

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

PATRICIA BROWN
R. NICOLAS BROWN
SUE CHANG
ANIK CHARRON
LARRY FRIEDMAN
EMILY J. GABEL-LUDDY
LOURDES GREEN
ERIC RITTER
MICHAEL S.Y. YOUNG

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING

S. GAIL GOLDBERG, AICP
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.lacity.org/PLN

May 29, 2008

Mrs. Gooch's Natural Food Markets, Inc.
dba Whole Foods Market (A)
15315 Magnolia Boulevard, #320
Los Angeles, CA 91403

Combined Properties (O)
Combined Lincoln Rose, LLC
9320 Wilshire Boulevard, #310
Beverly Hills, CA 90212

Lanny Kusaka (R)
TMG Solutions
6733 South Sepulveda Boulevard #265
Los Angeles, CA 90045

CASE NO. ZA 2007-5397(CUB)
CONDITIONAL USE
225 South Lincoln Boulevard
Venice Planning Area
Zone : C2-1 and P-1
D. M. : 111B145
C. D. : 11
CEQA : ENV 2007-5165-MND
Legal Description : Fr. Lot A, Estate of
Dolores Machado Tract

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

a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption, and beer and wine for on-site consumption for wine tasting in conjunction with a grocery store (Mrs. Gooch's Natural Food Markets, Inc. dba Whole Foods Market),

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. There shall be no service, sales or possession of alcoholic beverages anywhere outside the store.
7. The sale of alcoholic beverages for consumption on the premises is strictly prohibited except for a wine tasting area.
8. The store shall not exceed 48,750 square feet of floor area. The wine tasting area shall not exceed 400 square feet of floor area.
9. Hours of operation:
 - a. Store hours shall be limited from 7 a.m. to 11 p.m. daily. After hours use of the premises, other than for routine clean-up and maintenance shall not be permitted.
 - b. Hours of operation shall be posted at the entrances of the store.
10. The privileges granted herein shall become null and void seven (7) years from the effective date of this determination unless a new conditional use permit is "approved" for the sale and dispensing of alcoholic beverages for off-site prior to that date which extends such privileges. The applicant is advised that he/she should allow appropriate time for a new conditional use application to be processed for approval prior to the expiration date of this grant.
11. Coin operated game machines, pool tables, billiard tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
12. Outside pay phones shall not be allowed.
13. The conditions of this grant shall be retained on the premises at all times and be produced immediately upon request of any Los Angeles Police Officer or Department of Alcoholic Beverage Control Investigator. The manager and all employees shall be knowledgeable of these conditions.
14. The premises shall be maintained as a grocery store and sales of alcohol beverages shall be incidental to the store in which other grocery and general merchandise items are available for purchase.

15. Prior to the utilization of this grant, all personnel acting in the capacity of a manager of the premises and all personnel who serve/sell alcoholic beverages shall complete the STAR session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 12 months. The STAR training shall be conducted for all new hires within 60 days of their employment.

The applicant shall request written confirmation of completion of the training from the Police Department and shall concurrently submit a copy of such confirmation to the Zoning Administrator along with a list of employees who sell/serve alcoholic beverages. The written confirmation of completion of the STAR training and the follow-up sessions as well as the STAR training for new hires shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles Police Officer or Department of Alcoholic Beverage Control Investigator. The manager and all employees shall be knowledgeable of these conditions.

16. Signs shall be prominently posted in English, and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcohol beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the facility in the same language(s).
17. Amplified music and/or public announcement shall not be audible beyond the premises.
18. Parking required for the store shall be provided in compliance with the Code and to the satisfaction to the Department of Building and Safety.
19. The applicant/business operator shall be responsible for maintaining the area, and adjacent to the premises over which they have control, free of litter.
20. The parking lot shall be routinely patrolled by employees of the market for the purpose of cart retrieval and debris control. Any problems associated with the store operation shall immediately be reported to the store manager who shall correct/remedy the problems.
21. Prior to the sale of any alcoholic beverages, electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage.
22. Prior to the utilization of this grant, whichever occurs first, the business operator shall install video surveillance cameras and monitors inside and/or outside the premises to the satisfaction of the Police Department. The business operator shall maintain the tapes for at least two weeks and make them available to the Police Department upon request. Prior to the sign off of the plans by the Zoning

Administrator, evidence of compliance with this condition shall be submitted to the satisfaction of the Zoning Administrator. (A clearance letter from the LAPD and evidence of installation of the video surveillance cameras and monitors will satisfy this condition.)

