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Decision Date: March 26, 2025
Appeal Period Ends: April 10, 2025

The Bhupinder Mac Trust (O)
c/o Hiram Mac
5951 Variel Avenue
Woodland Hills, CA 91367

UP2 Holdings, LLC (A)
c/o United Pacific
4130 Clover Street
Long Beach, CA 90808

Steve Rawlings (R)
Rawlings Consulting
26023 Jefferson Avenue, Unit D
Murrieta, CA 92562

CASE NO. ZA-2024-5860-CUB
CLASS 2 CONTIONAL USE PERMIT

5960 North Canoga Avenue
Canoga Park – Winnetka – Woodland
Hills – West Hills Community Plan Area
Warner Center 2035 Specific Plan
Zone : (WC)DOWNTOWN-SN
D. M. : 177B105
C. D. : 3 – Blumenfield
CEQA : ENV-2024-5861-CE
Legal Description: Lot A, P M 2350

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

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

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

A Class 2 Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with an existing convenience store in the (WC)DOWNTOWN-SN Zone.

Upon the following terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in the case file.
7. Authorized herein is the sale of beer and wine for off-site consumption in conjunction with an existing 2,540 square foot convenience store. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 6 a.m. to 11 p.m. daily.
8. After hour use shall be prohibited, except for routine clean-up.
9. 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.

10. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
11. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
12. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
13. **Good Neighbor Program.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24 hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
14. **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.
15. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under the control of the applicant to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
16. Loitering is prohibited on or around these premises and the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
17. 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, the conditions imposed by the Department of Alcoholic Beverage Control (ABC), and the conditional use granted herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activities on the subject premises and in any exterior area, including accessory parking areas, over which the building owner exercises control, in an effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism, and truancy occur.

18. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, the Department of Building and Safety, the Department of City Planning, or other responsible agencies. The on-site Manager and employees shall be knowledgeable of the conditions herein.
19. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris and litter.
20. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
21. The applicant(s) shall comply with 6404.S(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.
22. 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.
23. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01- E,.3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous Clearance - ZA shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. A second inspection will take place

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

- b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

24. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of their new operation of the establishment along with any proposed modifications to the existing floor plan.

25. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of City Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, 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.

26. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 300-foot radius of the property, the Council Office and the Los

Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

27. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

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

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City

fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 13A.2.7.G of Chapter 1A of the Los Angeles Municipal Code provides:

"A Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or Chapter 1 (General Provisions and

Zoning) of this Code shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission, or City Council in connection with the granting of any action taken pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning), shall constitute a violation of this Chapter or Chapter 1 (General Provisions and Zoning) and shall be subject to the same penalties as any other violation of this Code.”

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

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Development Services Center. 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 **January 9, 2025**, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a Conditional Use Permit under the provisions of Section 12.24.W.1 have been established by the following facts:

BACKGROUND

The subject property is a level, square-shaped, 39,927 square foot parcel located on a corner lot. The property fronts on two streets with approximately 180 linear feet along the south side of Oxnard Street and approximately 180 linear feet along the east side of Canoga Avenue. The subject site is developed with a service station with two gas canopies and a 4,983.7 square foot two-story retail building consisting of four retail spaces on the first floor and office on the second floor. There are 24 parking spaces on the subject site. The site is accessible from both Oxnard Street and Canoga Avenue.

The subject property is zoned (WC)DOWNTOWN-SN and is located in the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan Area. The Community Plan Map designates the land use of the subject site as Regional Center Commercial, corresponding to the C1, C1.5, C2, C4, RAS3, RAS4 Zones.

Additionally, the site is in the Downtown District of the Warner Center 2035 Specific Plan

(WC 2035 SP). The project is exempt from the Specific Plan's regulations because the sole land use of alcohol sales does not fall under the definition of a project as established by the Plan.

Surrounding Properties

Surrounding properties are zoned (WC)DOWNTOWN-SN and are developed with a variety of land uses comprising office, commercial and retail, private recreation, and service uses. Adjacent properties to the north, across Oxnard Street are improved with a service station, a blood bank, and medical offices. Diagonally across Canoga Avenue to the north, the area is developed with a high-rise office building and a private football training facility. Adjacent properties to the west, across Canoga Avenue are developed with a one-story commercial shopping center consisting of retail, a financial institution, a medical office, and a restaurant. Southerly abutting property is improved with office towers. Finally, abutting property to the east is developed with a drive-thru coffee shop.

