

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

April 27, 2021

Dee Ann Anderson (A)
Smart & Final Stores LLC
600 Citadel Drive
Commerce, CA 90040

Gralla Properties, LLC (O)
21800 Oxford Street, Unit 300
Woodland Hills, CA 91367

Maria Impala (R)
Art Rodriguez Associates
444 East Huntington Drive, Suite 208
Arcadia, CA 91006

CASE NO. ZA-2009-3620-CUB-PA1
APPROVAL OF PLANS
6555 Foothill Boulevard (6535 – 6585
Foothill Boulevard, 801 – 811 Marnice
Avenue)

Sunland – Tujunga – Lake View Terrace
– Shadow Hills – East La Tuna Canyon
Community Plan Area

Related Cases: ZA-2009-3620-CUB

Zone : C2-1VL, P-1VL

D.M. : 210A203 106

C.D. : 7 – Rodriguez

CEQA : ENV-2020-3858-CE

Legal Description: Lot PT 1 and PT 2,
ARB 4, Italian Tract; Lot PT 1, ARB 3,
Italian Tract; Lot LT 21, TR 19554 and
LT 46, TR 17671

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

based on the whole of the administrative record as supported by the justification prepared and found in the case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1, 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; and

Pursuant to Los Angeles Municipal Code Section 12.24-M I hereby **APPROVE**:

a Plan Approval to allow the continued sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing grocery market with modifications to conditions regarding hours of operation, hours for restrictive activities, security, and alcohol limitations as shown in Condition No. 15.

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's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. **DELETED AND REPLACED BY CONDITION NO. 45.** ~~The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.~~
7. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard main covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the 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 attachment to the subject case file.

8. ~~**DELETED.** The subject grant shall be for a ten (10) year time period. Said time period to begin on the effective day of this action shown elsewhere in the report. If the owner of the land wishes to continue operation as granted herein, he should file a new application with the Office of Zoning Administration. Said application should be filed no later than three months prior to the expiration of this grant and said application must be made on the appropriate forms and fees paid.~~
9. ~~**DELETED AND REPLACED BY CONDITION NO. 44.** Approval of Plans Review. At any time during the effective period of this grant, should documented evidence be submitted showing continued violation of any condition of this grant, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these Conditions. The applicant shall prepare a radius map and cause a notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, and the Los Angeles Police Department corresponding Division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.~~
10. **MODIFIED.** Authorization. The Authorized herein is the continued sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with an existing 21,300 square-foot supermarket having hours of operation from 7 a.m. to 9 p.m. Monday through Saturday and from 8 a.m. to 7 p.m. Sunday. an existing 21,320 square-foot grocery market. The grant shall be subjected to the following limitations:

The hours of operation shall be limited to 6:00 a.m. to 10:00 p.m., daily.
11. Air Pollution. Air filtration systems shall be provided to reduce the diminished air quality effects on occupants of the project. (*Condition No 6.a, ZA 94-0734(CUB(PAB))*)
12. **MODIFIED.** Wall/Parking. **A solid decorative masonry wall along the rear property line shall be provided for the length of the loading dock at least 10 feet in height. (*Condition No 6.b, ZA 94-0734 (CUB(PAB), as modified by BZA*). No changes to the hours of operation or any other condition may be implemented until such wall is constructed. Any lighting for the loading dock area must be located below the wall and pointed downward so that there is no light spillover effect on adjacent residential properties.**
13. **MODIFIED.** Illumination. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential

~~properties. (Condition No 6.c, ZA 94-0734(CUB(PAB)))~~ 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.

14. All open areas not used for buildings, driveways, parking areas, recreational facilities or 'walks shall be attractively landscaped and maintained in accordance with a previously approved landscape plan, including an automatic irrigation plan. (Condition No 6.f, ZA 94-0734(CUB(PAB)))
15. **MODIFIED.** ~~The following activities shall be restricted to the hours of 7 a.m. to 6 p.m., Monday through Friday, and from 8 a.m. to 6 p.m., Saturday and Sunday: (Hours as modified by BZA) 6:00 a.m. to 8:00 p.m., daily after construction of the required sound wall contained in Condition No. 12:~~
 - (a) Pick-up and deliveries at the loading dock involving trash, groceries, merchandise and all alcoholic beverages. (Condition No 7.a, ZA 94-0734(CUB(PAB)))
 - (b) Operation of box crushing equipment or other power-drive devices such as power tools and air compressors. (Condition No 7.b, ZA 94-0734(CUB(PAB)))
 - ~~(c) General maintenance on the roof and in the loading dock. (Condition No 7.c, ZA 94-0734(CUB(PAB)))~~
 - (d) All after hours (after store closing hours) deliveries shall be made through the front of the store. (As added by the Board of Zoning Appeals)
16. Management of the store shall be responsible for preventing loitering in the dock area, and employee behavior including boisterous activities and profanity in the loading dock area. (Condition No 8, ZA 94-0734(CUB(PAB)))
17. All-weather signs approximately 30 inches by 40 inches shall be posted by store management in the loading dock regarding Condition No. 16. (Condition No 9, ZA 94-0734(CUB(PAB)))
18. **MODIFIED:** The owner of the shopping center and the store operator shall participate in the provision of existing security personnel to patrol the loading dock area as a part of their regular site patrol to discourage loitering, vagrancy or vandalism. (Condition No 10, ZA 94-0734(CUB(PAB)))
19. **DELETED AND PLACED IN ABC SUGGESTED CONDITIONS.** ~~No beer or wine coolers shall be sold in single cans nor wine sold in containers less than 750 ml. (Condition No. 12, ZA 94-0734(CUB(PAB)))~~

