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May 2, 2019

Bijan (Ben) Pouldar (A)(O)  
Sherman Way Oil, Inc.  
12500 Sherman Way  
North Hollywood, CA 91605

Ben Steckler (R)  
Fielder Group  
299 N. Euclid Avenue, Suite 550  
Pasadena, CA 91101

CASE NO. ZA 2017-2319-CU-CUB  
CONDITIONAL USE

12500 West Sherman Way  
North Hollywood- Valley Village  
Community Plan

Zone : C2-1VL

D. M. : 183B165

C. D. : 2

CEQA : ENV-2017-2320-CE

Legal Description: Pt Lot 1, Tract 1081,  
Lot 37 and Pt Lot 38, Tract 5240

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15302, Class 2, and Section 15332 Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Guidelines, Section 15300.2 applies.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24W.27, I hereby APPROVE:

a conditional use authorizing the remodel of an existing fueling station/ convenience store operating as a commercial corner development including deviations from 12.22A.23 to allow the continued 24-hour operation and having less than fifty percent transparent windows fronting the adjacent street, all adjacent to an R Zone;

Pursuant to LAMC Section 12.24W.1, I hereby APPROVE:

a conditional use authorizing the sale and dispensing of beer and wine for off-site consumption in conjunction with the operation of a service station and convenience store in the C2-1VL Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the

development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.
7. Approved herein is the construction, use and maintenance of a remodeled service station with one canopy and 12 fueling positions and a 2,400 square-foot convenience store with less than 50 percent transparent windows facing the adjacent street, 24-hour daily operations, and the sale of beer and wine for off-site consumption.
  - a. East elevation – a minimum of 14 percent of the east elevation shall be glazed with transparent windows
  - b. North elevation – a minimum of 43 percent of the north elevation shall be glazed with transparent windows
8. **MViP- Monitoring verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01E3. for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. 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. The owner/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.

9. Loitering is prohibited on or around these premises or the area under control of the applicants. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
10. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris and litter.
11. Trash storage bins shall be located within a gated, covered enclosure constructed of materials to match the exterior wall materials of the building. Trash/recycling containers shall be locked when not in use. Trash/recycling containers shall not be placed in or block access to required parking.
12. 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.
13. Noise from activities on the property shall not exceed the limitations of the City Noise Ordinance.
14. The use of any public address system or paging system is prohibited.
15. Site cleaning, sweeping, trash collection, and deliveries to the business shall be limited to the following hours: Monday through Friday 7 a.m. to 7 p.m. and Saturday and Sunday 8 a.m. to 5 p.m.
16. Two employees shall be on duty during the time alcoholic beverages are sold.
17. The following signs are prohibited: pennants, banners, ribbons, streamers, spinners, balloons and supergraphics. Any such signs installed without a building permit shall be removed within 30 days of the effective date of this determination.
18. A 24-hour "hot line" telephone number shall be provided for the receipt of complaints or inquiries from the community regarding the subject facility. The phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be: posted at the entry and the cashier or customer service desk; provided to the immediate neighbors, schools, and Neighborhood Council; and responded to within 24-hours of any complaints/inquiries received on this hot line. The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Zoning

Administrator upon request.

19. **Within six months of the effective date of this determination**, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2017-2319-CU-CUB, from the Police Department to the Development Services Center as evidence of compliance. In the event there is change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment
20. 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 shielded, and directed onto the site without being disruptive to persons on adjacent properties.
21. A camera surveillance system shall be maintained/ 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.
22. 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 has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Development Services Center 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 within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan.
23. 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 at any time during the period of validity of this grant, documented evidence is submitted showing continued violation 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 500-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, and if warranted,

reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

24. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) 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 includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

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

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

### **TRANSFERABILITY**

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

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

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be

punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

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

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **May 17, 2019** unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

**Figueroa Plaza**  
201 North Figueroa Street,  
4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077

**Marvin Braude San Fernando  
Valley Constituent Service Center**  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
(818) 374-5050

**West Los Angeles  
Development Services Center**  
1828 Sawtelle Blvd., 2<sup>nd</sup> Floor  
West Los Angeles, CA 90025  
(310) 231-2912

