

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 M. 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
ARTHI L. VARMA, AICP
DEPUTY DIRECTOR
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
planning.lacity.org

Decision Date: July 19, 2023

EFFECTIVE DATE: August 4, 2023

Appeal Period Ends: August 3, 2023

George Karaoglanian (A)
The Karaoglanian Gas Station 76
12856 West Sherman Way
North Hollywood, CA 91605

Lilos BP, Inc. (O)
12856 West Sherman Way
North Hollywood, 91605

Bo Lee (R)
Bo Lee Law Group, APC
3580 Wilshire Boulevard
Los Angeles, CA 90010

CASE NO. ZA-2022-3694-CUB
CONDITIONAL USE BEVERAGE
12856 West Sherman Way
North Hollywood - Valley Village Community
Plan
Zone : C2-1VL
D. M. : 183B161
C. D. : 2 - Krekorian
CEQA : ENV-2022-3695-CE
Legal Description: Lot 29, Tract TR 1081

Pursuant to the California Environmental Quality Act (CEQA), I hereby DETERMINE:

based on the whole of the administrative record that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies.

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

a Conditional Use for the sale of beer and wine for off-site consumption in conjunction with an existing service station and 1,568 square-foot mini market in the C2-1VL Zone.

Pursuant to LAMC 12.24-W,27, I hereby APPROVE:

a Conditional Use to allow 24-hour operations, in lieu of the maximum 7 a.m. to 11 p.m. otherwise permitted by LAMC Section 12.22 A23.

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 Zoning 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. **Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.**
7. Authorized herein is the sale of beer and wine for off-site consumption in conjunction with an existing service station and 1,568 square-foot mini-market.
 - a. Hours of operation are permitted to be 24-hours daily.
8. 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.
9. No variance from parking requirements have been granted herein. Parking shall be subject to the determination of the Department of Building and Safety.
10. Only the front doors shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries, trash removal, and emergency access.
11. 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.

12. **Complaint Log.** 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.

13. **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.
14. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
15. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
16. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
17. 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.
18. The business operator and or the operator's agents shall comply with California Labor Code Section 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.

ADMINISTRATIVE CONDITIONS

19. **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 ZA Sign Offs 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. 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.
20. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.
21. 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 his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. 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, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
22. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

 - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

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 May 9, 2023, 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 flat, level, rectangular shaped, corner lot totaling 12,250 square feet, located at the southeast corner of West Sherman Way and Coldwater Canyon Avenue. The subject property has approximately 114 feet of frontage along Sherman Way and approximately 106 feet of frontage along Coldwater Canyon. The property is accessible to vehicles via driveways on Sherman Way and Coldwater Canyon.

The site is located within the North Hollywood - Valley Village Community Plan, has a General Plan Land Use designation of Highway Oriented Commercial, and is zoned C2-1VL. The site is also within the Los Angeles State Enterprise Zone, an Opportunity Zone, Urban Agriculture Incentive Zone, 4.7 kilometers from the Verdugo Fault.

The subject site is developed with a service station with one (1) auto repair bay, two (2) fueling canopies including six (6) fueling dispensers, and a 1,568 square-foot one-story mini-market built in 1966. The 76-gas station's mini-market (the applicant) currently sells retail convenience items.

The applicant is requesting a Conditional Use to allow the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing service station, with 24-hour operations daily.

Surrounding Properties

The property to the north across Sherman Way is zoned C2-1VL and is developed with a commercial shopping plaza, consisting of a Dunn-Edwards Paints, restaurants, coin laundry and hair salon.

The property to the west across Coldwater Canyon is zoned C2-1VL and includes a Jack in the Box restaurant and a shopping center consisting of retail commercial businesses, such as a hair salon, market, restaurants, nail salon, and flower shop.

The property to the east of the subject property is zoned C2-1VL and includes tenants such as a Yoshinoya restaurant, auto repair shop, and automobile related commercial businesses.

