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Decision Date: July 31, 2023

Appeal Period Ends: August 15, 2023

Nathan Tobian (A/O)
Veer Partners Properties, LLC.
110 East Longden Avenue, Unit A
Irwindale, CA 91706

Erika Diaz (R)
Wood, Dias Group, LLC.
1142 South Diamond Bar Boulevard, Unit
437
Diamond Bar, CA 91765

CASE NO. ZA-2022-4976-CUB
CONDITIONAL USE BEVERAGE -
ALCOHOL
20951 West Vanowen Avenue
Canoga Park – Winnetka – Woodland Hills
– West Hills Community Plan
Zone: (WC)RIVER-SN-RIO
C.D: 3
D.M.: 183B109
CEQA: ENV-2022-4977-CE
Legal Description: Lot 1, Tract No. 23640

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; and,

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

a Conditional Use to allow the sale of a full-line of alcohol for off-site consumption, in conjunction with an existing convenience store in the (WC)RIVER-SN-RIO Zone; and

Pursuant to Los Angeles Municipal Code Section 12.24 W.27, I hereby DISMISS:

a conditional use to authorize hours of operation beyond the 7.a.m and 11 p.m. otherwise permitted within a Commercial Corner/Mini-Shopping Center in the (WC)RIVER-SN-RIO Zone;

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. 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. **Authorization.** Approved herein is the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with an existing 1,470 square-foot convenience store.
8. **Complaint Log.** Prior to the utilization of this grant, 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 hostess station

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

9. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
10. An electronic age verification device shall be purchased and retained on the premises available to determine the age of any individual and shall be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
11. Upon receipt of any violations issued by any City department or other public jurisdictions relating to such operation's alcohol service, the applicant shall submit a copy of the violation, within five business days, to the Development Services Center, Department of City Planning, for inclusion in the administrative case file.
12. A camera surveillance system shall be operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
13. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
14. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
15. Adequate lighting shall be installed and maintained in all areas within the business in conformance with the LAMC. The lighting shall be such that it renders all objects and persons clearly visible.
16. 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.
17. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.

18. Loitering is prohibited on or around these premises or the area under the control of the applicant. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility in the same language(s).
19. 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.
20. The applicant(s) shall comply with Section 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
21. The applicant/business operator/manager shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
22. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, the Department of Building and Safety, the Department of City Planning, or any other agency responsible for the enforcement of conditions. The on-site Manager and employees shall be knowledgeable of the conditions herein.
23. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area, including accessory parking areas, over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
24. 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.

25. Trash pick-up, compacting, loading, and unloading and receiving activities shall be limited to 7 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday.
26. **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.
27. Should there be a change in the ownership and/or the operator of the business, the property owner and/or the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Development Services Center, Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Development Services Center, Department of City Planning, within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
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 own initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall file for a plan approval application together with associated fees, prepare a radius map, and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, the Los Angeles Police Department's corresponding division, and the local Neighborhood Council. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has

been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

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 April 4, 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 have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular shaped corner lot, approximately 12,582.8 square feet in size with an approximate total 125-foot frontage along Vanowen Street, and a frontage of approximately 99 feet along Independence Avenue. Access to the site is via two driveways on Vanowen Street and on Independence Avenue. The subject site is developed with a one-story 1,470 square-foot convenience store and service station (ARCO) with eight pumps and associated surface parking that was originally built in 1965.

The property is located within the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan Area. The property is zoned (W)RIVER-SN-RIO with a land use designation of Regional Center Commercial. The property is also located within the Warner Center Sign District, the River Improvement Overlay District (ZI-2358), an Urban Agriculture Incentive Zone, is within 12.46 kilometers of the Santa Susana Fault, and is also located within the Warner Center 2035 Specific Plan Area, River District Subarea which consists of properties adjacent to the Los Angeles River and facilitates linkages between the LA River and the rest of the Specific Plan area through the establishment of pedestrian and bicycle paths, and new streets. There are no exterior changes proposed.

The applicant seeks conditional use authorization to allow the sale of a full-line of alcohol for off-site consumption in conjunction with the operation of an existing, approximately 1,470 square-foot convenience store with 24 hours of operation and alcohol sales from 10 a.m. to 2 a.m. daily.

Surrounding properties

The north adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The eastern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and developed with office buildings. The western adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The southern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and are developed with multi-family residential uses.