20. **DELETED AND PLACED IN ABC SUGGESTED CONDITIONS.** ~~The gross sale of alcohol shall be less than the gross sale of other products on a quarterly basis. (Condition No. 13. ZA 94-0734(CUB(PAB)))~~
21. **MODIFIED.** ~~No video games are permitted. (Condition No. 14, ZA 94-0734(CUB(PAB)))~~ Coin operated game machines, pool tables, or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
22. **DELETED AND PLACED IN ABC SUGGESTED CONDITIONS.** ~~No signs visible outside shall advertise the availability of alcoholic beverages. (Condition No 15, ZA 94-0734(CUB(PAB)))~~
23. Air conditioning and venting shall cause no noise nuisance to adjacent property owners and tenants. (Condition No 16, ZA 94-0734(CUB(PAB)))
24. **NEW:** No after-hour use is permitted, except routine clean-up or as permitted by Condition 15 (d). This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.
26. **NEW.** Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
27. **NEW.** Any music, sound or noise played on external speakers to discourage vagrancy which is under the control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises.
28. **NEW.** A camera surveillance system shall be installed at all times 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 and are intended for use by the Los Angeles Police Department.
29. **NEW.** The exterior windows and glass doors of the location shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground so as to permit surveillance into the location by Police and private security.
30. **NEW.** Complaint Log. Prior to the utilization of this grant, a phone number and an e-mail address shall be provided for complaints or concerns from the community regarding the operation. The phone number and e-mail address shall be posted at the following locations:

- (a) Entry, visible to pedestrians; and
- (b) Customer service desk, front desk or near the cash registers

The applicant shall maintain a log of all calls and e-mails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.

- 31. **NEW.** STAR/LEAD/RBS Training. Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three (3) months of their employment.
- 32. **NEW.** An electronic age verification device shall be retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
- 33. **NEW.** The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
- 34. **NEW.** At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
- 35. **NEW.** Signs shall be prominently posted in English and Spanish stating that: "California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age", "No Loitering or Public Drinking of Alcoholic Beverages" and "It is a violation of Section 41.27(C) of the Los Angeles Municipal Code to possess any bottle, can or other receptacle containing any alcoholic beverage

which has been opened, seal broken or the contents of which have been partially removed, on or adjacent to this premise.

36. **NEW.** 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. The manager and all employees shall be knowledgeable of these Conditions.
37. **NEW.** Smoking tobacco or any non-tobacco substance including from electronic smoking devices is prohibited in or within 10 feet of any outdoor dining/entrance to the restaurant in accordance with Los Angeles Municipal Code Section 41.50 B2C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
38. **NEW.** The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

ADMINISTRATIVE CONDITIONS

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

continued violation 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, shall be submitted to the Department of Planning, Condition Compliance Unit 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.

43. **NEW.** 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.

44. **NEW.** 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 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

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 that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **May 12, 2021**, unless an appeal therefrom is filed with the Department of City Planning. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at

a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are also available on-line at <http://planning.lacity.org>
Public offices are located at:

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

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

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

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith and the statements made at the public hearing on November 17, 2020, 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 Plan Approval under the provisions of Section 12.24-M have been established by the following facts:

BACKGROUND

The subject property is a rectangular-shaped 116,546 square-foot parcel of land comprised of five lots located in Tujunga. The property lies on the north side of Foothill Boulevard, and Smart & Final is one of seven tenants of a commercial strip mall. The property has a frontage of approximately 588 feet along Foothill Boulevard and a varying depth between 178 feet and 209 feet. The property is zoned C2-1VL and P-1VL with a land use designation of General Commercial within the Sunland – Tujunga – Lake View – Terrace – Shadow Hills – East La Tuna Canyon Community Plan. The property is also within the Foothill Boulevard Corridor Specific Plan (ZI-2172), an Urban Agriculture Incentive Zone, a Very High Fire Hazard Severity Zone, a High Wind Velocity Area, a Special Grading Area, and is within the Verdugo Fault Zone.

The subject grocery market, "Smart & Final", is one of several tenants found within the one-story commercial strip mall established on the property and fronts Foothill Boulevard. Adjacent tenants include, but are not limited to, fast-food restaurants, beauty salons, and postal and tax service establishments. The commercial portion of the property which includes the Smart & Final market is zoned C2-1VL, and the surface parking lot fronting the commercial businesses is zoned P-1VL. Parking is shared with the other tenants of the commercial strip mall and is accessible through Foothill Boulevard, Marnice Avenue, and Tujunga Canyon Boulevard. There is a total of 142 shared, parking spaces on the property site with eight (8) dedicated ADA spaces.

At the time of filing, the applicant requested a Plan Approval request to allow the continued sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 21,320 square-foot grocery market. The applicant was previously approved of the sale of alcoholic beverages in 1995, 1999, and 2010 (Case No. ZA-1994-0730-CUB, Case No. ZA-1994-0730-CUB-PAB, and Case No. ZA-2009-3620-CUB). The applicant requests an approval of plans to allow for the continued sale and dispensing of a full line of alcoholic beverages with modifications to Condition No's. 10 (hours of operation), 15 (hours of restrictive activities i.e. delivery, pick-up, maintenance), 18 (security) and 19 (alcohol limitations) of the prior approval (Case No. ZA-2009-3620-CUB):

Condition 10: The applicant requests the modification of hours of operation from 7:00 a.m. to 9:00 p.m., Monday – Saturday and from 8:00 a.m. to 7:00 p.m., Sunday to 6:00 a.m. to 10:00 p.m., daily;

Condition 15: The applicant requests an extension of hours for restrictive activities from 7:00 a.m. to 6:00 p.m., Monday – Friday and from 8:00 a.m. to 6:00 p.m., Saturday – Sunday, to 6:00 a.m. to 10:00 p.m., daily. These activities include:

- Pick-up and deliveries involving trash, groceries, merchandise, and all alcoholic beverages;
- Operating of box crushing equipment or other power-drive devices such as power tools and air compressors;
- General maintenance on the roof and in the loading dock; and
- All after hours deliveries shall be made through the front of the store;

Condition 18: The applicant requests the deletion of Condition 18 which requires the owner of the shopping center and the store operator to participate in the provision of existing security personnel to patrol the loading dock area to discourage loitering, vagrancy and vandalism; and

Condition 19: The applicant requests a modification to the method of sale of alcohol from the restriction of beer and wine cooler sales in single cans or containers in less than 750 mL to allowing beer and wine, including wine coolers, to be sold in manufacturer pre-packaged quantities.

