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April 3, 2017

Vallarta Supermarket #6 (A)
12881 Bradley Avenue
Sylmar, CA 91342

Parklane Shopping Center, Inc. (O)
15445 Ventura Boulevard, Suite 31
Sherman Oaks, CA 91403

Brett Engstrom (R)
Engstrom Planning & Licensing
1641 Paloma Street
Pasadena, CA 91104

CASE NO. ZA 2016-4478(CUB)
CONDITIONAL USE
16107 West Victory Boulevard
Van Nuys – North Sherman Oaks Plan
Area
Zone : C2-1VL-RIO
D. M. : 180B141
C.D. : 6
CEQA: ENV-2016-4479-CE
Legal Description: Lots FR 14-20, Tract
18439

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

a Conditional Use Permit to allow the continued sale of a full line of alcoholic beverages for off-site consumption in conjunction with a market within the C2-1VL-RIO 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 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 the grant.

6. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) 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).
- (iv) 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 (b).
- (v) If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes 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.

7. Authorized herein is the continued sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 22,796 square-foot market, subject to the following limitations.
 - a. The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m., daily.
8. 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.

9. 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, 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 application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City 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 this public hearing for nuisance abatement/revocation purposes.
10. **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.
11. **Prior to the effectuation of the grant,** a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. 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 Prior to the final clearance of this condition.
12. Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A,4(g) and 12.26-E, 1(b).
13. 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. Signs shall be in English and in the predominant language of the facility's clientele.

14. 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 and truancy occur.
15. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
16. **Prior to the utilization of this grant**, a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The plan will be maintained by the Department of City Planning and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
17. **Prior to the utilization of this grant**, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
18. 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.
19. **Prior to the utilization of this grant**, the manager of the facility shall be made aware of the conditions 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. The statement shall read as follows,

We, the undersigned, have read and understand the conditions of approval to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a market, known as Vallarta Supermarket 6, and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

20. **Prior to the utilization of this grant**, 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
- a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls, 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. Complaints shall be responded to within twenty four hours. The applicant shall provide photographs of the sign postings and a copy of the log to the Department of City Planning for inclusion in the Case File.

21. Within the **six months of the utilization of this grant**, at this establishment, all employees involved with the sale of a full line of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2016-4478-CUB, from the Police Department 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.

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 **APRIL 18, 2017**, 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:

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

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

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 Planning Staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application and the plans submitted therewith, 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 under the provisions of Section 12.24-W,1 have been established by the following facts:

BACKGROUND

The subject property is an 80,860 square-foot, commercial corner, rectangular-shaped parcel comprised of seven merged lots, which encompasses an entire block on the north side of Victory Boulevard, extending between Valjean Avenue on the west to Woodley Avenue on the east. The frontage measures approximately 580 feet along Victory Boulevard. The subject site is located at 16107 West Victory Boulevard. Other addresses included on the subject property include the following: 16171 West Victory Boulevard, 16153 West Victory Boulevard, 16149 West Victory Boulevard, 16145 West Victory Boulevard, 16139 West Victory Boulevard, 16133 West Victory Boulevard, 16135 West Victory Boulevard, 16129 West Victory Boulevard, and 16105 West Victory Boulevard.

The subject property is zoned C2-1VL-RIO with a Neighborhood Office Commercial land use designation within the Van Nuys – North Sherman Oaks Community Plan Area. The project is also located within a River Improvement Overlay District (RIO) (ZI-2358). Ordinance Nos. 183144 and 183145 define a project per the RIO as the erection, construction, addition to, or exterior structural alteration of any building or structure located within a River Improvement District. The project does not involve any construction, addition to, or exterior structural alteration of any building, therefore the project is not subject to the regulations of the River Improvement Overlay District.

The subject property is developed with a restaurant, the subject market, and a shopping plaza known as the Parkland Center consisting of a variety of neighborhood serving commercial, office and retail uses with a shared ground surface parking lot. The subject market occupies the tenant space with the address of 16107 West Victory Boulevard. Certificate of Occupancy No. 12555 issued on February 27, 2012 establishes a retail market use on the subject site. Patron access to the supermarket will be available via two entrances located on the east side of the subject building adjoining the parking lot. The subject site has been operating as Vallarta Supermarket 6 since 1992. Vallarta Supermarket is an American supermarket chain with 50 locations in California that caters to the Latino community. The subject establishment offers a wide variety of food and household products, organized into aisles. Store services and departments offered at the

subject establishment include the following: meat, cremeria, produce, taqueria, liquor, beer, tortilleria, bakery, pasteleria, catering, food to go, juice bar, customer service, and check cashing. Records from the California Department of Alcoholic Beverage Control (ABC) show that the subject site has been operating as Vallarta Supermarket 6 with an active Type 21 ABC License under License No. 265559 since March 19, 1992. ABC records show that License No. 265559 was previously suspended for 15 days. No current disciplinary action was found.