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

### **NOTICE**

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

### **FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, the statements made at the public hearing on March 18, 2019, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24W have been established by the following facts:

### **BACKGROUND**

The subject property is a flat, rectangular, 28,850 gross square-foot (18,417 net square-foot), corner lot zoned C2-1VL. The property has approximately 120 feet of frontage along Sherman Way and 150 feet of frontage along Whitsett Avenue. The property is developed with a service station with three auto repair bays and a convenience store within 1,934 square-foot building and two fueling canopies with a total of five fuel dispensers serving ten fueling positions. The property is located within a Methane Buffer Zone, an Urban Agriculture Incentive Area, the Valley Revitalization Zone, a Los Angeles State Enterprise Zone and is within 4.2 kilometers from the Verdugo Fault.

The surrounding properties are zoned C2-1VL, R1-1, R3-1 and OS-1XL and are developed with commercial uses, single-family and multi-family dwelling and a park. The property to the north across Sherman Way is developed with a tile store, to the northeast is a service station with a carwash and convenience store, and to the east is Valley Plaza Park. To the south across the alley are multi-family residential uses and adjoining the property to the west is a Starbucks with a drive-through.

Sherman Way is a Boulevard II dedicated to a variable width between 100 and 102 feet and improved with an asphalt roadway and concrete curb, gutter and sidewalk.

Whitsett Avenue is an Avenue II dedicated to a variable width between 84 and 90 feet and improved with asphalt roadway and concrete curb, gutter and sidewalk.

Previous Cases in the surrounding area:

#### Surrounding Properties

ZA-2018-2133-CUB- an application was filed for a conditional use to allow the continued sale for off-site consumption of beer and wine in conjunction with an existing service station and car wash at 7214 Whitsett Avenue.

ZA-2014-3731-CU-ZV-SPR- on November 3, 2015 the Zoning Administrator approved a conditional use to permit the expansion of a self-storage facility within 500 feet of an R Zone or use and a variance to permit 14 parking spaces in lieu of the 37 required and a site plan review for two new three-story self-storage buildings for household goods totaling 63,578 square feet in conjunction with an existing 35,374 square-foot self-storage facility at 12532-12552 Sherman Way.

ZA-2006-7020-CUB-CU- On November 5, 2008, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine only for off-site consumption, in conjunction with the operation of a service station at 7214 Whitsett Avenue.

ZA-2002-6871-CU- On January 30, 2007 the Zoning Administrator approved plans for a coffee shop style fast-food restaurant with drive-through and revised hours of operation at 12520 Sherman Way.



ZA-1999-412-CUB- On October 20, 1999 the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing market 12643 Sherman Way.

## **Public Hearing**

The public hearing was held on March 18, 2019 at the Braude Building in Van Nuys.

### Ben Steckler, Representative

- Existing service station has operated on site for 63 years
- Last renovation in 1970
- Has been permitted since 1956
- 1,700 square-foot minimart and auto repair
- Demolish the canopies and convenience store
- Service canopy 3,357 sf for 6 multi-product dispensers/ pumps
- Convenience store 2,400 sf
- Existing tanks are going to be removed and new tanks installed further south
- Maintaining landscaping
- Sherman Way/ Whitsett Avenue and corner landscaping will remain
- Trees to remain (palms), groundcover will be replanted
- Landscaping added to the west
- 1% of the site will be dedicated to sales of beer and wine
- Blank wall on alley and to the west
- Glazing on Whitsett Avenue will be less than 50%
- Security cameras on building on the alley side, facing Sherman Way (north) and Whitsett Avenue (east)
- Will serve sandwiches, coffee bean coffee and fresh produce
- Convenience store will be open 24 hours /day to customers
- 25 security cameras

### Jennifer Oden, Representative

- The applicant has 21 gas stations
- Worked with the community
- No Ho West Neighborhood Council/ PLUM committee and board- unanimous support (one abstention)
- LAPD- non opposition, 21 recommended conditions; Training, security, 6 a.m.- 2 a.m. locked, 2 employees during the hours that alcohol is sold
- The little league baseball- no opposition
- Spent one year on outreach
- Council Office (CD 2, Karo Torossian) was included in the outreach
- Under advisement until March 24, 2019, 5:00 pm.

