake Balboa Neighborhood Council – In a letter dated September 8, 2021, the Neighborhood Council expressed opposition to the sale of a full line of alcohol for off-site consumption and the proposed hours of operation from 6 a.m. to 12 midnight daily, and recommended the continued sale of beer and wine for off-site consumption with hours of operation from 6 a.m. to 11 p.m. daily.

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 June 16, 2022 at 9 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. Six individuals participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

Wil Nieves, representative for the applicant, summarized the project and request as follows:

- K's Mini Market has been in operation since 1994.
- The applicant has been operating the establishment since 2018.

- The market is presently 2,120 square feet in size.
- There is an existing beer and wine license for the site.
- The applicant wants to expand the market (16059-16061 Vanowen) into an adjacent (16057 Vanowen) retail space.
- The applicant wants to upgrade their beer and wine license to a full line of alcoholic beverages, with hours of operation from 6 a.m. to 12 midnight, daily.
- The Type 21 license exists at another property and would be transferred.
- The applicant has experience with Type 21 licenses.
- We have met with the local Neighborhood Council, City Council, and LAPD Vice Unit.
- The Neighborhood Council support continuation of the beer and wine license along with the market expansion.
- We do have issues with some of the proposed LAPD conditions, specifically Condition Nos. 3 and 6.

In response to questions posed by the Zoning Administrator, the applicant and their representative clarified that liquor would be kept behind the counter to maintain access control over that product; that limiting the hours of operation to 6 a.m. to 11 p.m. was acceptable; that the noted ABC violation was regarding signage; that it would be acceptable to remove all alcohol advertisements, including from the rooftop signs; and that the Type 21 license would be transferred from 9857 Mason Avenue, in Chatsworth.

The Zoning Administrator then received the following testimony from the public:

Officer Towe, West Valley Station, Vice Unit, Los Angeles Police Department

- I have spoken with the applicant a couple of times.
- We agree that conditions have improved since the applicant took over operations; however, there are some issues which still remain, and we have concerns.
- The condition regarding the display of alcohol near the register is to limit the accessibility of small-quantity – one ounce and 1.5 ounce bottles – of liquor.
- If these types of products were prohibited, then the condition would not be necessary.
- We recommend the conditions regarding signage to increase visibility – both for those outside looking in, and staff looking out.
- We recently conducted an operation at this location where a minor was able to solicit an adult to purchase alcohol for them; if the applicant was able to clearly monitor the exterior, this may have been prevented.
- Our recommendation for security is for operational hours only; in order to patrol the parking lot areas to deter and prevent drinking in public.
- Since 2015, there have been 38 calls for service at this intersection, including traffic collisions, thefts, and multiple alcohol-related complaints.
- Since 1994, we have observed patrons enter into the market, purchase alcohol, and consume it in the parking lot.
- Having a security guard is essential to maintaining security in the area.

No other persons in attendance offered to provide additional testimony.

The applicant was then given an opportunity to respond to the comments given:

Japjit G., Applicant

- As we expand into the adjacent space new/additional windows will be added, increasing visibility.
- A requirement to provide a security guard from open to close is too high a financial burden.
- Violators do not shop here; we do not sell to them.
- Conditions in the area have improved since we have taken over operations.

Wil Nieves

- Drinking in public does not occur in early morning hours.
- Calls for service average about 8 per year, which is not high.
- A security guard provision in the evening, on weekends, would be more acceptable.

In consideration of the discussion regarding the provision of a security guard, Officer Towe was asked to respond to the applicant's comments.

Officer Towe

- Having a security guard from noon to 11 p.m., daily is acceptable.
- Wherever people are buying their alcohol from, they are consuming on this property.

Japjit G.

- Having a guard present from 3 or 4 p.m. to closing, daily would be alright; Friday and Saturday from noon to 11 p.m. is okay.
- There is one staff person in the morning and two staff in the afternoon.
- After 7-8 p.m. the parking lot is empty.

After this, the Zoning Administrator closed the hearing to further testimony, and announced that he has reviewed the administrative record and in consideration of the applicant's willingness to comply with conditions relative to signage and reduced hours of operation, indicated that the request would be approved; however, regarding the matter of the security guard, the record would remain open until the close of business on Thursday, June 16, 2022, in order to receive any additional comment for consideration.