SURROUNDING PROPERTIES

The surrounding properties are zoned C2-1, C2-1VL, R1-1-RFA, R1-1, and OS-1XL. These properties are characterized by fully improved streets and a slight northwesterly incline. Properties to the northwest are zoned R1-1-RFA, consisting of single-family houses and the Mountain View Elementary School. Properties to the southwest are zoned C2-1VL, R1-1-RFA, and R1-1, consisting of commercial businesses along Foothill Boulevard and single-family houses north and south of the corridor. Properties to the southeast are zoned C2-1VL, R1-1, and OS-1XL, consisting of commercial businesses and single-family houses across Foothill Boulevard and the Blanchard Canyon Flood Control Channel. Properties to the northeast are zoned C2-1, C2-1VL, and R1-1-RFA, consisting of commercial businesses along Foothill Boulevard, single-family houses north of the corridor, and the Blanchard Canyon Flood Control Channel.

STREETS AND PUBLIC TRANSIT

Foothill Boulevard, adjoining the subject property to the south, is a designated Avenue I, dedicated to a roadway width of 70 feet and a right-of-way width of 100 feet, and improved with asphalt roadway, concrete curb, and sidewalk.

Tujunga Canyon Boulevard, adjoining the subject property to the west, is a designated Avenue II, dedicated to a roadway width of 56 feet and a right-of-way width of 86 feet, and improved with asphalt roadway, concrete curb, and sidewalk.

Marnice Avenue, adjoining the subject property to the east, is a designated Collector, dedicated to a roadway width of 40 feet and a right-of-way width of 66 feet, and improved with asphalt roadway, concrete curb, and sidewalk.

The subject property is serviced by Metro Bus Lines 90 and 91, and LADOT Commuter Express Line 409. Metro Bus Lines 90 and 91 provide residents and workers north-south access to communities between Downtown Los Angeles and Sylmar. LADOT Commuter Express Line 409 provides a similar service to that of Metro Bus Lines 90 and 91, with limited bus stops.

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

Case No. ZA-2009-3620-CUB – On November 22, 2010, the Zoning Administrator approved a Conditional Use to allow the continued sale and dispensing of a full-line of alcoholic beverages for off-site consumption in conjunction with an existing 21,300 square-foot supermarket with hours of operation of from 7:00 a.m. to 9:00 p.m., Monday – Saturday, and from 8:00 a.m. to 7:00 p.m., Sunday.

Case No. ZA-1994-0730-CUB-PAB – On June 25, 1999, the Zoning Administrator approved a Plan Approval request to allow the continued sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a wholesale grocery and janitorial supply store.

Case No. ZA-1994-0730-CUB – On February 8, 1995, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of alcoholic beverages for off-site consumption in conjunction with a proposed wholesale grocery and janitorial supply store.

Cases on Surrounding Properties

Case No. ZA-2000-3268-CUB-CCR-ZV-HV – On August 18, 2000, the Zoning Administrator approved the following entitlements at 6520 Foothill Boulevard, including:

- A Conditional Use Permit to permit the off-site sale and consumption of alcoholic beverages in conjunction with a proposed drug store;
- A Commercial Corner Review to permit 24 hour operation, and to permit less than 50% transparent windows on exterior walls and to allow a maximum of one pole sign;
- A Conditional Use Permit to permit a drive-through restaurant on a lot adjoining a residential zone;
- A Variance to permit portions of two new commercial structures and one trash bin to be located in the R1 residential zone, to permit a total of 216 parking spaces in lieu of the required 224, and to permit a portion of the project to exceed a height of 45 feet in lieu of the required 40 feet.

PUBLIC HEARING:

A Notice of Public Hearing was mailed to property owners and/or occupants residing near the subject site for which an application, as described above, had been filed with the Department of City Planning. All interested parties were invited to participate in the public hearing at which they could listen, ask questions, or present testimony regarding the project.

The hearing was conducted by Associate Zoning Administrator Charles J. Rausch Jr., from the Office of Zoning Administration who acted on Case No. ZA 2009-3620 (CUB)(PA1) on November 17, 2020 at approximately 10:30 a.m., telephonically in conformity with the Governor's Executive Order N-29-20 (March 17, 2020) due to concerns over COVID-19. The hearing was attended by the applicant's representative and five residents of the community who provided testimony. There was no representative present from the Council Office.

The following points were made in support of the application:

- The Smart and Final Market has been selling a full line of alcohol at this location for over 25 years. The original CUB in 1995 included Condition No. 15 which limited the hours for pick up and deliveries, operation of noise making mechanical equipment and maintenance equipment and limited after hours delivery to the front

door. We are requesting that this Condition be eliminated so such work may be done during the hours that the store is open. We also want to use the loading dock for after hours delivery of consumer goods from the loading dock instead of the front door;

- In 1999, a Condition was added which required a block wall behind the loading dock and limited the hours of operation for the dock to 6:00 p.m. We would like to use the loading dock at all hours as the delivery of groceries and other items is difficult at the front doors;
- The Zoning Code does not limit the hours for the delivery at loading docks. We are requesting that the loading dock may be used until closing time for the store instead of the current hours in Condition No. 15 because the limitation of loading dock use closing at 6:00 p.m. causes us to use the front door for delivery which interferes with our customers using the entrance and exit;
- We are proposing to remove the chain link fence in the rear with a vinyl noise block;
- The box crusher is on the interior of the building so it doesn't make noise and the air conditioner has been removed; and
- The store needs flexibility in its operating hours which the current conditions do not allow especially with the hours of limitation for use of the loading dock.

Points in Opposition:

- Noise from the loading dock affects neighbors living to the north of the site;
- The 1994 determination required a masonry wall that was 10 feet in height for the length of the loading dock. Existing wall covers about a third of the dock. The wall was to extend between the buildings including the dock. The wall was not intended to extend the loading dock hours but to hold down noise beyond business hours;
- Condition No. 15 about noise production from the site has been violated repeatedly, but the Police Department did not cite the applicant because the letter was not a legal document;
- The hours of operation for the loading dock should not be extended;
- People are on the site drinking and not wearing masks as they should be. Vagrants get into the area behind the store and cause trouble. One started a fire which burned down my fence on my property;
- Please make Smart and Final adhere to their current conditions including construction of the sound wall;
- If you approve the application make it a requirement that they have a condition compliance meeting with the neighbors and include the Senior Lead Officer of the Police Department;
- You should also require a security guard on the site until the homeless and vagrancy problems of the area are solved; and
- I am on the Land Use Committee of the Sunland-Tujunga Neighborhood Council, but I am not representing them today. We support the store in expanding their operating hours, but we also support the neighbors in wanting the existing conditions enforced. We attempt to get people to agree on project especially for a use like Smart and Final.