Correspondence:

A petition was received with approximately 66 signatures in support of the application for the remodel of the convenience store with the off-site sale of beer and wine.

An email dated March 6, 2019 was received from a member of the public in opposition to the request for alcohol sales. She states that the property is within 500 feet of residential buildings. There is a park across the street with crime and homelessness and there are plenty of liquor stores in the area.

A letter of non-opposition dated November 30, 2018 was received from the North Hollywood Area Vice Office of the Los Angeles Police Department. The LAPD proposed 21 conditions of approval agreed upon by the applicant and the LAPD.

A letter dated July 6, 2018 was received from the North Hollywood West Neighborhood Council stating that a meeting was held on June 26, 2018 and heard the subject case. The Neighborhood Council recommended approval of the application with a vote of ten in favor, one abstention and one absence.

**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.

The following conditions are submitted for consideration:

- No malt liquor or fortified wine products shall be sold.
- No beer or malt beverages may be sold in single containers.
- There shall be exterior advertising or signs of any kind or type places in the exterior windows or doors of the premises promoting or indicating the availability of alcoholic beverages.
- Sale of wine shall not be in containers less than 375 ml.
- No display of alcohol shall be made from an ice tub, barrel or similar container.

- Cooler doors for alcoholic beverage products will be locked during hours alcoholic beverages may not be sold.
- No fortified wine (greater than 16 percent) shall be sold.
- No single cups, glasses or other similar containers shall be sold. Such items may be available in packages consistent with the standards of a full-service market.

### **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 LAMC Section 12.24W. In order for the 24-hour service station/convenience store use to be authorized with the sale and dispensing of beer and wine for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in addition to the standard findings for most other conditional use categories.

### **MANDATED FINDINGS**

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

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

The subject property is a flat, rectangular, 28,850 gross square-foot (18,417 net square-foot), corner lot zoned C2-1VL. The property has approximately 120 feet of frontage along Sherman Way and 150 feet of frontage along Whitsett Avenue. The property is developed with a service station with three auto repair bays and a convenience store within 1,934 square-foot building and two fueling canopies with a total of five fuel dispensers serving ten fueling positions located on the southwest corner of Sherman Way and Whitsett Avenue. The current service station and convenience store operate 24 hours per day daily.

The proposed project includes the demolition of the service station including the service bays and two fueling canopies to be replaced with a new 2,400 square-foot convenience store and one 3,354 square-foot fueling canopy with continued 24-hour operation. The applicant is also requesting a conditional use for the off-site sale of beer and wine and to provide less than 50% windows on the building façade facing Whitsett Avenue. The east elevation will have a minimum of 14 percent of the elevation glazed with transparent windows, and the north elevation will have a minimum of 43 percent of the elevation glazed with transparent windows.

The service station has existed at this location for over 63 years (built in 1956 and remodeled in 1970) and will continue to serve the needs of the community. The applicant is proposing to eliminate the three old auto repair service bays and upgrade the service station by adding a new larger convenience store. The

convenience store will be setback further from Sherman Way and located closer to the alley, while the new fueling canopy will be located in front of the store facing Sherman Way with 12 fueling stations. A loading area will be relocated adjacent to Whitsett Avenue away from the residential uses to the south across the alley. The convenience store will act as a buffer between the fueling use and the residential uses.

The applicant states, “the purpose of this project is to modernize the facility both aesthetically and functionally as well as to expand the food, beverage, and convenience retail services provided by the business... the business will continue to offer the same fueling and 24-7 retail service to the community that it has always done, but with a modern aesthetic, up-to-date facilities, and a much wider range of fresh food and beverage options for hungry consumers.” The applicant is proposing the off-site sale of beer and wine as an incidental use. The applicant also states, “the convenience of purchasing beer and wine with other quick-stop purchases will decrease the number of vehicle trips customers will take to other locations.”

The convenience store and service station are located at a major intersection along Sherman Way a major commercial corridor with on- and off-ramps to the 170 Hollywood Freeway within 400 feet of the site. The availability of beer and wine in conjunction with a new upgraded 24-hour convenience store and service station will support the surrounding North Hollywood Community by continuing to provide a service that is beneficial to visitors and local residents.