Project Description

The applicant is requesting a Class 2 Conditional Use to allow the sale of beer and wine for off-site consumption in conjunction with an existing 2,450 square foot convenience store located in an existing two-story commercial retail building. The retail store hours are 24 hours, daily and the proposed hours of operation for the sale of beer and wine are 6 a.m. to 11 p.m., daily. The tenant business includes an existing gas station with four fueling stations.

Streets

Canoga Avenue, abutting the property to the west, is designated as a Boulevard II with a designated right-of-way width of 110 feet and a designated roadway width of 80 feet. Canoga Avenue is improved with asphalt, concrete curb, gutter, and sidewalk.

Oxnard Street, abutting the property to the north, is designated as a Boulevard II with a designated right-of-way width of 104 feet and a designated roadway width of 80 feet. Oxnard Street is improved with asphalt, concrete curb, gutter, and sidewalk.

Previous Cases and Permits on the Subject Property:

Certificate of Occupancy No. 13827– On December 11, 2006, the Department of Building & Safety (LADBS) issued a certificate of occupancy for a two-story commercial building consisting of a coffee shop, convenience store, and dry cleaners on the first floor and office on the second floor (associated Building Permit No. 04010-20000-03063).

Certificate of Occupancy No. 19097 – On December 11, 2006, LADBS issued a certificate of occupancy for a new canopy for a gas station (associated Building Permit No. 04010-20000-04642).

Certificate of Occupancy No. LA 84857-84 – On October 24, 1984, LADBS issued a certificate of occupancy for a one story 6' x 14' service station pay booth for associated existing service station (associated Building Permit No. LA 84857-84).

Certificate of Occupancy No. LA 49825/72 – On November 27, 1972, LADBS issued a certificate of occupancy for a one-story 73' x 27' service station and minor auto repair (associated Building Permit No. LA 49825/72).

Surrounding Properties

Staff utilized a 1000-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 Zone Variances, sales of alcoholic beverages, and adult entertainment and filed within the last five years.

ZA-2021-7538-CUB – On May 12, 2022, the Zoning Administrator approved the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 10,139 square foot restaurant and bar with 279 indoor seats and 40 outdoor seats. The hours of operation approved were 4 p.m. to 11 p.m., daily.

ZA-2019-2337-CUB – On October 18, 2019, the Zoning Administrator approved the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 4,026 square foot hotel restaurant and bar and 2,086 square foot patio area at 21110 Oxnard Street. The use was approved for 24 hours of operation, daily. The approved maximum seating allowed was 119 indoor seats and 47 outdoor seats. The alcoholic beverages were also allowed to be served to each of the 170 guest rooms inside the hotel.

ZA-2011-2515-CUB – On February 15, 2012, the Zoning Administrator approved the sale of beer and wine for on-site consumption in a 2,500 square foot restaurant located at 6020 Canoga Avenue. The use was approved for the hours of operation of 11:30 a.m. to 9:30 p.m., daily. The approved seating allowed was 76 indoor seats and 16 outdoor seats.

PUBLIC HEARING

A Notice of Public Hearing was posted and sent to property owners and/or occupants within 300 feet of the subject site for which an application as detailed below was filed with the Los Angeles City Planning. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions, or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The public hearing was held on January 9, 2025. Since Zoning Administration hearings are not subject to the Brown Act, the public hearing was conducted entirely telephonically and by videoconference.

The public hearing was attended by seven participants. The applicant's representative, Steve Rawlings, provided a presentation describing the request for a Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with an existing 2,540-square-foot convenience store. The proposed hours for alcohol sales are from 6:00 a.m. to 11:00 p.m., daily, with no new construction proposed.

Mr. Rawlings stated that United Pacific operates 450 gas stations across five states, with over 200 locations in California. He emphasized the company's commitment to responsible alcohol sales, including employee training programs and the use of mystery shoppers to ensure compliance with regulations. He noted that the business utilizes an ID scanning system and provides training to employees to identify intoxicated patrons. Additionally, he highlighted that the site is well-maintained, offers clear visibility, and that the request is limited to the sale of beer and wine, which would be stored in three cooler doors with a small display. He also stated that the convenience store sells staple goods and operates 24 hours a day, while alcohol sales would be limited to the proposed hours.

