

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318
FAX: (213) 978-1334

www.planning.lacity.org

September 13, 2012

Michael Austin (A)
7-Eleven, Inc.
330 East Lambert Road, Suite 150
Brea, CA. 92821

Fares Ennabe (O)
Ennabe Properties, Inc.
401 South Western Avenue
Los Angeles, CA.90020

Tara Devine (R)
Devine Strategies
645 West 9th Street, #110-293
Los Angeles, CA. 90015

CASE NO. ZA-2011-1133(CUB)(CU)
CONDITIONAL USE
1548-50 North Glendale Boulevard
Silver Lake-Echo Park-Elysian Valley
Planning Area

Zone : [Q]C2-1VL
D. M. : 142.5A209
C. D. : 13
CEQA : ENV-2011-1134-MND
Legal Description: FR Lots 36-361/2,
Pacific Electric Tract No. 2

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

a Conditional Use to permit the sale and dispensing of beer and wine for off-site consumption in the [Q]C2-1VL Zone;

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

a Conditional Use to permit deviations from the Commercial Corner Development provisions in the C2-1VL Zone allowing 24-hour operations in lieu of the 7:00 a.m.-11:00 p.m. otherwise permitted,

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. (Environmental)
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. 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.
7. Store operation shall be permitted twenty four hours, daily.
8. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which the applicant has control, including the parking lot.
9. The upper half of the market windows shall be kept free and clear of signs so as to provide clear visibility in and out of the market and a clear view of the cash register/point-of-sale location inside of the premises. (Environmental)
10. The site shall be illuminated with sufficient lighting so that the Police Department may be able to identify anyone standing outside at night in the front and at the rear of the premises. (Environmental)
11. Within 30 days of the effective date of this action, a more comprehensive camera surveillance system shall be installed which will cover all common areas as well as high-risk areas, entrances, exists and the parking lot and the rear of the building. Video tapes shall be maintained for 30 days and shall be made available to the Police Department or other enforcement agency upon request.

12. The lighting of on-site advertising signs or Store Identification signs shall not be permitted on the north side of the building facing residential properties and uses across Berkeley Avenue. In addition, signage on the existing three sided pole sign shall not be lit on the east facing side of the sign. Either this side of the sign shall not be internally lit or if this is impossible then an internal blocking material shall be placed on this portion of the sign so that no internal light escapes from it.
13. The mitigation measures identified in ENV-2011-1134-MND shall be incorporated as conditions of this grant as summarized below unless otherwise noted:

a) Aesthetics (Vandalism)

Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.

b) Aesthetics (Signage)

On-site signs shall be limited to the maximum allowable under the Municipal Code. Multiple temporary signs in store windows and along building walls are not permitted.

c) Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

d) Aesthetics (Glare)

The exterior of any building modifications shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

e) Green House Gas Emissions.

Only low- and non-VOC-containing paints, sealants, adhesives and solvents shall be utilized in the construction of the project.

h) Utilities (Local Water Supplies – New Commercial or Industrial)

All restroom faucets shall be of a self-closing design.

i) Utilities (Solid Waste Recycling)

Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass or other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

14. If at any time during the period of the grant, should documented evidence be submitted showing continued violation of any condition of the grant resulting in a disruption of or interference with the peaceful enjoyment of adjacent neighboring properties, the Zoning Administrator reserves the discretion to hold a public hearing. Such public hearing, held in conjunction with the Plan Approval and payment of associated fees, shall be publicly noticed for the purpose of conducting a public review of the Petitioner's compliance with and the effectiveness of the CUP conditions for approval and related enforcement actions. The Petitioner shall, prior to the public hearing, submit detailed documentation as to how compliance with each condition of the grant and related enforcement action has or will be attained.
15. 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.
16. Prior to issuance of any permits relative to this matter, 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 for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This 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 to the Department of City Planning for attachment to the subject case file.

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 that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$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 **September 28, 2012**, unless an appeal there from 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 also available on-line at <http://cityplanning.lacity.org>. Public offices are located at:

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

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

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on May 16, 2012, 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 project site is a level, irregular-shaped lot consisting of 12,907 square feet of lot area located on the southeast corner where Glendale Boulevard, Berkeley Avenue and Alvarado Street converge. The site is improved with a 6,098 square-foot mini-shopping center. The project is combining two tenant spaces, one of which is currently vacant and another that is a pet grooming use. There are a total of 11 parking spaces onsite.

