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Decision Date: June 26, 2025

Last Day To File an Appeal: July 11, 2024

Hayk Yavryan (A)
Oxnard Liquor
14923 Oxnard Street
Van Nuys, CA 91411

F and F Oxnard Property, LLC (O)
19328 Londelius Street
Northridge, CA 91324

Patrick E. Panzarelo (R)
Patrick E. Panzarelo Consulting Services
P.O Box 1085
Sun Valley, CA 91353

CASE NO. ZA-2021-10451-CUB
CONDITIONAL USE - ALCOHOL
14923-14927 West Oxnard Street,
Unit Space A
Van Nuys-North Sherman Oaks
Zone: M2-1
C.D: 6
D.M.: 177A149
CEQA: ENV-2021-10454-CE
Legal Description: FR Lot 280 (Arb
13), Tract 1000

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 (LAMC) Section 12.24 W.1, I hereby APPROVE:

a Conditional Use to permit the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with an existing convenience store in the M2-1 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 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 the case file.
7. Authorized herein is the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with an existing 1,338 square-foot convenience store, subject to the following limitations:
 - a. The hours of operation shall be limited from 8:00 a.m. to 11:00 p.m., daily.
8. After hours 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.
9. No minimum number of parking spaces is required by Certificate of Occupancy No. 263549, issued by the Department of Building and Safety, May 23, 2024. Any

parking that is provided shall be in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety.

10. 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.
11. 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.
12. 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.
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. **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.

15. **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 to the Department of City Planning 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.
16. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure

behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

17. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
18. 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 facility to discourage illegal and criminal activity on the subject premises and any exterior area 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 or truancy occur.
19. 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, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
20. 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 or litter.
21. 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.
22. Signs shall be posted in English and Spanish stating that California State law prohibits the sale of alcoholic beverages to people who are under 21 years of age.
23. The back door(s) shall always be kept closed during the operation of the premises except in cases of emergency and to permit deliveries.
24. The applicant(s) shall comply with 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.

ADMINISTRATIVE CONDITIONS

25. **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 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.
26. 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 of the new operation.
27. 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, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 300-foot notification radius, shall be submitted to the 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, add or delete conditions.

28. 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 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.

29. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

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

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

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 **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on September 5, 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 approval under the provisions of Section 12.24 W.1 have been established by the following facts:

BACKGROUND

The subject property is an irregular-shaped, approximately 33,247 square foot lot with 75 feet of frontage on the north side of Oxnard Street and a depth of approximately 337 feet. The rear of the site has 150 of frontage along the public right-of-way for the Metro G (Orange) Line. The project site is located within the Van Nuys-North Sherman Oaks Community Plan area. The Community Plan designates the subject property for Light Manufacturing land uses, corresponding to the MR2 and M2 Zones. The project site is zoned M2-1 and is consistent with the land use designation. The subject property is in a Transit Priority Area in the City of Los Angeles (ZI-2452); Local Emergency Temporary Regulations-Time Limits and Parking Relief-LAMC 16.02.1 area (ZI 2498); State Enterprise Zone: Los Angeles (ZI-2374); MTA Right-of-Way (ROW) Project Area; and is an area eligible for reduced parking pursuant to AB 2097 Reduced Parking. There are no other specific plans, overlays, or interim control ordinances that pertain to the project site.

The subject property is developed with an existing 12,350 square-foot, one-story commercial building that includes a variety of uses including a convenience store, wholesale supply store, electric services, and industrial uses. The property is also developed with a one-story 6,580 square foot building with a construction development business. The site shares three existing surface parking spaces, including one accessible parking space. The applicant's tenant space, Unit A, is located along the Oxnard Street frontage of the building. The establishment's main entrance is accessed via a walkway located off Oxnard Street. Oxnard Liquor is the current operator of the convenience store and offers an assortment of household and market items. No new construction is proposed.

The applicant is requesting a Conditional Use to permit the sale of a full line of alcohol for off-site consumption, in conjunction with an existing 1,338 square-foot convenience store. The proposed hours of operation are from 8:00 a.m. to 11:00 p.m., daily. The applicant is in the process of obtaining a Type 20 license from the California Department of Alcoholic Beverage Control for the sale of beer and wine for off-site consumption but is requesting approval for a full line of alcoholic beverage for future flexibility. A Certificate of Occupancy for a retail store was issued May 23, 2024; according to the Certificate of Occupancy, zero parking spaces are required pursuant to AB 2097.