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 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.

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.

MANDATED FINDINGS

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

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

The subject property, consisting of eight adjoining lots, is a level, irregular-shaped, corner, approximately 49,020 square-foot parcel of land with an approximately 225-

foot frontage on the north side of Vanowen Street and a 200-foot frontage on the east side of Woodley Avenue. The property varies in width from 140 feet to 240 feet north to south and varies in depth from 190 feet to 215 feet east to west.

The property is developed with a one-story commercial corner/mini-shopping center complex consisting of an approximately 5,800 square-foot multi-tenant commercial building located on the interior of the property, a second, approximately 4,800 square-foot multi-tenant commercial building on the eastern side of the property, and a third, approximately 3,881 square-foot multi-tenant commercial building on the southwestern corner, all located on the portions of the property within the C2-1VL Zone. The portion of the property zoned R1-1 is to the rear of the northernmost building and appears to be used for deliveries, storage, and trash collection. The property is further improved with 60 surface parking spaces, which span both the C2 Zone and the [Q]R3-1 portion of the property. Vehicle access to the property is via a two-way driveway taking access from Vanowen Street, and two two-way driveways taking access from Woodley Avenue. There are two pole signs, one along Vanowen Street and one along Woodley Avenue. Present uses include a donut shop, travel agency, restaurants, laundromat, personal care salons, cleaners, a medical office, a cellular telephone store, and a market. The subject market (K's Mini Market) is located on the western side of the "L"-shaped commercial building, and presently occupies 2,120 square feet.

The northeast adjoining properties, fronting on Hartland Street, are developed with single-family dwellings. The east adjoining property is developed with a two-story over semi-subterranean parking multi-family apartment building. The south adjoining properties, across Vanowen Street, are developed with a commercial landscaping nursery and a complex of one-story multi-tenant commercial buildings forming a commercial corner/mini-shopping center. A liquor store is prominently located on the corner of this property. The southwest adjoining property, across the intersection of Vanowen Street and Woodley Avenue, is developed with an LADWP power distribution station. The west adjoining properties, across Woodley Avenue, are developed with a one-story bakery, a commercial office, and a three-story self-storage facility. The northwest adjoining property, fronting on Woodley Avenue and Hartland Street, is developed with a two-story multi-family apartment building.

On June 5, 1991, the Zoning Administrator approved a conditional use, pursuant to Case No. ZA 91-0203(CUB), to authorize the sale and dispensing of beer and wine for off-site consumption in conjunction with the expansion of an existing approximately 1,000 square-foot mini-market into the adjacent, approximately 1,200 square-foot unit; having hours of operation from 7:30 a.m. to 10 p.m., Sunday through Thursday, and 8 a.m. to 10:30 p.m., Friday and Saturday, at 16061 Vanowen Street.

The applicant seeks a conditional use authorization to upgrade their existing beer and wine license to a full line of alcohol for off-site consumption and hours of operation from 6 a.m. to 12 midnight daily, in conjunction with the operation of an existing 2,120 square-foot market expanded to 3,160 square feet. The proposed

hours of operation exceed the maximum 7 a.m. to 11 p.m. hours of operation otherwise permitted within a Commercial Corner/Mini-Shopping Center development.

According to information submitted by the applicant:

The existing market, K's Mini Market, has been serving the needs of the surrounding community for years. The premise has been historically used as a market with off-site beer and wine sales since the 1980's. The surrounding area is a mix of primarily mini shopping centers and single/multi-family residential uses. The subject business serves these neighboring areas. Residents, commuters, visitors, workers and guests from the surrounding area patronize the convenience market on a regular basis.

The facilities beneficial use for the site has been well established. Furthermore, the facility fulfills a convenience market niche that has operated with a beer and wine license since as early as 1985. The owners seek to expand into an adjacent lease space and upgrade from beer and wine only to full line alcoholic beverages with hour of operation from 6:00 am to 12:00 midnight daily.

The added revenue from the longer hours of the market will bolster the economic vitality of the subject business, while improving the function of how it services the neighboring resident's food and beverage needs.