The Applicant is hereby seeking a Conditional Use to permit the sale of beer and wine for off-site consumption in conjunction with the tenant improvements for a new 24-hour, 7-Eleven convenience store within in the existing shopping center. The project does not involve the expansion of the building envelope. The project also does not require additional parking spaces as no change of use is involved.

Properties to the north are developed with a restaurant, duplexes and single-family homes in the RD2 Zone. Properties to the east are developed with duplexes and single-family homes in the R3 Zone. Properties to the south are developed with a commercial building and smaller apartment buildings. Properties to the west, across Glendale Boulevard, are developed with a post office and other retail/commercial uses.

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

Case No. CPC-1995-357-CPU – On July 6, 2005, the City Council adopted Ordinance No. 176,825 SA 19a, which incorporated Q Conditions prohibiting auto-related repair, servicing and sales uses as a part of the Silver Lake-Echo Park-Elysian Valley Community Plan update. The Q condition has no effect upon this project.

Previous Cases, Affidavits, Permits, and Orders On Surrounding Properties:

Case No. ZA 2008-1574(CU)(CUB)(ZV) - On November 4, 2011, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for off-site consumption in conjunction with a remodeled 2,900 square-foot AM/PM mini-market and

ARCO gas station to operate 24 hours daily, for a property located 1605 Glendale Boulevard.

Glendale Boulevard is a Major Highway Class II dedicated to a 140-foot width at the project's street frontage.

Alvarado Street is a Major Highway Class II dedicated to a 82.5-foot width at the project's street frontage.

Berkeley Street is a Local Street dedicated to a 60-foot width at the project's street frontage.

Public Hearing

The public hearing was held on May 16, 2012 in Room 1020 of Los Angeles City Hall. The hearing was attended by the applicant's representatives and 10 members of the community. There were no representatives either the Council Office or the Police Department.

The following statements of support were made the applicant's representative:

- Tara Devine representing the applicant stated that she had taken over the project after the previous representative, who did not live in the area and had not done enough outreach to the neighborhood. We have since held 14 meetings with various neighborhood groups, the Neighborhood Council, the Office of Council District 13, the Chamber of Commerce and the Echo Park Improvement Association. The Police Department has not given us any feedback on the proposal. Council District 13 is neutral on the project. In all 7-Eleven stores, beer and wine make up a small portion of their sales. The corporation has increased offerings for fresh foods including fresh fruit and decreased any emphasis on tobacco products. The security system for a store includes a panic button to call security or the police in case of a robbery, cash is regularly placed in a safe that the crew does not have access to and eight security cameras will be placed both inside and outside the store and will operate 24 hours per day. The security tapes will be held for 30 days for Police Department access. The project will take over three vacant units in the existing mini-mall which is being rehabilitated. We propose to operate for 24 hours per day which is important to 7-Eleven's business plan which is to serve people who work off-hours as well as those with a regular work schedule. We extensively train staff with our own alcohol sales program as well as the Police Department's STAR training program. In addition, we have corporate staff shoppers

who regularly test on-site staff on sales of controlled substances such as beer, wine and tobacco to minors. While this is a major traffic impacted intersection, we are not a major traffic generator. To further reduce traffic impacts, we will install bicycle racks. We will also attempt to hire our staff from the neighborhood. We know that the alcohol sales at this site has not been popular in the neighborhood so we will propose to open "dry" with no alcohol sales until such time as we can purchase an existing off-site license from within the zip code so we will not lead to an increase in off-site sales sites. We will also reduce our hours of beer and wine sales to 8:00 a.m. to midnight instead of 6:00 a.m. to 2:00 a.m.

There were no other statements of support at the hearing.