The property to the south of the subject property is zoned R3-1 and consists of a gated three-story multi-family dwelling with a concrete wall separating it from the subject property.

Streets

Coldwater Canyon Avenue, adjoining the subject property to the west is a designated Avenue II, with a Roadway width of 60 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Sherman Way, adjoining the subject property to the north is a designated Boulevard II with a Roadway Width of 80 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

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

None

Previous Cases on Surrounding Properties:

Staff utilized a 500-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 20 years and identified as being within 1000 feet of the project site:

Case No. ZA-2021-9856-CUB (12855 W Sherman Way) – On September 27, 2022, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a new 1,605 square-foot private club in the C2-1VL Zone.

Case No. ZA-2011-0915-CUB (12811 W Sherman Way) - On July 28, 2011, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing off for off-site consumption in conjunction with the operation of a 10,453 square-foot grocery store in the C2-1VL Zone.

Case No. ZA-2003-5403-CUB (12811 W Sherman Way) – On October 31, 2003, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for off-site consumption, in conjunction with an existing 10,000 square-foot supermarket in the C2-1VL Zone.

Case No. ZA-2007-0052-CUB (12936 W Sherman Way) – On May 17, 2007, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with an existing restaurant in the C2-1VL and P-1VL Zone.

PUBLIC CORRESPONDENCES

The Los Angeles Police Department-North Hollywood Area Vice unit submitted a letter dated June 26, 2022, expressing their non-opposition to the request and suggested conditions of approval.

The North Hollywood West Neighborhood Council submitted a letter dated April 12, 2023, stating its approval of the proposed project at their April 12, 2023, meeting.

PUBLIC HEARING

A public hearing was held before the Associate Zoning Administrator on May 2, 2023 at 10:00 a.m., due to continued concerns that meeting in person would present imminent risks to the health and safety of the attendees, the hearing was conducted entirely telephonically.

The hearing was attended by the applicant's representative (Bo Lee). No members of the public attended. Mr. Lee made the following comments:

- The site consists of a 76-gas station with a mini-market.
- The owners have owned the gas station since 1998.
- Commercial businesses surround the site.
- No new construction. No seating is proposed
- Site has four security cameras.

At the end of the public hearing, the Zoning Administrator stated that he is inclined to approve the Conditional Use request.

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.

- Proposed alcohol sales from 6 am to 11pm daily
- Wine coolers shall be sold in four packs and wine shall be sold in 750 ml or larger bottles

- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- 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 signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- 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.
- Cashiers selling alcoholic beverages shall be 18 years of age or older
- Signs shall be posted in English and Spanish stating that the California state law prohibits the sale of alcoholic beverages to people who are under 21 years of age.
- The petitioner(s) shall post a prominent, permanent sign stating, "NO OPEN ALCOHOLIC BEVERAGES CONTAINERS ARE ALLOWED ON THESE PREMISES" in a place that is clearly visible to patrons of the licensed premises. The sign shall be at least two feet squared with at least two-inch block lettering and include "VIOLATORS ARE SUBJECT TO ARREST". The signage shall be posted in English and Spanish.

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 beer and wine for off-site consumption 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.

CONDITIONAL USE FINDINGS

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 a flat, level, rectangular shaped, corner lot totaling 12,250 square feet, located at the southeast corner of West Sherman Way and Coldwater Canyon Avenue. The subject property has approximately 114 feet of frontage along Sherman Way and approximately 106 feet of frontage along Coldwater Canyon. The property is accessible to vehicles via driveways on Sherman Way and Coldwater Canyon.

The subject site is developed with a service station with one (1) auto repair bay, two (2) fueling canopies including six (6) fueling dispensers, and a 1,568 square-foot one-story mini-market built in 1966. The 76-gas station's mini-market (the applicant) currently sells retail convenience items.