Surrounding Properties

The surrounding area is fully developed and substantially surrounded by industrial uses and some commercial uses. Property directly to the north is zoned PF-1XL and is the right-of-way for Metro G (Orange) Line. North of the Metro right-of-way, properties are zoned M3-1 and M2-1 and developed with single story commercial buildings with an auto body shop, general contractor business, musical instrument store, movie studio, and air conditioning, heating store uses with surface parking lots. Properties to the south, across Oxnard Street, are zoned M2-1 and developed with a two-story commercial building with an electronic supply store, a one-story building with an auto service business, and a one-story auto body shop building, and surface parking lots. Properties abutting to the west are zoned M2-1 and developed with a veterinary hospital and auto body shop. Properties

abutting to the east are zoned M2-1 and developed with various auto repair, light industrial uses, and a dispensary.

Streets

Oxnard Street, adjoining the subject property to the south, is a designated Avenue II dedicated to a right-of-way width of 86 feet along the project's street frontage and is improved with roadway, curb, gutter, sidewalk, streetlights, and street trees.

Los Angeles Metro G (Orange) Line busway adjoins the property to the north.

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

Certificate of Occupancy No.263549 - A certificate of occupancy for a change of use from storage building to retail store was issued by the Department of Building and Safety on May 23, 2024.

Previous Cases on Surrounding Properties

Upon utilizing a 1,000-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), staff identified no Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages.

PUBLIC CORRESPONDENCE

Correspondence was received from the Van Nuys Neighborhood Council, dated April 19, 2023, indicating that the vote as to whether to support the project was tied, with five in favor and five opposed.

PUBLIC HEARING

A Notice of Public Hearing was posted and sent to property owners and/or occupants within 500 feet of the subject site for which an application was filed with the City Planning Department. All interested persons were invited to attend the public hearing where they could listen, ask questions, or present testimony regarding the project. Interested persons were also invited to submit written comments regarding the request prior to the public hearing. A public hearing was held before the Zoning Administrator on September 5, 2023. Since Zoning Administration hearings are not subject to the Brown Act, the hearing was conducted entirely telephonically and by videoconference. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project.

The applicant's representative, Ted Moreno, from Patrick E. Panzarello Consulting, provided a general overview of the project, highlighting the following points, summarized as:

- This is the only commercial use surrounded by industrial uses.
- No residences nearby.
- There is one Conditional Use for alcoholic beverages on Kester Avenue.
- The applicant has a pending ABC license for off-sale beer and wine, which is pending the approval of a Conditional Use by the City.
- There have been no protests.
- There is no response from the Police Department.
- The applicant presented the project to the Van Nuys Neighborhood Council and received nominal support.

Following the presentation, the Zoning Administrator questioned the representative, summarized as:

Zoning Administrator: I see from the Neighborhood Council's letter that its vote was tied, for and against. What were the issues raised?

Applicant's Representative: There was no one really against the project. He thought the project received a positive reception, and he did not hear anything negative. When the letter came out, the tie vote surprised him.

Zoning Administrator: When did the convenience market begin its operations?

Applicant's Representative: About three years ago.

Zoning Administrator: I'm curious about your onsite sign that says, "Oxnard Liquor", when no alcoholic beverages are sold there. Is there an intent to convert the convenience store into a liquor store?

Applicant's Representative: It was designed to be a liquor store. The name is a bit misleading. Alcohol will be an amenity.

Zoning Administrator: Is there a Certificate of Occupancy for a convenience market?

Applicant's Representative: They will submit one.

Zoning Administrator: Have you received any letter from the Police Department regarding the entitlement request?

Applicant's Representative: No.

The Zoning Administrator opened the hearing to the public. There was no one in attendance from the Police Department or the City Council district office.

The only member of the public to speak was Dr. Kennedy, owner of the veterinary hospital next door, who asked what the applicant is going to do regarding parking and was concerned that the applicant provide any required handicap parking. He was also concerned regarding the type of clientele the applicant's business would attract and worried about customers consuming alcohol in public in the area and keeping the premises clean.