Streets

Vanowen Street, adjoining the subject property to the south, is a designated Modified Avenue I, dedicated to a right-of-way width of 104 feet and improved with asphalt roadway, concrete curb, and sidewalk.

Independence Avenue, adjoining the subject property to the west, is a Modified Local Street - Standard, dedicated to a right-of-way width of 60 feet and improved with asphalt roadway, concrete curb, and sidewalk.

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

Case No. ZA-2018-3623-CUB – On March 12, 2019, the Zoning Administrator approved a Conditional Use to allow the sale of beer and wine for off-site consumption in conjunction with an existing food market/service station in the (WC)RIVER-SN-RIO Zone, located at 20951 West Vanowen Street.

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

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

Case No. ZA-2019-1844-CUB – On August 1, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with an existing mini-market/service station in the (WC)NORTHVILLAGE-SN-RIO Zone, located at 20910 West Vanowen Street.

Case No. ZA-2008-2108-CUB – On May 22, 2009, the Zoning Administrator denied a Conditional Use Permit to permit the sale of beer and wine only for off-site consumption, in conjunction with an existing 959 square-foot mini-mart with a gasoline service station and car wash having 24-hour operation daily and beer and wine sales from 10 a.m. to 2 a.m., daily, located at 20910 West Vanowen Street.

PUBLIC HEARING

A Notice of Public Hearing was sent to owners and occupants within a 500-foot radius. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. The hearing was held before the Zoning Administrator on April 4, 2023 at approximately 10:00 a.m. Due to continued concerns over COVID-19, the Office of Zoning Administration Public Hearing was conducted telephonically and via Zoom webinar. The following testimony was provided at the hearing:

The applicant's representative, Erika Diaz, provided the following comments:

- Location currently has beer and wine

- They want to upgrade to a full line
- They reached out to surrounding uses and did not receive any reply
- LAPD did not reply
- Existing Type 20 would be surrendered and would submit for a Type 21
- Requested commercial corner, but did not need to do so last time
- Requested commercial corner to make sure that if it was needed, they had it
- Will continue being an ARCO gas station and store
- Adding upgrade is a natural progression
- With beer and wine, there was no problem with the police or ABC
- Applicants have over 25 stations throughout California
- Applicants are responsible business operators

No other comments from the public were received at the hearing.

PUBLIC CORRESPONDENCE

No written correspondence was received regarding the case.

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:

- Alcohol sales shall be limited to 10 a.m. to 2 a.m. daily.
- 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.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for the sale and dispensing of beer and wine 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.

FINDINGS

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

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

The subject property is a level, rectangular shaped corner lot, approximately 12,582.8 square feet in size with an approximate total 125-foot frontage along Vanowen Street, and a frontage of approximately 99 feet along Independence Avenue. Access to the site is via two driveways on Vanowen Street and on Independence Avenue. The subject site is developed with a one-story 1,470 square-foot convenience store and gasoline service station (ARCO) with eight pumps and associated surface parking that was originally built in 1965.

The north adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The eastern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and developed with office buildings. The western adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The southern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and are developed with multi-family residential uses.

The applicant is approved for conditional use authorization to allow the sale of a full-line of alcohol for off-site consumption in conjunction with the operation of an existing, approximately 1,470 square-foot convenience store with 24 hours of operation and alcohol sales from 10 a.m. to 2 a.m. daily.

The request to authorize hours of operation beyond the 7 a.m. to 11 p.m. otherwise permitted within a Commercial Corner/Mini-Shopping Center is dismissed as not necessary, given that the site is zoned (WC)RIVER-SN-RIO and is not subject to Commercial Corner regulations as defined in LAMC Section 12.03. Furthermore, the Warner Center 2035 Specific Plan (WC2035) supersedes Commercial Corner/Mini-Shopping Center regulations (LAMC 12.24 W.27), as described in WC2035 Section 3.13.

The existing gasoline service station with convenience store provides a service to the neighborhood that is consistent with the area's commercial and residential development. The subject site has been in operation since the 1960s. The convenience store sells prepackaged goods and household items and provides an essential neighborhood-serving use and convenience that benefits the community. The expansion of the sale of alcohol is an expected offering of a convenience store and allows the Warner Center community to enjoy the same level of 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 and gasoline service station, where select sundries, beverages, and other goods typically offered at a convenience store are available. With the imposition of conditions, the sale of a full line of alcohol for off-site consumption at the convenience store will be compatible with surrounding uses in the area 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 a level, rectangular shaped corner lot, approximately 12,582.8 square feet in size with an approximate total 125-foot frontage along Vanowen Street, and a frontage of approximately 99 feet along Independence Avenue. Access to the site is via two driveways on Vanowen Street and on Independence Avenue. The subject site is developed with a one-story 1,470 square-foot convenience store and gasoline service station (ARCO) with eight pumps and associated surface parking that was originally built in 1965.