23. The northwesterly corner of the property adjacent to Building C and adjoining residential dwelling units to the north shall not be used as a loading area nor for customer access to the building on the subject property in order to provide a buffer between the project site and the adjoining neighbors to the north except for landscaping and an emergency exit from the building.
24. Recycling bins shall be provided at appropriate locations inside the market to promote recycling of paper, metal, glass and other recyclable material.
25. The parking lot of the premises shall be equipped with lighting that is of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot and loading area. Lighting in the parking and loading areas of the premises shall be directed in such a manner so as not to unreasonably illuminate the window area of nearby residences.
26. The applicant, market owner and/or operator shall identify a contact person and provide a 24-hour "Hot Line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that it is readily visible to any interested party. Said Hot Line shall be: posted at the entry, and at the cashier; responded to within 24-hours of any complaints/inquiries received; documented in a log; and available for review by the Los Angeles Police Department and the Zoning Administrator upon request.
27. Within 30 days of the effective date of this grant or prior to the sale of any alcoholic beverages, whichever comes first, the property owner shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein 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 Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Conditions recommended by the Venice Neighborhood Council and those volunteered by the applicant are incorporated as conditions of this grant and shall be complied with.

28. There shall be no exterior advertising or signs of any type, including advertising directed 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. This condition is not meant to preclude an interior display of alcoholic beverage containers inside the store refrigerator or shelf.

29. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same time period. The licensee shall at all times maintain records which reflect separate numbers for the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon request.
30. At any time during the period of validity of this grant, should documented evidence be submitted showing a 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 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/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.
31. At any time should there be a change in the ownership and/or the operator of the business, the new owner or operator shall be required to file a Plan Approval application, and associated fees pursuant to Section 19.01-I of the Los Angeles Municipal Code at the Planning Department Public Counter. The Plan Approval application shall be submitted to the Planning Department within 30 days of the date of legal acquisition by the new owner or operator. A public hearing shall be conducted with notification of all owners and occupants of property within a 500-foot radius. The purpose of the plan approval will be to review and establish conditions deemed applicable to the use as maintained and 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.
32. No wine coolers shall be sold in single bottles. No beer or wine shall be sold in single cans or single bottles for less than \$3.50. No fortified wines shall be sold with an alcohol content of more than 22 percent, and no fortified wines shall be sold for less than \$5.99. No distilled spirits shall be sold in pint or smaller containers.
33. No adult books, adult magazines, and adult video tapes shall be sold within the premises.
34. No cigarette sales shall be allowed within the premises.
35. Hours of usage for the loading dock are to be as follows: Monday to Saturday 7 a.m. to 7 p.m., Sunday 9 a.m. to 6 p.m. A store manager shall be available to meet with

neighbors with noise complaints and will make every effort to accommodate all reasonable requests.

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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 \$1,000 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 JUNE 13, 2008, 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 www.lacity.org/pln**. Public offices are located at:

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

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

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

NOTICE

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

INDEMNIFICATION

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.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on May 8, 2008, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The property is a level, irregular-shaped, parcel of land consisting of a combined area of approximately 235,677 square feet, having a frontage of approximately 313 feet on the southwest side of Lincoln Boulevard. The nearest cross streets are Machado Drive to the northwest and Rose Avenue to the southeast. The site is improved with a vacated "CVS Pharmacy" and "BIG LOTS!" and a large surface parking lot. The property is within the area of the Los Angeles Coastal Transportation Corridor and the Venice Coastal Zone Specific Plan Areas.

The applicant is requesting a conditional use permit pursuant to the provisions of Section 12.24-W,1 of the Los Angeles Municipal Code to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with a proposed approximately 48,750 square-foot market, including a 400 square-foot wine tasting room, having hours of operation from 7 a.m. to 11 p.m. daily; and for the sale of wine for on-site consumption in the 400 square-foot wine tasting room.