Letters to the File before and after the hearing:

Sunland-Tujunga Neighborhood Council November 9, 2020

- Smart & Final is a valued business in Sunland-Tujunga and serves our residents, businesses and organizations. The local residents support the change in hours for the store and alcohol sales. The neighbors do not support the changes to Condition No. 15 regarding “other activities” hours of operation nor the removal of the Beer and Wine container size. The neighborhood already has a serious homeless/vagrancy problem and allowing single item sales will only compound the problem. The STNC recommends that Smart & Final adhere to the conditions of approval of the original CUB which have been carried over to the current case;
- The neighbors have complained about many conditions not being observed;
- The existing wall at the loading dock does not meet the requirements as stated in the original determination. We recommend a proper height sound wall with an awning to block out the noise that is currently impacting the peace and quiet a abutting neighbors. The new wall height must match the height of the existing partial wall;
- The outdoor lighting also shines into neighboring properties and should be properly shielded;
- Delivery and trash pickup have been problem issues since 1995 with no adherence to the original determination in 1994 for allowed delivery and trash activities and hours;
- The box crusher still runs outside of the allowed hours and vibrates the abutting neighbors’ homes and the loading dock mechanisms are causing too much noise for neighbors. They should be replaced with more modern, silent equipment;
- The after-hour delivery trucks need to be restricted to parking and unloading in the front of the building by the front door as conditioned;
- Loitering needs better control; and
- The neighbors are asking that there be a bi-annual meeting with the neighbors and representatives of Smart & Final which would be hosted by the Neighborhood Council.

Los Angeles Police Department:

On July 23, 2020, the LAPD Foothill Division Vice Unit submitted a letter stating that they do not oppose the Plan Approval request for the sale of a full line of alcohol for the subject case with modifications and provided 22 employee, business, and security conditions to be considered for the project site. Most of these conditions are standard conditions which are placed on all CUB’s and the remainder are stated in the Conditions though in different wording or are standard operating conditions of the applicant.

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 hours of alcohol sales shall be limited to 6:00 a.m. to 10:00 p.m., daily.
- 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.
- 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.
- No single sales of beer, malt liquors or wine coolers shall be permitted from pre-packaged six or four packs. Wine in bottles may not be sold in bottles less than 750 ml. in size.
- Signs shall be posed in English and Spanish stating that California State Law prohibits the sale of alcoholic beverages to people who are under 21 years of age.
- The gross sale of alcohol shall be less than the gross sale of other products on a quarterly basis. (*Condition No. 13. ZA 94-0734(CUB(PAB))*)

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in pertinent part:

“M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site. On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time..."

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of 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 four 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 grocery market ("Smart & Final") is one of several tenants located in an established commercial strip mall in the Tujunga community, an area comprised of single-family houses and commercial businesses along Foothill Boulevard. For over 25 years, Smart & Final market has provided a beneficial and essential service to the neighborhood selling produce, meat and seafood, beverages, kitchen and household supplies, and other goods. The incidental sale of alcoholic beverages will remain ancillary to grocery sales, a service which is typically offered by similar establishments. In addition, it will continue to contribute to the economic vitality of the neighborhood through the collection of tax revenue and employment opportunities. Partial approval of the Plan Approval request will complement the commercial character of the neighborhood and the surrounding land uses.

In 1995, 1999, and 2010, a Zoning Administrator approved the applicant's request for a conditional use allowing the sale and dispensing of a full line of alcoholic beverages for off-site consumption at the subject Smart & Final grocery market (Case No. ZA-1994-0730-CUB, ZA-1994-0730-CUB-PAB, Case No. ZA-2009-3620-CUB). This subject grant allows the continued sale of alcoholic beverages at the market location with modifications to prior approved conditions regarding hours of operation of the market. Requested changes to Condition No. 15 have been

restricted to only being allowed after the required sound wall separating the loading dock from the adjacent homes to the rear of the site is constructed. Loading docks for delivery are noisy uses that can disturb the sleep of adjacent residents. The sound wall was originally required to avoid this problem, but only about a third of it was constructed. In order to change the hours of operation of the dock and noise producing equipment such as the box crusher, the wall should be completed to reduce noise problems with the neighbors as was adequately expressed at the public hearing. The condition for maintenance of the facility to certain hours has been removed as maintenance and repair of the facility should occur whenever a problem occurs just as it would for any homeowner or business owner. The condition requiring that the front doors of the market be used for loading deliveries after hours has been maintained. Even with the sound wall, noise will still be generated at the loading dock which will affect adjacent neighbors. The condition has been changed so that it would only be in-effect after the stores operating hours are over – all other deliveries must occur at the dock. In this manner, there will be no conflict between customers and loading operations in the front of the market. While this is contrary to the desires of the applicant, it should be pointed out that many loading docks for modern markets are placed to the side of the market away from adjacent residences or in the front of the markets. In this case, the loading dock is on the side of the market, but it is adjacent to the residential structures which are impacted by noise generated by the dock.

The extension of the market's hours of operation to 6:00 a.m. to 10:00 p.m., daily will provide more convenience to the community to shop for food and other essential goods. With the approval of conditions set by the Zoning Administrator, and the conditions identified by the State Department of Alcoholic Beverage Control (ABC) and the Los Angeles Police Department (LAPD), the Smart & Final market will continue to provide a desirable and essential service to the neighboring community.

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

The subject grocery market will continue to occupy the 21,320 square-foot commercial tenant space within an established commercial strip mall located along Foothill Boulevard. Since the approval of the previous Conditional Use request in 2010 (Case No. ZA-2009-3620-CUB), there have been no reported changes to the project's location, size, and height except for a minor adjustment to the market's floor area. The previously reported floor area was 21,300 square-feet which is a 20 square-foot difference compared to the current reported floor area. The Smart & Final grocery market will continue to conform with the design and layout of the associated commercial strip mall and will be compatible with the adjacent properties of the neighborhood.

