OFFICE OF ZONING ADMINISTRATION 200 N. SPRING STREET, ROOM 763 LOS ANGELES, CA 90012-4801 (213) 978-1318

> ESTINEH MAILIAN CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS JACK CHIANG HENRY CHU TIM FARGO JONATHAN A. HERSHEY, AICP PHYLLIS NATHANSON CHARLES J. RAUSCH JR. CHRISTINE SAPONARA COURTNEY SHUM CHRISTINA TOY LEE JORDANN TURNER **CITY OF LOS ANGELES**

CALIFORNIA



KAREN BASS MAYOR LOS ANGELES DEPARTMENT OF CITY PLANNING EXECUTIVE OFFICES

VINCENT P. BERTONI, AICP DIRECTOR

SHANA M.M. BONSTIN DEPUTY DIRECTOR HAYDEE URITA-LOPEZ DEPUTY DIRECTOR ARTHI L. VARMA, AICP DEPUTY DIRECTOR LISA M. WEBBER, AICP DEPUTY DIRECTOR

planning.lacity.org

Decision Date: December 4, 2024

Last Day to File an Appeal: December 19, 2024

Adis Hovhannisyan (A) Heavenly Liquor 4U, Inc. 8650 Reseda Boulevard, Unit 1 Northridge, CA 91324

M & O Properties, Ltd (O) PO Box 7220 Van Nuys, CA 91409

Raul Cueva, Jr (R) Liquor License Agents 5243 East Beverly Boulevard Los Angeles, CA 90022 CASE NO. ZA-2024-3928-CUB CLASS 2 CONDITIONAL USE PERMIT-ALCOHOL 8650 North Reseda Boulevard (8630 - 8656 Reseda Boulevard), Unit 1 Northridge Community Plan Zone: [Q]C2-1VL C.D: 12 - Lee D.M.: 195B125 CEQA: ENV-2024-3930-CE Legal Description: Fraction Lot 7, Tract 6902, Portion Lot 186 (arbs 2 & 3), Zelzah Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

a Class 2 Conditional Use Permit to allow the sale of a full-line of alcohol for off-site consumption, in conjunction with a new convenience store in an existing tenant space, in the [Q]C2-1VL Zone;

Upon the following additional terms and conditions:

- 1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
- 2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
- 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
- 6. <u>Within 30 days of the effective date of this grant</u>, 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 Development Services Center for inclusion in the case file.
- 7. **Authorization**. Approved herein is the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with a new approximately 1,118 square-foot convenience store. The grant shall be subject to the following limitations:
 - a. The hours of operation are limited to 10:00 a.m. to 8:00 p.m., daily.
 - b. After hour use shall be prohibited, except routine clean-up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.
- 8. **Good Neighbor Program.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians.
 - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24 hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

- 9. STAR/LEAD/RBS Training. Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
- 10. An electronic age verification device shall be purchased and retained on the premises available to determine the age of any individual and shall be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
- 11. Upon receipt of any violations issued by any City department or other public jurisdictions relating to such operation's alcohol service, the applicant shall submit a copy of the violation, within five business days, to the Development Services Center, Department of City Planning, for inclusion in the administrative case file.
- 12. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
- 13. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
- 14. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
- 15. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris and litter.
- 16. Loitering is prohibited on or around these premises or the area under the control of the applicant. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility in the same language(s).

- 17. Game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
- 18. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers, or buffer zones.
- 19. The applicant(s) shall comply with Section 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
- 20. The applicant/business operator/manager shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to ensure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
- 21. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, the Department of Building and Safety, the Department of City Planning, or other responsible agencies. The on-site Manager and employees shall be knowledgeable of the conditions herein.
- 22. At least one on-duty manager with authority over the activities within the establishment shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area, including accessory parking areas, over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
- 23. MViP Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01 E.3 Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 Miscellaneous Clearance ZA Sign shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. A second inspection

will take place within 36 months of the first inspection. Observations and results of said inspection will be documented and included in the administrative file.

