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April 17, 2018

Alton Klein (A)  
Park Westchester Business Center  
1234 East 17<sup>th</sup> Street  
Santa Ana, CA 92701

Park Westchester Business Center (O)  
1234 East 17<sup>th</sup> Street  
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Maria A. Impala (R)  
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444 East Huntington Drive  
Arcadia, CA 91006

CASE NO. ZA 2017-3828(CUB)(SPR)  
CONDITIONAL USE, SITE PLAN REVIEW  
Related Case:  
6855 South La Cienega Boulevard  
Westchester – Playa Del Rey Planning  
Area  
Zone : C2-1VL  
C.D. : 11  
D.M. : 102B173  
CEQA: ENV-2017-3829-CE  
Legal Description: Lot 26, Tract 14055

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

a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed grocery store with hours of operation from 6:00 a.m. to 11:00 p.m., daily; and

Pursuant to Los Angeles Municipal Code Section 16.50, I hereby APPROVE:

a Site Plan Review to allow a development project that results in a net increase of 1,000 or more average daily vehicle trips.

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such

Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the 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 LAMC 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.
7. Authorized herein is the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a new, 28,590 square-foot, grocery store from the effective date of this grant. Subject to the following limitations:
  - a. The hours of operation shall not exceed 6:00 a.m. to 11:00 p.m., daily. No after-hours use is permitted, except for routine clean-up.
  - b. No seating is permitted.
8. Prior to the utilization of this grant, a camera surveillance system shall be installed 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 must be reviewed and approved by the Police Department. The approved 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.
9. 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.
10. The exterior windows and glass doors 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/or private security.

11. A 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 or front desk.
  - c. 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 of City Planning. Complaints shall be responded to within 24 hours.
12. Within six months of the effective date of this grant, all employees involved with the sale of alcohol 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-2017-3828(CUB)(SPR), 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 and for the rest of the staff every 24 months.
13. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk along the La Cienega Boulevard right-of-way.
14. No deviations from the parking requirements have been requested or approved herein. No variance from the parking requirements has been granted herein. Parking shall be subject to the requirements of the Municipal Code.
15. 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.
16. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
17. A monthly vermin control service shall be conducted which special attention focused on the trash bin area.
18. Automobile parking shall be provided in compliance with LAMC Section 12.21 A.4. Up to twenty (20) percent of the required automobile parking may be replaced with bicycle parking pursuant to LAMC Section 12.21 A.4.

19. The area dedicated to the trash bins shall be power washed on a quarterly basis.
20. 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.
21. 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.
22. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of the Police Department, the Department of City Planning or other responsible agency.
23. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
24. Use by the property's tenants of the trash bins and/or any recycling bins is permitted to occur only between the hours of 8 a.m. and 9 p.m.
25. Trash bins, with lids maintained in optimum operational condition, shall be locked when not in use. The trash bin area shall be kept in a clean condition at all times with no overflow of trash or other discarded materials permitted.
26. Bicycle parking shall be provided in compliance with LAMC Section 12.21A.16. Required short-term bicycle parking shall be located along the building's western main entrance elevation, no more than 50 feet from the building's main entrance.
27. All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.

28. The applicant shall comply with the City of Los Angeles Landscape Ordinance, including but not limited to Guidelines Section K, Vehicular Use Areas:
- a. The applicant shall plant one tree for every four parking spaces. Trees shall be located in such a manner and be of such a size that the trees are capable of producing an overhead canopy that will shade at least 50 percent of the parking stall area in summer after 10 years growth when the sun is at its zenith at local solar time at the summer solstice. Placement of trees shall be coordinated with lighting, as required by the Los Angeles Municipal Code. A minimum of 50 square feet of unpaved area shall be provided at the base of each tree, the minimum dimension of which shall be 5 feet, to allow for water infiltration, gas exchange, and to avoid conflicts between car door swings and bumpers, and trees. The planted area under bumper overhangs may be utilized as part of the unpaved area. All trees planted in the vehicular use area shall be a minimum of 24" box in size. Palm trees shall not count towards meeting this requirement.
  - b. The area under bumper overhangs shall be landscaped. Such areas shall be a minimum of 24" deep, and shall contain no plant, irrigation device, or other object higher than 6" above the top of the curb.
29. Shopping carts shall be contained on-site per LAMC Section 12.21 F.4 using at least one of the following methods:
- a. Locking or Stopping Mechanisms. Equipping shopping carts with a wheel locking or stopping mechanism that is used in conjunction with an electronic magnetic barrier along the perimeter of the retail establishment. The wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier;
  - b. Customer Service. Designation of certain employees to prevent the removal of shopping carts from the premises by assisting patrons with transporting groceries or merchandise to patrons' vehicles and then returning shopping carts to the location where the retail establishment keeps the shopping carts for its patrons;
  - c. Other Methods. Other methods for onsite containment so long as the Bureau of Street Services has approved the system or method which would effectively contain or control shopping carts on the premises.
30. The applicant shall maintain all parking spaces clear of shopping carts.
31. The exterior walls and doors of the building fronting on La Cienega Boulevard shall consist of a minimum of at least 50 percent transparent windows, in conformance with LAMC Section 12.22 A.23. Openings proposed in the project, as shown in Exhibit A, shall be transparent. No reflective, translucent, or opaque curtain walls, fenestration, or openings are permitted. The openings shall serve both a functional and aesthetic purpose and shall allow light to enter the grocery store from the exterior. Glass placed on the exterior of the structure that serves only an aesthetic purpose is not permitted.