The north adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The eastern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and developed with office buildings. The western adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The southern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and are developed with multi-family residential uses.

The applicant is approved for conditional use authorization to allow the sale of a full-line of alcohol for off-site consumption in conjunction with the operation of an existing, approximately 1,470 square-foot convenience store with 24 hours of operation and alcohol sales from 10 a.m. to 2 a.m. daily.

In addition to standard conditions, conditions have been adopted to ensure that the mode and character of the convenience store will operate as proposed and safeguard

the surrounding neighborhood. The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with off-site alcoholic beverage sales and service 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. 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, or 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 property is located within the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan Area. The property is zoned (WC)RIVER-SN-RIO with a land use designation of Regional Center Commercial. The property is also located within the Warner Center Sign District, the River Improvement Overlay District (ZI-2358), an Urban Agriculture Incentive Zone, is within 12.46 kilometers of the Santa Susana Fault. It is also located within the Warner Center 2035 Specific Plan Area, River District Subarea, which consists of properties adjacent to the Los Angeles River.

The Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan text is silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following goals and policies of the Community Plan:

- Goal 2** An economically vital commercial sector offering a diversity of goods and services to meet the needs of the community plan area. This means that commercial land use policies must support maximum efficiency and accessibility of commercial development while preserving the historic commercial and cultural character of the district.

Objective 2-1 Conserve and strengthen viable commercial development and encourage recycling of obsolete commercial development.

Objective 2-4 To maintain and increase the employment base for community residents whenever possible.

Additionally, the site is subject to the Warner Center 2035 Specific Plan, which is silent on the sale of alcohol. However, the site is located within the River District subarea. Section 6.1.2.6 of the Specific Plan describes the River District as intended to serve as an active buffer with adjacent neighborhoods to the north and to provide residents with some of the services they may need. The sale of a full line of alcohol at the location is consistent with the intent of the River District of the Warner Center 2035 Specific Plan, with the project providing residents to the north a desired service.

The convenience store is located within a gas station along a corridor occupied by similar kinds of development and establishments, and within an area designated for commercial and multi-family residential uses. A variety of commercial uses, including convenience stores, are an intrinsic part of the diversity of commercial uses necessary for the conservation, development, and success of a vibrant commercial area. The development in the area caters to a variety of needs and serves a mixture of nearby residential, office, and commercial uses, as well as visitors. The sale of a full line of alcohol for off-site consumption in conjunction with a convenience store is not an uncommon request and is an expected amenity.

Conditions have been adopted as a part of this determination to minimize the potential of negative effects from the convenience store, and to prevent the store from becoming incompatible with its surroundings. Therefore, as conditioned herein, the project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and the applicable specific plan.

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

The applicant is approved for conditional use authorization to allow the sale of a full-line of alcohol for off-site consumption in conjunction with the operation of an existing, approximately 1,470 square-foot convenience store with 24 hours of operation and alcohol sales from 10 a.m. to 2 a.m. daily.

The north adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The eastern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and developed with office buildings. The western adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The southern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and are developed with multi-family residential uses.

Alcohol sales are an expected amenity within a convenience store. The establishment provides a convenience for residents and visitors in the area. The grant includes conditions to safeguard the community. Possible effects associated with a

retail market selling alcoholic beverages are loitering and littering issues. The approval, as conditioned, will avert these impacts by requiring that there be no loitering, and that security cameras be installed to monitor activity on the premises. Employees will undergo training on the sale of alcoholic beverages including training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. The grant also requires conditions that will mitigate potential negative effects commonly associated with the sale of a full line of alcoholic beverages for off-site consumption. Lighting around the exterior of the subject site, age verification devices, and monitoring of the property will ensure the operation will not adversely affect the welfare of the community.

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

The applicant is approved for conditional use authorization to allow the sale of a full-line of alcohol for off-site consumption in conjunction with the operation of an existing, approximately 1,470 square-foot convenience store with 24 hours of operation and alcohol sales from 10 a.m. to 2 a.m. daily.

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-site and one off-site licenses are allocated to the subject Census Tract 1349.06. Currently there are zero active on-site license and three active off-site licenses in this Census Tract.