The applicant's representative was then provided an opportunity to respond to issues and questions raised, making the following points:

- The establishment has two assigned parking spaces. There is a handicap parking space on the site.
- Most of the customers are on foot.
- They do not foresee any parking issues.
- Loitering and on-site consumption would be prohibited.
- The applicant will be required to participate in the City's alcoholic beverage sales monitoring program.
- Conditions of approval will require the applicant to keep the premises clean.

The applicant provided additional responses:

- His wife will forward the Certificate of Occupancy.
- They intend to provide three regular and one handicap parking spaces. The curb can be painted yellow limiting parking to 15 minutes.
- Their business has suffered due to Covid.
- They thought it would be easy to obtain a liquor license, but it has been a prolonged process, taking over three years.
- To be a corporation, they had to choose a name and changing it now would be difficult.
- Their intent is to operate the business as a convenience store. They already serve those customers and do not want to lose them.

The Zoning Administrator then closed the public hearing, indicating she was inclined to approve the request but would hold the decision letter until a Certificate of Occupancy could be provided for the record.

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.
- 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.
- 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 Section 12.24 W.1 of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for on-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.

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 an irregular-shaped, approximately 33,247 square foot lot with 75 feet of frontage on the north side of Oxnard Street and a depth of approximately 337 feet. The rear of the site has 150 of frontage along the public right-of-way for the Metro G (Orange) Line. The project site is located within the Van Nuys-North Sherman Oaks Community Plan area. The Community Plan designates the subject property for Light Manufacturing land uses, corresponding

to the MR2 and M2 Zones. The project site is zoned M2-1 and is consistent with the land use designation.

The subject property is developed with an existing 12,350 square-foot, one-story commercial building that includes a variety of uses including a wholesale supply store, electric services, industrial uses, and the subject convenience store. The property is also developed with a one-story 6,580 square foot building occupied by a construction development business. The site shares three existing surface parking spaces, including one accessible parking space. The applicant's tenant space, Unit A, is located along the Oxnard Street frontage of the building. The establishment's main entrance is accessed via a walkway located off Oxnard Street. Oxnard Liquor is the current operator of the convenience store and offers an assortment of household and market items. No new construction is proposed.

The applicant is requesting a Conditional Use to permit the sale of a full line of alcohol for off-site consumption, in conjunction with an existing 1,338 square-foot convenience store. The proposed hours of operation are from 8:00 a.m. to 11:00 p.m., daily. The applicant is in the process of obtaining a Type 20 license from the California Department of Alcoholic Beverage Control for the sale of beer and wine for off-site consumption but has requested approval for a full line of alcoholic beverage for future flexibility. A Certificate of Occupancy for a retail store was issued May 23, 2024; according to the Certificate of Occupancy, zero parking spaces are required pursuant to AB 2097.

The project will benefit the surrounding neighborhood by providing patrons the option to purchase beer and wine, and potentially a full line of alcohol, in conjunction with convenience store offerings. The sale and dispensing of a full line of alcohol for off-site consumption offers patrons the convenience of being able to purchase common market items along with alcoholic beverages at the same establishment and during the same shopping trip. Additionally, the option to sell alcoholic beverages, allows the applicant to compete with other convenience stores that offer such amenities. The sale of a full line of alcohol will be incidental to the sale of convenience items and build on the variety of market options for the area's residents, employees, and visitors.

The project site is located on the north side of Oxnard Street, which is a major commercial corridor characterized by small- and large-scale, neighborhood-serving retail and other commercial uses. The proposed use is a desirable amenity that is compatible with surrounding industrial and commercial uses. There are no residential uses in the immediate vicinity, but there are residences within approximately 700 feet of the establishment.

The location is suited for the store, in that it offers convenience for residents and local employees, which furthers community and economic development. The subject site includes a variety of uses including offices, industrial, and market and commercial. The surrounding properties are developed with an animal medical center, auto body shop, commercial spaces, office space, and multifamily

residential further south. The availability of a full array of goods typically available from a convenience store, such as alcoholic beverages, will enhance the establishment's standing in the community and provide a service amenity valued by community members and visitors.