The east elevation shall have a minimum of 75 percent openings, including windows and doors. No openings are required on the south or north elevations.

32. The applicant shall utilize building materials consistent with Exhibit A. The proposed building shall incorporate a minimum of four (4) materials.
33. Signage shall be limited to the words "Smart & Final extra". No signs illustrating products commonly available for purchase at a grocery store are permitted. No pole signs, flashing signs, projecting signs, or roof signs are permitted. No signs are permitted on the north or south elevations. The applicant shall be limited to two signs, as described below:
  - a. Sign A: East Elevation: dimensions, colors, etc.
  - b. Sign B: West Elevation: dimensions, colors, etc.
34. All new utility lines that service the site shall be installed underground, in conformance with LAMC Section 12.22 A.23.
35. All outdoor and parking lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes). Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated. Lighting fixtures shall be harmonious with the building design.
36. The use of barbed wire, razor wire, and concertina wire shall not be visible to the public right-of-way. Any security devices installed on the ground floor shall be positioned behind the storefront windows, and should be see-through for increased visibility.
37. The loading area shall be screened by a wall. The wall shall be a minimum of 13 feet, six (6) inches in height and shall be a minimum of 67 feet, three (3) inches in length.
  - a. The exterior loading area wall shall be comprised of a solid decorative material found elsewhere in the building structure. Concrete masonry units are not permitted exterior wall materials.
  - b. The interior loading area wall shall be comprised of acoustic sound absorbing Concrete masonry unit material.
  - c. The exterior of the wall shall be screened by landscaping and irrigated with an automatic drip irrigation system. The landscaping chosen shall be capable of covering 75 percent of the wall's surface area at maturity. A climbing vine, such as Creeping Fig (*Ficus repens*) or similar, is considered acceptable.

38. The waste/trash storage area shall be screened by a wall. The wall shall be erected along the southerly property line, a minimum of six (6) feet in height, and designed to fully screen the trash enclosure. The exterior of the wall shall be screened by landscaping and irrigated with an automatic drip irrigation system. The landscaping chosen shall be capable of covering 75 percent of the wall's surface area at maturity. A climbing vine, such as Creeping Fig (*Ficus repens*) or similar, is considered acceptable. Trash storage bins shall be located within a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building.
39. Rooftop equipment shall be screened by physical walls.
40. Ground level utilities shall be screened by physical walls and gates unless otherwise required by a City Agency. The area surrounding the utilities shall be landscaping with an automatic drip irrigation system.

#### **ADMINISTRATIVE CONDITIONS**

41. 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 floor plan, seating arrangement or number of seats of the new operation.
42. 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.
43. 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 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.

44. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

45. **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 (ii).
- 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 (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the

authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

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

### **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **MAY 2, 2018**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

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

### **NOTICE**

The applicant is further advised that subsequent contact regarding this determination must be with the 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 January 16, 2018 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 of the Municipal Code, have been established by the following facts:

### BACKGROUND

The subject site, comprised of one lot, is an approximately 171,793 square-foot irregularly-shaped parcel of land having a frontage of approximately 401 feet along the west side of South La Cienega Boulevard, 578 feet along the alley to the south of the project site, and 620 feet along the alley to the north/northeast of the project site. Concurrently the applicant has filed for Preliminary Parcel Map No. AA-2017-3830-PMLA for the purpose of subdividing the one existing parcel into four parcels. According to Preliminary Parcel Map No. AA-2017-3830-PMLA, the proposed grocery store will be located on Parcel 4, with a total lot area of 36,751 square feet.

The subject property is zoned C2-1VL with a land use designation of Community Commercial within the Westchester - Playa del Rey Community Plan area.