The proposed Whole Foods Market will occupy both the "CVS Pharmacy" and "BIG LOTS!" tenant spaces that have been vacated. The CVS Pharmacy has relocated to Building D, which is located on the northeasterly portion of the subject property.

The Whole Foods Market was founded in 1980 and has expanded into one of the world's largest retailers of natural and organic foods, with more than 270 stores in North America and the United Kingdom. Other locations in Los Angeles include the Fairfax area, Brentwood, Westwood, West LA, Sherman Oaks, Northridge, and Woodland Hills.

According to the applicant:

"The ambience of the store is intended to draw a wide variety of shoppers from the Westside area of Los Angeles and surrounding communities. The store operation will reflect the purchasing of the Whole Foods operation, clearly alcohol sales are only a secondary use to the primary use on the site and will only be used to enhance the character and nature of the Market's high quality contribution to the community."

Additionally, "the proposed on-site sale of alcoholic beverages only involves wine tasting (a Type 42 License). The food experience includes wine tasting education. As such customers will learn more about the properties of wines as well as the most appropriate foods they complement. This service will be highly desired and appreciated by those customers who enjoy a glass of wine with their meal as well as the amateur wine connoisseurs in this neighborhood."

Furthermore, "wine tasting has become an expected convenience at quality markets such as Whole Food. Wine tastings are seen as an opportunity not to sell more wine but to sell better wine by educating and inspiring the customers."

Lincoln Boulevard, adjoining the property to the east, is a designated Major Highway dedicated to a width of 100 feet and improved with curb, gutter and sidewalk on both sides of the street.

Rose Avenue, adjoining the property to the south, is a designated Collector Street dedicated a variable width of 73 to 86 feet and improved with curb, gutter and sidewalk on both sides of the street.

Seventh Avenue, adjoining the property to the west, is a Local Street dedicated a variable width of 40 to 60 feet and improved with curb, gutter and sidewalk on both sides of the street.

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. ZA 92-0468(CUB) – On July 2, 1992, the Zoning Administrator denied a conditional use permit to allow the sale and dispensing of beer and wine at a Pic 'n Save store for off-site consumption in conjunction within an existing 27,500 square-foot general merchandise store, in a 5.5 acre commercial shopping center with 310 parking spaces and having hours of operation from 9 a.m. to 9 p.m. six days a week and until 7 p.m. on Sunday in the C2-1 Zone.

Surrounding Properties

Case No. ZA 2000-3322(CDP)(SPP) – On April 19, 2001, the Zoning Administrator approved a Coastal Development Permit, for the construction, use and maintenance of a 8,366 square-foot commercial addition at the rear of an existing 68,177 square-foot shopping center with 230 parking spaces located within the single permit area of the California Coastal Zone, and Specific Plan Project Compliance, to allow an 8,366 square-foot building addition to an existing 68,177 square-foot shopping center with 230 parking spaces at 115-251 Lincoln Boulevard.

Case No. ZA 90-0502(CUB) – On August 15, 1990, the Zoning Administrator denied a request for a Conditional Use Permit at 301 Lincoln Boulevard, for the sale and dispensing of alcoholic beverages for off-site consumption in conjunction with an existing market within a shopping center, and said market having hours of operation from 7 a.m. to 12 midnight, seven daily.

PUBLIC HEARING

A public hearing was held on May 8, 2008, in the West Los Angeles Municipal Building and was attended by the applicant's representatives (Margaret Taylor, Michael Besancon, Mike Borwen and Scott Ginsburg), residents, and a representative from Council District 11 (Whitney Blumenfeld).

The applicant's representative stated the following:

The site is currently undergoing renovation for the proposed market. The proposed market on the property will occupy the tenant space, which was previously occupied by CVS Pharmacy and Big Lots. The other tenants on the site, 99 Cent Store and a Laundromat will remain. CVS has relocated to a building at the northerly portion of the site. The proposed market will provide high quality grocery items to the community and will provide a family oriented atmosphere. The Whole Foods Markets at other locations did not have any problems associated with the sale of alcoholic beverages. Patrons will be required to purchase tickets in advance with valid identification for wine tasting events. Their ID will be checked again at the events to verify their age. The market will provide specialty beer from microbreweries and wine. At the wine tasting events, only a small portion of sample drinks will be offered for tasting and education. The proposed operating hours are between 7 a.m. and 11 p.m. daily and the store is expected to open in August, 2008.