During the public testimony portion of the hearing, one speaker, Seth Samuels, a representative from Council District 3, provided comments. He stated that the Council Office has been working with the property owner and the applicant's representative and has no concerns regarding the existing site. He further noted that the area does not have an overconcentration of alcohol sales and that the Council Office has consulted with the Senior Lead Officer for the area, who expressed no objections. Based on these considerations, the Council Office is comfortable supporting the proposed use and project.

CORRESPONDENCE

On November 11, 2024, the Los Angeles Police Department's Topanga Area Vice Unit submitted a letter stating that they do not oppose granting the Master Land Use Permit for "Rocket Convenience Store #212," located at 5960 Canoga Avenue, Woodland Hills, California, 91367. The LAPD has requested a series of conditions, which have been incorporated into the permit.

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 alcohols

ales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No “Happy Hour” type of reduced-price alcoholic beverage or “2 for 1” promotion shall be allowed at any time. Discounted food promotions are encouraged.
- 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.
- The sale of alcohol shall be incidental to the sale of food.
- The quarterly gross sales of alcohol shall not exceed the quarterly gross sales of food. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- The single unit sales of malt liquors and/or malt based products shall be prohibited.
- 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 Class 2 Conditional Use Permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for the sale 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 lieu of the standard findings for most other conditional use categories.

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

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, square-shaped, 39,927 square foot parcel located on a corner lot. The property fronts on two streets with approximately 180 linear feet along the south side of Oxnard Street and approximately 180 linear feet along the east side of Canoga Avenue. The subject site is developed with a service station with two gas canopies and a 4,983.7 square foot two-story retail building consisting of four retail spaces on the first floor and office on the second floor. The retail spaces include a coffee shop, a convenience store, a sandwich shop, and a dry cleaner. There are 24 parking spaces on the subject site. The site is accessible from both Oxnard Street and Canoga Avenue.

The project involves the existing convenience store which has been maintained and operated under the same ownership since it was first established in December 2006. The retail store comprises 2,450 square feet. The project request includes a Class 2 Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with the operation of the existing convenience store. The store hours are 24 hours, daily. The proposed hours for the beer and wine sales are 6 a.m. to 11 p.m., daily.

The existing convenience store and service station provides a service that has benefited the local community and Warner Center at-large for almost twenty years and continues to provide a benefit. The subject site has been a service station since the 1970s and the convenience store was established 2006 when the two-story commercial building was built. The convenience store sells prepackaged goods, beverages, and household items providing an essential neighborhood serving use and benefit to the community. The sale of alcohol is an expected offering of a convenience store and allows the Warner Center community to enjoy the same level of amenities and beverage options as expected in other convenience stores. The sale of alcohol is only a portion of the goods and services offered by the convenience store and service station, where select sundries, beverages, and other goods typically offered at a convenience store are available.

Additionally, the site is located in the Downtown District of the Warner Center 2035 Specific Plan area, which is surrounding by several high-rise office towers, commercial retail, and hundreds of condominiums and townhomes directly north and southwest of the site. The proposed auxiliary use for the sale of beer and wine for off-site consumption will provide a needed benefit that will serve the Warner Center community. With the imposition of conditions, the sale of beer and wine for off-site consumption at the convenience store will be compatible with surrounding uses in the area and will provide beneficial service to the surrounding 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, square-shaped, 39,927 square foot parcel located on a corner lot. The property fronts on two streets with approximately 180 linear feet along the south side of Oxnard Street and approximately 180 linear feet along the east side

of Canoga Avenue. The subject site is developed with a service station with two gas canopies and a 4,983.7 square foot two-story retail building consisting of four retail spaces on the first floor and office on the second floor. There are 24 parking spaces on the subject site. The site is accessible from both Oxnard Street and Canoga Avenue.