The predominant land use pattern within the Community Plan Area is mainly low-rise commercial uses on commercial corridors and clusters of interior multi-family and single-family residential structures. The proposed grocery store is located in the Westchester neighborhood and Ladera Heights Community Commercial area and is located in close proximity to other commercial uses that include retailers, restaurants, hotels, and other grocery store uses. The proposed grocery store is located within one half mile of the Interstate 405 freeway and is located near the Centinela Avenue, La Tijera Boulevard, La Cienega Boulevard corridors junction.

The subject property is currently vacant. The applicant proposes the construction, use, and maintenance of a new, 28,590 square-foot grocery store with 146 automobile parking spaces, as part of a larger commercial shopping center. The proposed grocery store will be located in the southeastern corner of the existing site. The proposed establishment will sell a full line of alcoholic beverages for off-site consumption.

Properties to the north across the alley are zoned C2-1VL and are improved with one-story commercial retail and restaurant buildings.

Properties to the west across the alley are zoned C2-1VL and are improved with one-story commercial retail and restaurant buildings.

Properties to the south across the alley are zoned R3-1 and are improved with two-story multi-family residential buildings.

Properties to the east across La Cienega Boulevard are located in the City of Inglewood and are improved with one- and two-story commercial retail and office buildings; and one-story single-family residential buildings.

South La Cienega Boulevard, adjoining the subject property to the east is designated as an Boulevard II dedicated with a varying width of 110 feet at the subject property and is improved to a varying width of 80 feet with curb, gutter, sidewalk, and on-street parking.

**Previous relevant cases, affidavits and orders on the subject property:**

Case No. AA-2017-3830-PMLA – On September 25, 2017, a concurrent application was submitted for Preliminary Parcel Map No. AA-2017-3830-PMLA for the purpose of subdividing one existing parcel into four parcels, for a property located at 3855 La Cienega Boulevard. This case has been scheduled for a public hearing on January 17, 2018.

**Relevant Cases on Surrounding Properties:**

Case No. ZA 2011-2851(CU) – On May 24, 2012, the Zoning Administrator approved a Conditional Use Permit to allow the continued use and maintenance of a penny arcade with a maximum of 76 game machines in conjunction with the continued operation of an existing restaurant in the C2-1VL Zone, located at 6885-6901 La Tijera Boulevard.

Case No. ZA 2006-7267(CU) – On May 3, 2007, the Zoning Administrator approved a Conditional Use Permit to allow the conversion of an auto repair area to retail floor area to be added to an existing convenience mart, with hours of operation of 24 hours a day in lieu of the 7:00 a.m. to 11:00 p.m. permitted hours set forth in LAMC Commercial Corner regulations in the C2-1VL Zone, for a property located at 5215 West Centinela Avenue.

Case No. ZA 2004-74(CUB) – On April 15, 2004, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant in the C2-1 Zone, located at 6806 La Tijera Boulevard.

**PUBLIC CORRESPONDENCE**

Two communications were received from the public prior to the completion of this staff report. One comment email was received from David Jankowski, representative of the LLC that owns the 16-unit apartment complex located at 6925 Kittyhawk Avenue. The letter expresses support of the proposed grocery store. A second comment email did not express an opinion but asked to be placed on the notification list for the proposed project.

No additional correspondence was received prior to the completion of this staff report.

**PUBLIC HEARING**

The public hearing was held on Tuesday, January 17, 2018 at approximately 10:30 a.m. at City Hall located at 200 North Spring Street, Room 1020. The hearing was a joint hearing for the incidental subdivision case and the subject case. Five people, the applicant, Alton Klein, applicant's representative, Maria Impala and Andy Rodriguez, and the applicant's team from Land Use Development, were present.

The applicant, Alton Klein, and representatives, Andy Rodriguez and Maria Impala, and the team made the following statements:

- The site is an 8 acre site where the the applicant owns all of the property except for the liquor store and Burger King restaurant.
- The project will subdivide the property for financial purposes.
- There is a reciprocal parking agreement with Ross Dress for Less.
- The project was presented to LAPD, who stated they are fine with the hours of operation.
- Signage for parking and loitering were recommended.
- The project will comply with the regulations of loading and trash collection. Trash collection would be from 6 a.m. to 9 p.m., loading from 7 am to 10 p.m.
- The project was presented to the Westchester-Playa Del Rey Neighborhood Council.
- The project was also presented to the neighboring residents.
- The project is being reviewed by the Department of Transportation.

At the conclusion of the hearing, the Associate Zoning Administrator took the case under advisement pending review by the Department of Transportation of the project impacts.