The Venice Neighborhood Council, the Los Angeles Police Department and Council District 11 support the project. The applicant agrees to comply with conditions recommended by the Venice Neighborhood Council and Council District 11. Video surveillance cameras will be installed inside and outside the market, and security guards will be employed.

The residents stated the following:

One resident and property owner across the street from the site is happy to have a good neighbor and supports the project. He doesn't have any objection to the sale of alcoholic beverages at the market.

One resident is opposed to the project due to an over-concentration of alcoholic beverage outlets in the area. The site was occupied by Safeway, Vons, Pick 'n Save, Big Lots and now the proposed market Whole Foods. The local residents have had to deal with drunken people on the street resulting in detrimental impacts and nuisance problems such as urination, defecation in public places and condoms found on the streets. There are many other stores that sell alcoholic beverages including Ralphs, Albertsons, Rite Aid, Longs Drugs and CVS, all of which are in close proximity to the project site. Although the site has previously had a full line of alcoholic beverages sales license, there were no wine tasting events on the site. There are too many sensitive uses that include schools, senior citizen housing and residential dwelling units close to the project site. The resident has lived in the area since the 1960s and her car was hit by a drunken driver. The proposed alcohol sales at the market are not appropriate.

A resident in the adjoining property to the north testified that the buffer area between the proposed market and the northerly residential dwelling units are being used for the construction site for the proposed project resulting in adverse noise impacts to the adjoining neighbors. The buffer area between the commercial use and the adjoining residential area should be protected and avoided for commercial use.

A representative of Council District 11 stated that the Council Office supports the project with a condition that a recycling bin be located inside the store.

In response to the public comments, the applicant's representatives stated the following:

- The renovation for the market will be completed within two weeks.
- Security guards on the site will help to mitigate transient and loitering problems in the area.
- Approximately \$10.00 to \$35.00 will be charged for wine tasting on the site and patrons will be offered one or two pours for each type of beer and wine.
- Wine tastings usually takes place from 12 noon to 10 p.m., and each event usually runs for two hours.
- There will be a kitchen for the deli and to serve finger foods for wine tasting.
- The internal sidewalks will be widened an additional 8 feet from the existing walkway in the shopping center. A total of 66 trees will be planted in the parking lot area and in the rear of the property. The perimeter along Lincoln Boulevard and Rose Avenue will be landscaped.
- A total of 294 parking spaces are required and are currently provided. The parking lot will be re-stripped to provide 302 parking spaces on the site.
- Since the project involves with internal renovation, it is exempt from the provisions of the Venice Specific Plan.
- In order to avoid interruption of the market operation, the applicant requested a waiver of a term limit condition and submitted conditional use approvals granted for other projects without a sunset clause.

After the testimony was taken, the Zoning Administrator took the case under advisement for one week in order for the Los Angeles Police Department (LAPD) to review and comment on the project. The applicant was requested to facilitate to obtain a comment letter from the LAPD.

On May 9, 2008, a letter from the Venice Neighborhood Council, dated March 20, 2008, and addressed to the applicant, was received. The letter stated that the Neighborhood Council supports the project with recommended conditions (see complete letter in file). The letter partially states as follows:

"At a regular meeting Tuesday, March 18, 2008, the Venice Neighborhood Council's Board of Officers recommended that the issuance of a conditional use permit to allow the off-site sale of a full-line of alcoholic beverages from 7 a.m. to 11 p.m. seven days per week and sale of wine for on-site consumption in conjunction with a wine tasting room be approved for your company at the referenced location, with the following conditions:

Definitions:

Premises – As defined by the floor plans submitted with ZA 2007-5397(CUB) and marked Exhibit "A", including adjacent sidewalk and loading dock.

Property – As defined by the site plan submitted with ZA 2007-5397(CUB).

Site – As defined by the site plan submitted with ZA 2007-5397(CUB)."

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 a property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Office of Zoning Administration are located within Section 12.24 of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for off-site and beer and wine for on-site consumption for wine tasting 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.