The subject property is zoned (WC)Downtown – SN and is located in the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan Area. The Community Plan Map designates the land use of the subject site as Regional Center Commercial, corresponding to the C1, C1.5, C2, C4, RAS3, RAS4 Zones. In addition, the project site is located in the Downtown District under the Warner Center 2035 Specific Plan (WC 2035 SP). Convenience stores are permitted in the Downtown District of the WC 2035 SP and the retail use along with the proposed sale of beer and wine for off-site consumption is compatible with the surround neighborhood.

Surrounding properties are zoned (WC)Downtown-SN and are developed with a variety of land uses comprising office, commercial and retail, private recreation, and service uses. Adjacent properties to the north, across Oxnard Street are improved with a service station, a blood bank and medical offices. Diagonally across Canoga Avenue to the north, the area is developed with high-rise office building and private football training facility. Adjacent properties to the west, across Canoga Avenue are developed with a one-story commercial shopping center consisting of retail, a financial institution, a medical office, and a restaurant. Southerly abutting property is improved with an office tower. Finally, abutting property to the east is developed with a drive-thru coffee shop.

The applicant is requesting a Class 2 Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with the operation of an existing, approximately 2,450 square foot convenience store with hours of operation for the store 24 hours daily, and operating hours for the beer and wine sales from 6 a.m. to 11 p.m., daily.

There are no proposed changes to the subject property's location, size, height, operations, or significant features of the subject site. The applicant has been in business at the subject location since 2006 and has a demonstrated record of responsible management; there have been no complaints from neighbors or other potentially affected parties called to the attention of the Zoning Administrator.

In addition to standard conditions, conditions have been adopted to ensure the mode and character of the convenience store will operate as proposed. The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with off-site alcoholic beverage sales 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 and safety.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Policy 7.3.2 of the Framework Element encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

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, which designates the property for Regional Center Commercial land uses, with corresponding zones of CR, C1 .5, C2, C4, RAS3, RAS4, R3, R4, and R5. The property is also located within the Warner Center 2035 Specific Plan area and is zoned (WC)DOWNTOWN-SN.

The Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan text is silent with regards to the sale of beer and wine. 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.

Policy 2-1.1 Locate new commercial development in areas currently designed for such development.

The applicant seeks a Class 2 Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with the operation of an existing, approximately 2,450 square foot convenience store with store operating hours of 24 hours daily, and alcohol sales from 6 a.m. to 11 p.m., daily.

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 residential, office, and commercial uses, as well as visitors. The sale of beer and wine for off-site consumption in conjunction with this convenience store is not an uncommon request and offering such a request would be an otherwise expected amenity here. This would add an additional use to the convenience store in a commercially zoned area that would enhance the existing use.

The convenience store is located within a commercial retail and office building associated with a service station along a commercial corridor occupied by other similar kinds of development and establishments, and within an area designated for general commercial uses. The availability of beer and wine for off-site consumption is often a key component to the economic success of a convenience store operation. The required findings in support have been made and numerous conditions have been adopted as a part of this determination to minimize the potential of this convenience store from becoming incompatible with its surroundings. Therefore, as conditioned, the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

ADDITIONAL ALCOHOL USE FINDINGS

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

The existing convenience store and associated service station are land uses that are permitted in the Downtown District of the Warner Center 2035 Specific Plan. The grant to allow for the sale of beer and wine for off-site consumption will add to the existing benefit the subject convenience store already provides to the local community. Operational conditions imposed on the project will help to ensure that the beer and wine sale for off-site consumption in conjunction with a convenience store use will not adversely affect the neighborhood.

Alcohol sales are an expected amenity within a convenience store. The establishment provides convenience for residents and visitors in the area. The grant includes a number of conditions to safeguard the community. Possible effects associated with a retail market selling beer and wine 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 beer and wine for off-site consumption. Lighting around the exterior of the subject store, age verification devices, and monitoring of the property will ensure the operation will not adversely affect the welfare of the community.

Furthermore, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been included to ensure the operation provides adequate security measures, includes a surveillance system, and adequate lighting, adherence to the City's Noise Ordinance, and responsible management practices. Both the Conditions of Approval and the requirements of the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, as conditioned herein, the sale of beer and wine for off-site consumption in conjunction with the existing convenience store and associated service station will not adversely affect the welfare of the pertinent community.

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

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-site and one off-site licenses are allocated to the subject Census Tract 1371.04. Currently there are two active on-site licenses and zero active off-site licenses in this Census Tract.