**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 recommendations have been submitted for consideration.

**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 standard findings for most other conditional use categories.

**FINDINGS – CONDITIONAL USE**

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 site is located along La Cienega Boulevard in the eastern portion of the Westchester – Playa del Rey Community Plan. The subject site contains approximately 171,788 square feet of land and is currently vacant. The request involves the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the proposed construction of a new, 28,590 square-foot grocery store with the sale of a full line of alcoholic beverages for off-site consumption, as part of the development of a larger shopping center. The proposed hours of operation are 6:00 a.m. to 11:00 p.m., daily. Concurrently the applicant has filed for Preliminary Parcel Map No. AA-2017-3830-PMLA for the purpose of subdividing the one existing parcel into four parcels. According to Preliminary Parcel Map No. AA-2017-3830-PMLA, the proposed grocery store will be located on Parcel 4, with a total area of 36,751 square feet.

The proposed grocery store retail brand is Smart and Final, a regional grocery store chain that operates more than 300 stores in the Western United States. Smart and Final sells a variety of retail goods associated with a grocery store, including a full line of alcoholic beverages. The proposed grocery store will operate from 6:00 a.m. to 11:00 p.m., daily. The site is surrounded by commercial uses to the north and west and residential uses to the south and east. Residential uses to the east are single-family residences; residential uses to the south are multi-family apartment buildings.

A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant commercial district. The availability of a full line of alcoholic beverages for off-site consumption in conjunction with the construction, use, and maintenance of the proposed retail grocery store will offer an amenity to the local community, local employees, and broader region. Residents, business store owners and restaurant operators would be able to meet most of their grocery shopping needs and liquor needs at this operation. The store provides convenience to the community by providing the customers an expanded selection of retail goods that includes a full line of alcoholic beverages. Approximately less than five percent of the store's floor area will be devoted to alcoholic beverages with the remainder will be devoted to a wide range of other products. The granting of this request will enable the proposed store to offer this expanded amenity to consumers and provide a service that is beneficial to the neighborhood and region.

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

The subject site is located along La Cienega Boulevard in the eastern portion of the Westchester – Playa del Rey Community Plan. The subject site contains approximately 171,788 square feet of land and is currently vacant. The site is designated for Community Commercial land uses by the Westchester – Playa del Rey Community Plan and is zoned C2-1VL. The proposed project includes the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the construction, use, and maintenance of a 28,590 square-foot grocery store. The applicant seeks authorization for the sale of a full line of alcoholic beverages for off-site consumption with hours of operation from 6:00 a.m. to 11:00 p.m., daily.

As noted, the proposed grocery store retail brand is Smart and Final, a regional grocery store chain that operates more than 300 stores in the Western United States. Smart and Final sells a variety of retail goods associated with a grocery store, including a full line of alcoholic beverages. No on-site consumption of alcoholic beverages is proposed or granted in conjunction with the request.

Properties to the north, east, and west are improved with a variety of commercial and residential uses. The proposed project is located in the Ladera Heights neighborhood and in close proximity to a variety of additional commercial retail, dining, and office uses. Single-family residences and multi-family apartment buildings are located to the east and south, respectively. Additional development is also proposed to the north and west of the proposed grocery store.

The proposed operation of a new grocery store having a full line of alcoholic beverages for off-site consumption within a well-managed and secure environment will promote the development of the neighborhood as a community commercial shopping destination. Conditions have been imposed to encourage responsible management and deter criminal activity. As conditioned, the operation 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.**

There are twelve elements of the General Plan and each of these Elements establishes 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 subject property is located within the Westchester – Playa del Rey Community Plan which designates the property for Community Commercial land uses with corresponding C2, C4, C4, RAS3, and RAS4 Zones. The property is zoned C2-1VL. The Community Plan text is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan.

The subject property is also located within the Los Angeles Coastal Transportation Corridor. The applicant shall comply with this Specific Plan by payment of a Transportation Impact Assessment Fee (as defined in Section 6) to the Department of Transportation prior to the issuance of any building, grading, or foundation permit.

Approval of the request is also consistent with and advances the following goal, objectives, and policies of the Westchester – Playa del Rey Community Plan:

**Goal 2:** Encourage a strong and competitive commercial sector that promotes economic vitality and serves the needs of the Westchester/Playa del Rey Community through safe, accessible, and well-designed commercial districts, while preserving the historic and cultural character of the community.

**Objective 2-1:** Preserve and strengthen viable commercial development in the community, and provide additional opportunities for new commercial development and services within existing commercial areas.

**Policy 2-1.1:** New commercial uses should be located in existing established commercial areas or shopping centers.

**Policy 2-1.2:** Protect existing and planned commercially zoned areas, particularly within designated Commercial Centers, from encroachment by stand alone residential development.

**Objective 2-3:** Enhance the land use compatibility, visual appearance, design and appeal of commercial development.

**Policy 2-3.1:** Enhance the visual appearance and appeal of commercial properties by regulating design, signage, landscaping, and similar issues wherever possible.