Surrounding the project site are primarily commercial businesses and single-family houses. Properties to the northwest are zoned R1-1-FRA, consisting of single-family houses and the Mountain View Elementary School. Properties to the southwest are zoned C2-1VL, R1-1-RFA, and R1-1, consisting of commercial businesses along Foothill Boulevard and single-family houses north and south of the corridor. Properties to the southeast are zoned C2-1VL, R1-1, and OS-1XL, consisting of commercial businesses and single-family houses across Foothill Boulevard and the Blanchard Canyon Channel.

The Plan Approval request includes an extension to the grocery market's existing hours of operation from 7:00 a.m. to 9:00 p.m., Monday – Saturday and 8:00 a.m. to 7:00 p.m., Sunday to 6:00 a.m. to 10:00 p.m., daily. The extension in operating hours allows customers more time to shop by adding two to five hours to the existing hours of operation. This modification will overall benefit the community as Smart & Final provides patrons essential goods, such as food and household supplies and allows it to be competitive with other markets in the area.

While the store in question does provide an essential service to the community, it has not always operated in a manner that does not adversely affect the neighborhood. The required sound wall at the loading dock has not been completed over the entire width of the dock adjacent to the northerly residences. It is a requirement of the previous actions which has not been completed. Thus, the increase in hours is dependent upon the completion of the sound wall. Even with the wall in place, because the subject homes are on a hill that rises above the wall, noise will still be heard. Therefore, the hours that the dock may be used have been restricted to end at 8:00 p.m. but may begin at 6:00 a.m. No after hours operation are permitted for the loading dock. The current condition for after hours loading through the front door remains as there will be no conflict between customers using the door and staff loading and restocking the store. This will allow the store to maintain 24 hour deliveries, except for the two hour period between 8:00 p.m. and 10:00 p.m., without disturbing the adjacent neighbors. Similarly, the operation of the box crusher is limited to the same hours.

The request to remove a previously approved security condition was not approved, but it was modified. The Smart & Final is a part of a larger neighborhood shopping center which should have its own security. As the Condition was set up to state either the store's or the center's security was the patrol the area, the Condition has been modified to state that the loading dock area should be included as a part of the regular patrols of the site. This will help control a well known vagrancy problem which exists in the area and which has been expressed by the community in numerous hearings that have been held for projects in the area.

As conditioned, the Plan Approval request in conjunction with the subject Smart & Final grocery store will continue to complement the adjacent residential and commercial uses and not degrade neighboring properties. The subject request will provide a convenient and beneficial service to the community while also contributing to its economic welfare through the collection of tax revenue and

increase employment opportunities. Nuisances, security, mode and character, and responsible management are addressed through these conditions. A complaint number posted at the front of the store and the maintenance of the complaint log will enable abutting neighbors and the community to inform the operator of complaints of the use. Conditions have been imposed to encourage responsible management and deter criminal activity. The conditions imposed with the grant will ensure nuisances will be addressed and safety, security and responsible operation will continue. Furthermore, employees will be required to participate in training pertaining to alcohol sales. As conditioned, the continued operation of the grocery market with the sale of a full line of alcoholic beverages for off-site consumption will not adversely affect or further degrade adjacent properties or the surrounding neighborhood.

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

There are twelve elements of the General Plan. Each of these Elements establishes policies 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 in the form of Code Requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Sunland – Tujunga – Lakeview Terrace – Shadow Hills – La Tuna Canyon Community Plan Area and designates the land use as General Commercial with corresponding zones C1.5, C2, C4, and RAS3.

The project site is zoned C2-1VL and P-1VL, and thus is in conformance with the land use designation. The Community Plan identifies the lack of continuity of complementary uses and cohesiveness along commercial frontages. It also acknowledges the need to support and maintain the existing commercial environment along Foothill Boulevard and Commerce Avenue, as well as foster access and proximity to employment throughout the area. The Smart & Final market addresses these opportunities by continuing to provide an essential service to the Tujunga community. For over 25 years, the subject grocery market has been a tenant of a commercial strip mall located along Foothill Boulevard. Its proximity to the commercial corridor complements the surrounding residential and commercial land uses by providing essential goods such as groceries and household supplies. In addition, the grocery market's location also promotes local employment opportunities in the area in conjunction with the various commercial businesses and public transit services established along Foothill Boulevard. Approval of the applicant's request will contribute to the commercial character and economic vitality of the neighborhood.

The Community Plan text is silent with regards to alcohol sales, therefore in such cases the Zoning Administrator must interpret the intent of the Plan. Approval of the request is consistent with the Community Plan's goals and policies, including:

- *Purpose 2: Improving the function, design and economic vitality of the commercial corridors.*
 - *Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the unique character of the community.*
 - *Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and service.*

In addition, the subject grocery market is located within the Foothill Boulevard Corridor Specific Plan Area and is consistent with the purpose of the plan. In general, the purpose of the Specific Plan is to ensure that land uses and development in the Foothill Boulevard Corridor occur in a manner that is compatible with or complements the surrounding community. The subject Smart & Final lies within Target Area No. 4 of the Specific Plan Area and has operated at the commercial site for over 25 years providing the community a convenient and beneficial service as a full service grocery market. As such, the market complements the surrounding commercial and residential uses and conforms with the purpose of the Specific Plan.

The project supports the Purpose, Goals, and Objectives of the Community Plan, as well as the Purpose of the Specific Plan, by continuing to provide a beneficial service to the Tujunga community. Smart & Final grocery market will continue to provide a convenient and essential service for local residents and workers, while contributing to the commercial character and economic vitality of the surrounding neighborhood. The request to allow the sale of alcohol will remain ancillary to grocery sales. The required findings have been made and the operation has been imposed with conditions of approval. Therefore, the project with modifications to previously approved conditions, conforms to the purpose, intent, and provisions of the applicable portions of the General Plan, Community Plan, and Specific Plan.

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

The Plan Approval request for the continued sale of a full line of alcoholic beverages for off-site consumption in conjunction with the subject grocery market will not adversely affect the welfare of the community. For 25 years the subject Smart & Final grocery market has been a destination for purchasing essential goods such as groceries and household supplies. The incidental sale of alcoholic beverages will continue to supplement grocery sales and provide a service which

is typically desired by shoppers and provided by similar establishments. For as long as the subject Smart & Final has held an Alcoholic Beverage Control license (License No. 456543, Type 21: Off-Sale General), there has been no record of disciplinary action or history indicating that it has adversely impacted or degraded adjacent properties.