The development of commercial uses, such that of the K's Mini Market, is needed to keep pace with a growing populace and their commensurate needs. The proposed expansion, upgrade and licensing privileges and extending the hours of operation at this location will allow the business to develop economically, and meets the needs of area residents who benefit from having said use located within walking distance of their place of employment or residence. This results in a use which is both proper and positive in its relation to adjacent uses.

Previous approvals and multiple discretionary actions for the subject premise, the historic use of the site as a market and the fact that this particular market has operated with beer and wine privileges without harm for many years, suggests that the public convenience is served and continues to be served. The applicant is providing a first class branded venue and the requested privileges will complement and complete these specific goals and desired ambiance of the premises.

According to submitted plans, the existing 2,120 square-foot market would expand into an adjoining 1,040 square-foot space, resulting in a larger 3,160 square-foot market. Alcoholic beverages would be available toward the rear of the store and from behind the cashier's counter.

According to the California Department of Alcoholic Beverage Control's (ABC) online License Query System, License No. 600881, for Off-Sale Beer and Wine, has been

issued to the market since late 2018. Operating Restrictions are attached to the license. An undated disciplinary action for violation of Section 25612.5(C)(7) and fine been noted. According to ABC records, a license has been issued to this site since 1991.

Since its first approval in 1991 for the sale of beer and wine for off-site consumption, the market has provided a variety of goods and services including, but not limited to dry goods, basic grocery items, and household goods. The existing market offers a beneficial "one-stop" shopping experience in which nearby residents can purchase grocery items, medicine, beverages, and/or other necessary retail items. The request will allow the applicant to continue to offer a beneficial service to the surrounding community by offering its patrons a full line of alcoholic beverages for off-site consumption.

A variety of commercial uses, including markets, are an intrinsic part of the diversity of commercial uses necessary for the conservation, development, and success of a vibrant commercial area. A continuation of the authorization, along with the conditions addressing operational issues, will assure that the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the continued operation of the grocery store, will not be disruptive to the community.

The continuation of the operation, with strict adherence to the imposed conditions and under proper management and supervision, will continue to enhance the environment of the surrounding neighborhood and provide a benefit to the community, and the project will continue to provide a service that is beneficial to the community.

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

On June 5, 1991, the Zoning Administrator approved a conditional use, pursuant to Case No. ZA 91-0203(CUB), to authorize the sale and dispensing of beer and wine for off-site consumption in conjunction with the expansion of an existing approximately 1,000 square-foot mini-market into the adjacent, approximately 1,200 square-foot unit; having hours of operation from 7:30 a.m. to 10 p.m., Sunday through Thursday, and 8 a.m. to 10:30 p.m., Friday and Saturday, at 16061 Vanowen Street.

The applicant seeks a conditional use authorization to upgrade their existing beer and wine license to a full line of alcohol for off-site consumption and hours of operation from 6 a.m. to 12 midnight daily, in conjunction with the operation of an existing 2,120 square-foot market expanded to 3,160 square feet. The proposed hours of operation exceed the maximum 7 a.m. to 11 p.m. hours of operation otherwise permitted within a Commercial Corner/Mini-Shopping Center development.

The subject property, consisting of eight adjoining lots, is a level, irregular-shaped, corner, approximately 49,020 square-foot parcel of land with an approximately 225-

foot frontage on the north side of Vanowen Street and a 200-foot frontage on the east side of Woodley Avenue. The property varies in width from 140 feet to 240 feet north to south and varies in depth from 190 feet to 215 feet east to west.

The property is developed with a one-story commercial corner/mini-shopping center complex consisting of an approximately 5,800 square-foot multi-tenant commercial building located on the interior of the property, a second, approximately 4,800 square-foot multi-tenant commercial building on the eastern side of the property, and a third, approximately 3,881 square-foot multi-tenant commercial building on the southwestern corner, all located on the portions of the property within the C2-1VL Zone. The portion of the property zoned R1-1 is to the rear of the northernmost building and appears to be used for deliveries, storage, and trash collection. The property is further improved with 60 surface parking spaces, which span both the C2 Zone and the [Q]R3-1 portion of the property. Vehicle access to the property is via a two-way driveway taking access from Vanowen Street, and two two-way driveways taking access from Woodley Avenue. There are two pole signs, one along Vanowen Street and one along Woodley Avenue. Present uses include a donut shop, travel agency, restaurants, laundromat, personal care salons, cleaners, a medical office, a cellular telephone store, and a market. The subject market (K's Mini Market) is located on the western side of the "L"-shaped commercial building, and presently occupies 2,120 square feet.