According to information submitted by the applicant, within 1,000 feet of the subject site, the following establishments have an ABC license:

Alcohol Establishment	License Type	Address
Bottle Bin Liquor	Off-site – Full Line	20915 Vanowen Street
Mariscos Los Arcos	On-site – Beer & Wine	6846 De Soto Avenue
7-Eleven	Off-site – Beer & Wine	20832 Vanowen Street
Mobil Service Station	Off-site – Beer & Wine	20910 Vanowen Street

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 2157, which has jurisdiction over the subject property, a total of 369 crimes were reported in 2022 (265 Part I Crimes and 104 Part II Arrests), compared to the Citywide Average of 156 crimes and the High Crime Reporting District Average of 187 crimes. Part II Arrests reported include (15) Narcotics, (27) Liquor Laws, (1) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, and (8) DUI related arrests. These numbers do not reflect the

total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. This census tract is part of the Warner Center 2035 Specific Plan area, which includes a major shopping center that is regionally significant and has a land use designation of Regional Center Commercial. Thus, the area is intended to be a destination center.

The number of active off-site ABC licenses within the census tract where the subject site is located exceeds the ABC guidelines. However, in active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the resident population in the area. ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. While the above crime statistics indicate that the crime rates in the reporting district where the subject site is located are higher than the citywide average, 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 has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. The ABC also imposes conditions that require diligent compliance on the part of the applicant for effectiveness.

The conditions of the grant address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. As such, approval of the request will not contribute to the area's crime rate and will therefore not result in an undue concentration of licensed premises. The proposed sale of a full line of alcoholic beverages for on-site consumption will not contribute an undue concentration of alcohol licenses as it will contribute to the commercial vibrancy of the Regional Center, of which it is a part, as well as the surrounding community.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools,**

hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The applicant is approved for conditional use authorization to allow the sale of a full-line of alcohol for off-site consumption in conjunction with the operation of an existing, approximately 1,470 square-foot convenience store with 24 hours of operation and alcohol sales from 10 a.m. to 2 a.m. daily.

The north adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The eastern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and developed with office buildings. The western adjoining properties are zoned (WC)RIVER-SN-RIO and developed with multi-family residential uses. The southern adjoining properties are zoned (WC)NORTHVILLAGE-SN-RIO and are developed with multi-family residential uses.

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:

Schools/Day Care	
Hart Street Elementary School	20140 Hart Street
Religious Institutions	
N/A	N/A
Hospitals	
N/A	N/A
Recreation and Parks	
N/A	N/A

No communication or testimony has been received by any representative of the identified sensitive uses expressing concern or opposition to the project.

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive use. The grant has been conditioned such that it should protect the health, safety, and welfare of the surrounding community. The potential effects of excessive noise or disruptive behavior have been considered and are addressed by imposing conditions related to noise and loitering. 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 continue to serve the neighboring residents and the local employees as well as visitors. Therefore, the proposed use is not expected to detrimentally affect the nearby school and residential developments, after considering the distance of the proposed use from residential buildings, schools, religious institutions, recreation centers, similar uses, and other establishments.

ADDITIONAL FINDING

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 located in Zone C, areas of minimal flood hazard.

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
(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](https://build.lacity.org) 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 the matter shall be directed to Jaime Espinoza, Planning Staff for the Department of City Planning at (213) 978-1357 or jaime.espinoza@lacity.org.

A handwritten signature in blue ink, appearing to read 'Tim Fargo', written in a cursive style.