The following ABC licensed alcohol establishments are within 1,000 feet of the subject site:

Alcohol Establishment	License Type	Address	Census Tract
Ruths Chris Steakhouse	47 - On-site – Full Line	5919 Canoga Avenue	1371.04
Tomoya Sushi and Izakaya	41 - On-site – Beer & Wine	6020 Canoga Avenue, Suite 100	1349.05
El Torito	47 - On-site – Full Line	6040 Canoga Avenue	1349.05
Home2 Suites	47 - On-site – Full Line	21110 Oxnard Street	1371.04

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 2177, which has jurisdiction over the subject property, a total of 236 crimes were reported in 2023 (188 Part I Crimes and 48 Part II Arrests), compared to the Citywide average of 162 crimes and the High Crime Reporting District Average of 194 crimes. Part II Arrests reported include (5) Narcotics, (0) Liquor Laws, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (5) Gambling, and (23) DUI related arrests. These numbers do not reflect the total number of arrests in

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

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The number of active off-site ABC licenses within the census tract where the subject site is located does not exceed the ABC guidelines, therefore there is no undue concentration identified.

The above crime statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average, but below the High Crime Reporting District 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 also has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. These imposed conditions are a necessary and integral part of this action and requires diligent compliance on the part of the applicant for effectiveness. As conditioned, allowing the sale of beer and wine for off-site consumption at the subject location will benefit the public welfare and convenience because a successful restaurant business supports the economic vitality of the area. Therefore, as conditioned, 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.

- 6. That 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.**

Multifamily residences were observed within a 600-foot radius of the subject site. This includes one large apartment community, one all-affordable housing building that is currently under construction, and a large townhome condominium development located a few feet to the west, and about a block southwest of the subject property aggregating to about 780 multifamily residential units.

Additionally, the following sensitive uses were observed within a 1,000-foot radius of the subject site:

In His Presence Church	21300 Califa Street
The Vela Apartments (379 units)	21221 Oxnard Street
Warner Club Villas (106 units)	21500 Califa Street
100% All-Affordable Apartment Under Construction (301 units)	21300 Oxnard Street

The sale of beer and wine for off-site consumption, in conjunction with a 2,450 square foot convenience store in association with a service station will once again provide a service to the community as it did previously for almost twenty years (convenience store established in 2006 and the service station established in 1972). The approval of the application will not detrimentally affect nearby residential uses as the project is located within a commercially developed area that was intended to offer variety of commercial services, such as the subject restaurant.

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

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Numerous conditions have been incorporated into this grant to minimize the potential for adverse effects on the community. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will continue to contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, for the reasons given, the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, schools, religious institutions, recreation centers, similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 186,952 have been reviewed and it has been determined that this project is in an area of minimal flooding.

APPEAL PERIOD - EFFECTIVE DATE

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

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

An appeal may be filed utilizing the following options:

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

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

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

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

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

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

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



QR Code to
Online Appeal Filing



QR Code to Forms for In-Person
Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

Inquiries regarding this matter shall be directed to Shane Strunk, City Planning Assistant for the Department of City Planning at shane.strunk@lacity.org or (213) 675-6022.