The property to the north across Sherman Way is zoned C2-1VL and is developed with a commercial shopping plaza, consisting of a Dunn-Edwards Paints, restaurants, coin laundry and hair salon. The property to the west across Coldwater Canyon is zoned C2-1VL and includes a Jack in the Box restaurant and a shopping center consisting of retail commercial businesses, such as a hair salon, market, restaurants, nail salon, and flower shop. The property to the east of the subject property is zoned C2-1VL and includes tenants such as a Yoshinoya restaurant, auto repair shop, and automobile related commercial businesses.

The applicant seeks conditional use authorization to allow the sale of beer and wine for off-site consumption in conjunction with the operation of an existing service station with a 1,568 square-foot one-story mini-market built in 1966 with 24-hour operations daily. The existing convenience store provides a service that benefits the neighborhood by keeping in nature with the area's commercial development. The convenience store sells prepackaged goods and provides an essential neighborhood serving use and convenience that benefits the community. The sale of alcohol is an expected offering of a convenience store and allows the surrounding community to enjoy the same level of amenities and beverage options as expected in other convenience stores. The sale of alcohol is only a portion of the goods and services offered by the convenience store, where select sundries, beverages, and other goods typically offered at a convenience store are available. With the imposition of conditions, the sale of beer and wine for off-site consumption at the convenience store will be compatible with surrounding uses in the area.

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 requested action does not involve a change in the project's location, or an increase in the floor area or height of the commercial structure or mode of operation or any other planned construction. Furthermore, the request does not involve an increase in the hours of operation as the subject business has been operating 24 hours a day for the past 24 years. The proposed use is compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare and safety.

In addition to standard conditions, conditions have been adopted to ensure the mode and character of the convenience store will operate as proposed. The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with the sale of beer and wine for off-site consumption, will be compatible with other uses in the surrounding community. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the convenience store is found to be noncompliant with these conditions. Additionally, in their letter dated June 26, 2022, Los Angeles Police Department, North Hollywood Area Vice stated no opposition to the requested application. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, 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.**

There are eleven 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 Los Angeles Municipal Code. In addition to the General Plan elements, specific plans provide an additional layer of regulation. 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 subject site is located within the North Hollywood - Valley Village Community Plan, which designates the property for Highway Oriented Commercial land uses with corresponding C1, C1.5, C2, C4, P and Height District 1VL (limited to three stories or 45 feet) per Footnote 2. The subject property is zoned C2-1VL and is thus consistent with the land use designation for the site.

The Community Plan text is silent with regards to the sale of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following objectives of the North Hollywood - Valley Village Community Plan:

Objective 2-1: To conserve and strengthen viable commercial development.

The grant will increase longevity of the service station and mini market, which in turn will continue to support the vibrancy of the commercial corridor along West Sherman Way. The mini market will provide visitors, neighboring residents, and the local workforce with a convenient shopping option located nearby complementary uses. The sale of beer and wine for off-site consumption will augment the desirability of the subject establishment which will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy. As such, the project substantially conforms with the purpose, intent and provisions of the General Plan, and the applicable community plan.

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

The applicant seeks conditional use authorization to allow the sale of beer and wine for off-site consumption in conjunction with the operation of an existing service station with a 1,568 square-foot one-story mini-market with 24-hour operations daily.

The project will not physically alter the subject building's location, size, or height. Operational conditions imposed on the project will help to ensure that the alcohol service in conjunction with the mini-market use will not adversely affect the neighborhood, including surrounding residences and businesses. In addition, retail sales are a permitted use in the C2-1VL zone, and the project would further expand and enhance the existing use.

Adjacent uses along both sides of West Sherman Way include a variety of community serving businesses such as retail, commercial, services and restaurants, with some multi-family residential. The property directly to the south is a three-story apartment building separated from the subject property by a wall with fencing and an adjacent

parking lot. The majority of residential properties in the vicinity are multi-family properties located to the south behind the commercial uses along West Sherman Way.