- b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
- 24. Should there be a change in the ownership and/or the operator of the business, the property owner and/or the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Development Services Center, Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Development Services Center, Department of City Planning, within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan or operations.
- 25. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of City Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the Plan Approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, and add or delete conditions, if warranted.
- 26. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (upon their own initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall file for a Plan Approval application together with associated fees, prepare a radius map, and cause notification to be mailed to all owners and occupants of properties within a 300-foot radius of the property, the Council Office, the Los Angeles Police Department's corresponding division, and the

local certified neighborhood council. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, and add or delete conditions, if warranted.

27. 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. Unless otherwise provided in Chapter 1A, Chapter 1 (General Provisions and Zoning), or in a project's conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and 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 13A.2.7.G of Chapter 1A of the Los Angeles Municipal Code provides:

"A Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or Chapter 1 (*General Provisions and Zoning*) of this Code 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 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 or Chapter 1 (*General Provisions and Zoning*), shall constitute a violation of this Chapter or Chapter 1 (*General Provisions and Zoning*) 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.

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on October 22, 2024, 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 Class 2 Conditional Use Permit under the provisions of Section 12.24 W have been established by the following facts:

BACKGROUND

The subject property is an irregularly shaped approximately 64,723 square-foot parcel, comprised of seven lots, with approximately 225 feet of frontage along the easterly side of Reseda Boulevard, approximately 240 feet of frontage along the southerly side of Parthenia Street, approximately 170 feet of frontage along the southwesterly side of Eddy Street, and approximately 130 feet of frontage along the northerly side of Bryant Street. The property is developed with the Furniture Corner shopping center comprised of three single-story buildings, constructed in the late 1970s, that house restaurants, personal services, a furniture store, an auto shop, and associated parking. Vehicular access to the property is from Reseda Boulevard, Bryant Street, and Eddy Street. The project site is Unit 1, which is an approximately 1,118 square-foot tenant space formerly occupied by a massage parlor, in the commercial building having storefronts facing Reseda Boulevard at the southwest area of the subject property.

The subject property is located within the Northridge Community Plan area, which designates the property for Limited Manufacturing land uses, with corresponding zones CM, MR1, and M1. The property is zoned [Q]CM-1VL and [Q]C2-1VL; the subject tenant space is in the [Q]C2-1VL Zone. The "Q" Qualified Classification, which was imposed in 1988, prohibits residential uses except as allowed in industrial zones. The property is also within the Los Angeles State Enterprise Zone (ZI-2374), a Transit Priority Area (ZI-2452), an area eligible for Assembly Bill 2097 (AB 2097) reduced parking and approximately 7.8 kilometers from the Northridge Fault. Pursuant to AB 2097 (2022), the City of Los Angeles is prohibited from imposing or enforcing minimum parking requirements on any residential, commercial, or other development project, with limited exceptions, that are within one-half mile of a Major Transit Stop. Applicants are responsible for updating records with the Department of Building and Safety.

The applicant is requesting a Conditional Use Permit to allow the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of a new 1,118 square-foot convenience store, Heavenly Liquor 4U, with hours of operation from 10:00 a.m. to 8:00 p.m., daily. There are no exterior changes proposed.

Surrounding properties

Property to the north, across Parthenia Street, is zoned PF-1XL and improved with a rail line. Property immediately to the east is zoned [Q]CM-1VL and P-1VL and improved with parking lots and two-story commercial buildings. Property to the west, across Reseda Boulevard, is zoned C2-1VL and improved with single-story commercial buildings. Property to the south, across Bryant Street, is zoned C2-1VL and improved with a two-story commercial building.

Streets

<u>Reseda Boulevard</u>, adjoining the subject property to the west, is a designated Boulevard II, dedicated to a right-of-way width of 110 feet and improved with asphalt roadway and concrete curb and sidewalk.

<u>Bryant Street</u>, adjoining the subject property to the south, is a designated Local Street - Standard, dedicated to a right-of-way width of 60 feet and improved with asphalt roadway and concrete curb and sidewalk.