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 irregular-shaped, approximately 33,247 square foot lot with 75 feet of frontage on the north side of Oxnard Street and a depth of approximately 337 feet. The rear of the site has 150 of frontage along the public right-of-way for the Metro G (Orange) Line. The project site is located within the Van Nuys-North Sherman Oaks Community Plan area. The Community Plan designates the subject property for Light Manufacturing land uses, corresponding to the MR2 and M2 Zones. The project site is zoned M2-1 and is consistent with the land use designation.

The subject property is developed with an existing 12,350 square-foot, one-story commercial building that includes a variety of uses including a wholesale supply store, electric services, industrial uses, and the subject convenience store. The site shares three existing surface parking spaces, including one accessible parking space. The applicant's tenant space, Unit A, is located along the Oxnard Street frontage of the building. The establishment's main entrance is accessed via a walkway located off Oxnard Street. Oxnard Liquor is the current operator of the convenience store and offers an assortment of household and market items. No new construction is proposed.

The applicant is requesting a Conditional Use to permit the sale of a full line of alcohol for off-site consumption, in conjunction with an existing 1,338 square-foot convenience store. The proposed hours of operation are from 8:00 a.m. to 11:00 p.m., daily. The applicant is in the process of obtaining a Type 20 license from the California Department of Alcoholic Beverage Control for the sale of beer and wine for off-site consumption but has requested approval for a full line of alcoholic beverage for future flexibility. A Certificate of Occupancy for a retail store was issued May 23, 2024; according to the Certificate of Occupancy, zero parking spaces are required pursuant to AB 2097.

The surrounding area is fully developed and substantially surrounded by industrial uses and some commercial uses. Property directly to the north is zoned PF-1XL and is the right-of-way for Metro G (Orange) Line. North of the Metro right-of-way, properties are zoned M3-1 and M2-1 and developed with single story commercial buildings with an auto body shop, general contractor business, musical instrument

store, movie studio, and air conditioning, heating store uses with surface parking lots. Properties to the south, across Oxnard Street, are zoned M2-1 and developed with a two-story commercial building with an electronic supply store, a one-story building with an auto service business, and a one-story auto body shop building, and surface parking lots. Properties abutting to the west are zoned M2-1 and developed with a veterinary hospital and auto body shop. Properties abutting to the east are zoned M2-1 and developed with various auto repair, light industrial uses, and a dispensary.

The project was considered by the Van Nuys Neighborhood Council and received a tie vote, five in favor and five opposed, as to whether to support the project. According to the applicant's representative, there were no specific concerns raised at the Neighborhood Council meeting, and none were reflected in the Neighborhood Council's letter to the case file. There were no other letters from members of the community. One neighbor, from the veterinary hospital adjacent to the project site, spoke at the public hearing with concerns regarding sufficient parking and handicap accessible parking, potential disruptive behavior by customers, including public consumption of alcoholic beverages, and keeping the premises clean.

The Conditional Use Permit allows the sale of a full line of alcohol for off-site consumption in conjunction with an existing 1,338 square-foot convenience store (Oxnard Liquor), with proposed hours of operation from 8:00 a.m. to 11:00 p.m., daily. The use and location of this neighborhood-serving project are appropriate given the context as well as the policies and zoning governing the project site. The project location is walkable, and convenient as there are not many other neighborhood-scale commercial uses in the immediate vicinity.

Conditions have also been imposed to encourage responsible management, deter criminal activity, and ensure compatibility with the surrounding neighborhood. Specifically, the Zoning Administrator has limited the hours of operation to 8:00 a.m. to 11:00 p.m., daily, with no after-hours activity permitted except for routine cleanup. Any graffiti must be removed within 24 hours. No game machines are permitted in the establishment, nor any external advertising of the availability of alcoholic beverages for sale. The applicant is required to always have at least one on-duty manager on the premises when the establishment is open for business to monitor patron and employee behavior and ensure compliance with the conditions of approval, including keeping the premises and the adjoining sidewalk free of litter and debris. Signs advising that loitering and public drinking are prohibited are required to be posted. The establishment will also be subject to two proactive inspections by the Department of Building and Safety to check on condition compliance. Finally, upon documented evidence showing continued violation of any condition of this grant resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator may require the applicant to return for a public hearing to review the effectiveness of, and compliance with, the conditions of approval. In addition, the State's Alcoholic Beverage Control will impose

conditions as deemed necessary for alcohol sale and consumption as the City has no jurisdiction to otherwise mandate said conditions.