With respect to the modification to the market's hours of operation, the extension in operating hours allows customers more time to shop by adding two to five hours to the existing hours of operation. The entrance to the market is in the front of the store facing the parking lot and is located approximately 160 feet and downhill from the adjacent residences to the rear of the store. Thus, customer noise created by the additional hours of operation, which will not extend beyond 10:00 p.m., are compliant with the City's Noise Ordinance which seeks to control non-residential noise beyond 10:00 p.m. Any other requests for modification to the operational conditions of Condition No. 15 of the Conditions of Approval have either been denied or are contingent on the completion of the required sound wall at the loading dock which has never been completed in violation of the existing Conditions of Approval.

With oversight from the California Department of Alcoholic Beverage Control (ABC), the Los Angeles Police Department, and conditions which have been imposed upon the market by the Zoning Administrator, the project will be compatible with the character of the immediate neighborhood. Such conditions include, but are not limited to, the requirement of security measures such as a surveillance system and deterrence of graffiti and loitering. In addition, the grant requires the use and maintenance of an age verification device to deter underage purchases and drinking. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department, LEAD (Licensee Education on Alcohol and Drugs) training, or RBS (Responsible Beverage Service) provided by the Department of Alcoholic Beverage Control and the completion of the required sound wall at the loading dock. The Council Office requested that Condition No. 19, which prohibits the sale of single containers of beer or wine in less than a 750 milliliter bottles and which the applicant wished to modify, be maintained in the Conditions. The Zoning Administrator has eliminated the Condition not because he disagrees but because the direct regulation of alcohol sales is in the jurisdiction of the California Alcoholic Beverage Control Department. Thus, the former condition has been added to the suggested conditions for the ABC license of the applicant.

The Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare, and safety of the community. Therefore, it is expected that the continued sale and dispensing 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 subject Smart & Final grocery market holds one (1) active license (License No. 456543, Type 21: Off-Sale General) and has been selling alcohol to its customers for over 25 years at its current location. According to the ABC's license query system summary and administrative records, there are no reported disciplinary or historic disciplinary actions against the establishment. The applicant's request for a Plan Approval to allow for the continued sale and dispensing of full line of alcoholic beverages for off-site consumption will not contribute to an increase in licenses in the area as the request involves the continuation of a license, changes in the hours of operation and changes to its operational conditions. As a result, the market will not impose an undue concentration to the area as its continued operation will overall benefit public convenience.

According to the ABC's licensing criteria, four (4) on-sale and two (2) off-sale alcohol licenses are allocated to the subject census tract (Census Tract 1013). Currently there are five establishments holding five (5) active, off-sale licenses within the census tract. The following list shows the distribution of licenses:

(5) Type 21: Off-Sale General

Within 1,000 feet an area located in two separate census tracts, there are five establishments holding six (6) active alcohol licenses. The licenses include:

(1) Type 20: Off-Sale Beer & Wine

(3) Type 21: Off-Sale General

(1) Type 47: On-sale General – Eating Place

(1) Type 58: Caterer's Permit

According to statistics provided by the Los Angeles Police Department Foothill Area Vice Unit, within Crime Reporting District No. 1659, which has jurisdiction over the subject property, a total of 89 crimes were reported in 2019 (79 Part I, Crimes and 10 Part II, Arrests), compared to the Citywide Average of 141 crimes and compared to the High Crimes average of 169 crimes for the same reporting period.

Part 2 Arrests reported by LAPD include Narcotics (0), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (1), Moving Traffic Violations (1) and Miscellaneous Other Violations (1). Of the 89 total crimes reported for the Reporting District, only 1 arrest was made for driving under the influence.

The above statistics indicate that the crime rate in Reporting District No. 1659, where the subject site is located in, is lower than the city average and therefore does not constitute a High Crime Reporting District. The crime statistics do not connect the subject property to any incidents as it pertains to the reporting district as a whole. Additionally, the subject Smart & Final grocery market is located in Reporting District No. 1659, which abuts three other reporting districts with crime statistics below the city average. Nevertheless, negative impacts commonly associated with the sale of alcohol for on-site consumption such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions set forth by the Zoning Administrator to safeguard the welfare of the community. The continued operation of the grocery market, in conjunction with the sale and dispensing of a full line of alcoholic beverages for off-site consumption will serve to enhance the character of the area while operating in a manner that will be responsible and considerate of its surrounding uses.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned for commercial and parking use and will continue to be utilized as such with the continued operation of the grocery market. For over 25 years, the Smart & Final market has provided the nearby residential communities an essential service offering a wide range of groceries and household supplies. According to the California Department of Alcoholic Beverage Control, the market has no record of disciplinary action or history. The incidental sale of alcoholic beverages for off-site consumption will continue to provide a service of public convenience for the community and contribute to its economic welfare.

The following sensitive uses are located within a 1,000-foot radius of the site:

Sensitive Uses

Tujunga Canyon Preschool Academy
Mountain View Elementary School

9901 Tujunga Canyon Blvd.
6410 Olcott St.

Tujunga United Methodist Church	9901 Tujunga Canyon Blvd.
Summit Christian Church	9641 Tujunga Canyon Blvd.
Foothill Retirement	6720 St. Esteban St.
Single-Family Residential	Haines Canyon Ave., Tujunga Canyon Blvd., Marnice Ave. Tujunga Canyon Pl., Creemore Dr., Greeley St., Haywood St.
Multi-Family Residential	Foothill Blvd.

Establishments Selling Alcoholic Beverages

Smart & Final	6555 Foothill Blvd.
CVS Pharmacy	6588 Foothill Blvd.
7-Eleven	6610 Foothill Blvd.
Quick Stop Liquor	6670 Foothill Blvd.
Great Caesar Banquet Hall	6723 Foothill Blvd.

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 and not granting all of the requested changes to Condition No. 15. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development on the Foothill Boulevard commercial strip. This project will continue to contribute to the neighborhood as a grocery market and will serve the neighboring residents, local employees, and 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 outside the flood zone.

Inquiries regarding this matter shall be directed to David Woon, Planning Staff for the Department of City Planning at (213) 978-1368, or David.Woon@lacity.org.