<u>Parthenia Street</u>, adjoining the subject property to the north, is a designated Avenue II, dedicated to a right-of-way width of 86 feet and improved with asphalt roadway and concrete curb and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Subject Property (since 2000):

<u>Case No. ZA-2001-1225-CUB-ZBA</u> – On December 11, 2002, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of a full-line of alcoholic beverages for off-site consumption, with specified deviations for hours of operation between 11 p.m. and 7 a.m., no bicycle parking, to provide less than 50 percent glazing of exterior windows; and to allow the continued use of an existing pylon sign, in the C2-1VL and P-1VL Zone, located at 8500 Reseda Boulevard.

<u>CPC 86-253-GPC; Ordinance No. 163,915</u> – On September 12, 1988, Ordinance No. 163,915 became effective. The ordinance changed the zone from CM-1, P-1, and C2-1 to [Q]CM-1VL, P-1VL, and [Q]C2-1VL, respectively, with a [Q] Condition that prohibits residential uses, except as otherwise provided in the industrial zones.

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

Staff utilized a 1,000-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. The following relevant cases were filed within the last 10 years and identified as being within 1,000 feet of the project site:

There were no previous cases, affidavits, permits or orders found on the surrounding properties.

Correspondence

No public correspondence was submitted for consideration.

PUBLIC HEARING

A Notice of Public Hearing was posted and sent to property owners and/or occupants within 300 feet of the subject site for which an application was filed with the Los Angeles Department of City Planning. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions, or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The public hearing was held on October 22, 2024. Since Zoning Administration hearings are not subject to the Brown Act, the public hearing was conducted entirely telephonically and by videoconference.

At the start of the hearing, City staff telephoned the applicant's representative because no one from the applicant's team was in attendance. The representative then arrived and stated they were unaware the public hearing was scheduled for this date. As a result, the Zoning Administrator expressed concerns that proper notice had not been provided for the public hearing. However, during and after the hearing City staff obtained and forwarded evidence to the Zoning Administrator that the notice had been provided in accordance with required provisions.

The applicant's representative provided a brief overview of the project, after which the Zoning Administrator asked questions that were answered, summarized as follows:

Zoning Administrator: Was the project presented to the Northridge South Neighborhood Council?

<u>Applicant's Representative</u>: Yes, they reached out to the Neighborhood Council and to the City Council district office but received no response.

Zoning Administrator: Is this a convenience store or a liquor store? The name – Heavenly Liquor 4U – appears to connote a liquor store.

<u>Applicant's Representative</u>: It is actually a convenience store with a primary focus on liquor.

Zoning Administrator: The materials submitted state it is an existing store, but the photos submitted show the existing use as a massage parlor. Is the store already open and operating?

<u>Applicant's Representative</u>: The store is not yet operating, so it is not an existing establishment. It will be a high-end convenience store selling spirits and beer and high-end snacks to accompany alcohol, such as bourbon that pairs well with chocolate or coffee, so

they will sell that too. They will also sell the classic snacks typically sold at a convenience market, but they will sell high-end liquor and craft beers.

Zoning Administrator: As a convenience store, will it sell fresh produce and grocery items?

Applicant's Representative: No.

There was one member of the public in attendance who attempted to provide testimony, but he was unable to unmute himself. He was encouraged to send an email with any comments he may have. The record was held open for one week to allow him time to do so. However, no email or other correspondence was received.

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

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

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

- No alcohol shall be allowed to be consumed on any adjacent property under the control
 of the applicant.
- Electronic age verification device(s) which can be used to determine the age of any
 individual attempting to purchase alcoholic beverages and shall be installed on the
 premises at each point-of-sale location. The device(s) shall be maintained in an
 operational condition and all employees shall be instructed in their use prior to the sale
 of any alcoholic beverages.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.

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 Chapter 1, Section 12.24 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.