Though the applicant is providing three parking spaces, inclusive of a handicap assessable space, Assembly Bill (AB) 2097, signed by the Governor September 22, 2022, prohibits the City from imposing any minimum automobile parking requirements on this establishment, because it is within one-half mile from a major transit stop.

As such, 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 Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Van Nuys – North Sherman Oaks Community Plan area. The Community Plan designates the subject property for Light Manufacturing Commercial land uses, corresponding to the MR2, and M2. The project site is zoned M2-1 and is thus consistent with the existing land use designation.

The Community Plan contains the following goals, objectives, and policies:

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

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

Policy 2-1.2: Require that projects be designed and developed to achieve a high level of quality,

distinctive character, and compatibility with existing uses and development.

Policy 2-2.2: Ensure that commercial infill projects achieve harmony with the best of existing development.

The subject convenience store is located within an existing retail and commercial development, along a commercial corridor occupied by small-scale and large-scale neighborhood serving uses. The availability of beer and wine or a full line of alcoholic beverages for off-site consumption is often a key ingredient to the economic success of a convenience store operation. Numerous conditions have been adopted as a part of this determination to minimize the potential of this restaurant from becoming incompatible with its surroundings. See Finding No. 2. Approval of the request is in conformity with Policy 2-2.2 of the Plan.

The proposed project supports the Community Plan's Land Use objectives by continuing to provide a neighborhood-serving market use with incidental alcohol service, meeting the needs of the Plan area's community. It also improves the economic vitality of the Oxnard Street commercial corridor. The authorization will strengthen a viable commercial development. As such, the project substantially conforms to the purpose, intent and provisions of the General Plan and Van Nuys-North Sherman Oaks Community Plan.

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

The subject property is located in the M2-1 Zone where conditional authorization for the sale of a full line of alcohol for off-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. The commercial store use is permitted by-right and is appropriate given the surrounding context and general plan land use designation. The project is located in an industrial and commercial corridor planned for commercial uses and builds upon a successful commercial area. Given the scope of the conditions and limitations established herein, as described in Finding No. 2, the surrounding land uses will not be significantly impacted by the proposed conditional use.

A variety of commercial uses are an intrinsic part of service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the sale of a full line of alcoholic beverages for off-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. 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 California Department of Alcoholic Beverage

Control's Licensee Education on Alcohol and Drugs (LEAD) program. In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. The applicant is requesting a permit for the sale of a full line of alcohol in conjunction with an existing convenience store. All activity occurring on the subject premises will be required to adhere to the imposed conditions as well as the City's Noise Ordinance. The City's conditions of approval and any conditions by the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare, and safety of the community.

Therefore, it is expected that the sale of a full line of alcohol for off-site consumption in conjunction with the existing convenience store 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 State Department of Alcoholic Beverage Control (ABC) licensing criteria, there are four (4) on-site and two (2) off-site licenses allocated for the subject tract (Census Tract No. 1284.00). Currently, there are four (4) active on-site licenses and five (5) active off-site licenses in this census tract.

Within 1,000 feet of the subject site, there are no alcohol-selling retail establishments with licenses for on-site consumption and one (1) for off-site consumption.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community. In this case, the granting of the application will not result in undue concentration as the project will enable the provision of an additional service and destination to complement the neighborhood. Although the number of existing licenses exceeds the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in an area which functions as a major commercial corridor with a variety of commercial services and amenities. 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 increasing resident population

base in the area. The ABC has the 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. As conditioned, the project will provide a valuable amenity and a desirable service that is compatible with Van Nuys neighborhood and the surrounding neighborhoods.

According to statistics provided by the Los Angeles Police Department's Van Nuys Division Vice Unit, within Crime Reporting District No. 941, a total of 505 crimes (430 Part I Crimes and 75 Part II Arrests) were reported in 2023, compared to the Citywide Average of 162 crimes and the High Crime Reporting District Average of 194 crimes for the same period. In 2023, there were (10) Narcotics, and (13) Driving While Influence (DWI) related arrests, and (17) Other Offences. 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.