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 28,850 gross square-foot (18,417 net square-foot), corner lot on the corner of Sherman Way and Whitsett Avenue. The property is developed with a service station with three auto repair bays and a convenience store within 1,934 square-foot building and two fueling canopies. The applicant is requesting to continue 24-hour operations of the service station and convenience store with a deviation from 12.22A.23(a)(3) to provide less than 50% transparent windows on the Whitsett Avenue frontage. The east elevation will have a minimum of 14 percent of the elevation glazed with transparent windows, and the north elevation will have a minimum of 43 percent of the elevation glazed with transparent windows. The property is located within a Methane Buffer Zone, an Urban Agriculture Incentive Area, the Valley Revitalization Zone, a Los Angeles State Enterprise Zone and is within 4.2 kilometers from the Verdugo Fault.

The surrounding properties are zoned C2-1VL, R1-1, R3-1 and OS-1XL and are developed with commercial uses, single-family and multi-family dwelling and a park. The property to the north across Sherman Way is developed with a tile store, to the northeast is a service station with a carwash and convenience store, and to the east is Valley Plaza Park. To the south across the alley is a two-story-multi-

family residential use and adjoining the property to the west is a Starbucks with a drive-thru.

As stated, the 24-hour service station convenience store use has been operating on the site for over 63 years. The convenience store will continue to be a one-story structure with a height of 12 feet four inches to the roof and a maximum height of 18 feet three inches to the top of the awning. The building will be constructed along the alley toward the southern portion of the property acting as a buffer between the residential uses and the on-site commercial use facing Sherman Way. Adjacent to the convenience store is a healy tank enclosure at a maximum height of 11 feet and a trash enclosure with a height of six feet. All of these structures act as barriers between the fueling use and the residential uses along the alley. Two existing gas canopies, one facing Sherman Way and the other facing Whitsett Avenue, will be demolished and will be replaced with one larger 3,354 square-foot canopy facing the Sherman Way frontage. The new canopy will cover six fuel dispensers with 12 fueling stations. The canopy will have a maximum height of 19 feet which will be compatible in size with the new convenience store, the adjacent commercial use and the two-story residential uses across the alley.

The applicant is providing less than 50% windows on the Whitsett Avenue side of the convenience store. This is due to the fact that the healy enclosure and trash enclosure will block almost half of the approximately 34-foot easterly side of the building. The applicant states that the design of the canopy and layout of the site was designed "to provide the safest and quickest access to all portions of the site services from the two adjacent roadways" using the four existing driveways.

The subject gas station and convenience store have operated without any adverse impact to the surrounding neighborhood. A letter was received from LAPD's North Hollywood Area Vice Unit with 21 suggested conditions of approval. Some of the conditions have been incorporated into the conditions of approval. Conditions such as requirements for STAR training and security cameras will be imposed to ensure that the project will not adversely affect or degrade adjacent properties. Therefore, the project's location, 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 LAMC 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 approval of the conditional use authorizing a new service station and convenience store to continue to operate as a 24-hour use, with less than 50% windows on the easterly frontage with the

off-site sale of beer and wine only located on a commercially zoned property in proximity to residential uses is consistent with the following objectives: Objective 3.14 encourages providing “land and supporting services for the retention of existing and attraction of new industries”, Objective 7.3 of the Framework Element sets a goal to “maintain and enhance the existing businesses in the City”.

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The North Hollywood-Valley Village Community Plan designates the property for Highway Oriented Commercial land uses with corresponding zones of C1, C1.5, C2, C4, RAS3, RAS4, and P Zones and Height District No. 1VL. The site is zoned C2-1VL which is consistent with its land use designation. The proposed project complies with the citywide urban design guideline requirements and will meet the following objectives, policies and opportunities in the North Hollywood-Valley Village Community Plan. The plan seeks to improve the “function design and economic vitality of the commercial corridors with appropriate transitions between commercial and residential uses” and “improve the visual environment of the community”. The project will replace an old service station, service bays and a convenience store with a new modern convenience store and one fueling canopy.