Negative impacts commonly associated with the sale of alcoholic beverages include criminal activity, public drunkenness, and loitering, and can be mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to.

Furthermore, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been included to ensure the operation provides adequate security measures, includes a surveillance system, and adequate lighting, adherence to the City's Noise Ordinance, and responsible management practices. Both the Conditions of Approval and the requirements of the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, as conditioned herein, the sale of beer and wine for off-site consumption, in conjunction with an existing 1,568 square-foot mini-market 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 California Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-sale and one off-sale consumption licenses are allocated to the subject Census Tract Number 1233.03. There are currently 7 active licenses within this census tract: 4 active on-sale licenses; and 3 active off-sale licenses.

According to statistics provided by the Los Angeles Police Department's Van Nuys Vice Unit, within Crime Reporting District No. 1512, which has jurisdiction over the subject property, a total of 117 crimes were reported in 2022 (99 Part I and 18 Part II crimes), compared to the Citywide Average of 156 crimes and the High Crime Reporting District Average of 187 crimes. Part II Crimes reported include (1) Narcotics, (0) Liquor Laws, (0) Public Drunkenness, (0) Disturbing the Peace, (1) Disorderly Conduct, (0) Gambling, (4) DUI related and (6) other offenses. 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 on-site ABC licenses within the census tract where the subject site is located, exceeds ABC guidelines. However, the project will not adversely affect the community welfare because the mini market is a desirable use in an area designated for commercial uses. The subject site is designated for Highway Oriented Commercial uses and has frontage along West Sherman Way and Coldwater Canyon Avenue, commercial thoroughfares. The neighborhood is characterized by low-rise commercial buildings and the site is supported by visitors in addition to the resident population base in the area. The sale of beer and wine will augment the desirability of the subject establishment which will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy

The above crime statistics indicate that the crime rate in the reporting district where the subject site is located are lower than the citywide average. Additionally, no evidence has been submitted to the record establishing any nexus between the subject site or use and the area's crime rate.

Nevertheless, 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 assure better oversight in conjunction with this approval. The ABC also 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. 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 beer and wine for off-site consumption at the subject location will benefit the public welfare and convenience because a successful business supports the economic vitality of the area. Therefore, as conditioned, approval of the request will not result in an undue concentration of licensed premises.

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 seeks conditional use authorization to allow the sale of beer and wine for off-site consumption in conjunction with the operation of an existing service station with a 1,568 square-foot one-story mini-market with 24-hour operations daily.

The subject property is located within C2-1V zone with a General Plan Land Use Designation of Highway Oriented Commercial under the North Hollywood-Valley Village Community Plan. Adjacent uses along both sides of West Sherman Way include a variety of community serving businesses such as retail, commercial, services and restaurants, with some multi-family residential. The property directly to the south is a three-story apartment building separated from the subject property by a wall with fencing and an adjacent parking lot. Many residential properties in the vicinity are multi-family properties located to the south behind the commercial uses along West Sherman Way.

According to information submitted by the applicant, in addition to surrounding residential uses, the following sensitive uses are located within a 1,000-foot radius of the site:

Housing	
Single-family and multi-family dwellings	
Religious Institutions/ Schools/Day Care/Parks/Hospitals	
N/A	

No communication or testimony has been received by any representative of the identified sensitive uses 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, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Numerous conditions have been incorporated into this grant to minimize the potential for adverse effects on the community. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will continue to contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, for the reasons given, 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, religious institutions, recreation centers, similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages.

ADDITIONAL COMMERCIAL CORNER FINDINGS

7. **That based on data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The subject mini-market/gas station has been in operation since 1966 with hours of operation exceeding 11:00 p.m. This finding is triggered because of the addition of the proposed sale of beer and wine for off-site consumption on a Commercial Corner property. Vehicular access to the site will continue to be provided via driveways located on Coldwater Canyon Boulevard and Sherman Way. Therefore, the project will not create a traffic hazard, or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets above the existing conditions.