The following statements were made in opposition to the project:

- We live two blocks from the project and are opposed to beer and wine sales and 24 hour operating hours;
- I live a block and a half from the project and have spoken to approximately 150 people in the area. Of that total, two people supported it and 148 were opposed;
- The Echo Park Improvement Association is not overwhelming in its support of the project, the Police Department has a letter of opposition to it in the file and many of the local churches oppose it;
- We have seven stores in the area which provide alcohol sales and don't need another particularly at this busy intersection;
- Overall, I like 7-Eleven but not at this location. Among other problems with it is the large homeless population that frequents the median strip along Glendale Boulevard pan handling. We also have a large number of people with alcohol problems living in the area;

A number of letters were received on the merits of the case. A total of 15 were in opposition to the case and one was in favor. One petition was received with a total of 93 signatures in opposition to the project and one form letter in opposition was received with a total of 25 signatures. The Greater Echo Park Elysian Neighborhood Council sent a letter of support providing a number of conditions were added to the case. The Police Department stood by a previous letter of opposition sent to the Zoning Administrator in 2011.

Among the comments in opposition were:

- We live within 500 feet of the site and oppose both the alcohol sales and the 24 hour operation. This will not build a stronger Echo Park. Quite the opposite: it will draw more tagging, crime, underage drinking and wind up feeding what we are fighting – alcoholism. The ins and outs from the strip mall will increase traffic and create more danger than there already is;
- The Echo Park Chamber of Commerce would like to submit its opposition to the proposed 7-Eleven because the current application does not have the approval of the Northeast Police Division's Captain and the location is designated for live-work

uses in the Silver Lake-Echo Park-Elysian Valley Community Plan. Even though the site is already a mini-mall it is a local serving one. This use would bring in a national chain and convert it into a commuter mini-mall. When asked at a Board meeting if they would open if a beer and wine license was refused, 7-Eleven's representatives said not likely. Local businesses which are engaged in our community are our preference for tenants in these locations;

- The Echo Park Improvement Association recommends that the CUB be denied. The proposed use contradicts our Community Plan, it has a small parking lot with awkward access, it is less than 3,000 feet from an existing 7-Eleven at Rosemont and Sunset, it is within 2,000 feet of two recycling centers which attract the homeless, it is in an area that is plagued with pan-handlers and homeless encampments, it is within 1,000 feet of the Alvarado Radio Towers where loitering and vandalism is a major problem in the community, it is directly across the street from an AM/PM Mini-mart and within 2,000 feet of four other businesses with beer and wine sales and is at the junction of two major gangs which results in major graffiti issues at this intersection;
- I'm opposed to 7-Eleven selling beer and wine at this location. In fact, I'm opposed to 7-Eleven opening at this site in any case. It's the wrong kind of business for the area, which already has plenty of convenience stores. There are two 7-Eleven's within a half-mile of this location. The tiny cramped parking lot is woefully insufficient for a high-volume store and more cars exiting the lot will only create more havoc at a chaotic intersection;
- In Echo Park, we have found that convenience stores selling alcohol lead to increased annoyance and nuisances for neighbors: broken bottles on the sidewalk, brawling, drinking in the parking lot, public urination and other problems. The Police are tied up responding and have less time to deal with the rest of the neighborhood;
- The pastor of the Echo Park United Methodist Church stated that we have no shortage of convenience stores selling beer and wine in the neighborhood. I cannot walk two blocks in any direction from my church without passing at least one place that sells alcohol. This is an area that contains a substantial homeless population. Our church holds five AA meetings a week, all of them packed and most of the attendees coming from the area. At some point a neighborhood should have the right to say "enough! No more convenience stores selling beer and wine, no more chain stores with no investment in the neighborhood!"; and
- The pastor of the Golden West Christian Church wrote: the news of the proposed 7-Eleven opening their store a few blocks away from our church is discouraging. This will only add to the problem of the homeless people whose easy accessibility to alcohol and beer makes it easier for them to get drunk. These people congregate in our area and they leave their bottles of wine and beer cans on our front door and sometime do their personal business in our parking lot.

Two letters of support were received. One was from the Echo Park Improvement Association rescinding their previous letter of opposition pending the imposition of 15 volunteered conditions including the prohibition of opening for beer and wine sales until it purchases an existing local permit from another retailer, alcohol sales from 8:00 a.m. to

midnight, no single bottles or cans, moving the trash enclosure from the parking lot, expanded fresh food offerings, shielding of light toward Berkeley Avenue and reduce light impacts from existing signage.

