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November 8, 2017

Target Corporation (A)  
1000 Nicollet Mall  
Minneapolis, MN 55403

6<sup>th</sup> Virgil, LLC (O)  
12121 Wilshire Boulevard  
Los Angeles, CA 90025

Beth Aboulafia (R)  
Hinman & Carmichael LLP  
260 California Street, Suite 700  
San Francisco, CA 94111

CASE NO. ZA 2017-2337(CUB)  
CONDITIONAL USE  
620 South Virgil Avenue (2968 West 5th  
Street, 601 South Commonwealth  
Avenue)

Zones : C2-2, C4-2

D. M. : 135A201

C. D. : 10-Wesson

CEQA : ENV-2017-2338-CE

Legal Description: Lots 1-2, 3, Portions  
of Lots 19 and 20, 21-24, B,  
Block 26, South Half of the West End  
University Addition.

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 in conjunction with a new retail store (Target) in the C2-2 and C4-2 Zones,

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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Approved herein is the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 20,000 square-foot retail/grocery store (Target).
7. Hours of operation shall be limited from 7:00 a.m. to 12:00 midnight, daily, except that the store may operate 24-hours on Thanksgiving Day and Black Friday (the day after Thanksgiving).
8. Loitering is prohibited on or around these premises or the area under control of the applicants.
9. Staff of the establishments shall regularly police the area under the operator's control in an effort to prevent littering by patrons and others about the premises.
10. There shall be adequate lighting on the interior as well as the exterior areas of the premises so as to render objects or persons clearly discernible. All exterior lighting shall be shielded and directed on to the site. This does not preclude the installation of low-level security lighting.
11. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
12. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.
13. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Lighting in the parking area shall be direct, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of the nearby residences.

14. Access to the store's parking garage shall be secured when not in use to prevent loitering and potential nuisance or criminal activity.
15. Petitioner(s) shall install and maintain security cameras and a four-week DVR that covers all common areas of the business, high-risk areas, entrances and exits. The DVRs shall be made available to the Los Angeles Police Department upon request.
16. No pay phone may be maintained on the exterior of the premises.
17. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Zoning Administrator for attachment to the case file.
18. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
19. 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.
20. Prior to the beginning of operations, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to [planning.ccu@lacity.org](mailto:planning.ccu@lacity.org), with the subject of the email to include the case number, "ZA 2017-2337-CUB/Operation Notification". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
21. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

*We, the undersigned, have read and understand the conditions of approval to allow the sale and/or dispensing of a full line of alcoholic beverages, in*

*conjunction with the retail/grocery store, known as Target, and agree to abide and comply with said conditions.*

22. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.
23. Prior to the 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 form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
24. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from

responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

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

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are

not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

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

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

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

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

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **NOVEMBER 23, 2017** unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

#### **Downtown**

Figueroa Plaza  
201 North Figueroa  
Street, 4th Floor

#### **San Fernando Valley**

Marvin Braude San  
Fernando

#### **West Los Angeles**

West Los Angeles  
Development Services  
Center

Los Angeles, CA 90012  
(213) 482-7077

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

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

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

### NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the 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.

### 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 November 1, 2017, 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 subject property is a level, irregularly-shaped block, of approximately 1.8 acres having frontage on 6<sup>th</sup> Street, Virgil Avenue, and Commonwealth Avenue. The entire property is currently under construction as part of a project includes a seven-story building with a maximum height of 90 feet with at-grade and three levels of subterranean parking. The request herein includes a Target retail and grocery store in which the applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption. The store area is approximately 20,000 square-feet and will have hours of operation and alcohol sales from 7:00 a.m. to midnight, daily.

The subject site is located in the C2-2 and C4-2 zones and designated as Regional Center Commercial under the Wilshire Community Plan. Approximately 37,401 square feet of the northerly part of the Site with frontage on 6th Street is located in the C2-2 zone and the balance of the Site is located in the C4-2 zone. The Site is also located in the Wilshire Center/Koreatown Redevelopment Project area and within a State Enterprise Zone.

Properties adjacent to the south of the Site are zoned C4-2 and include the 13-story Sheraton Town House Hotel, a multi-family residential tower, the six-story Cygnus Building, which houses medical and commercial offices, the Rampart Police Activities League Youth Center, the Gabriella Charter School, and a two-story parking structure. The 19-story Superior Court Building is located immediately east of the Site, across Commonwealth Avenue and is zoned C4-2. Lafayette Park, zoned Open Space, is located east/southeast of the Superior Court building and contains several recreational playing fields, jungle gyms, and picnicking areas. Lafayette Park also contains a one-story building on the eastern edge of the park (bordering La Fayette Park Place) which houses a community center and a Los Angeles Police Department (LAPD) Drop-in Center. Properties to the north of the Site along 6th Street are zoned C2-1 and include a variety of commercial businesses, surface parking, the First Congregational Church of Los Angeles, and the Pilgrim School located northeast of the Site at the northeast corner of Sixth Street and Commonwealth Avenue. The Wilshire corridor lies south of the Site and is developed with mid-rise and high-rise buildings on properties in the C4-2 zone, which primarily house commercial and retail uses. Multi-family residential, commercial, office, and surface parking uses occur to the west of the Site, across Virgil Avenue on properties zoned C4-2. Further east from the Site is the Felipe de Neve Public Library, located just east of the Superior Court Building at the northern edge of Lafayette Park.