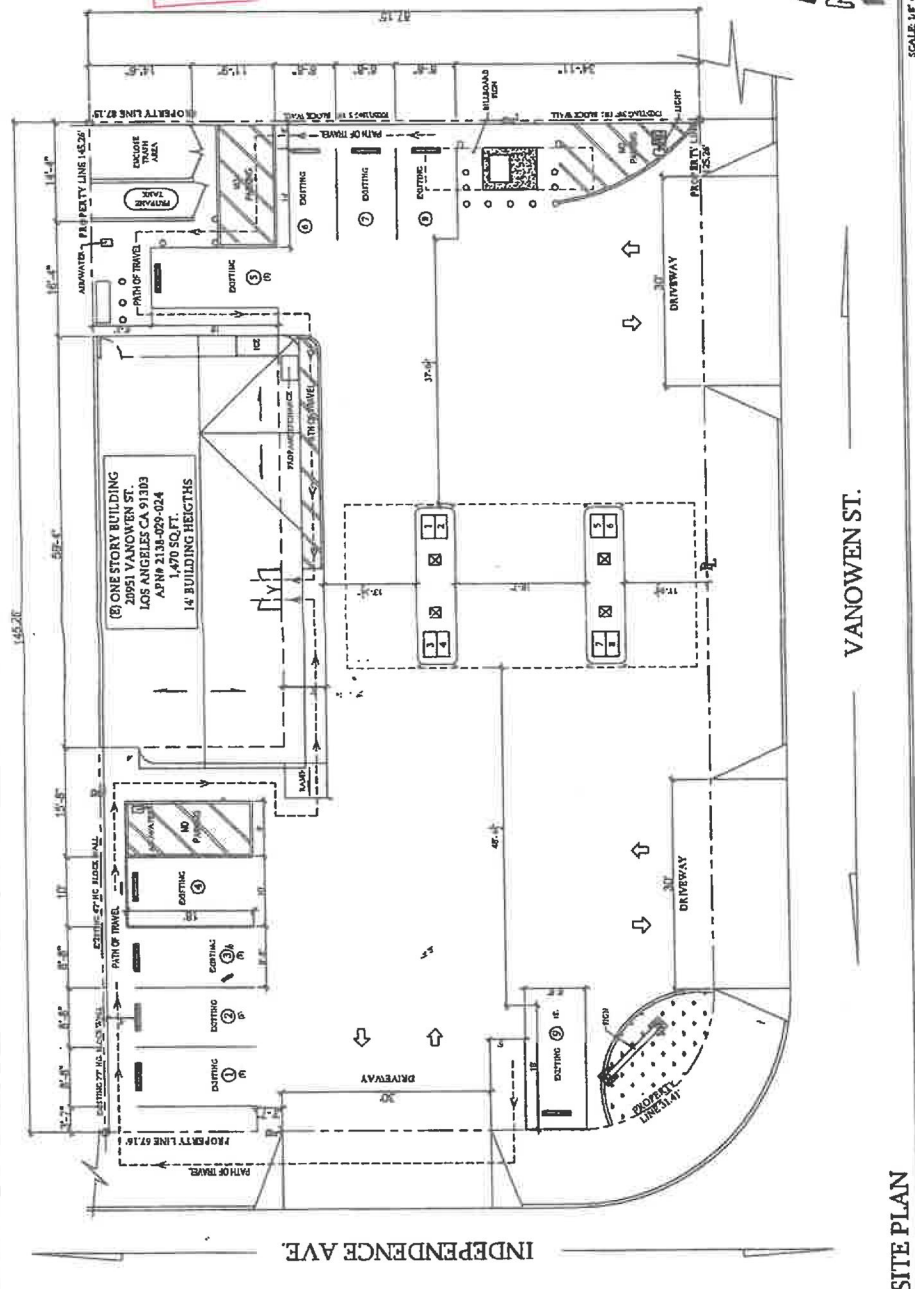
TIM FARGO
Associate Zoning Administrator

TF:CS:JE:ds

cc: Councilmember Bob Blumenfield
Third District
Adjacent Property Owners
Interested Parties

EXHIBIT "A"
Page No. 1 of 2
Case No. ZA-2022-4976

ZA-2022-4976



VANOWEN ST.

SITE PLAN

SCALE: 1/8" = 1'-0"

SHEET INDEX	
A-1	SITE PLAN
A-2	EXISTING FLOOR PLAN
APPLICABLE CODES	
LOS ANGELES CITY CODE	2018
CALIFORNIA PLUMBING CODE	2019
CALIFORNIA ELECTRICAL CODE	2018
EXISTING PARKING	
EXISTING PARKING SPACES (ALL PARKING AREA EXISTING)	
PARKING SPACES 10'-0" X 18' = 1 PARKING SPACE	
PARKING SPACES 8'-0" X 18' = 2 PARKING SPACES	
TOTAL OF 8 PARKING SPACES	

BUILDING DATA	
PROPERTY INFORMATION	
SITE ADDRESS:	
20951 VANOWEN ST.	
LOS ANGELES CA 91303	
APN# 2138-029-024	
LOT / PARCEL AREA:	
12.34 AC (84,720 SQ. FT.)	
ZONING:	
COMMERCIAL	
CONSTRUCTION:	
TRACT (23440)	
TAX:	
1.470 AC.	
2.14' / 1988	
2.210 AC.	
LANDSCAPE AREA:	