GENERAL CLASS 2 CONDITIONAL USE PERMT FINDINGS, PURSUANT TO LAMC, CHAPTER 1A, SECTION 13B.2.2

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

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

The subject property is an irregularly shaped approximately 64,723 square-foot parcel bounded by Reseda Boulevard, Parthenia Street, Eddy Street, and Bryant Street. The property is developed with the Furniture Corner shopping center with restaurants, personal services, a furniture store, an auto shop, and associated parking. Vehicular access to the property is from Reseda Boulevard, Bryant Street, and Eddy Street. The project site is Unit 1, which is an approximately 1,118 square-foot tenant space in the commercial building having storefronts facing Reseda Boulevard at the southwest area of the subject property.

The subject property is located within the Northridge Community Plan area, which designates the property for Limited Manufacturing land uses, with corresponding zones CM, MR1, and M1. The property is zoned [Q]CM-1VL and [Q]C2-1VL; the subject tenant space is in the [Q]C2-1VL Zone. The "Q" Qualified Classification, which was imposed in 1988, prohibits residential uses except as allowed in industrial zones. The property is also within the Los Angeles State Enterprise Zone (ZI-2374), a Transit Priority Area (ZI-2452), an area eligible for Assembly Bill 2097 (AB 2097) reduced parking and approximately 7.8 kilometers from the Northridge Fault. Pursuant to AB 2097 (2022), the City of Los Angeles is prohibited from imposing or enforcing minimum parking requirements on any residential, commercial, or other development project, with limited exceptions, that are within one-half mile of a Major Transit Stop. Applicants are responsible for updating records with the Department of Building and Safety.

The applicant is requesting a Conditional Use Permit to allow the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of a new 1,118 square-foot convenience store, Heavenly Liquor 4U, with hours of operation from 10:00 a.m. to 8:00 p.m., daily. There are no exterior changes proposed.

The applicant states that the proposed establishment will be a convenience store with a primary focus on high-end alcoholic beverages and high-end accompaniments, such as particular chocolates, coffee, or other specialty items that pair well with the alcoholic beverages for sale. The establishment will also offer more typical items sold at a convenience store. The proposed convenience store will provide a service that benefits the neighborhood by offering discerning patrons more exclusive alcoholic beverages than are typically found in conventional stores, with non-alcoholic pairings to heighten and enhance the patrons' enjoyment of the alcoholic beverage products sold.

Therefore, the project will perform a function and provide a service that is beneficial to the community.

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

The subject property is an irregularly shaped approximately 64,723 square-foot parcel bounded by Reseda Boulevard, Parthenia Street, Eddy Street, and Bryant Street. The property is developed with the Furniture Corner shopping center with restaurants, personal services, a furniture store, an auto shop, and associated parking. Vehicular access to the property is from Reseda Boulevard, Bryant Street, and Eddy Street. The project site is Unit 1, which is an approximately 1,118 square-foot tenant space in the commercial building having storefronts facing Reseda Boulevard at the southwest area of the subject property. The subject property is located within the Northridge Community Plan area, which designates the property for Limited Manufacturing land uses and is zoned [Q]CM-1VL and [Q]C2-1VL; the subject tenant space is in the [Q]C2-1VL Zone.

The applicant is requesting a Conditional Use Permit to allow the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of a new 1,118 square-foot convenience store, Heavenly Liquor 4U, with hours of operation from 10:00 a.m. to 8:00 p.m., daily. There are no exterior changes proposed.

The subject location is an existing tenant space within an existing commercial building in an existing shopping center. There are no exterior changes proposed, so the physical aspects of the location will remain unchanged. In addition to standard conditions, conditions have been imposed to ensure the new use, with its proposed sale of a full line of alcoholic beverages for off-site consumption, remains compatible with the neighborhood and that the public health, welfare and safety of the area is not compromised by the new establishment. Conditions have been imposed that limit the type of activity allowed, require responsible management and good neighbor practices, require training in the sale of alcoholic beverages, discourage nuisance, illegal or disruptive behavior within or around the premises, require safety measures such as camera surveillance, visibility into the interior of the store, and adequate

exterior illumination, and provide for two proactive inspections within the first five years of operation.