The other letter was from the Echo Park Elysian Neighborhood Council which stated that they were in support after holding six public meetings with the applicant and the owner of the property. The letter included a number of proposed conditions which would be volunteered by the applicant including in summary: installation of bike racks to reduce traffic from nearby residents, time restrictions on parking and restriping the parking lot to produce additional spaces, additional security requirements many of which are included in the conditions of approval, no alcohol sales from midnight to 10:00 a.m. and no sales of single cans or fortified malt beverages,

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for deviations from the commercial corner development provisions to be authorized certain designated findings have to be made. In these cases, there are additional findings in lieu of the four standard findings per most other conditional use categories.

FINDINGS. COMMERCIAL CORNER DEVELOPMENT. 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 and welfare.**

The existing mini-mall/commercial corner development was built in 1986 in compliance with the development standards of Section 12.23-A,23 of the Los Angeles Municipal Code (LAMC). The proposed 7-Eleven store requests to have operating hours of 24 hours a day, seven days a week in lieu of the Code's limit of 7:00 a.m. and 11:00 p.m. The operation of the 7-Eleven market on a 24-hour basis will be consistent with the public convenience and welfare in that the store will provide a convenience market for nearby residents and those traveling in a northbound direction on Glendale Boulevard.

A field check of the area and a review of previous cases in the area reveal that the only other 24 hour market in the area is the AM/PM Mini-Market located at the Arco Gas Station on the northwest corner of this busy five-way intersection. While it may seem that two 24 markets at one intersection is one too many, it should be pointed out that the two markets serve different customers. The AM/PM Market generally serves those who are also buying gasoline for their automobiles. In addition, the AM/PM market has a wine and beer license. Such a license, though applied for by

the 7-Eleven Store, has been denied by this particular action as delineated in the following set of findings. It also appears that 7-Eleven stocks a wider selection of consumer goods and fresh food items than the AM/PM chain which tends to stock more items for snack foods and fast food for people on the go. These stores are also on the opposite sides of Glendale Boulevard with the AM/PM serving those driving southbound and off of the Glendale Freeway terminus while the 7-Eleven will serve those northbound on Glendale as they leave the central city area and access the Glendale Freeway northbound. The location of the 7-Eleven at this location will eliminate the need for northbound travelers to make a left hand turn across the busy intersection to access a mini-market for their needs.

While statements were made at the public hearing and in written testimony that the area had too many convenience stores, it should be pointed out that these two previously mentioned markets are the only 24 hour markets on the north/south Alvarado/Glendale street couplet. There is another 7-Eleven in the area, but that it is on Sunset Boulevard which is located up-hill from Glendale Boulevard and is on an east/west oriented street. The local Vons Market, located two blocks south of the site closes at midnight and none of the other small but full service markets in the area operate 24 hours a day. Testimony was stated at the hearing and in letters to the file that the local citizens would like more stores oriented toward the local neighborhood with a stake in the area than national chain stores. While this may be true, there has always been a dichotomy between the north/south oriented Alvarado/Glendale couplet and the east/west trending Sunset Boulevard. This is also mentioned in the Plan Text for the Silver Lake-Echo Park-Elysian Valley Community Plan. Sunset has always acted as the neighborhood oriented major highway in the area with many locally serving retail stores, local restaurants and locally oriented commercial services. Alvarado Street and Glendale Boulevard, much to the neighborhood's displeasure, has served as a commuter route from the downtown area and from the hospitals located near Alvarado Street in the Westlake District to the Glendale Freeway which has served as an alternate for commuters to the San Fernando Valley and to the Glendale, Pasadena and La Crescenta areas. This has led to Glendale Boulevard and Alvarado Street receiving more commuter oriented commercial uses such as fast food chain restaurants, gas stations, smaller full service grocery stores and, because of some remnant industrial zoning, self storage facilities and recycling businesses.

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

The proposed Conditional Use is to permit the 24-hour operation of a soon to open 7-Eleven convenience store. The proposed 7-Eleven is currently being developed as a tenant improvement in an existing Mini-Mall/Corner Commercial structure which was built in 1986. The question before the Zoning Administrator is not whether or not the 7-Eleven store should open, but whether or not it should operate 24-hours a day, seven days a week.