6th Street adjoining the subject property on the north is a designated Avenue II, dedicated to a width of 86-feet and improved with curb, gutter, and sidewalk.

Virgil Avenue adjoining the subject property to the west is a designated Avenue II, dedicated to a width of 86-feet and improved with curb, gutter, and sidewalk.

Commonwealth Avenue adjoining the subject property to the east is a designated Collector, dedicated to a width of 66-feet and improved with curb, gutter, and sidewalk.

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

Case No. ZA-2014-1557-ZV-ZAA-SPR – On September 16, 2014, the Zoning Administrator approved a Zone Variance, Zoning Administrator's Adjustment and Site Plan Review to allow the development of mixed-use project with 399 dwelling units and 20,000 square-feet of ground floor commercial area.

Case No. ZA-2007-1950-VCU-CUB-CUX-SPR – On January 30, 2009, the Zoning Administrator approved a Vesting Conditional Use, Conditional Use-Beverage/Dancing, and a Site Plan Review for the development of a 34-story mixed-use, development containing 165 residential condominium units, 192 hotel rooms (80 hotel rooms and 112 condominium hotel rooms), 7,500 square feet of retail space, 13,000 square feet of restaurant space and 8,100 square feet of banquet space.

**Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:**

Case No. ZA-2008-4333-CUB-ZV – On April 8, 2010, the Zoning Administrator denied a Zone Variance and Conditional Use for a 4,200 square-foot restaurant located at 609 South Westmoreland Avenue.

Case No. ZA-2007-3462-CUB – On January 18, 2008, the Zoning Administrator approved a Conditional Use to permit the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 6,270 square-foot existing basement restaurant/karaoke studio located at 2999 West 6th Street.

### **Public Hearing**

A public hearing was held by the Associate Zoning Administrator on November 1, 2017 at Los Angeles City Hall in Room 1020. The hearing was attended by the applicant's representative, Ms. Beth Aboulafia, by a representative of Council District 10, Mr. Jordan Beroukhim and by one member of the public.

Ms. Aboulafia stated that the subject site is part of a mixed-use development under construction that is bounded by 6<sup>th</sup> Street, Virgil and Commonwealth Avenues. The project under construction is a seven story development with a Target retail store on the ground floor with two levels of subterranean parking for the residential component of the project and at-grade parking for the Target store.

Ms. Aboulafia noted that the applicant is Target and the request is for a Conditional Use to allow the off-site sale of a full line of alcoholic beverages in conjunction with the new Target. She indicated that the proposed Target is a smaller format store similar to one at USC and in Glassel Park. Ms. Aboulafia stated that although the store is a smaller format, it sells a similar range of products but a smaller scale. Groceries will be sold and the applicant would like to offer the sale of alcoholic beverages accessory and incidental to the sale of groceries and other items.

Ms. Aboulafia pointed out that the proposed hours will be limited from 7 a.m. to 12 midnight daily. However, she requested that the store be permitted to operate 24-hours on Thanksgiving Day and the day after Thanksgiving (aka Black Friday).

Ms. Aboulafia noted that the store's cashiers are provided with Alcohol Sales training and video surveillance cameras are installed throughout the store and asset protection personnel closely monitor the store.

Ms. Aboulafia also noted that the ABC application also provided a notice within 500 feet of the site and no objections had been raised. She indicated that she reached out to Sargent Lara of LAPDs Olympic Vice Units and he verbally expressed that he had no concerns regarding this request.

Mr. Berhouhim testified in support of the request. He noted that no opposition to the request has been received. He noted that the site is designated for Regional Center Commercial land uses and that the site is surrounded by intensive land uses. He felt the proposed hours were very modest and noted that the larger project under construction on the site was well received by the community.

### **Public Correspondence:**

No communications from the public were received prior to the preparation of this staff report.

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

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

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

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office, etc.)

- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/check-out clerk specifically assigned solely to that station.

**BASIS FOR CONDITIONAL USE PERMITS**

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

## **FINDINGS**

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

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

The project involves the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a 20,000 square-foot retail/grocery store (Target) with hours of operation from 7:00 a.m. to midnight, daily. The store will occupy the ground floor of a mixed-use building that is currently under construction as authorized by Case No. ZA-2014-1557-ZV-ZAA-SPR. The primary use of the retail/grocery store will be the sale of goods and merchandise, primarily for personal or household use and will caters to the adjacent commercial buildings and surrounding residential neighborhoods.

The sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a 20,000 square-foot retail/grocery store will provide a convenience that is not largely available in the area to customers by offering a one-stop shopping experience. Target will offer the customers the ability to purchase grocery items, including alcoholic beverages, while shopping for everyday essentials. The sale of alcoholic beverages will offer customers a more complete shopping experience and will provide a convenience to Target's customers by eliminating the need for additional shopping trips. Thus, the project will perform a function and provide a service that proves to be beneficial to the community, city or region.

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

The subject property is a level, irregularly-shaped block, of approximately 1.8 acres having frontage on 6th Street, Virgil Avenue, and Commonwealth Avenue. The entire property is currently under construction as part of a project includes a seven-story building with a maximum height of 90 feet with at-grade and three levels of subterranean parking. The request herein includes a Target retail and grocery store in which the applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption. The store area is approximately 20,000 square-feet and will have hours of operation and alcohol sales from 7:00 a.m. to midnight, daily.

The subject site is located in the C2-2 and C4-2 zones and designated as Regional Center Commercial under the Wilshire Community Plan. Approximately 37,401 square feet of the northerly part of the Site with frontage on 6th Street is located in the C2-2 zone and the balance of the Site is located in the C4-2 zone. The Site is

also located in the Wilshire Center/Koreatown Redevelopment Project area and within a State Enterprise Zone.

Properties adjacent to the south of the Site are zoned C4-2 and include the 13-story Sheraton Town House Hotel, a multi-family residential tower, the six-story Cygnus Building, which houses medical and commercial offices, the Rampart Police Activities League Youth Center, the Gabriella Charter School, and a two-story parking structure. The 19-story Superior Court Building is located immediately east of the Site, across Commonwealth Avenue and is zoned C4-2. Lafayette Park, zoned Open Space, is located east/southeast of the Superior Court building and contains several recreational playing fields, jungle gyms, and picnicking areas. Lafayette Park also contains a one-story building on the eastern edge of the park (bordering La Fayette Park Place) which houses a community center and a Los Angeles Police Department (LAPD) Drop-in Center. Properties to the north of the Site along 6th Street are zoned C2-1 and include a variety of commercial businesses, surface parking, the First Congregational Church of Los Angeles, and the Pilgrim School located northeast of the Site at the northeast corner of Sixth Street and Commonwealth Avenue. The Wilshire corridor lies south of the Site and is developed with mid-rise and high-rise buildings on properties in the C4-2 zone, which primarily house commercial and retail uses. Multi-family residential, commercial, office, and surface parking uses occur to the west of the Site, across Virgil Avenue on properties zoned C4-2. Further east from the Site is the Felipe de Neve Public Library, located just east of the Superior Court Building at the northern edge of Lafayette Park.

The alcohol display area within the 20,000 square-foot retail/grocery store will occupy approximately 1% of the total floor area of the store. The area is confined within the large retail building. Additionally, numerous conditions have been imposed relating to loitering, noise, undesirable uses and elements, and security. The operator, Target, requires all cashiers complete their own Alcohol Sales Training Program, in addition to the requirement that they complete LAPD's training, Standardized Training for Alcohol Retailers, alcohol sales program. The store will be located on the ground floor of a mixed use development with at-grade parking within an enclosed parking garage which will minimize opportunities for loitering. The parking garage is required to be secured from access when the store is not open to prevent loitering or any nuisance or criminal activity.

Therefore, granting of the sale of a full line alcoholic beverages for off-site consumption will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

There are twelve elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of

the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the City into 35 Community Plans.

The Wilshire Community Plan designates the subject property for Regional Center Commercial land uses, corresponding to the CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5 zones. The property is zoned C2-2 and C4-2. The Community Plan text is silent with regards to the sale of alcohol. Nevertheless, the project is consistent with the following policies and objectives of the Community Plan:

*Policy 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.*

*Policy 2-1. 3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

*Objective 2-2: Promote distinctive commercial districts and pedestrian-oriented areas.*

*Policy 2-2. 1: Encourage pedestrian-oriented design in designated areas and in new development.*

*Policy 2-2. 3 Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.*

*Policy 2-3. 1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.*

The project conserves and strengthens the commercial area by occupying a new commercial are within a new mixed-use project near a major transit corridor along Wilshire Boulevard. The project will activate the surrounding streets and create a more pedestrian friendly environment. The subject store will offer retail and groceries in addition to the sale of alcohol to allow for a one-stop shopping destination.