**Policy 2-3.2:** Where possible, mitigate impacts of commercial uses on adjacent residential properties through the use of buffers and/or effective site design of the commercial property.

Given the scope of the conditions and limitations established by this grant, the surrounding land uses will not be significantly impacted by the continued operation of the proposed use. The existing use conforms with the intent, purpose, and provisions of the General Plan and the Westchester – Playa del Rey Community Plan by offering a service that will address the needs of all visitors and residents in the community. The operation and the requested entitlement will strengthen the commercial development in the community and provide a use that complements the existing uses of the shopping center while bringing in a use that serves the neighborhood. The proposed request is, therefore, consistent with the purpose and intent of the General and Community Plans.

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

The predominant land use pattern within the Community Plan Area is mainly low-rise commercial uses on commercial corridors and clusters of interior multi-family and single-family residential structures. The Community Plan lists issues expressed from the community such as the lack of aesthetic quality in the plan area's shopping center and commercial corridors, the development of projects that erode the community's urban character and pedestrian friendliness, and the lack of parking and convenient access that impact economic vitality.

As conditioned, the request will not adversely impact 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 addressed by the imposition of conditions requiring deterrents against loitering and responsible management. Further, employees will undergo training on the sale 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 in the vicinity. Therefore, with the imposition of such conditions, the request at this location will not adversely affect the welfare of the community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, five on-site and three off-site consumption licenses are allocated to the subject census tract (Census Tract 2761.00). Currently there are five (5) on-site and three (3) off-site consumption licenses within Census Tract 2761.00. The project will not adversely affect community welfare because the grocery store is a desirable use in an area that allows for such use. In this case, the proposed grocery store will provide a convenience to workers and residents in the immediate neighborhood and region. Further, as conditioned, the proposed grocery store will not negatively impact the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents.

According to statistics provided by the Los Angeles Police Department's West Division Vice Unit, within Crime Reporting District No. 1469, which has jurisdiction over the subject property, a total of 208 crimes were reported in 2016 (160 Part I and 48 Part II crimes), compared to the total area average of 225 for the same reporting period.

In these active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers located within community-serving hubs are supported by a significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. Conditions of this grant, include those recommended by the Police Department, which it is noted did not oppose the request.

The above statistics indicate that the crime rate in the census tract where the subject site is located is higher than the area average. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are addressed by the imposition of conditions requiring surveillance, responsible management, and deterrents against loitering. These conditions will safeguard the welfare of the community. As conditioned, allowing the requested grocery store at the subject location will not result in an undue concentration or any adverse impacts on the community.

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 are located within a 1,000-foot radius of the site:

Inglewood Community Center – 1201 South La Tijera Boulevard  
Arise Christian Center – 6949 La Tijera Boulevard  
Ladera Heights Preparatory Preschool – 6901 Knowlton Place  
Single-family Dwellings  
Multi-family Dwellings

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The project site is zoned for commercial uses and will be utilized as a commercial grocery store. The grant has been conditioned so as to protect the health, safety and welfare of the surrounding neighbors. As conditioned herein, the proposed project will be required to screen the loading and waste areas with a solid decorative wall and landscaping as well as improve the alley by installing a center running gutter and reconstructing the alley intersection with La Cienega Boulevard. 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 in keeping with the existing uses adjacent to the development. The project will serve the neighboring residents 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.

**FINDINGS – MINI-SHOPPING CENTER/COMMERICAL CORNER**

7. **Based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking on of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The proposed 6:00 a.m. opening time will not cause or constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets. The proposed project will be constructed on an existing vacant site that is zoned for such development. The proposed project includes an associated subdivision that proposes additional access to the site from a mid-block entrance along a Cienega Boulevard. In addition, the project is required to improve La Cienega Boulevard and the alley to the south of the project site. As such, the proposed project improves access to the site thereby reducing vehicular circulation disruption on adjacent streets. Further, the project is in compliance with applicable LAMC parking requirements. A traffic study, dated January 5, 2018, prepared by TJW Engineering, Inc. was submitted to the Department of Transportation for review. On March 7, 2018, the Department of Transportation issued correspondence stating the analysis conducted adequately described the project-related impact of the proposed development. The analysis that was found satisfactory by the Department of Transportation concluded that the project is estimated to generate a net increase of 1,520 daily trips, a net increase of 42 a.m. peak hour trips, and a net increase of 148 p.m. peak hour trips. In addition, 12 intersections were analyzed, and it was determined that the project is not expected to impose a significant level of impact at any of the study intersections.

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

The proposed project only seeks an approval for the sales and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a new grocery store in connection with a new ABC license. The proposed grocery store will be located on a vacant lot that is zoned for such development. The instant request does not add to a detrimental concentration of commercial corner developments and only proposes site construction typically associated with the construction of a grocery store.