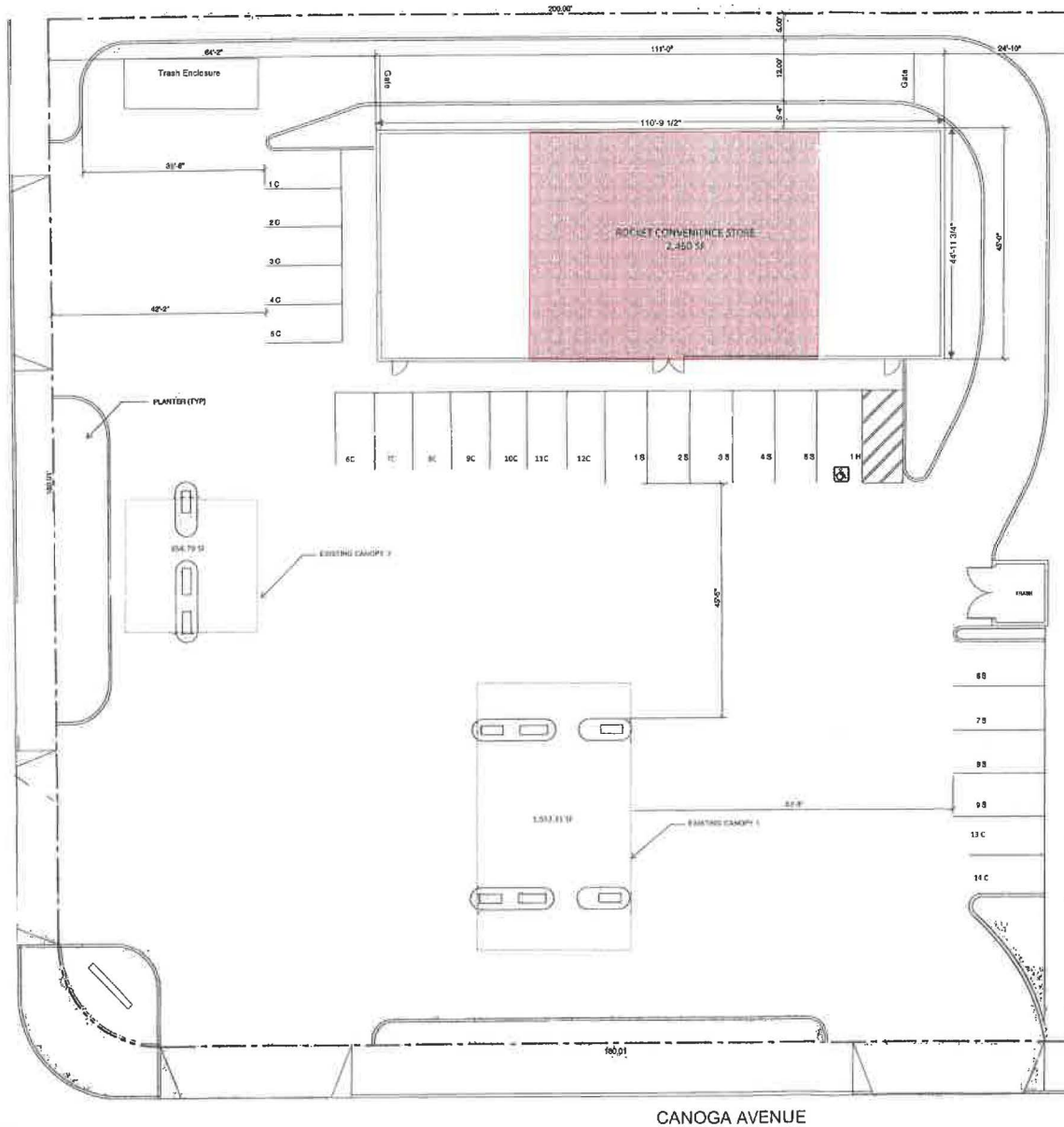
A handwritten signature in blue ink, reading "Christine M. Saponara".

CHRISTINE M. SAPONARA
Associate Zoning Administrator

CMS:CR:ST:SK

Cc: Councilmember Blumenfield
3rd District Council
Adjoining Property Owners
Interested Parties

OXNARD STREET



ADDRESS: 5960 N. CANOGA AVE

APN: 2149-002-005

ZONING: (WC)DOWNTOWN-SN

LOT SIZE: 39,926.6 (sq ft)

BUILDING SIZE: 4,983.71 SF

STORE SIZE: 2,450 SF

GAS CANOPY 1: 1,552.32 SF

GAS CANOPY 2: 656.79 SF

PARKING PROVIDED: 24 TOTAL

STANDARD SPACES: 9

COMPACT SPACES: 14

ADA SPACES: 1

LEGAL DESCRIPTION: Lot A, Tract 2350

PROPERTY OWNER:
The Bhupinder Mac Trust, Hiram Mac
5951 Variel Avenue
Woodland Hills, CA 91367

EXHIBIT "A"
Page No. 1 of 2
Case No. 2A-2024-58600-CUB
Lu M. J.