Therefore, the project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

**ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES****4. The proposed use will not adversely affect the welfare of the pertinent community**

Retail/grocery stores are allowed by right in the C2 and C4 Zones. The sale of a full line of alcoholic beverages for off-site consumption will occur as an ancillary use to the other retail uses of the store. The addition of alcoholic beverage sales will not change the character of the proposed retail use. Alcoholic beverage sales will be a small component and incidental to Target's overall retail operations and will not adversely affect the surrounding community. The project will introduce a retail and grocery establishment that will be consistent with the needs of the community, thereby strengthening the economic base within the subject site, promoting economic activity and stimulating market opportunities for existing and new businesses.

The Zoning Administrator has imposed numerous conditions to integrate the uses into the community as well as protect surrounding uses from adverse potential impacts. Other conditions imposed will maintain the order and ensure cleanliness of the retail store and restaurant and their surroundings. The presence of the proposed Target store will attract and provide a larger base of potential customers to purchase goods, add to the economic base of the community, create and maintain employment opportunity and generate revenue to various municipalities. Therefore, the granting the sale of alcohol will not adversely affect the welfare of the pertinent community.

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

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, five (5) on-sale and three (3) off-sale licenses are allocated to subject Census Tract No. 2111.20. There are currently five (5) on-site and four (4) off-site licenses in this census tract which includes:

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 2029, which has jurisdiction over the subject property, a total of 436 crimes and arrests were reported in 2016, compared to the citywide average of 180 crimes and the high crime reporting district average of 215 crimes for the same period. Of these crimes, there were Narcotics (18), Public Drunkenness (22), 2 Disorderly Conduct (2), and DUI related arrests (33).

These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The approval of the instant grant will add one (1) more license to the census tract and will exceed ABC guidelines. The site is also located within a reporting district where the crime rate is substantially higher than the citywide average, however no evidence was submitted for the record by the LAPD or adjacent residents indicating or suggesting any link between the subject site and the neighborhood’s crime rate.

The proposed Target store is located on the ground floor of a larger seven story mixed use development with six levels of residential above. The proposed project will activate the site and the store will provide a service to the local community. Parking for the residential component of the project is within two subterranean levels and parking for the Target store is located at-grade within an enclosed parking garage. Therefore, opportunities for loitering will be minimal. The conditions of the grant address loitering, noise and security.

As conditioned, it is not anticipated that the uses will contribute to the area’s crime rate or generate any nuisance activity. Conditions, including those typically recommended by the Los Angeles Police Department, such as those related to the STAR Program, age verification and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval.

Furthermore, if at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner’s compliance with and the effectiveness of the conditions of the grant.

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

The following sensitive uses are located within 1,000 feet of the project site:

<b>Sensitive Use</b>	<b>Address</b>
Felipe De Neve Branch Library	2820 West 6 <sup>th</sup> Street
First Congregational Church and Sunday School	540 South

	Commonwealth Avenue
Pilgrim School	500 South Commonwealth Avenue
La Fayette Park	625 La Fayette Park Place
Kidsbel Academy	609 Westmoreland Avenue
Everybody Dance School	2955 Wilshire Boulevard
Calstone University	2975 Wilshire Boulevard, #103
Newton International College	2975 Wilshire Boulevard, #200
College of Southern California	2975 Wilshire Boulevard, #210
Cong Shin University	2975 Wilshire Boulevard, #300
Shalom Center	2975 Wilshire Boulevard, #415
Prodee University New America Language School	2975 Wilshire Boulevard, #500
Abundant Life Korean Church	3020 Wilshire Boulevard, #160
Olympic Presbyterian Church	3020 Wilshire Boulevard, #169
Learning Beer Academy	3020 Wilshire Boulevard, #170
Rise Kohyang Middle School	3020 Wilshire Boulevard, #250
Southwestern University School of Law	3050 Wilshire Boulevard

While there are residential dwelling units and other sensitive uses located in close proximity to the project site, the surrounding neighborhood has been and continues to be a mixed-use neighborhood with a mixture of offices, retail, restaurants, and residential units. Conditions have been imposed in cooperation with LAPD to reduce the potential impacts to the nearby sensitive uses.

Furthermore, Target is a well-respected national retailer that understands and takes seriously the responsibilities that come with selling alcohol beverages, and will conduct its operations with due regard for the well-being and quiet enjoyment of nearby housing units and sensitive uses.

#### **ADDITIONAL MANDATORY FINDINGS**

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located outside of a Flood Zone.

8. On September 29, 2017, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2017-2338-CE, for a Categorical Exemption, Class 5, Category 23, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby determine, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 5, Category 23, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Inquiries regarding this matter should be directed to Jordann Turner, Planning Staff for the Expedited Processing Section.

Jordann Turner  
City Planner  
(213) 978-1365



FERNANDO TOVAR  
Associate Zoning Administrator

FT:JT:bk

cc: Councilmember Herb Wesson  
Tenth District  
Adjoining Property Owners