**FINDINGS – SITE PLAN REVIEW**

9. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. The City's Land Use

Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. The Project site is located in the Coastal Transportation Corridor Specific Plan area and is also located entirely within the boundaries of the Westchester – Playa del Rey Community Plan (Community Plan) area. The project site is designated for Community Commercial land uses. Further, as explained below, the proposed Project would be in substantial conformance with the purposes, intent, and provisions of the General Plan, Coastal Transportation Specific Plan, and the Community Plan.

### **Framework Element**

The Framework Element of the General Plan establishes general policies and the vision for the future of the City of Los Angeles based on projected population growth. Land use, housing, urban form, and neighborhood design, open space, economic development, transportation, and infrastructure and public services are all addressed in the context of accommodating future City-wide population increases. The Project site does not have a specific land use designation in the Framework Element but is consistent with many of the Element's goals, objectives, and policies.

### **Land Use**

The Project is consistent with the Land Use goals, objectives, and policies identified in the Framework Element.

Objective 3.1 - Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Objective 3.2 - To provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution.

Objective 3.4 - Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1 - Conserve existing stable residential neighborhoods and lower intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

Objective 3.16 - Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.

The proposed project is located on property that is designated as community commercial designation that is developed with a variety of retail, dining, and office uses. The project is also located in close proximity to residential uses to the south

and east. The proposed project includes the redevelopment of an existing vacant site and sale of a full line of alcoholic beverages for off-site consumption in conjunction with the construction of a new grocery store on a site zoned C2-1VL. The C2 Zone permits the development of the proposed grocery store. In addition, the proposed project is located on a vacant site and will not displace any existing residential units or commercial development. Further, as discussed below and as conditioned herein, the proposed project incorporates streetscape amenities and additional design features that promote pedestrian activity. As such, the new wholesale grocery store will provide a new high-quality retail commercial development in a location that is suited for such development and located in close proximity to both complimentary commercial uses and residential uses.

### Economic Development

The project is consistent with the following Economic Development objectives and policies.

Objective 7.2 - Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

Policy 7.2.2 - Concentrate commercial development entitlements in areas best able to support them, including community and regional centers, transit stations, and mixed-use corridors.

Policy 7.2.3 - Encourage new commercial development in proximity to rail and bus transit corridors and stations.

Objective 7.6 - Maintain a viable retail base in the City to address changing resident and business shopping needs.

The proposed project will contribute to the economic development of the community and the City by providing a new high-quality commercial development on a site that is vacant and designated for such use. In addition, the proposed project will not displace any existing residential, commercial, or industrial development. The proposed project includes the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the redevelopment of an existing vacant site and construction of a new grocery store on a site zoned C2-1VL. The C2 Zone permits the development of the proposed grocery store. Further, the proposed project is located within 500 feet of the intersections between La Tijera Boulevard, La Cienega Boulevard, and Centinela Avenue, which support several public transportation bus lines with connections to other regional areas. The proposed grocery store will support the Westchester community by providing a new grocery store within close proximity to a variety of other commercial and residential uses.

### Mobility Element

The Mobility Element of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. La Cienega Boulevard, abutting the

property to the west, is a Boulevard II dedicated with a varying width of 110 feet at the subject property and is improved to a varying width of 80 feet with curb, gutter, sidewalk, and on-street parking.. The project will be required to provide a five (5)-foot wide dedication and public street improvements along La Cienega Boulevard to complete a 55-foot half right-of-way, including the installation street trees and a 15-foot in width sidewalk, as well as street improvements to, the southerly and northerly alleys.

The project is consistent with the following Mobility Element objectives and policies.

Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Policy 2.10: Facilitate the provision of adequate on and off-street loading areas.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.8: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

The project's design will encourage walking and bicycle use for both patrons and employees. As conditioned, the project is required to provide bicycle parking as required by the LAMC. Furthermore, the project is required to provide a dedicate and improve the existing sidewalk in order to achieve the 15-foot wide sidewalk standard required by the Mobility Plan 2035. As conditioned the project will also provide additional landscaping, street trees, street lighting, and other streetscape improvements to the right-of-way. The project is also located in close proximity to a variety of transit connections along La Tijera Boulevard, La Cienega Boulevard, and Centinela Avenue, which support several public transportation bus lines with connections to other regional areas.

#### Land Use Element (Community Plan)

The subject property is located within the Westchester – Playa del Rey Community Plan which designates the property for Community Commercial land uses with corresponding C2, C4, C4, RAS3, and RAS4 Zones. The property is zoned C2-1VL.