RECEIVED
CITY OF LOS ANGELES
OCT 29 2024
CITY PLANNING
VAN NUYS



SITE PLAN

SCALE: 1" = 10'-0"



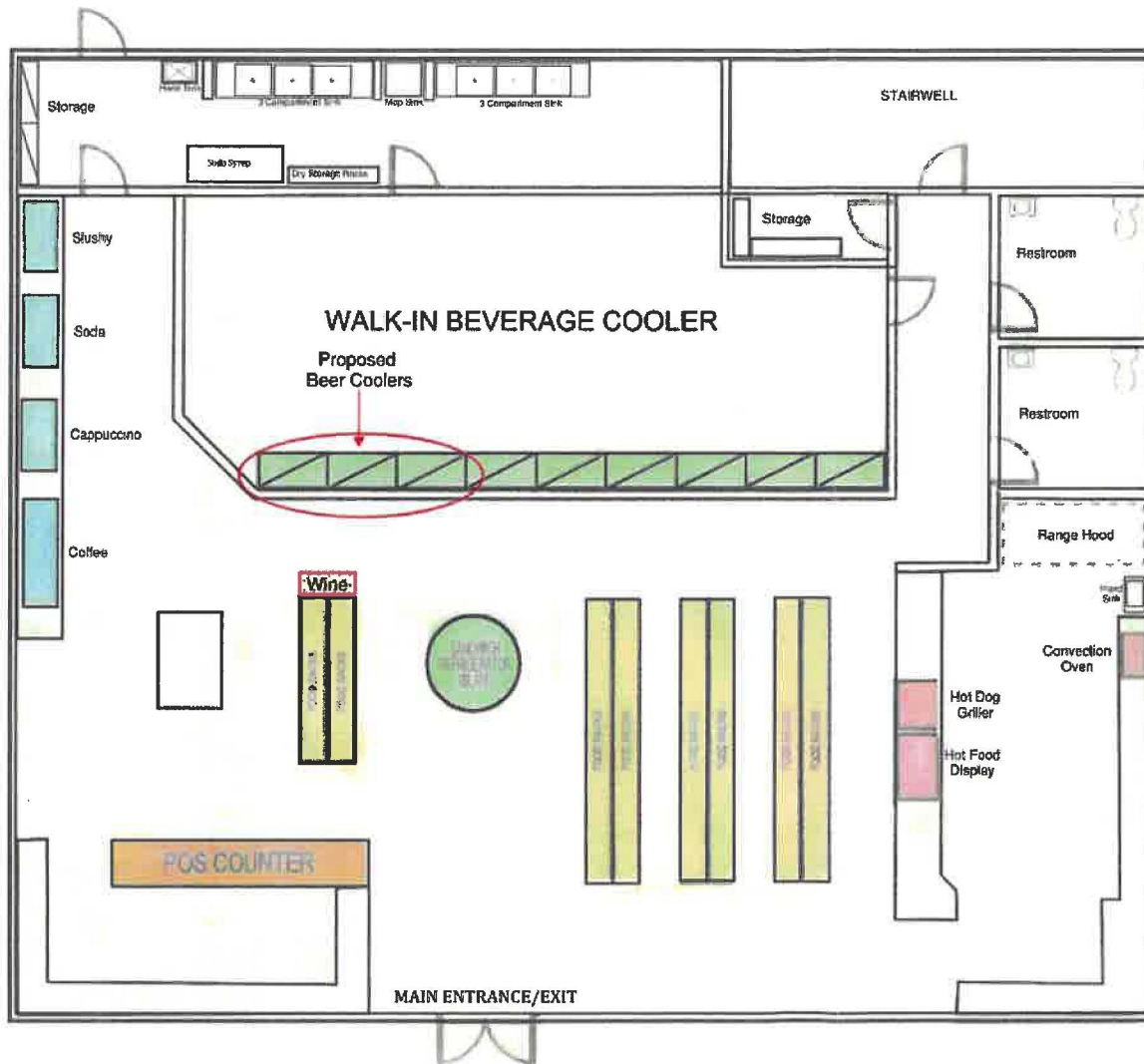


EXHIBIT "A"
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Law M. A.

STORE SIZE: 2,450 SF
 BEER/WINE DISPLAY AREA: 24 SF
 % OF OVERALL STORE: 1%

FLOOR PLAN
 ROCKET CONVENIENCE STORE
 2960 CANOGA AVENUE
 WOODLAND HILLS, CA