The northeast adjoining properties, fronting on Hartland Street, are developed with single-family dwellings. The east adjoining property is developed with a two-story over semi-subterranean parking multi-family apartment building. The south adjoining properties, across Vanowen Street, are developed with a commercial landscaping nursery and a complex of one-story multi-tenant commercial buildings forming a commercial corner/mini-shopping center. A liquor store is prominently located on the corner of this property. The southwest adjoining property, across the intersection of Vanowen Street and Woodley Avenue, is developed with an LADWP power distribution station. The west adjoining properties, across Woodley Avenue, are developed with a one-story bakery, a commercial office, and a three-story self-storage facility. The northwest adjoining property, fronting on Woodley Avenue and Hartland Street, is developed with a two-story multi-family apartment building.

No communication from surrounding property owners or occupants have been received expressing concern or opposition to the project and requests.

While the local Neighborhood Council supported the request for the expansion of the market, the earlier opening hour, and a continuation of the existing beer and wine authorization, they did not support the applicant's request for a full line of alcoholic beverages.

At the public hearing, the applicant amended their request to limit hours of operation to 6 a.m. to 11 p.m. daily. In addition, the applicant stated that they would remove/replace existing signage on the rooftop and pole signs that advertise the availability of alcoholic beverages.

According to the Police Department representative at the hearing, public drinking on the property is problematic. Their recommended condition, to provide a security guard from opening to closing, was amended to strongly recommend that a uniformed security guard patrol and monitor the exterior of the facility and parking areas, from 12 noon to closing. In response, the applicant has suggested that a market staff person be assigned to monitor and supervise the exterior of the market and parking area, and if after a year's time there has not been sufficient improvement, a security guard would be provided from 5 p.m. to closing on Friday, Saturday and Sunday.

It is a rare occurrence when an officer of the Los Angeles Police Department (LAPD) provides testimony on a matter before the Zoning Administrator, and so their testimony is given great consideration. At this time, the most effective solution presented is to maintain a uniformed security guard on the property, from 12 noon to closing, daily. At some future time, with the concurrence of the Police Department, this condition may be modified through the filing of a Plan Approval application. The applicant is advised that they should proactively work with and coordinate with members of the local community police station to develop the most effective strategy to minimize or eliminate the criminal and nuisance activities occurring on the property.

Given the otherwise compatible way in which the operator has conducted business in close proximity to their residential neighbors and the longevity of their operation, some allowances for expansion are appropriate. The proposed hours of operation, from 6 a.m. to 11 p.m., exceed the otherwise permitted hours of operation from 7 a.m. to 11 p.m. within a Commercial Corner/Mini-Shopping Center Development. Given the ample available parking and the orientation of the market away from adjacent residential uses, the one additional hour of operation early in the morning is not anticipated to have a negative impact on the surrounding area. So long as the operator is mindful of and sensitive to their residential neighbors, the increased hours of operation should pose little disruption in the community.

The Zoning Administrator acknowledges that there is an existing liquor store (Allain's Liquor and Junior Market) directly to the south, across Vanowen Street, at 16060 Vanowen Street. According to the Department of Alcoholic Beverage Control (ABC), the establishment has maintained a license there since at least 1986, and likely since prior to the enactment of the conditional use authorization for alcoholic beverage sales.