CHARLES J. RAUSCH JR.
Associate Zoning Administrator

CJR:JP:DW:bk

cc: Councilmember Monica Rodriguez
Seventh District
Adjoining Property Owners
Interested Parties

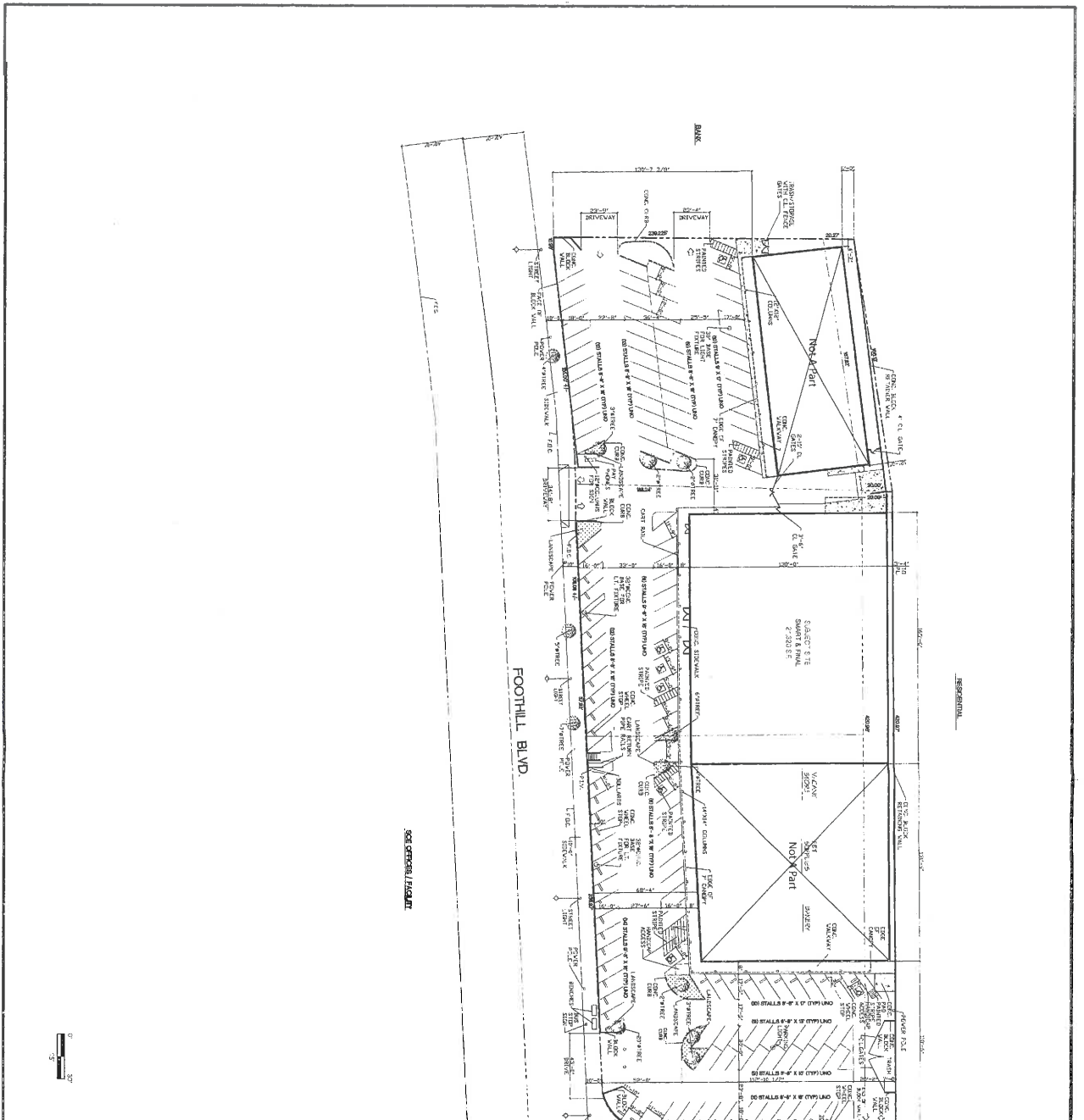


EXHIBIT "A"
 Page No. 1 of 2
 Case No. ZA-2009-3620-CUB-PA1

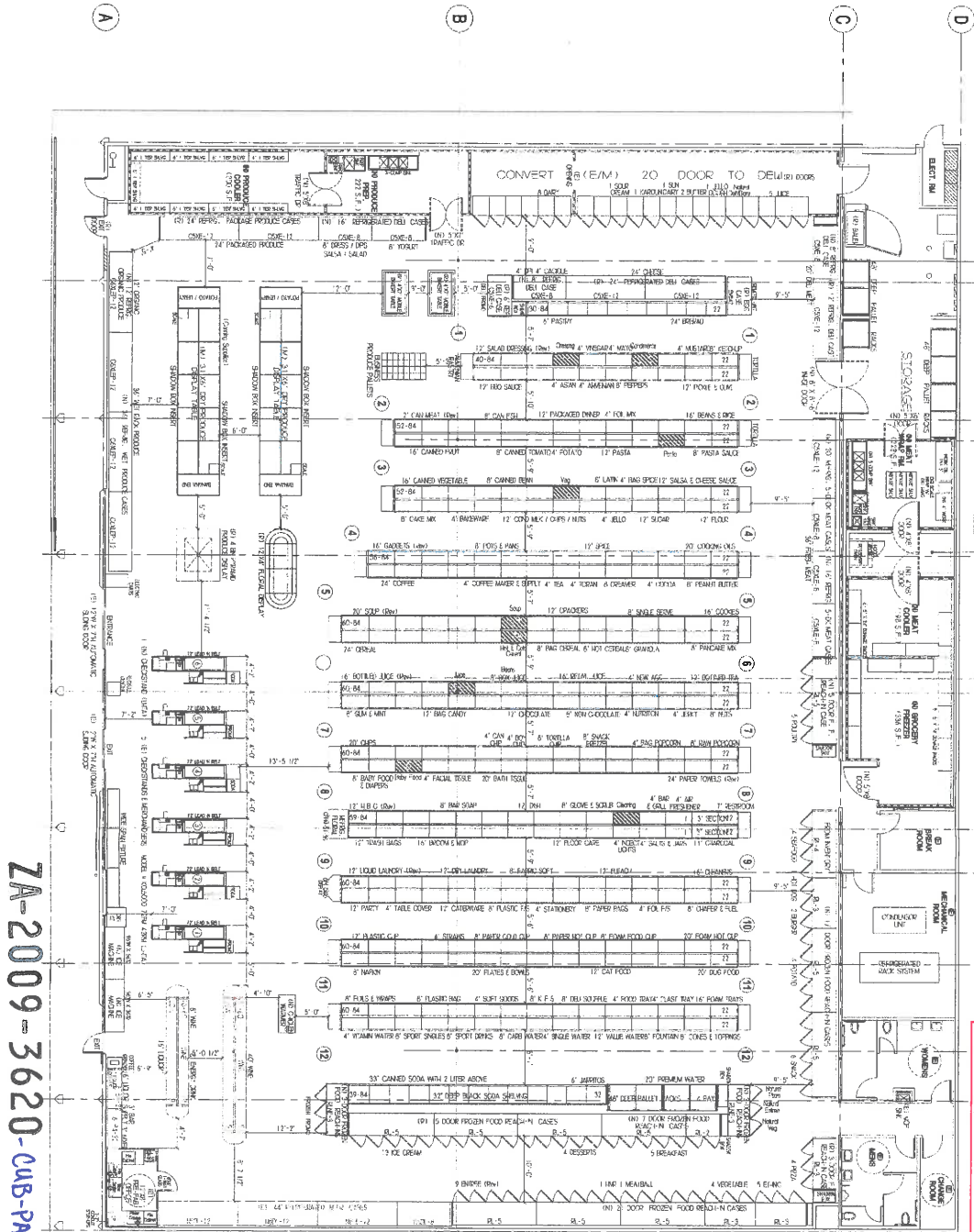
<p>CASE NUMBER: SP-1 SITE PLAN VARIATION MAP</p> <p>SHEET INDEX: SP-1 SITE PLAN VARIATION MAP</p> <p>LEGAL DESCRIPTION: AC 30% LOT 1 AND 2 TRACT 13807 MAP 11-530 LIFT OFF TRACT NO. 13804, 142, 152, 161, 162 SEE REFLECTION MAP 11071, 12, 11/29/2010.</p> <p>SUMMARY TABLE: TOTAL SITE AREA: 104,799 S.F. TOTAL FLOOR AREA: 21,320 S.F. PARKING PROVIDED: 142</p>	<p>VICINITY MAP:</p>
--	-----------------------------

REVISION	REVISION
DATE	DATE
BY	BY
SCALE	SCALE
DRAWING NO.	DRAWING NO.
DRAWING NO.	DRAWING NO.

SITE PLAN
 6555 FOOTHILL BLVD.
 TUALUMBA, CA 91042

800 OTTAWA Drive • Commerce, CA 90040 • (562) 899-7500

ZA-2009-3620-CUB-PA1



Refrigerated Cases	=	169 sf
Dry Shelving	=	202 sf
Total Alcohol Sales Area	=	371 sf
Sales Area	=	17570 sf
Total Alcohol Sales Area sf + Sales Area sf	=	0.02112 = 2.11%

ZA-2009-3620-CUB-PA1



<p>EXHIBIT "A"</p> <p>Page No. <u>2</u> of 2</p> <p>Case No. <u>2009-3620-CUB-PA1</u></p>		<p>NEW PROJECT DATA</p> <p>gross sq. ft. 17,570</p> <p>sales floor sq. ft. 17,570</p> <p>storage sq. ft. 202</p> <p>total sq. ft. 17,772</p> <p>MEP sq. ft. 1,111</p> <p>MEP % 6.26</p> <p>MEP excl. storage sq. ft. 1,111</p> <p>MEP excl. storage % 6.26</p> <p>gross sq. ft. 17,570</p> <p>sales floor sq. ft. 17,570</p> <p>storage sq. ft. 202</p> <p>total sq. ft. 17,772</p> <p>MEP sq. ft. 1,111</p> <p>MEP % 6.26</p> <p>MEP excl. storage sq. ft. 1,111</p> <p>MEP excl. storage % 6.26</p>