Any new owner or operator will be subject to the same conditions and will be required to return for review if the new operation is not in substantial conformance with the mode and character approved herein. In addition, the Zoning Administrator has reserved the right to compel the applicant or operator to file a Plan Approval if there is documented evidence that the conditions of the grant or the ABC license have been violated and resulted in an unreasonable level of disruption in the peaceful enjoyment of neighboring properties.

Therefore, as conditioned, 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.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs 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 implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The subject property is located within the Northridge Community Plan area, which designates the property for Limited Manufacturing land uses, with corresponding zones CM, MR1, and M1. The property is zoned [Q]CM-1VL and [Q]C2-1VL; the subject tenant space is in the [Q]C2-1VL Zone. The "Q" Qualified Classification, which was imposed in 1988, prohibits residential uses except as allowed in industrial zones.

The Northridge Community Plan text is silent with regard to the sale and dispensing of alcoholic beverages. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following goals and policies of the Community Plan:

Goal 2 A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the unique character of the community.

The applicant is requesting a Conditional Use Permit to allow the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of a

new 1,118 square-foot convenience store, with hours of operation from 10:00 a.m. to 8:00 p.m., daily.

A variety of commercial uses, such as convenience stores, particularly one that sells high-end alcoholic beverages and interesting pairings as is proposed, are an intrinsic part of the diversity of commercial uses necessary for the development, conservation, and success of a vibrant commercial area. The development in the area caters to a variety of needs and serves the area's mix of residences and commercial uses, as well as its workforce and visitors. The sale of a full line of alcohol for off-site consumption in conjunction with this convenience store is not an uncommon request and offering alcoholic beverages for sale would be an expected amenity.

The convenience store is located along a commercial corridor occupied by other, similar kinds of development and establishments, and is within an area designated for general commercial uses. The availability of a full line of alcoholic beverages for off-site consumption is often an important element of the economic viability of a convenience store operation. The required findings in support have been made and numerous conditions have been imposed as a part of this determination to minimize the potential of this convenience store from becoming incompatible with its surroundings.

Therefore, as conditioned, the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan. The property is not subject to any specific plan.

SUPPLEMENTAL CLASS 2 CONDITIONAL USE PERMT FINDINGS, PURSUANT TO LAMC, CHAPTER 1, SECTION 12.24 W.1

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

The applicant is requesting a Conditional Use Permit to allow the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of a new 1,118 square-foot convenience store, with hours of operation from 10:00 a.m. to 8:00 p.m., daily. There are no exterior changes proposed.

Property to the north, across Parthenia Street, is zoned PF-1XL and improved with a rail line. Property immediately to the east is zoned [Q]CM-1VL and P-1VL and improved with parking lots and two-story commercial buildings. Property to the west, across Reseda Boulevard, is zoned C2-1VL and improved with single-story commercial buildings. Property to the south, across Bryant Street, is zoned C2-1VL and improved with a two-story commercial building.

Alcohol sales are an expected amenity within a convenience store. The establishment provides convenience for residents, employees, and visitors in the area. The grant includes a number of conditions to safeguard the community. Possible impacts associated with a retail establishment selling alcoholic beverages are loitering and littering issues. The grant imposes conditions that will mitigate

potential negative effects commonly associated with the sale of a full line of alcoholic beverages for off-site consumption.

The approval, as conditioned, will avert these impacts by prohibiting loitering and game machines, requiring security cameras to be installed and adequate exterior illumination, limiting the coverage of windows to facilitate visibility by Police officers or private security personnel, requiring the use of electronic age verification devices and monitoring the area by an on-duty manager to ensure compliance with the conditions and applicable laws. Employees will undergo training on the sale of alcoholic beverages including training provided by the Los Angeles Police Department STAR program (Standardized Training for Alcohol Retailers) or another similar program.

In addition, any new owner or operator will be subject to the same conditions and will be required to return for review if the new operation is not in substantial conformance with the mode and character approved herein. In addition, the Zoning Administrator has reserved the right to compel the applicant or operator to file a Plan Approval if there is documented evidence that the conditions of the grant or the ABC license have been violated and resulted in an unreasonable level of disruption to the peaceful enjoyment of neighboring properties.