On February 13, 2006, the Zoning Administrator previously approved a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with the subject supermarket under Case No. ZA 2005-4338(CUB). Condition No. 29 of Case No. ZA 2005-4338(CUB) approved the grant for a period of 6 years, after which the authorization becomes null and void. The grant expired on March 3, 2012.

The subject request entails a Conditional Use Permit to allow the continued sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 22,796 square-foot retail supermarket with the hours of operation 7:00 a.m. to 11:00 p.m., daily.

Properties to the east across Woodley Avenue are zoned C2-1VL and developed with commercial buildings. Properties to the north across the alley are zoned R1-1 and RD1.5 and developed with one- and two- story single-family dwellings, duplexes and apartment buildings. Properties to the west, across Valjean Avenue are zoned [Q]C2-1 and developed with commercial buildings. Properties to the south are zoned OS-1XL, PF-1XL and [Q]PF-1XL and developed with a golf course, park, and Army Reserve unit facility.

Victory Boulevard, adjoining the property to the south is a designated Boulevard II with a dedicated width of 100 feet and fully improved.

Woodley Avenue, adjoining the property to the east, is a designated Avenue II, with a dedicated width of 100 feet and fully improved.

Valjean Avenue, adjoining the property to the west, is a Collector Street, with a dedicated width of 60 feet and fully improved.

The alley adjoining the property to the north, is dedicated 20 feet in width and paved.

Previous cases, affidavits, permits and orders on the subject property:

Certificate of Occupancy No. 12555 – On February 27, 2012, the Department of Building and Safety issued a Certificate of Occupancy for a retail market.

Building Permit No. 040101-10002-01906 – On April 17, 2006, the Department of Building and Safety issued a Supplemental Building Permit to “recalculate required parking and restripe [the] parking area for [a] new store (retail building) [with a] total [square-footage of] 21,970 square-feet (140’ x 175’).”

Case No. ZA 2005-4338(CUB) – On February 13, 2006, 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 a proposed supermarket.

Building Permit No. 04010-10000-01906 – On June 9, 2005, the Department of Building and Safety issued a Building Permit for a “new store (retail building) [with a] total [of] 21,970 [square-feet] [with a] modified parking lot to include new paving, slurry seal and restriping.”

Cases on Surrounding Properties:

Staff utilized a 1,000-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. No Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages were found.

PUBLIC CORRESPONDENCE

- A letter dated February 3, 2017, from Linda Gravani, President of the Lake Balboa Neighborhood Council, stating that on February 1, 2017 the Board voted in support of the application for a conditional use permit for the continued sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 22,796 square-foot supermarket having hours of operation from 6:30 a.m. to 11:00 p.m. daily.

PUBLIC HEARING

The public hearing was held on Wednesday, March 8, 2017 at approximately 11:30 a.m. at City Hall, Room 1070. Brett Engstrom, the applicant's representative was present.

The purpose of the hearing was to obtain public testimony from affected and/ or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

Brett Engstrom, the applicant's representative presented the following testimony:

- Existing operating supermarket at location since 2009
- Approximately 2,2796 square foot site with 126 shared parking spaces
- Submitting (today) a Neighborhood Council letter, a categorical exemption and a posting affidavit.
- October 20, 2016 I met with CD 6 representatives, Jim Datona, Ackley and Lauren Paddelton. CD 6 shows support of project
- February 3, 2017 Lake Balboa Neighborhood Council submitted a letter of support
- Requesting the continued sale of alcohol on the premises
- No changes from previous CUB
- One change with the start time. The market actually opens at 6:30 am.
- Previous entitlement 2005 hours granted was 7:00 a.m. to 11:00 pm. The supermarket has maintained the hours of 6:30 a.m. to 11:00 p.m. daily.