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

The subject mini-market/gas station has been in operation since 1966 with hours of operation exceeding 11:00 p.m. This is an existing development that will not be adding to the existing number of mini-shopping centers or commercial corner developments.

ADDITIONAL FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is Zone C, areas of minimal flooding.

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 early 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 (<https://planning.lacity.org/oas>) 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 <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC	Van Nuys DSC	West Los Angeles DSC
(213) 482-7077	(818) 374-5050	(CURRENTLY CLOSED)
201 N. Figueroa Street	6262 Van Nuys	(310) 231-2901
Los Angeles, CA 90012	Boulevard	1828 Sawtelle Boulevard
planning.figcounter@lacity.org	Van Nuys, CA 91401	West Los Angeles, CA 90025
	planning.mbc2@lacity.org	planning.westla@lacity.org

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 BuildLA portal (appointments.lacity.org). 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 this matter shall be directed to Christian Pearson, Planning Staff for the Department of City Planning at (213) 978-1181.

A handwritten signature in blue ink, reading "Jordann F. Turner".

JORDANN TURNER
Associate Zoning Administrator

JT:JP:CK:CP:ds

cc: Councilmember Paul Krekorian
Second Council District
Adjoining Property Owners

SITE PLAN

THE KARAOGLANIAN GAS STATION 76

SITE ADDRESS: 12856 Sherman Way
North Hollywood, CA 91605

LEGAL DESCRIPTION: Lot 29, Block n/a, Tract 1081

SUBJECT FLOOR AREA: 1,700 Sq. Ft.

TOTAL SEATS: N/A

TOTAL PARKING SPACES: 5 SPACES

REP. CONTACT: Bo Lee Law Group, APC
3580 Wilshire Blvd., Fl. 9
Los Angeles, CA 90010

CASE NO:

DATE: 02/15/2022

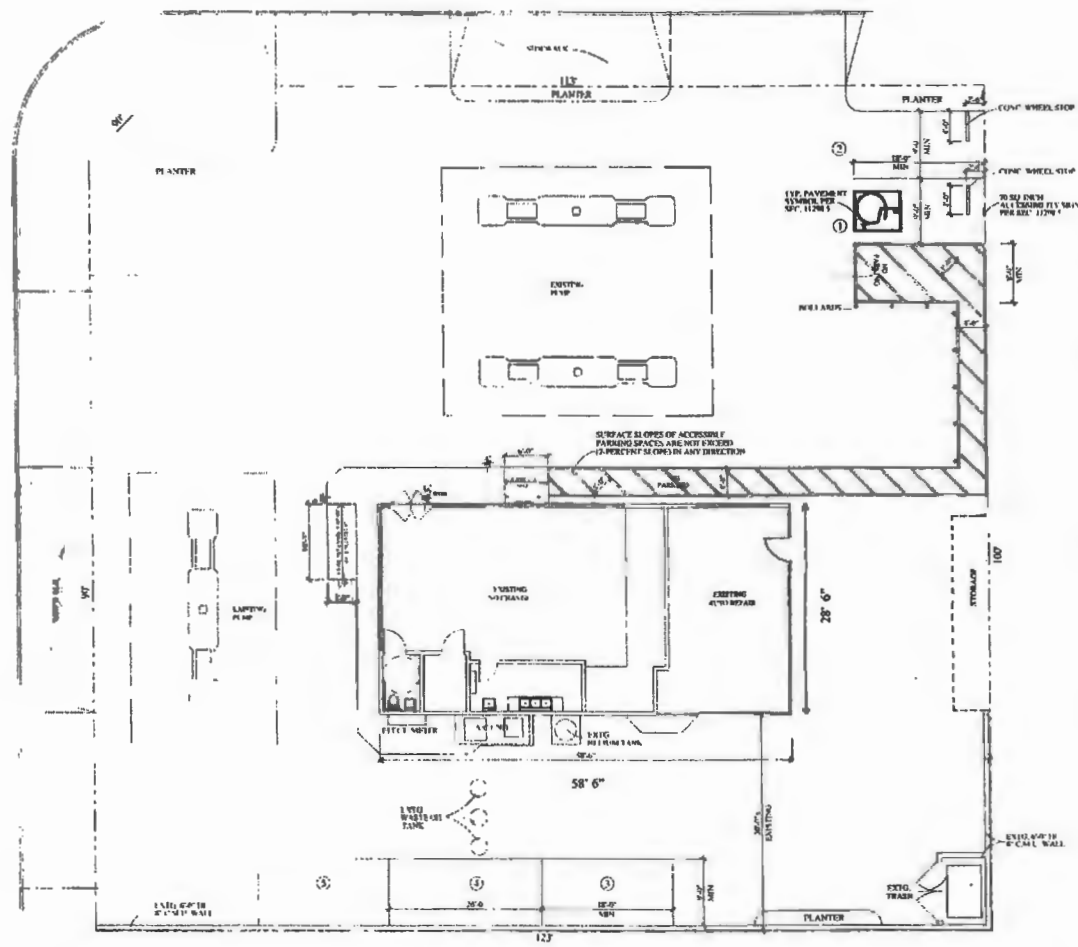
EXHIBIT "A"