Therefore, the proposed use will not adversely affect the welfare of the community.

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

The applicant is requesting a Conditional Use Permit to allow the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of a new 1,118 square-foot convenience store, with hours of operation from 10:00 a.m. to 8:00 p.m., daily. There are no exterior changes proposed.

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-sale and two off-sale licenses are allocated to the subject Census Tract 1154.03. Currently there are five active on-sale license and five active off-sale licenses in the subject census tract.

According to information submitted by the applicant, within 1,000 feet of the subject site, there are five establishments that have an ABC license.

Alcohol Establishment	License Type	Address
CVS	Off-sale – Full Line	8530 Reseda Boulevard
Thai Original BBQ	On-sale – Beer & Wine	8650 Reseda Boulevard

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 1794, which has jurisdiction over the subject property, a total of 272 crimes were reported in 2023 (174 Part I Crimes and 98 Part II Arrests), compared to the Citywide Average of 162 crimes and the High Crime Reporting District Average of 194 crimes. Part II Arrests reported include (13) Narcotics, (1) Liquor Laws, (0) Public Drunkenness, (1) Disturbing the Peace, (6) Disorderly Conduct, (0) Gambling, and (10) DUI related arrests. 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.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The number of active off-sale and on-sale ABC licenses within the census tract in which the subject site is located exceeds the ABC guidelines. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the resident population base in the area. ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents.

The above crime statistics indicate that the crime rate in the reporting district where the subject site is located are higher than the citywide average. However, no evidence has been submitted to the record establishing any nexus between the subject site or proposed use and the area's crime rate. No communication was received from the Police Department indicating concerns regarding the applicant's request.

In addition, to safeguard the welfare of the community and provide for a reasonable operation, conditions have been imposed as a part of this approval. Negative impacts commonly associated with the availability of alcohol such as criminal activity, public drunkenness, and loitering are minimized through compliance with public safety measures to mitigate nuisance and criminal activities, such as participation in a STAR/LEAD/RBS Training Program, age verification, security cameras, and staff monitoring, which have been incorporated into the grant by the Zoning Administrator to ensure better oversight in conjunction with this approval. The ABC also has discretion to approve an application for a license to sell alcoholic beverages if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. These imposed conditions are a necessary and integral part of this action and requires diligent compliance on

the part of the applicant for effectiveness. As conditioned, allowing the sale of alcoholic beverages for off-site consumption in conjunction with the subject establishment will benefit the public welfare and convenience because a successful commercial enterprise supports the economic vitality of the area.

Therefore, as conditioned, the granting of the request will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages in the area of the City involved.

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 applicant is requesting a Conditional Use Permit to allow the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of a new 1,118 square-foot convenience store, with hours of operation from 10:00 a.m. to 8:00 p.m., daily. There are no exterior changes proposed.

Property to the north, across Parthenia Street, is zoned PF-1XL and improved with a rail line. Property immediately to the east is zoned [Q]CM-1VL and P-1VL and improved with parking lots and two-story commercial buildings. Property to the west, across Reseda Boulevard, is zoned C2-1VL and improved with single-story commercial buildings. Property to the south, across Bryant Street, is zoned C2-1VL and improved with a two-story commercial building.

The area is predominately industrial and commercial, dominated by automotiverelated uses. However, there are a handful of residential uses within 300 feet of the property, and a mix of single-family and multi-family residences between 300 and 600 feet of the property. A martial arts and dance studio are a little more than 300 feet away. No other sensitive uses have been identified. No communication or testimony has been received by any representative of any sensitive use expressing concern or opposition to the project or request.

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned to protect the health, safety, and welfare of the surrounding neighbors. Conditions have been imposed that limit the type of activity allowed, require responsible management and good neighbor practices, require training in the sale of alcoholic beverages, discourage nuisance, illegal or disruptive behavior within or around the premises, require safety measures such as camera surveillance, visibility into the interior of the store, and adequate exterior illumination, and provide for two proactive inspections within the first five years of operation. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering.