- The entire parcel has 80,858 square feet.
- The Neighborhood Council letter of support mistakenly noted an operational start time of 9:00 am. Applicant will seek a correction letter to indicated operational hours of 6:30 a.m. to 11:00 p.m. daily.
- Reached out to LAPD. No response back.
- The request is not a new request. Same ABC license. This is somewhat a Plan Approval.
- A corrected environmental clearance for a categorical exemption was completed today and submitted to the case file.
- C of O on file is for a retail market.

The Zoning Administrator noted the applicant acknowledges maintaining operating hours for the market from 6:30 a.m. to 11:00 p.m. daily since the previous 2005 entitlement which granted hours of operation from 7:00 a.m. to 11:00 p.m. daily. It was noted that the Conditional Use Application and Notice of Public Hearing indicated no change in operation with hours of operation from 7:00 a.m. to 11:00 p.m. daily. To acknowledge support of earlier opening hours, the applicant will seek letters of support from both the Neighborhood Council and Council District Office. The applicant therefore request the record remain open for one week until Wednesday, March 15, 2017.

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

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No conditions have been submitted for consideration.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use plan approval 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,1 of the Los Angeles Municipal Code.

In order for a full line of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

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

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

The subject grant approved a Conditional Use Permit to allow the continued sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 22,796 square-foot retail market with the hours of operation 7:00 a.m. to 11:00 p.m., daily. During the public hearing on March 8, 2017, the applicant requested a modification of operating hours to allow a 6:30 a.m. daily opening in lieu of the noticed time of 7:00 a.m., daily. As determined by Los Angeles Municipal Code Section 12.03, the site is a Commercial Corner Development. A request for relief was not submitted or noticed for public hearing. Therefore, Findings have not been made and the request is not a part of this determination.

The subject site has been operating as Vallarta Supermarket 6 since 1992. The subject establishment offers a wide variety of food and household products, organized into aisles. Vallarta Supermarket is an American supermarket chain with 50 locations in California that caters to the Latino community. The subject establishment will continue to add to the diversity of retail options and provide a vital service to the local residential population. Additionally, the sale of alcohol is an expected amenity at supermarkets.

A variety of commercial uses are an intrinsic part of these service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The availability of a full line of alcoholic beverages for off-site consumption in conjunction with a supermarket will offer an amenity to the local community, local employees, the patrons of adjacent retail and the residents in the neighborhood.

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

The project is located in the C2-1VL-RIO Zone with a Neighborhood Office Commercial land use designation within the Van Nuys – North Sherman Oaks Community Plan Area. The subject property is developed with restaurant, the subject market, and a shopping plaza known as the Parkland Center consisting of a variety of neighborhood serving commercial, office and retail uses with a shared ground surface parking plot.

Properties to the east across Woodley Avenue are zoned C2-1VL and developed with commercial buildings. Properties to the north across the alley are zoned R1-1 and RD1.5 and developed with one- and two- story single-family dwellings, duplexes and apartment buildings. Properties to the west, across Valjean Avenue are zoned [Q]C2-1 and developed with commercial buildings. Properties to the south are zoned OS-1XL, PF-1XL and [Q]PF-1XL and developed with a golf course, park, and Army Reserve unit facility.

Vallarta Supermarket 6 is a supermarket that offers a full line of grocery products, household products, a bakery, food to go, a juice bar, and check cashing. The sale of alcohol is an expected amenity offered at any of the markets under the Vallarta Supermarket chain. The subject supermarket provides the community with an economically viable and respected establishment as part of its neighborhood-serving retail.

The existing building is surrounded by other similar uses, residential projects, commercial/retail spaces and parking and should have no impact on any sensitive uses in the community. Conditions have been imposed to encourage responsible management and deter potential negative effects from the off-site sale of alcohol. STAR training will be required to ensure that the employees of the subject establishment has adequate training to prevent service that can lead to negative events caused by alcohol. A complaint hotline and log will also be required for the operator to address any concerns of the community regarding the operation of the site. As such, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community

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

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

The project is located within the Van Nuys neighborhood within the Van Nuys – North Sherman Oaks Community Plan Area. Van Nuys is located north of Burbank Boulevard and comprises the majority of the Plan Area and includes residential, commercial, as well as all the industrially zoned land in the Van Nuys –North Sherman Oaks Community Plan. The project is also located within a River Improvement Overlay District (ZI-2358). Ordinance Nos. 183144 and 183145 define a project as the erection, construction, addition to, or exterior structural alteration of any building or structure located within a River Improvement District. The project does not involve any construction, addition to, or exterior structural alteration of any building, therefore the project is not subject to the regulations of

the River Improvement Overlay District. The project is consistent with the following goals and objectives 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 preserving the historic commercial and cultural character of the district.
- Objective 2-1: To conserve and strengthen viable commercial development.