While that use does not have the benefit of a conditional use authorization, the instant K's Market will, and in doing so, is subject to conditions of approval that ensure that the availability of alcoholic beverages from this facility will not result in negative impacts on the surrounding community. As approved, the applicant is required to participate in alcohol sales training conducted by ABC or LAPD on a regular basis; all existing alcohol-related signage is required to be removed; a security guard is required to be maintained on-site to deter loitering and public drinking; all windows and glass doors are to be maintained free from obstructions to a height of six feet to increase visibility into and out of the store; video camera surveillance system inside and outside the store is to be installed and maintained; and increased exterior lighting

is to be provided to enhance nighttime security. Further, conditions have been recommended to ABC for consideration and imposition upon issuance of the new license, such as no new alcohol-related signage being permitted to be displayed outwardly and a prohibition on small quantity and single can alcohol sales. In approximately 24 months, a compliance check will take place and determine the degree to which the applicant is observing and adhering to the conditions of approval.

The requested change to the hours of operation is necessary for the operator to remain competitive in the grocery store landscape and continue to offer a commensurate variety of alcoholic beverages. The market's operations will continue to be compatible with and will not adversely affect the adjacent properties or surrounding neighborhood.

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 market 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.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Van Nuys-North Sherman Oaks 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, RAS3, and RAS4, and Height District No. 1VL.

The Van Nuys-North Sherman Oaks 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 2 A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while reserving the historic commercial and cultural character of the community.

Objective 2-1 To conserve and strengthen viable commercial development.

Policy 2-1.2 Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

The use and development of the property is consistent with the land use designation in the Community Plan as well as the associated C2-1VL Zone, within which the market is located. The sale of alcoholic beverages for off-site consumption is a permitted use, subject to a conditional use approval.

The availability of alcoholic beverages for off-site consumption is often a key ingredient to the economic success of a market. Numerous conditions have been adopted as a part of this determination to minimize the potential of this establishment from becoming incompatible with its surroundings. Consistent with Policy 2-1.2, the approved use has been conditioned such that it will operate in a compatible fashion with the surrounding existing uses and development. Therefore, as conditioned, the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

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

The applicant seeks a conditional use authorization to upgrade their existing beer and wine license to a full line of alcohol for off-site consumption, in conjunction with the operation of an existing 2,120 square-foot market expanded to 3,160 square feet.

The northeast adjoining properties, fronting on Hartland Street, are developed with single-family dwellings. The east adjoining property is developed with a two-story over semi-subterranean parking multi-family apartment building. The south adjoining properties, across Vanowen Street, are developed with a commercial landscaping nursery and a complex of one-story multi-tenant commercial buildings forming a commercial corner / mini-shopping center. A liquor store is prominently located on the corner of this property. The southwest adjoining property, across the intersection of Vanowen Street and Woodley Avenue, is developed with an LADWP power distribution station. The west adjoining properties, across Woodley Avenue, are developed with a one-story bakery, a commercial office, and a three-story self-storage facility. The northwest adjoining property, fronting on Woodley Avenue and

Hartland Street, is developed with a two-story multi-family apartment building. Properties farther to the north, east, and south are zoned for and developed with residential uses.

No communication from surrounding property owners or occupants have been received expressing concern or opposition to the project and requests. While the local Neighborhood Council supported the request for the expansion of the market, the earlier opening hour, and a continuation of the existing beer and wine authorization, they did not support the applicant's request for a full line of alcoholic beverages.

All of the conditions recommended by the Police Department have either been imposed as conditions of approval in this determination or recommended to the Department of Alcoholic Beverage Control (ABC) for consideration as part of their permit issuing process.

In conjunction with the approval of the request to authorize the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the existing and expanded 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 restaurant is found to be noncompliant with these conditions. Additional conditions have been recommended for consideration by the 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.

With no substantial change in use or operations to the existing market, the continued sale of alcoholic beverages for off-site consumption will continue to contribute to the collection of tax revenue, increased employment opportunities, and commercial vibrancy of the neighborhood. 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.

The applicant seeks a conditional use authorization to upgrade their existing beer and wine license to a full line of alcohol for off-site consumption, in conjunction with the operation of an existing 2,120 square-foot market expanded to 3,160 square feet.

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-sale and one off-sale licenses are allocated to subject Census Tract No. 1276.03. Currently, there are zero on-sale and two off-sale licenses within the Census Tract.