The proposed use can operate on a 24-hour schedule because as was found above all other stores in the area, with the exception of the AM/PM Mini-Market/Gas Station across the street, do not operate on a 24-hour basis. Similar to the AM/PM Mini-Market, the proposed use is surrounded by residential development and zoning except to the south where properties are zoned for C2 uses. Properties directly to the east of the site are zoned for R3 uses and are developed with small duplexes, triplexes and apartment buildings. The back wall of the mini-mall is built to the property line and screens these structures from any light or noise impacts. Properties on the north side of Berkeley Street are zoned for RD2 multiple-family uses and are developed with small apartment buildings and duplexes, triplexes and single family homes. There is also a small non-conforming restaurant built in the RD2 zone on the corner with Glendale Boulevard. The small residential buildings to the east of this restaurant are most affected by the 24-hour operation, as was pointed out at the public hearing, because they already suffer from light and noise impacts from existing uses and especially due to light shining from the pole identification sign in the parking lot.

The subject pole sign is a three corner sign which faces south on Glendale Boulevard, north on Glendale/Alvarado and east in the direction of Berkeley Street. The eastward facing sign does create light impacts on these homes as it obliquely shines on them. Because of this, a condition has been placed in the Conditions of Approval that this east facing portion of the sign shall not be lit at night either by not lighting this portion if possible or by placing a light blocking material on the interior of the sign so that light does not shine out of this portion of the sign. A field check of the area, shows that because of the angle of the sign, it directly faces the mini-mall and is not visible to people driving west on Berkeley until they are almost past the north wall of the proposed 7-Eleven. Thus, the utility of the sign for identifying uses for people east of the mini-mall is extremely limited. The sign is needed more for people traveling on the area's major boulevards. People who live in the neighborhood do not need the additional signage to tell them what stores exist in their area. In addition, to further limit light impacts on the neighbors to the north of the site, many of whom are located up-hill from the site and will be impacted by light on a 24-hour basis, any identification sign put up by 7-Eleven, which often has lighted valences with their logo on it on their stores, shall not be lit on the north side of the building. The north wall of the structure is not plainly visible to south bound traffic on Glendale Boulevard so there is no need to advertise their existence with lit signage to those who live across the street.

3. **The proposed project will not be materially detrimental to the character of development in the community.**

As conditioned, the project will not be materially detrimental to the character of the community. The project is located in a mini-mall/commercial corner development which was built in 1986 in compliance with the recently enacted Mini-Mall/Commercial Corner Ordinance. The structure's back wall faces the residential neighborhood to the rear of the site and protects it from any excess noise and light

impacts that would be caused by 24 hour operation of the site. Further conditions restrict the light impacts from the 7-Eleven on properties to the north by not permitting lit signage on the building's north wall and by restricting lighting on the eastward facing portion of the project's pole sign.

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

There are eleven elements of the General Plan. Each of the elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the Code. The subject site is located in the Silver Lake-Echo Park-Elysian Valley Community Plan and has General Commercial land use designation.

The issue of 24-hour operation is not specifically addressed by the General Plan. Conditional authorization for 24-hour operation of a mini-market is allowed through the approval of the Zoning Administrator subject to findings for this request. Given the content of the Conditions and limitations established herein, the surrounding land uses will not be adversely impacted. As such, the proposed use will be in harmony with the Plan goals and objectives and will be in harmony with the General Plan.

5. **The Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety.**

The subject mini-shopping center/commercial corner development was constructed in 1986 in compliance with the development standards of Section 12.23-A.23 of the Municipal Code. As conditioned, the proposed 24 hour operation of the 7-Eleven Store is consistent with public welfare and safety in that Conditions have been placed on the project which will reduce light impacts on residential uses to the north of the site which will be directly impacted by any excess light generated by the project. Properties to the east of the site are protected from noise and light impacts by the placement of the structure whose back wall will face those properties and act as a barrier to noise and light. In addition, this wall does not have any openings in it to further buffer nearby residences from operational impacts.

6. **Access, ingress and egress to the Mini-Shopping Center or Commercial Corner Development will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, based on data provided by the City Department of Transportation or by a licensed traffic engineer.**

The mini-mall was constructed in 1986 and the access, ingress and egress and hazard prevention would have been signed off by the Department of Transportation and the Bureau of Engineering at the time that a building permit was issued.