The North Hollywood- Valley Village Community Plan does not specifically address the requested conditional use for the sale of beer and wine for off-site consumption, although the LAMC allows the Zoning Administrator to grant the use under 12.24W if the findings of fact can be made in the affirmative. As conditioned, the approval to permit the continued off-site sale of beer and wine as an ancillary use within a service station convenience store located within an established commercial district is consistent with the intent and provisions of the General Plan and the North Hollywood-Valley Village Community Plan.

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

The Department of Transportation reviewed the project on August 24, 2017 and indicated that a traffic study will not be required. The project will eliminate the auto-repair use and expand the existing convenience store on-site. The project will replace two fueling canopies (five dispensers/ ten fueling stations) with one fueling canopy (six dispensers/ 12 fueling stations). The net increase of daily trips is 163 with eight new AM peak hour trips and 12 new PM peak hour trips. Ingress and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.

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

The project involves the demolition of a service station with auto repair bays and a convenience store and the construction of a new service station and convenience

store. The project is located at the intersection of Sherman Way and Whitsett Avenue in North Hollywood. Sherman Way contains many commercial corner developments due to commercially zoned properties adjacent to residential zones. The approval of the project will not create nor add to the detrimental concentration of commercial corner developments in the vicinity.

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

The approval of the conditional use request will not adversely affect the welfare of the community. The property is zoned C2-1VL which allows for commercial uses and the property will continue to be utilized as such with the subject service station and convenience store. The project is requesting a Type 20 license from the California Department of Alcoholic Beverage Control (ABC), which regulates alcohol sales. As stated by LAPD “the applicant has shown to be a responsible ABC Retailer in his established Off-Sale ABC licensed locations throughout the City of Los Angeles.” The applicant states that the amount of space devoted to the sale of beer and wine will be less than 10% of the convenience store’s retail space. And “there will be ancillary benefits for the community in the form of increased commerce through the purchase of supplies and services, ease of shopping for consumers and reduction of the need for multiple stops in a single shopping trip...”

The grant authorized herein incorporates a number of conditions to ensure that the project will be compatible with the character of the immediate neighborhood including security measures such as the installation of a surveillance system and deterrence of graffiti. In addition, the grant requires the installation of age verification device at the point of sale to deter underage drinking. Employees must also undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. The conditions of approval are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the off-site sale of beer and wine at an existing service station convenience store will not adversely affect the welfare of the North Hollywood community.

**7. 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 project site is located within Census Tract No. 1233.04. According to the California Department of Beverage Control (ABC), there are four on-site licenses

and two off-site licenses allocated to Census Tract No. 1233.04. There are two existing on-site licenses and five off-site licenses within this census tract.

The following alcohol establishments are located within 1,000 feet of the site:

- Chevron Gas Station, 7214 Whitsett Avenue, Off-site beer and wine
- Blackjack Market, 12643 Sherman Way, Off-site beer and wine
- A&D Liquor Mart, 12650 Sherman Way, Off-site full line of alcohol
- Mariscos El Puerto, 12650 Sherman Way, On-site beer and wine

The applicant is requesting a Type 20 ABC License for off-site sale of beer and wine only. The subject location is along a developed commercial corridor which has a variety of commercial uses resulting in the off-site licenses to exceed the number allocated to the census tract. The census tract also includes several other commercial corridors which add to the number of off-site licenses. 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 benefits the public welfare and convenience. The LAPD's North Hollywood Area Vice Unit submitted a letter of "non-opposition" dated November 30, 2018 with 21 suggested conditions of approval. Some of the conditions have been incorporated into the grant to ensure that the project will not adversely affect or degrade adjacent properties. Conditions such as requirements for STAR training and security cameras will be imposed to ensure that the project will not adversely affect or degrade adjacent properties.

In active commercial areas where the demand for alcohol licenses is in excess of the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high activity retail, entertainment, commercial centers and designated points within a community are supported by population that may benefit from convenience and therefore an increase in the approved licenses for the census tract may occur. Additionally the ABC has the discretion to approve or deny an application based on evidence of the effect of normal operations on the public welfare and quiet enjoyment of property by residents.