FINDINGS

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

1. **The proposed location will be desirable to the public convenience or welfare.**

The subject site is located on the northwestern corner of Lincoln Avenue and Rose Avenue, which are major arteries connected to the Santa Monica and San Diego Freeways and other major thoroughfares that serve commercial uses and residential communities. The properties along both sides of Lincoln Boulevard are improved with commercial uses and the properties behind those commercial uses are improved with single- and multi-family dwelling units.

The Whole Foods Market will provide grocery items and general household merchandise goods as well as a full line of alcoholic beverages. A wine tasting area in the market will offer sample tastings of specialty wines and microbrewery beers. The local residents can walk or drive a short distance to the market to go grocery shopping and to purchase alcoholic beverages and may attend wine tasting sessions, which are offered at the market as education to learn about specialty beer and wine. The sale of alcoholic beverages will be incidental to the goods and services provided by the grocery market. The addition of alcoholic beverages will provide a one-stop shopping convenience to the patrons; therefore, the location of the proposed market will be desirable for public convenience or welfare.

2. **The location is proper in relation to adjacent uses or the development of the community.**

The adjoining properties to the north are zoned C2-1, P-1 and RD1.5-1 and consist of mixed-use commercial and multi-family dwelling units.

The adjoining properties to the south and across Rose Avenue are zoned C2-1. The area is developed with a private school, a Jewish Center, a restaurant, a motel and a commercial corner lot.

The adjoining properties to the west and across Seventh Avenue are zoned RD2-1. The area is developed with single-family dwellings.

The adjoining properties to the east and across Lincoln Boulevard are zoned C2-1 and are developed with commercial uses including a bank, clothing and antique shops, auto repair, a restaurant, a beauty salon and a thrift shop.

The proposed market will be located in a tenant space of a shopping mall that was previously occupied by CVS Pharmacy and Big Lots discount store. The 99 cents store and a laundromat on the site will remain on the subject property. The CVS store has been relocated to a building located on the northeasterly portion of the property shown as Building D on the Exhibit "A".

The store at this location is allowed as a matter of right. The discretionary issue before the Zoning Administrator is whether the sale of alcoholic beverages from 7 a.m. to 11 p.m. daily, renders the location any less appropriate with respect to the impacts on the surrounding land uses in conjunction with the mode and character of the store as described in the application and as elaborated by the applicant's representative at the public hearing. The sale of alcoholic beverages is usual and customary in large grocery stores. Most patrons of large supermarkets expect to have the convenience of purchasing alcohol along with their regular food items. The applicant agreed to comply with the conditions recommended by the Venice Neighborhood Council. Conditions recommended by the Venice Neighborhood Council and those volunteered by the applicant were incorporated as conditions of this grant. At any time should there be a change in the ownership and/or the operator of the business, the new owner or operator is required to file a Plan Approval application. A seven (7) year term limit of this grant will allow for the consideration of any documented negative impacts to the neighbors. With these protective measures for the neighboring properties, the project will be proper in relation to the adjacent uses or development of the community.

3. **The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

The properties along both sides of Lincoln Boulevard in the project area are developed with commercial uses. The adjoining properties to the south are improved with retail commercial uses. The adjoining properties to the north and the west are improved with multi-family dwelling units.

At the public hearing, held on May 8, 2008, a resident of property adjoining to the north testified that the area between the 99 Cents Store and the northerly adjoining properties is being used as a construction staging area for the renovation of the building for the proposed site, resulting in adverse noise impacts to the surrounding residential neighborhood. A condition is required to keep that area as open space in order to provide a buffer between the adjoining residential properties and the project site. Another resident expressed concerns about the over-concentration of alcoholic beverage outlets in the area and the close proximity of the project location to sensitive uses such as a school and senior citizen housing. The proposed grocery market will be located in an existing mall and will not alter the outside of the building structure

except for the building façade of the tenant space in the middle of the mall and a parking area, which will be re-configured and landscaped. The walkway in the front of the shopping center will be widened by an additional 8 feet from the existing walkway. Exterior advertising or signs promoting or indicating the availability of alcoholic beverages will not be permitted. As conditioned, the project will not be materially detrimental to the immediate neighborhood character.