As reported by the Los Angeles Police Department, which has jurisdiction over the subject property, within Crime Reporting District No. 1029, a total of 180 crimes were reported in 2021 (130 Part I Crimes and 50 Part II Arrests), compared to the Citywide Average of 149 crimes and compared to the High Crime Reporting District Average of 179. Alcohol related Part II Arrests reported include Narcotics (5), Liquor Laws (0), Public Drunkenness (2), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI (7), Moving Traffic Violations (1), and other offenses (8). 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 property, the following establishments possess an alcohol license:

K's Mini Mart	Type 20	16059-16061 Vanowen Street
Alan's Liquor	Type 21	16060 Vanowen Street

The number of active off-site ABC licenses within the census tract where the subject site is located exceeds ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. 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. Granting the request will not result in the addition of another off-site license in the area, rather, it will upgrade it from one type to another.

The above crime statistics indicate that the crime rate in the reporting district where the subject site is located is about equivalent to the citywide High Crime District average. Further, a closer examination of this data reveals that it is primarily the result of Part I Crimes such as Larceny (43), Vehicle Theft (29), Burglary (17), and Aggravated Assault (14). No evidence has been submitted to the record establishing any nexus between the subject site or use and the area's crime rate. Testimony from the Police Department did indicate problems with public drinking around the property, and conditions have been imposed upon this approval to deter and eliminate the problem.

Nevertheless, to safeguard the welfare of the community and provide for a reasonable operation, conditions have been imposed as a part of this approval. Negative impacts commonly associated with the availability of alcohol such as criminal activity, public drunkenness, and loitering are minimized through compliance with public safety measures to mitigate nuisance and criminal activities, such as participation in a STAR/LEAD Training Program, age verification, security cameras, and staff monitoring, which have been incorporated into the grant by the Zoning Administrator to assure better oversight in conjunction with this approval. The ABC 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. The Zoning Administrator has also made recommendations related to the sale and distribution of alcohol for further consideration by the ABC as conditions on the alcohol license. These imposed conditions are a necessary and integral part of this action and requires diligent compliance on the part of the applicant for effectiveness. As conditioned, allowing the sale of alcoholic beverages for off-site consumption at the subject location will benefit the public welfare and convenience because a successful market business supports the economic vitality of the area. 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 upgrade their existing beer and wine license to a full line of alcohol for off-site consumption, in conjunction with the operation of an existing 2,120 square-foot market expanded to 3,160 square feet.

The northeast adjoining properties, fronting on Hartland Street, are developed with single-family dwellings. The east adjoining property is developed with a two-story over semi-subterranean parking multi-family apartment building. The south adjoining properties, across Vanowen Street, are developed with a commercial landscaping nursery and a complex of one-story multi-tenant commercial buildings forming a commercial corner / mini-shopping center. A liquor store is prominently located on the corner of this property. The southwest adjoining property, across the intersection of Vanowen Street and Woodley Avenue, is developed with an LADWP power distribution station. The west adjoining properties, across Woodley Avenue, are developed with a one-story bakery, a commercial office, and a three-story self-storage facility. The northwest adjoining property, fronting on Woodley Avenue and Hartland Street, is developed with a two-story multi-family apartment building. Properties farther to the north, east, and south are zoned for and developed with residential uses.

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

Iglesia Pentecostes Jesus Proverera 16115 Vanowen Street

No communication from surrounding property owners or occupants have been received expressing concern or opposition to the project and requests. No communication from the identified sensitive use has been received. While the local Neighborhood Council supported the request for the expansion of the market, the earlier opening hour, and a continuation of the existing beer and wine authorization, they did not support the applicant's request for a full line of alcoholic beverages.

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, 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, local employees, as well as visitors. 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 / MINI-SHOPPING CENTER FINDINGS

7. **Based on data provided by the City Department of Transportation or by a licensed traffic engineer, 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 project has been approved to observe hours of operation from 6 a.m. to 11 p.m. daily, which exceeds the otherwise permitted hours of operation from 7 a.m. to 11 p.m. daily within a mini-shopping center. The extended hours of operation beginning at 6 a.m. results in no significant increase in traffic congestion or disruption of vehicular circulation on adjacent streets as this represents an hour outside of peak traffic periods and no new vehicular access is proposed to adjacent public rights-of-way.