There has been no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. The project will not adversely affect public welfare because it is a desirable use and convenient amenity in an area designated for such neighborhood-serving commercial uses. The Los Angeles Police Department submitted no communication in support of or opposition to the project. Nevertheless, conditions, such as those related to the STAR/LEAD/RBS Program, age verification, and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to mitigate nuisance and criminal activities have been incorporated into the grant to assure better oversight. Further conditions may be imposed by the California Department of Alcoholic Beverage Control as conditions on the alcohol license.

Therefore, as conditioned, the use is not expected to contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing alcohol.

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 project site is zoned M2-1, for industrial uses and will continue to be utilized as such. The convenience store is permitted in the M2-1 Zone. The following sensitive uses are located within a 1,000-foot radius of the site:

- Single-family residential uses
- Multi-family residential uses
- City of Los Angeles owned property

Sylvan Park Elementary School
Sylvan Park Early Education Center

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The project site is in a heavily urbanized and fully developed neighborhood in Van Nuys. The project has been conditioned to be compatible with such uses as it is only requesting the sale of a full line of alcohol for off-site consumption in conjunction with an existing convenience store. In addition, the project is a small-sized, neighborhood-serving establishment that is situated along an industrial corridor with similar uses nearby. Thus, the project is unlikely to have any direct impact on any sensitive use.

The grant has been well conditioned to 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. Alcoholic beverage sales will be strictly monitored and regulated. See Finding No. 2. The project is consistent with the zoning and is in keeping with the existing uses adjacent to the development. The project will contribute to the greater community and will serve community residents and the employees of neighboring businesses, as well as visitors.

Therefore, as conditioned, the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 186,952, have been reviewed and it has been determined that this project is 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 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.gov/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.gov/development-services/forms>.
Public offices are located at:

Metro DSC
(213) 482-7077
201 N. Figueroa
Street
Los Angeles, CA
90012
planning.figcounter
@lacity.org

Van Nuys DSC
(818) 374-5050
6262 Van Nuys
Boulevard
Van Nuys, CA
91401
planning.mbc2
@lacity.org

West Los Angeles
DSC
(CURRENTLY
CLOSED)
(310) 231-2901
1828 Sawtelle
Boulevard
West Los
Angeles, CA
90025
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 Adrineh Melkonian, Planning Staff for the Department of City Planning, at adrineh.melkonian@lacity.org or (213) 978-1301.

PHYLLIS NATHANSON
Associate Zoning Administrator

PN:JP:AM:EN:mc

cc: Councilmember Imelda Padilla
Sixth Council District
Abutting Property Owners

SUMMARY TABLE		
OFFICE	103 SQ. FT.	
CUSTOMER AREA	636 SQ. FT.	
ALCOHOL STORAGE	20 SQ. FT.	
BEER & WINE STORAGE	40 SQ. FT.	
STORAGE	103 SQ. FT.	
SERVICE AREA	124 SQ. FT.	
RETAIL STORE	1,338 SQ. FT.	

LEGAL DESCRIPTION:

ZONE: M2-1
 APN: 2242 - 027 - 012
 TRACT: TR 1000
 BLOCK: NONE
 LOT: FR 280

PLANS BY:
 PATRICK E. PANZARELLO
 CONSULTING SERVICES
 PO BOX 1085
 SUN VALLEY, CA 91353
 www.PatrickPanzarelloCS.com
 (818) 310-8589
 patpanz@inbox.com