4. The proposed location will be in harmony with the various elements and objectives of the General Plan.

The Venice Community Plan Map designates the property for "Neighborhood Office Commercial" land uses with corresponding zones of C1, C1.5, C2, C4, RAS3 and RAS4, and a height limited to District No. 1. The property is within the area of the Los Angeles Coastal Transportation Corridor and the Venice Coastal Zone Specific Plan Areas.

The Community Plan text does not specifically address the requested conditional use for the sale of alcoholic beverages. However, the Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested conditional use in the zones corresponding to the planned land use designation. The General Plan promotes the provision of services throughout the city in locations that are convenient to the public yet do not impact nearby properties. Given the content of the conditions and limitations established herein, including a seven (7) year term limit, the surrounding land uses should be protected from potential impacts of the proposed use. Therefore, the subject request is in harmony with the various elements and objectives of the General Plan.

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

The full line of alcoholic beverages for off-site consumption is in conjunction with a grocery market in which other merchandise items are available for purchase. Permitting the sale of alcoholic beverages as conditioned should not substantially impact the welfare of the area given the stated focus of the store, which is the sale of grocery and general merchandise with the sale of a full line of alcoholic beverages and wine tasting playing a secondary and occasional role.

6. The proposed use will not result in an undue concentration of premises for the sale or dispensing of alcoholic beverages in the area of the City involved given the applicable State laws and the California Department of Alcoholic Beverage Control's guidelines for undue concentration, the crime rate in the area, and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the California State Department of Alcoholic Beverage Control licensing criteria, 4 on-site and 3 off-site licenses are allocated to the subject Census Tract No. 2732, which has a population of 4,363. There are currently 4 on-site and 2 off-site licenses in this Census Tract. Located within 600 feet of the subject property is 1 on-site

and 1 off-site licenses existing. These figures suggest that there is not an undue concentration of on-site and off-site alcohol sales establishments in the area.

Statistics from the Los Angeles Police Department's West Division Vice Unit reveal that in the subject Crime Reporting District No. 1414, which has jurisdiction over the subject property, a total of 123 crimes were reported in 2006, compared to the citywide average of 263 crimes and the high crime reporting district average of 316 crimes for the same period. The above figures indicate that the project proposal is not located within a high crime reporting district. These numbers do not reflect the total number of arrests in the subject reporting district of the accountable year. Arrests for each calendar year may reflect crimes reported in previous years.

Council District 11 and the Venice Neighborhood Council support the request and the applicant's representative stated that the Police Department is unopposed to the issuance of the conditional use permit to allow the sale of a full line of alcoholic beverages. The applicant agreed to comply with the conditions, which were recommended by the Neighborhood Council. Those conditions were incorporated into the conditions of this grant. Further, a review of the compliance with the stated conditions will be conducted through the term grant of seven (7) years, which provides ample opportunity for the City to impose additional conditions or to terminate the use in the event it has become a nuisance and to not extend any alcoholic beverage privileges thereafter. It is noted that the tenant space in which the proposed grocery market will be located, was occupied by Safeway, Vons and CVS Pharmacy and all of those stores were allowed to sell alcoholic beverages; therefore, the granting of the request will not result in an increase in an alcoholic beverage license in the area.

7. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, given 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.**

Within 1,000 feet of the property are the following sensitive uses:

- A city park – located on the southeast corner of Ozone Street and Ruth Street
- Development Center – 720 Rose Avenue
- Jewish Center – 726 Rose Avenue
- St. Joseph Center – 404 Lincoln Boulevard

The Zoning Administrator has given consideration to the distance of the proposed use from residential uses that are as close as the adjoining residential properties to the north.

The conditions of approval should protect the residential uses in the vicinity. The direct impacts of noise, parking and public nuisance have all been considered with respect to the adjoining residential uses to the north, which is located closer to the site than these more distant sensitive uses.

ADDITIONAL MANDATORY FINDINGS

8. 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 of minimal flooding.

9. On December 26, 2007, a Mitigated Negative Declaration (ENV ENV2007-5165-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.



SUE CHANG
Associate Zoning Administrator
Direct Telephone No. (213) 978-3304

SC:aln

cc: Councilmember Bill Rosendahl
Eleventh District
Adjoining Property Owners
County Assessor