8. **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 project has been approved to observe hours of operation from 6 a.m. to 11 p.m. daily, in lieu of the 7 a.m. to 11 p.m. limitation for uses located within a Commercial Corner Development/Mini-Shopping Center. The project is located within an existing Commercial Corner Development/Mini-Shopping Center, 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 Commercial Corner Developments or Mini-Shopping Centers 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 the flood zone.

Inquiries regarding the matter shall be directed to Correy Kitchens, Project Planner for the Department of City Planning at (818) 374-5034 or Correy.Kitchens@lacity.org.



JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator
JAH: CR:AJ:ck

cc: Councilmember Nury Martinez
Sixth Council District
Adjacent Property Owners

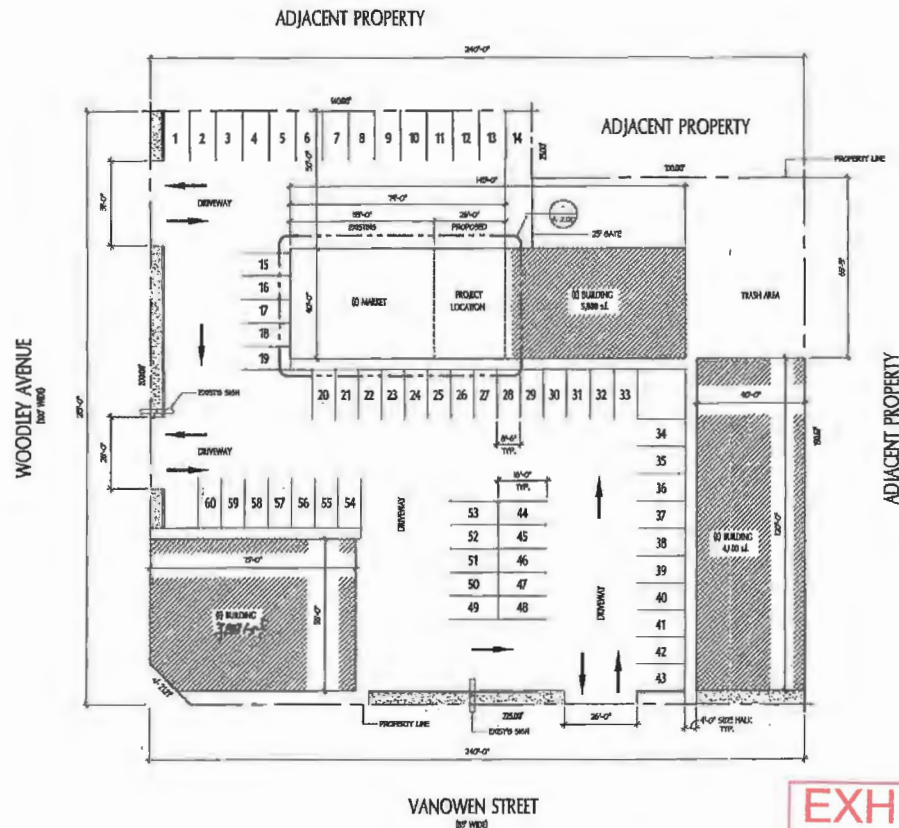


EXHIBIT "A"
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 Case No. 2A-2021-1785-CAS-CU