7. **There is not a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed Mini-Shopping Center or Commercial Corner Development.**

The proposed use is located in a mini-shopping center or commercial corner development which has existed since 1986. At the time of its construction it complied with all of the requirements of Section 12.22-A,23 of the Municipal Code and did not require a Conditional Use Permit pursuant to Section 12.24-W,27 of the Code.

8. **The Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay or transit-oriented district, area or zone, or, if the lot or lots are located in the identified district, area or zone, that the Mini-Shopping Center or Commercial Corner Development is consistent with the district, area or zone.**

The existing structure is not located in any of these special districts, areas or zones. The existing structure is located in a Plan designated Commercial and Artcraft future study area. However, the processing of such a special district is not currently a part of the Department of City Planning's work program and, even if it was, the existing retail mini-mall would be a pre-existing use within it.

MANDATED FINDINGS FOR BEER AND WINE SALES

9. **The proposed location WILL NOT be desirable to the public convenience or welfare.**

The proposed location is not desirable to the public convenience or welfare in that the proposed sale of beer and wine at the at this location would result in the ninth location selling beer or wine in the stretch of Alvarado Street and Glendale Boulevard between Sunset Boulevard and the on-ramp to the Route 2 Freeway. This is a distance of less than one mile that contains alcohol sales in one Von's Market, one Rite Aid drug store, three small full service markets, a liquor store and two existing mini-markets. In addition, there are already two beer and wine sales sites located at the intersection of Alvarado, Glendale and Berkley Avenue. As stated in the public hearing, the area in question has a high number of homeless people in it. A field check of the area between 10:30 and 11:30 in the morning showed there to be a total of 12 homeless people involved in various activities in the area including pan-handling, searching of garbage cans for recyclables and hanging out in public parking areas. The Los Angeles Police Department also sent a letter

of opposition to the proposed use citing the over-concentration of alcohol sales sites in the area as well as high crime statistics that are more than double those of other Police Reporting Districts in the City.

10. **The location is NOT proper in relation to adjacent uses or the development of the community.**

The sale of beer and wine at this location is not proper in relation to adjacent uses or the development of the community in that the approval of such a conditional use would result in the third venue where beer and wine would be available for off-site consumption on the existing intersection which, except for the commercial uses on the corners, is solidly surrounded by residential uses. Though Alvarado Street and Glendale Boulevard are marked by strip commercial uses through the area, there is a high number of alcohol sales sites within this one mile stretch of the street. These sales sites are all adjacent to residential uses which back up onto them with the exception of the three sales sites (Vons Market, Rite Aid Pharmacy and a mini-market) that are on the island of land between the two streets. The addition of another ABC off-site sales license would not primarily serve the existing residents of the area, but instead, would be more oriented toward those driving through to other destinations.

11. **The use WILL BE materially detrimental to the character of the development in the immediate neighborhood.**

The proposed sale of beer and wine for off-site consumption will be materially detrimental to the character of development in the immediate neighborhood because it would lead to an overconcentration in off-site sales on one intersection with three sales sites if approved. There currently exist one supermarket and a full service drug store within two blocks of this intersection with full line alcohol sales, and two other full line sales sites and two other beer and wine sales sites within four blocks. The area is primarily residential in nature with a major access way to Downtown Los Angeles passing through it with strip commercial and minor industrial uses located on it. Though the Community Plan acknowledges the commercial area to be auto oriented as opposed to the more neighborhood serving uses located along Sunset Boulevard, it is not an area which should be subjected to an overconcentration of off-site sales uses oriented toward the pass through traffic.

12. **The proposed use WILL adversely affect the welfare of the pertinent community.**

The proposed project will adversely affect the welfare of the pertinent community in that this will be the ninth off-site alcohol sales license within a one mile stretch of the Alvarado Street/Glendale Boulevard couplet between Sunset Boulevard and the Route 2 Freeway on-ramps, and the possible third off-site consumption sales site at this busy intersection with Berkeley Avenue where Alvarado and Glendale merge into one street. The proposed site is surrounded by residential development and

the area has a high level of homelessness partly due to the many vacant lots in the area and the large median strip on Glendale Boulevard which draws many pan-handlers on this major commuter route. The Police Department does not believe that the addition of another off-site sales license in this over-concentrated area will benefit the neighborhood which already suffers from high crime statistics and agrees with those in the neighborhood who oppose it.