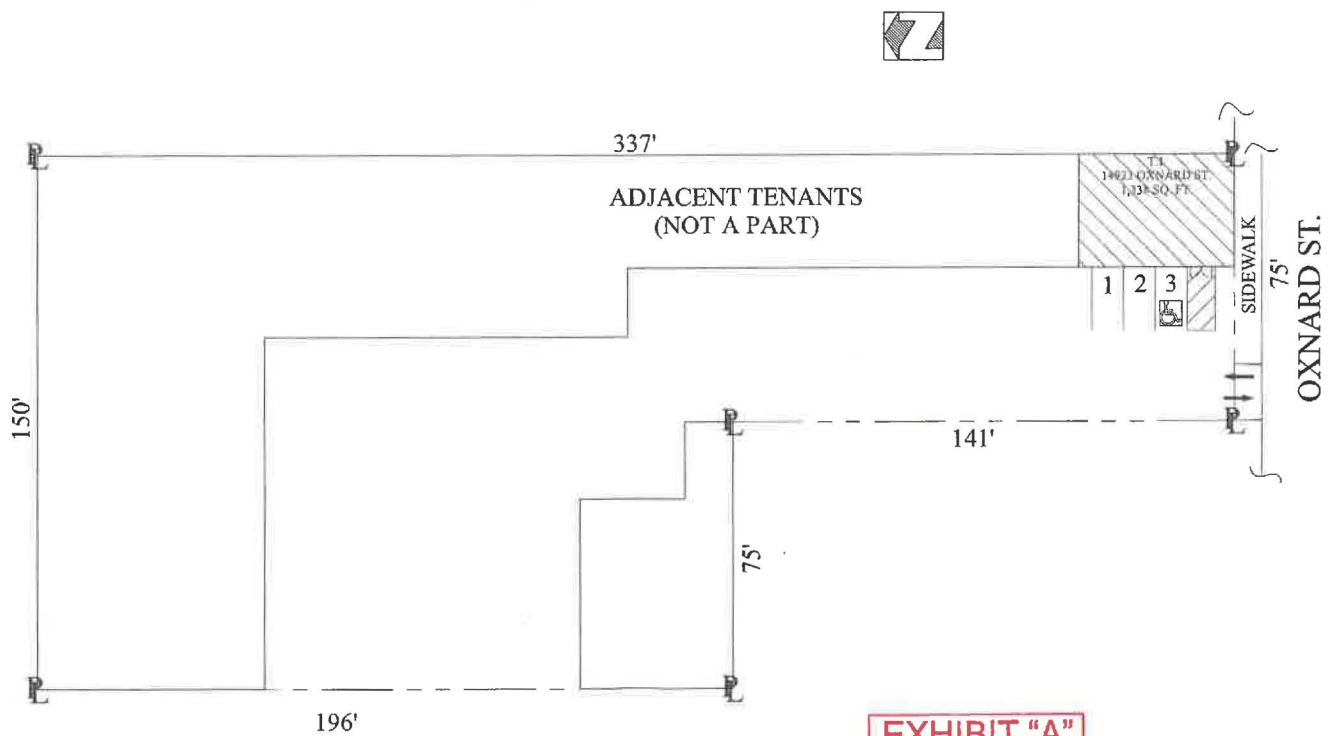


EXHIBIT "A"
 Page No. 1 of 2
 Case No. ZA-2021-10451-CUB

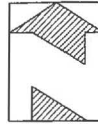
SITE PLAN
 1/16" = 1'

OXNARD LIQUOR
 14923 OXNARD ST., VAN NUYS, CA 91411

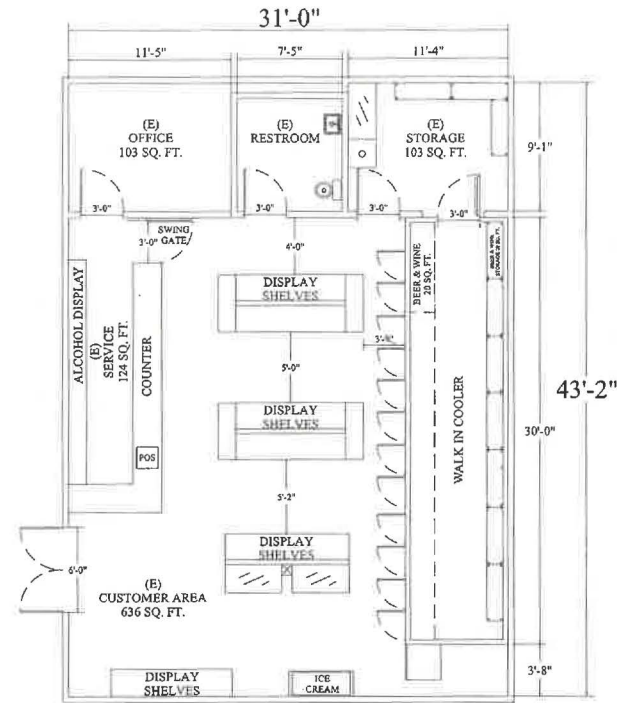
APPLICANT: HAYK YAVRYAN
 (818) 209 - 0025

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FLOOR PLAN
1/4" = 1'

EXHIBIT "A"
Page No. 2 of 2
Case No. ZA-2021-10451-CUB

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(818) 209 - 0025

11/21/21

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