The General Plan and each of its Elements establishes 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 Land Use Element of the City's General Plan divides the City into 35 Community Plans. Approval of the Site Plan Review request is consistent with and advances the

following goals, objectives, and policies of the Westchester – Playa del Rey Community Plan:

Goal 2: Encourage a strong and competitive commercial sector that promotes economic vitality and serves the needs of the Westchester/Playa del Rey Community through safe, accessible, and well-designed commercial districts, while preserving the historic and cultural character of the community.

Objective 2-1: Preserve and strengthen viable commercial development in the community, and provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.1: New commercial uses should be located in existing established commercial areas or shopping centers.

Policy 2-1.2: Protect existing and planned commercially zoned areas, particularly within designated Commercial Centers, from encroachment by stand alone residential development.

Objective 2-3: Enhance the land use compatibility, visual appearance, design and appeal of commercial development.

Policy 2-3.1: Enhance the visual appearance and appeal of commercial properties by regulating design, signage, landscaping, and similar issues wherever possible.

Policy 2-3.2: Where possible, mitigate impacts of commercial uses on adjacent residential properties through the use of buffers and/or effective site design of the commercial property.

As established by the Community Plan, the proposed project is located in the Ladera Center Community Commercial area, which the Community Plan describes as “a large commercial area near Ladera Heights that serves the surrounding community. Substantial portions of the commercial district are also located in the adjacent jurisdictions of Los Angeles County and the City of Inglewood. The portion within the City of Los Angeles is approximately 24 acres in size, and located in the far northeastern corner of the Plan Area, centered around the intersection of Centinela Avenue, La Tijera and La Cienega Boulevards. The Ladera Center commercial district consists entirely of one-story structures in various shopping centers and other auto-oriented developments. The predominant land uses are neighborhood and community-serving uses such as miscellaneous retail, grocery markets, fast food and other restaurants, services such as banks, cleaners, etc., and service stations and auto repair uses.”

The proposed project is located in an existing regional commercial destination that is developed with a variety of retail, dining, and office uses. The project is also located in close proximity to residential uses to the south and east. The proposed project includes sale of a full line of alcoholic beverages for off-site consumption in conjunction with the redevelopment of an existing vacant site and construction of a

new grocery store on a site zoned C2-1VL. The C2 Zone permits the development of the proposed grocery store. In addition, the proposed project is located on a vacant site and will not displace any existing residential units or commercial development. Further, as discussed below and as conditioned herein, the proposed project incorporates streetscape amenities and additional design features that promote pedestrian activity. The proposed building design also features a high-quality design, including substantial openings on both the entrance-facing and La Cienega Boulevard-facing elevations, a mixture of natural and neutral materials, and limited signage. As conditioned herein, the design will also be enhanced through the addition of truck loading area screening, shopping cart screening, separate lighting for pedestrians and automobiles, and landscaping throughout the site and public right-of-way. These conditions will also ensure that the visual appearance of the proposed building along the existing adjacent residential uses is complimentary and courteous to nearby residents.

As such, the new grocery store will provide a new high-quality retail commercial development in a location that is suited for such development and located in close proximity to both complimentary commercial uses and residential uses, compatible with the intent, goals, and policies of the Westchester – Playa del Rey Community Plan.

Therefore, as conditioned, and as noted above, the proposed development meets the objectives of the Community Plan, is permitted in the C2-1VL Zone, and is in substantial conformance with the purposes, intent, and provisions of the General Plan.

10. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The proposed project is the construction, use, and maintenance of a 28,590 square-foot grocery store. Properties to the north, east, and west are improved with a variety of commercial and residential uses. The proposed project is located in the Ladera Hills neighborhood and in close proximity to a variety of additional commercial retail, dining, and office uses. Single-family residences and multi-family apartment buildings are located to the east and south, respectively. Additional development is proposed to the north and west of the proposed grocery store.

The proposed project is designed in a modern style that would highlight architectural features that include articulations that break the plane of the front wall. Both the building elevation facing La Cienega Boulevard and the building elevation facing the proposed surface parking lot are designed with transparent openings and multiple neutral materials.

Height. As proposed, the project's maximum height is 35 feet, zero (0) inches. The existing lot is vacant. Residential and commercial properties in the vicinity are developed with either one- or two-stories and a maximum height of

approximately 30 feet, zero (0) inches. As conditioned in this grant, the applicant shall further articulate the building structure vertically to reduce the appearance of a boxy structure and further blend the structure in to the neighborhood context. Although this condition of approval increases the maximum building height by 15 feet, zero (0) inches to a maximum building height of 50 feet, zero (0) inches, all of the surrounding properties are not developed to the full utilization of the land and were developed prior to the 1960s. Further, the proposed grocery store is located at the gateway to the Ladera Heights Community Commercial District and, as conditioned, will provide a gateway element through the use of vertical articulation that signifies an entrance to this commercial district. As the Community Plan envisions more intensive development in this area, the project's height is compatible with the potential future development on the adjacent properties throughout the surrounding neighborhood.