Page No. 1 of 2

Case No. 2A-2022-3694-CLB

COLDWATER CANYON AVE.

SHERMAN WAY



SITE PLAN



PARKING CALCS.

EXISTING PARKING: (4) STALLS
ADDITIONAL PARKING (ACCESSIBLE PARKING): (1) STALL
TOTAL PARKING REQUIRED: (5) STALLS

REVISION

NO. DATE REVISION

NO. DATE ISSUED

DRAWING TITLE SITE PLAN

DATE

JOB No.

DRAWING NO.

REVISION

A-1

JOB TITLE THE KARAOGLANIAN GAS STATION 76

JOB ADDRESS 12856 SHERMAN WAY

SCALE 1" = 10'

DRAWN BY

FLOOR PLAN

THE KARAOGLANIAN GAS STATION 76

SITE ADDRESS: 12856 Sherman Way
North Hollywood, CA 91605

LEGAL DESCRIPTION: Lot 29, Block n/a, Tract 1081

SUBJECT FLOOR AREA: 1,700 Sq. Ft.

TOTAL SEATS: N/A

TOTAL PARKING SPACES: 5 SPACES

REP. CONTACT: Bo Lee Law Group, APC
3580 Wilshire Blvd., Fl. 9
Los Angeles, CA 90010

CASE NO:

DATE: 02/15/2022

113'

EXTG. PUMP

EXHIBIT "A"
Page No. 2 of 2
Case No. 2A-2022-3694-CD

EXTG. PUMP

28' 6"

58' 6"

100'

EXTG. CASHIER

EXISTING NO CHANGE

WALK-IN COOLER

EXISTING AUTO REPAIR

STORAGE

EXTG. UNISEX RESTRM

EXTG. OFFICE

EXTG. JAN. STO.

ALCOHOL DISPLAY

ALCOHOL STORAGE

SCALE: 1/4" = 1'-0"



These drawings were prepared by the undersigned for the purpose of showing the location of the proposed structure and the location of the existing structure. The drawings do not constitute a contract and are not to be used for any other purpose without the written consent of the undersigned.

DATE	ISSUED	NO.	DATE	REVISION

DATE	ISSUED	NO.	DATE	REVISION

DRAWING TITLE	JOB TITLE
THE KARAOGLANIAN GAS STATION 76	
JOB ADDRESS	DRAWN BY
12856 SHERMAN WAY N. HOLLYWOOD, CA. 91605	

DATE	SCALE	1/4" = 1'-0"	DRAWN BY

JOB NO.	DRAWING NO.	REVISION NO.