According to statistics provided by the Los Angeles Police Department's North Hollywood Valley Vice Unit, within Crime Reporting District No. 1513, which has jurisdiction over the subject property, a total of 151 Part I crimes were reported in 2018 compared to the citywide average of 185 Part I crimes for the same reporting period. There were a total of 99 Part II arrests. Alcohol related Part II arrests reported include Narcotics (10), Liquor Laws (4), Public Drunkenness (2), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (21) and other offenses (9). 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. The statistics show that the crime rate in the reporting district is well below the City average. No evidence or communications were received indicating that the existing service station convenience store has been the subject of criminal or nuisance activity. Additionally, there were no revocation or nuisance proceedings initiated for any use within close proximity of the subject site.



The project will not adversely affect community welfare because the continued use of a convenience store/ service station is a desirable use in an area designated for commercial uses. In this case, the proposed project will continue to provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that 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.

8. **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 surrounding properties are within the C2-1VL, OS-1XL and R3-1 and R1-1 zones and are developed with commercial, light industrial uses, a park and multi-family and single-family uses.

The following sensitive uses are located within 1,000 feet of the subject property:

- Single-family and multi-family dwellings adjacent and to the south
- Valley Plaza Park located across Whitsett Avenue at 12240 Archwood Street.

While the service station and convenience store are located across the alley from multi-family and single-family uses the project is located at a major intersection of Whitsett Avenue and Sherman Way and the property is designated for highway oriented commercial uses. The Route 170 on-ramp is located across Whitsett Avenue and adjacent to the park. There is another service station located across the intersection along with a tile company, flooring company and auto repair. Adjacent to the east is a Starbucks drive-through and a self-storage facility. The closest residential uses are located across the alley to the south of the subject site. They will be substantially buffered by the convenience store (12 feet four inches in height with an awning up to 18 feet three inches), heavy tank enclosure (11 feet in height) and trash enclosure (six feet in height). The structures will create a barrier between the residential uses and the service station/ convenience store which will open toward Sherman Way. The auto repair will be eliminated and fuel pumps will be moved closer to the Sherman Way frontage away from the residential uses. The use has operated on the site for over 47 years and beer and wine sales will be incidental to the convenience store. The grant includes a number of conditions including the hours of operation, noise and loitering to reduce potential impacts to the surrounding community. Therefore as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

**Flood Hazard**

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 outside of the Flood Zone.

Inquiries regarding this matter should be directed to Undine Petrulis at (818) 374-5042.



DAVID S. WEINTRAUB  
Associate Zoning Administrator

DSW:UP:mh

cc: Councilmember Paul Krekorian  
Second District  
Adjoining Property Owners

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June 12, 2019

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CASE NO. ZA 2017-2319-CU-CUB  
**LETTER OF CORRECTION TO THE  
LEGAL DESCRIPTION**

12500 West Sherman Way  
North Hollywood- Valley Village  
Community Plan

Zone : C2-1VL  
D. M. : 183B165  
C. D. : 2

CEQA : ENV-2017-2320-CE

Legal Description: A Portion of Lot 4 8,  
Tract 1081; and Portions of Lots 37  
and Lot 38, Tract 5240

On May 1, 2019, the Office of Zoning Administration issued a Letter of Determination for the following:

a conditional use authorizing the remodel of an existing fueling station/ convenience store operating as a commercial corner development including deviations from 12.22A.23 to allow the continued 24-hour operation and having less than fifty percent transparent windows fronting the adjacent street, all adjacent to an R Zone; and

a conditional use authorizing the sale and dispensing of beer and wine for off-site consumption in conjunction with the operation of a service station and convenience store in the C2-1VL Zone.

On June 10, 2019, the zoning administrator was made aware that there was a typographical error to the legal description shown on page 1 of the Letter of Determination. The Legal Description currently listed on the Letter of Determination is: Pt Lot 1, Tract 1081, Lot 37 and Pt Lot 38, Tract 5240.

The reference to the legal description shown on page 1 is hereby corrected to read: A Portion of Lot 4 8, Tract 1081; and Portions of Lots 37 and Lot 38, Tract 5240.

All terms and conditions of Case No. ZA-2017-2319-CU-CUB shall remain as originally written.

Inquiries regarding this matter should be directed to Undine Petrulis at (818) 374-5042.



DAVID S. WEINTRAUB  
Associate Zoning Administrator

DSW:UP:mh

cc: Councilmember Paul Krekorian  
Second District  
Adjoining Property Owners