Therefore, the proposed project will be consistent with the intent of the General Plan and Community Plan.

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

The subject site has been operating as Vallarta Supermarket 6 since 1992. Vallarta Supermarket is an American supermarket chain with 50 locations in California that caters to the Latino community. The subject establishment offers a wide variety of food and household products, organized into aisles. Records from the California Department of Alcoholic Beverage Control (ABC) show that the subject site has been operating as Vallarta Supermarket 6 with an active Type 21 ABC License under License No. 265559 since March 19, 1992. As conditioned, the sale of a full line of alcoholic beverages for off-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of a full line of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. Therefore, with the imposition of such conditions the sale of a full line of alcoholic beverages for off-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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 project site is located within Census Tract 1276.05. According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, three on-sale and two off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 1276.05. Data provided on the ABC's License Query System indicate that there are two existing onsite and two existing offsite alcoholic beverage licenses within the subject Census Tract. Records from the California Department of Alcoholic Beverage Control (ABC) show that the subject site has been operating as Vallarta Supermarket 6 with an active Type 21 ABC License under License No. 265559 since March 19, 1992. ABC records show that License No. 265559 was previously suspended for 15 days. No current disciplinary action was found. The grant will not be adding an additional Type 21 ABC license to the census tract.

According to statistics provided by the Los Angeles Police Department's West Valley Division Vice Unit, within Crime Reporting District No. 1039, which has jurisdiction over the subject property, a total of 231 crimes were reported in 2015 (129 Part I and 102 Part II crimes), compared to the city-wide average of 181 offenses and the high crime reporting district of 217 crimes for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Rape (1), Robbery (6), Aggravated Assault (22), Burglary (24), Auto Theft (18), Larceny (58). Part II Crimes reported include, Other Assault (5), Forgery/Counterfeit (0) Embezzlement/Fraud (2), Stolen Property (2), Weapons Violation (5), Prostitution Related (1), Sex Offenses (3), Offenses Against Family (0), Narcotics (12), Liquor Laws (2), Public Drunkenness (3), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (24) and other offenses (9). Of the 231 total crimes reported for the census tract, two arrests was made for liquor laws, three arrests were made for under the influence of alcohol, and 24 arrests were made for driving under the influence. Crime reporting statistics for 2016 and 2017 are not yet available.

The above statistics indicate that the crime rate in the census tract where the subject site is located is higher than the city average. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance, responsible management and deterrents against loitering. The conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages for off-site consumption at the subject location will benefit the public welfare and convenience because it would add an amenity to nearby residences.

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:

- Single Family, Multi-Family and Condominiums
- Woodley Park, 6350 Woodley Avenue
- Orange Line Busway Bike Path, 16200 West Victory Boulevard

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. The project is consistent with the zoning and keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring resident and the local employees as well as visitors. Therefore as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas outside of a flood zone.
8. On March 8, 2017, the project was issued a Notice of Exemption [Log No. ENV-2016-4479-CE]. Pursuant to Section 15300 et seq. of the State CEQA Guidelines and Article III, Sec 1, Class 5, Category 34 of the City CEQA Guidelines, the above reference project has been determined not to have a significant effect on the environment and shall therefore be exempt from the provisions of CEQA. The subject grant approved a Conditional Use Permit to allow the continued sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 22,796 square-foot supermarket with the hours of operation 7:00 a.m. to 11:00 p.m., daily. This is considered a grant for of a conditional use for a non-significant change of use of land, therefore it qualifies for the Article III, Sec 1, Class 5, Category 34 exemption. I hereby adopt that action.

Inquiries regarding the matter shall be directed to Joann Lim, Planning Staff for the Department of City Planning at (213) 202-5441.

A handwritten signature in black ink, appearing to read 'Aleta D. James'.

ALETA D. JAMES
Associate Zoning Administrator

ADJ:VS:JL

cc: Councilmember Nury Martinez
Sixth Council District
Adjoining Property Owners