<p>EXISTING PROJECT DATA</p> <p>gross sq. ft. 71,200</p> <p>sales floor sq. ft. 17,200</p> <p>storage sq. ft. 1,200</p> <p>total sq. ft. 18,400</p> <p>MEP sq. ft. 1,200</p> <p>MEP % 6.52</p> <p>MEP excl. storage sq. ft. 1,200</p> <p>MEP excl. storage % 6.52</p>	<p>REVISION</p> <p>1. REVISED PER FIELD COORDINATING, CHANGES DATED: 08-20-14</p> <p>2. REVISED PER STORE PLANNING MEETING, CHANGES DATED: 08-20-14</p> <p>3. REVISED PER STORE PLANNING MEETING, CHANGES DATED: 08-20-14</p> <p>4. REVISED PER STORE PLANNING MEETING, CHANGES DATED: 08-20-14</p> <p>5. REVISED PER STORE PLANNING MEETING, CHANGES DATED: 08-20-14</p>	<p>REVISION</p> <p>1. REVISED PER STORE PLANNING MEETING, CHANGES DATED: 08-20-14</p> <p>2. REVISED PER STORE PLANNING MEETING, CHANGES DATED: 08-20-14</p> <p>3. REVISED PER STORE PLANNING MEETING, CHANGES DATED: 08-20-14</p> <p>4. REVISED PER STORE PLANNING MEETING, CHANGES DATED: 08-20-14</p> <p>5. REVISED PER STORE PLANNING MEETING, CHANGES DATED: 08-20-14</p>

FFP

DRAWING NO. **STORE #4/4**

DATE: 08-20-14

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

DESIGNED BY: [Name]

DRAWN BY: [Name]

FIXTURE FLOOR PLAN

EXTRA

6555 FOOTBILL BLVD.

TULLINGA, CA 91042

2014 REMODEL

600 Ubbeloh Drive • City of Commerce, CA 90030 • (714) 869-7500

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



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

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

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

OPTION 2: Drop off at DSC

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

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

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

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

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

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