The project is consistent with the zone in which it is located and in keeping with the existing uses on and surrounding the property. This project will contribute to the neighborhood's commercial viability and will serve the area's residents, workforce, and visitors.

Therefore, 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, schools, parks, similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages.

ADDITIONAL FINDING

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. 186,952, have been reviewed and it has been determined that this project is located outside the flood zone.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed <u>early</u> to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<u>https://planning.lacity.gov/oas</u>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <u>http://planning.lacity.gov/development-services/forms</u>. Public offices are located at:

Metro DSC	Van Nuys DSC
201 N. Figueroa Street Los Angeles, CA 90012 <u>planning.figcounter@lacity.org</u> (213) 482-7077	6262 Van Nuys Boulevard Van Nuys, CA 91401 <u>planning.mbc2@lacity.org</u> (818) 374-5050
South LA DSC	West LA DSC
(In person appointments available on Tuesdays and Thursdays 8am- 4pm only) 8475 S. Vermont Avenue 1st Floor Los Angeles, CA 90044 <u>planning.southla@lacity.org</u>	(CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 <u>planning.westla@lacity.org</u> (310) 231-2901

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's <u>BuildLA</u> portal (<u>appointments.lacity.gov</u>). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to Online Appeal Filing

QR Code to Forms for In-Person Appeal Filing



QR Code to BuildLA Appointment Portal for Condition Clearance

Inquiries regarding the matter shall be directed to Jaime Espinoza, Planning Staff for the Department of City Planning at (213) 756-1712 or jaime.espinoza@lacity.org.

Hyllis Nathanson

PHYLLIS NATHANSON Associate Zoning Administrator

PN:AC:JE:mc

cc: Councilmember John Lee Twelfth District Abutting Property Owners



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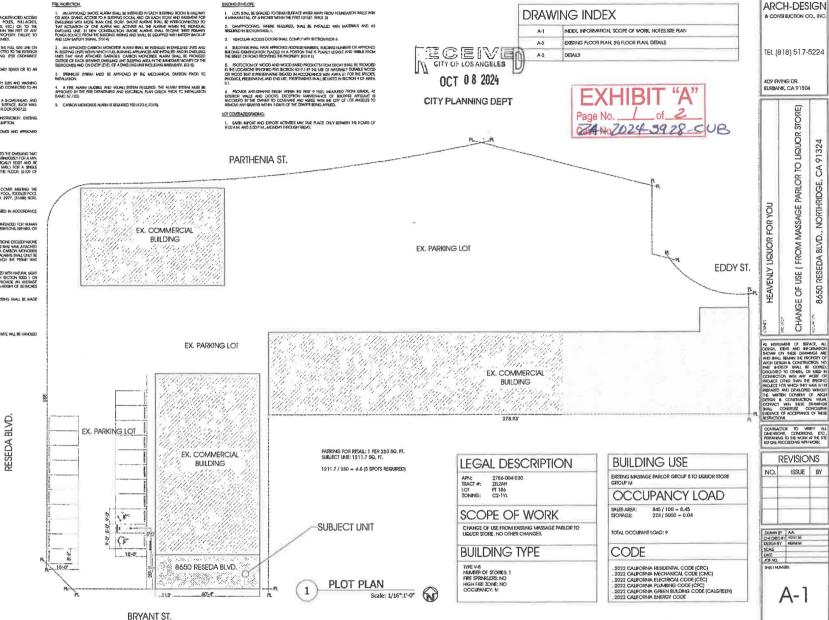
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GENERAL RECLIPTIONENTS-

CONSTRUCTION WASTE NOTE

CONSTRUCTION WASTE SHALL BE REDUCED BY 65%. CONSTRUCTION WASTE WILL BE HANDLED BY CITY OF LOS AVEREES CERTIFIED HALLER.



OF

SHEETS

GENERAL REGUREMENTS