SHEET INDEX

DRAWINGS

A-100 GENERAL INFORMATION & SITE PLAN
 A-200 EXISTING AND PROPOSED FLOOR PLAN

PROJECT DATA

JOB ADDRESS

175 HIR MARKET
 16057-16061 VANOWEN STREET
 VAN NUYS, CA 91406

LESSEE

611 H. GARDEN, INC.
 16057-16061 VANOWEN STREET
 VAN NUYS, CA 91406
 (818) 441-6000

PROPERTY OWNER

PROJ. BY: VANOWEN PROPERTIES
 16057-16061 VANOWEN STREET
 VAN NUYS, CA 91406
 (818) 441-6000

CONTACT

HIL MEYER
 PRINCIPAL, PLANNER, HIRSH,
 MEYER AND ASSOCIATES
 (818) 404-1000
 HIRMEYER@HIRSHMEYER.COM

SCOPE OF WORK

1. PROVIDE CAD DRAWINGS FOR EXISTING SITE PLAN AND FLOOR PLAN WITH DIMENSIONS AS PROVIDED BY OWNER OTHER AGENCY CONTACT.

NOTES

GENERAL

1. ALL DIMENSIONS AS NOTED ARE ± APPROXIMATIONS, B.A.O.
2. UNLESS NOTED OTHERWISE, ALL DIMENSIONS SHOWN ARE FROM INSIDE FACE OF EXTERIOR WALLS TO THE CENTER LINE OF SIDE CENTER OF HOOKING DOOR, WINDOW PROTR. CONTRACTORS TO VERIFY ALL DIMENSIONS IN THE FIELD BEFORE PROCEEDING WITH ANY WORK.
3. CONTRACTORS OR ARCHITECT OF RECORD SHALL VERIFY DIMENSIONS AND FIELD CONDITIONS, AND CORRECT THAT WORK IS SUBSTANTIALLY AS SHOWN AND ADDRESS ANY CORRECTIONS OR DIMENSIONS DISCREPANCY OR VARIATION FROM THESE DRAWINGS PRIOR TO PERFORMING ANY WORK IN QUESTION.

EXISTING CONDITIONS

1. EXISTING CONDITIONS MAY NOT BE SHOWN EXACTLY. CONTRACTORS OR ARCHITECT OF RECORD SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO STARTING WORK. ANY DISCREPANCIES AND/OR CHANGES CORRELATED IN THE CONTRACT DOCUMENTS SHALL BE PRESENT TO THE ATTENTION OF THE CONSTRUCTION PROJECT MANAGER AND/OR ARCHITECT OF RECORD AT THAT TIME OR IMMEDIATELY UPON DISCOVERY.

CALCULATIONS

LOT SIZE:	41,000 SQ. FT.
BUILDING AREA:	14,400 SQ. FT.
LOT COVERAGE:	35.1%
SUBJECT PROPERTY:	5,800 SQ. FT. (24% OF BLDG)
LANDSCAPING:	1,440 SQ. FT.
PARKING:	28 SPACES
REQUIRED:	60 SPACES

LEGAL DESCRIPTION

SLY 25.47 LOT 50 & LOTS 56-61
 TR 6004 (S&B 75-40-70)

Han J Shin, Draftsman
 Los Angeles, CA 90020
 tel: 213.927.9710
 hjsdrafting@gmail.com



drafting
 exhibits
 measured
 drawings

Proposed Floor Plan for
 EXISTING COMMERCIAL BUILDING

16057-16061 VANOWEN ST
 VAN NUYS, CA 91406

project number: 200100

file name: A-100-COVER.dwg

drawn by: HJS checked by:

date: 10-01-2020

Rev. date description

10-01-2020 PROPOSED SHEET

10-01-2020 100% COMPLETE

10-01-2020 100% COMPLETE

10-01-2020 100% COMPLETE

10-01-2020 100% COMPLETE

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16057-16061 VANOWEN ST
VAN NUYS, CA 91406

CHAPTER


A-20

This floor plan illustrates the layout of a 10,000 sq. ft. retail store. The overall dimensions are 45'-0" wide by 79'-0" deep. The layout includes a central aisle with shelves on both sides, a front display area, a back display area, a storage room, a walk-in freezer, and a rest area. Key features include:

- Front Display:** A large area at the front with shelves and a counter.
- Central Aisle:** A wide aisle with shelves on both sides, measuring 3'-0" wide.
- Back Display:** A large area at the back with shelves and a counter.
- Storage Room:** A room at the back with shelves and a counter.
- Walk-in Freezer:** A room at the back with a walk-in freezer.
- Rest Area:** A room at the back with a rest area.

The plan also shows various other areas such as a cooler, a display case, and a counter. The layout is designed to maximize the use of the 10,000 sq. ft. space.

DISPLAY: 10 COOLER DOORS
120 SF ROOM TEMP
350 SF STORAGE AREA

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PROPOSED FLOOR PLAN