**Bulk/Massing.** The proposed project is a 28,590 square-foot, one-story, grocery store. The grocery store's proposed width is 209 feet, 11 inches and the proposed depth is 130 feet, three (3) inches. The existing site is vacant. The proposed grocery store defines the La Cienega street frontage by siting the building along La Cienega Boulevard. By its nature, the proposed grocery store must be oriented as a one-story volume as to be practical for store customers, employees, and operators. The building is also in substantial conformance with applicable bulk/massing guidelines of the City of Los Angeles Department of City Planning Commercial Citywide Design Guidelines Checklist.

**Building Materials.** The proposed materials of stucco, wood siding, and stone are similar to other properties in the vicinity. The proposed east and west elevations feature a large glass window opening that, as conditioned herein, shall be transparent. The refined project design utilizes naturally-colored materials, including multiple types of wood siding, white stucco, and grey stone siding. This complimentary color palette of varied materials creates visual interest and blends the proposed structure in the surrounding community.

**Entrances.** The project materials define the clear entrance to the proposed grocery store. The automobile-oriented entrance is consistent with the commercial buildings of the surrounding neighborhood. As proposed, the project provides the primary street-level entrance to the grocery store from the surface parking lot to the rear of the lot. The project is conditioned to utilize landscaping, pedestrian scale lighting, and loading/trash area screening to provide ease of access to the grocery store entrance. These conditions will ensure that the proposed project's primary entrance is accessible for both individuals who arrive as drivers, bicyclists, or pedestrians, resulting in increased accessibility and visibility for commercial patrons and workers.

**Setbacks.** The project observes a 10-foot front yard setback. The proposed project is required to observe a minimum five (5)-foot front yard setback and proposes to expand the sidewalk in this area, as well as provide landscaping and streetscape amenities within this required dedication. The front yard

setback meets the LAMC requirements and is consistent with nearby properties, which are constructed with setbacks that range from zero (0) to 15 feet. The project also brings the existing property to a more urban setting by replacing the existing surface parking lots with residential units. The project observes five (5)-foot side and rear yard setbacks on the ground level, similar to other properties to the north and south and in conformance with LAMC requirements.

**Parking.** The proposed grocery store is sited adjacent to South La Cienega Boulevard. Unlike nearby developments, the proposed project locates automobile parking to the rear of the site, away from La Cienega Boulevard. As conditioned herein, bicycle parking will be provided and located in accordance with the City of Los Angeles Bicycle Parking Ordinance, which requires short- and long-term bicycle parking located within a certain distance of store entrances. Locating the surface parking lot to the rear of the site provides for future opportunities for redevelopment of the adjacent sites.

**Lighting.** Lighting is illustrated on the project plans. The project has been conditioned to install additional pedestrian-scale and security lighting that would be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky.

**Landscaping.** The project proposes landscaping as a part of the project. No landscaping currently existing on the site; properties in the vicinity also feature minimal landscaping. As conditioned herein and as shown on the proposed project plans, the applicant shall install landscaping in the surface parking lot area as well as along the eastern elevation of the proposed grocery store, along South La Cienega Boulevard. Further, the applicant will be required to install street trees to the satisfaction of the Urban Forestry Division. As such, this project will be introducing more landscaping than what currently exists, improving the site and the surrounding commercial district.

**Trash Collection.** Trash and recycling is located on the southern elevation the proposed building, on the ground floor. As conditioned herein, the trash/recycling area shall be screened by a wall, covered, and screened by landscaping. These conditions will ensure the reduction of unpleasant odors to any neighboring properties and will also screen trash collection spaces from South La Cienega Boulevard.

## **ADDITIONAL MANDATORY FINDINGS**

11. 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 C, areas outside of a flood zone.

12. The project was issued a Notice of Exemption, log reference ENV 2017-3829-CE for a Categorical Exemption, Class 5, Category 34 and Class 32, determining that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 5, Category 34, and CEQA Guidelines, Section 1, Class 32, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Inquiries regarding this matter shall be directed to Will Hughen, Planning Staff for the Department of City Planning at (213) 978-1182 or [william.hughen@lacity.org](mailto:william.hughen@lacity.org).

A handwritten signature in black ink, appearing to read 'Henry Chu', with a long horizontal flourish extending to the right.

HENRY CHU  
Associate Zoning Administrator

HC:WH:bk

cc: Councilmember Mike Bonin  
Eleventh Council District  
Adjoining Property Owners