13. The proposed location WILL NOT BE in harmony with the various elements and objectives of the General Plan.

There are eleven elements of the General Plan. Each of the elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the Code. The subject site is located in the Silver Lake-Echo Park-Elysian Valley Community Plan and has General Commercial land use designation.

The issue of alcoholic beverages is not specifically addressed by the General Plan. Conditional authorization for the sale of alcoholic beverages for on- and off-site consumption is allowed through the approval of the Zoning Administrator subject to findings for this request. Given the content of the findings established herein and the opposition of the Police Department to the proposed use, the surrounding land uses will be adversely impacted. As such, the proposed use will not be in harmony with the Plan goals and objectives and will not be in harmony with the General Plan.

14. The granting of the application WILL result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

The granting of the application would result in an undue concentration of premises for the sale of alcoholic beverages including beer and wine for off-site consumption. According to the State Department of Alcoholic Beverage Control (ABC), there is one active existing license for the off-site sale of alcohol within Census Tract No. 1974.20. The State Department of Alcoholic Beverage Control has allotted three off-site licenses to this tract. Though this would not appear to show an over-concentration for the area, it should be noted that the boundary line for the census

tract is the center line of Glendale Boulevard. Of the eight listed permits for the area, they all exist on the southbound side of the Alvarado/Glendale Boulevard couplet and thus, they do not show up in the census tract statistics including the two existing off-site sales sites on the west side of the subject street intersection. A more relevant number is the number of off-site sales sites within a 1,000-foot radius of the subject site. This reveals five off-site sales sites within the radius or adjacent to it. As previously found, the one mile stretch of Glendale and Alvarado from Sunset to the Route 2 Freeway contains a total of eight and approval of this application would make it nine.

Statistics from the Los Angeles Police Department reveal that in the subject Crime Reporting District No. 1183 which has jurisdiction over the subject property, a total of 165 crimes were reported in 2010, compared to the citywide average of 169 crimes with a high crime reporting district of 203 for the same period. Crimes reported by LAPD include Rape (0), Robbery (10), Aggravated Assault (9), Burglary (9), Burglary Theft from Vehicle (33), Personal Theft (0), Other Theft (18), Auto Theft (20), Other Assaults (2), Forging/Counterfeit (0), Stolen Property (0), Weapon Violation (3), Narcotic Drug (14), Drunkenness (5), DWI Related (22), and All Other Violations (11). The number of arrests for narcotics, public drunkenness and driving under the influences are high for such an area which is primarily residential with strip commercial on its one major traffic corridor. In addition to these statistics, the Police Department in their comment letter described 412 calls for Police services within the period of January to July of 2011. While many of these calls did not result in an arrest, they still constitute a drain on the time that the Police Department has to devote to the area which is but one small section of the large Northeast Los Angeles Station's patrol area.

15. **The proposed use WILL 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 proposed use will detrimentally affect nearby residentially zoned communities, churches, schools and similar uses. The subject property is adjacent to residentially zoned property and the area directly to the north of Berkley Avenue is also residentially zoned including the property on which a non-conforming as to zone restaurant is located. The Montana Street Elementary School is located approximately three blocks southeast of the site and two area churches sent in letters of opposition to the proposed conditional use. There is also a Los Angeles Unified School District property approximately two blocks east of the site at Berkley Avenue and LeMoyne Street. Within 1,500 feet to the north of the site is the Gateways Hospital and Mental Health Care Center.

ADDITIONAL MANDATORY FINDINGS

16. 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.

17. On July 20, 2011, the Department of City Planning issued Mitigated Negative Declaration No. ENV-2011-1134-MND. This Mitigated Negative Declaration reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level. I hereby adopt that action. The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.



CHARLES J. RAUSCH, JR
Associate Zoning Administrator
Direct Telephone No. (213) 978-1306

CJR:jjq

cc: Councilmember Eric Garcetti
Thirteenth District
Adjacent Property Owners

