

City of Encino - Air Pollution Ordinance

- 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 Applicant submits this Conditional Use Permit ("CUP") application requesting approval for the off-site sale of beer and wine (i.e., a Type 20 Alcoholic Beverage Control ("ABC") license) at an existing Service Station and Food Mart located at 18534 W. Ventura Boulevard in Tarzana, CA in the Commercial ("C2-1L") Zone. This existing business is a commercial use located within an area designated for commercial land uses and is therefore an appropriate use for this location.

The premise is located on the corner of Ventura Boulevard and Reseda Boulevard in the Encino-Tarzana Planning Area and the Ventura/Cahuenga Boulevard Corridor Specific Plan. The subject property is a commercial use within an area designated for Community Commercial land uses. At any given time, there are between 1 and 4 employees working on site. The proposed beer and wine sales hours would be from 6 a.m. to 2 a.m., as allowed by the State Department of Alcoholic Beverage Control. The Applicant currently operates with eight (8) fueling pumps under two rectangular covers and a Food Mart. The site provides 17 onsite parking spaces, including eight (8) fueling point car spaces and 9 parking stall spaces. There are two (2) access points to the site, including one (1) driveway along Ventura Boulevard and one (1) driveway along Reseda Boulevard. The surrounding properties to the north, east, and west are similarly designated as commercially zoned properties. To the south of the property, there are residentially zoned properties, separated by an alleyway and chain link fences.

The Applicant is requesting approval for the incidental sale of beer and wine for off-site consumption at this existing Service Station, which is a national and respected chain of service stations. The Applicant is part of a brand of food marts and service stations that are reinventing the idea of what a full-service food mart and service station should be and are actively striving to help the communities in which they operate by providing easy, accessible fuel services while also working to consolidate and minimize its customers' shopping trips. The Food Mart and Service Station, with the addition of an incidental amount of beer and wine for off-site consumption, will provide a simpler, more accessible one-stop shopping experience for the surrounding community; and one that consumers have begun to expect from a full-service food mart and service station.

- 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.**

This Conditional Use Permit is only requesting authorization for the off-site sale of an incidental amount of beer and wine at an existing business. The project's location, size, height, operations and other significant features are and will continue to be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. There is no construction, alterations or change in the use proposed as part of this application, except for the request to add an incidental amount of beer and wine sales for off-site consumption, and thus no reason to conclude the existing use would not be compatible with the adjacent properties and surrounding uses.

The project site consists of an existing gas station with a food mart and eight (8) fueling pumps. There are multiple access points to the site, including a driveway along both Ventura Boulevard and Reseda Boulevard. The surrounding properties to the north, east, and west are similarly designated as commercially zoned properties, including but not limited to, a Jiffy Lube, the Mattress Stop, The Coffee Bean and Tea Leaf, the Poke Tiki Restaurant, Dog-E-Den Daycare and Boarding, and

Advanced Auto Care Service Center, and a Chevron Station. There are residential properties to the south which are buffered from the subject property by an alley driveway and chain-link fence. The Applicant has operated on this site for many years, and, in that time, the Applicant has provided a variety of goods and services that customers expect at a full-service food mart and service station, and now, the Applicant seeks to enhance that offering to include the off-site sale of beer and wine in order to best serve its customers and the community.

The proposed sale of the incidental amount of beer and wine will continue to provide a benefit to the nearby community by allowing for one-stop shopping and will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the area.

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

This application is simply a Conditional Use Permit requesting authorization for the addition of incidental off-site beer and wine sales. This Food Mart and Service Station is a retail business in the C2-1L Zone and is permitted under the Zoning Code and is an established and recognized company that proposes to sell beer and wine (for off-site consumption) in this location in the same manner it does at its other national locations. Given the mix of commercial-related uses in the immediate area and the underlying zoning designation of the property, the proposal to sell beer and wine for off-site consumption is consistent with the Land Use Element and objectives of the General Plan and will complement nearby businesses and residential neighborhoods.

The subject property is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan. The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The Encino-Tarzana Community Plan designates the property for Community Commercial land uses. The Community Plan text is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan. Approval of the request is consistent with the general purpose, intent and provisions of the Encino-Tarzana Planning Area. With the submission of this Conditional Use Permit application, the Applicant asserts that the subject project is consistent with the adopted General Plan in that the requested application will be a positive enhancement of this existing use and will continue to contribute to the economic vitality of the area. As such, the proposed project substantially conforms with the purpose, intent and provision of the General Plan.

The approval of this CUB application and continued operation of the existing use, with strict adherence corporate policy regarding the safe retailing of beer and wine and under proper management and supervision, will continue to provide a service that is beneficial to the community. Thus, the approval of this CUB application will help in continuing to achieve the objectives within the Commercial Zone and under the General Plan.

Continued Analysis Supplemental Findings

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

The Service Station and Food Mart have operated at this location successfully without adversely affecting or conflicting with surrounding community. In fact, the community currently enjoys and relies on the convenience of having a "one stop shopping" experience at this neighborhood food mart and service station, enabling customers to purchase everyday grocery items along with a range of household goods and is requesting approval for the sale of an incidental amount of beer and wine to further the convenience provided to the surrounding community. As such, this project will not adversely affect the welfare of the neighborhood but will continue to enhance the built environment in the surrounding neighborhood and will continue to perform a service that is essential and beneficial to the area.

As indicated above, this business is a permitted land use within this zone. The property is surrounded by other retail stores, offices, restaurants, and other commercial uses within the City of Tarzana. The proposed use, along with goods and services that it provides will not adversely affect or conflict with adjacent uses; it is similar to adjacent uses and will therefore complement the neighborhood and offer convenience for those working and living within the general vicinity. Located along a commercial corridor, the project will provide the area's residents, businesses, and employees an option for convenient access and one-stop shopping for unique, imported snacks and a limited amount of beer and wine incidental to other retail merchandise. Therefore, the project will perform a function that will be beneficial to the community and surrounding neighborhood.

- 2. 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 premises is located in Census Tract (CT) 1394.01, which authorizes one (1) off-sale ABC license, and currently, there are ten (10) active off-sale ABC licenses. Thus, a determination of Public Convenience or Necessity ("PC or N") by the Los Angeles City Council will be needed. The existing ABC off-sale licenses within this CT are as follows:

- Walgreens: 18568 Ventura Blvd., Tarzana, CA 91356 (License No. 20-486534)
- Gelsons Market: 5500 Reseda Blvd., Tarzana, CA 91356 (License No. 21-364431)
- 7-Eleven: 5583 Reseda Blvd., Tarzana, CA 91356 (License No. 20-373629)
- Tarzana Wine & Spirits: 18839 Ventura Blvd., Tarzana, CA 91356 (License No. 21-459523)
- Vons: 18439 Ventura Blvd., Tarzana, CA 91356 (License No. 21-16900)
- CVS Pharmacy: 18441 Ventura Blvd., Tarzana, CA 91356 (License No. 21-477405)
- Ventura Kosher Meats Corp.: 18357 Ventura Blvd., Tarzana, CA 91356 (License No. 20-488714)
- Spirits World Liquor: 18523 Burbank Blvd., Tarzana, CA 91356 (License No. 21-654201)
- Tarzana Burbank Oil Corporation: 18468 Burbank Blvd., Tarzana, CA 91356 (License No. 20-654734)
- Trader Joe's: 18700 Ventura Blvd., #190B, Tarzana, CA 91356 (License No. 21-658323)

The proposed addition of an incidental amount of beer and wine sales for off-site consumption at an existing Food Mart and Service Station will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare. The subject property is a commercial use within an area designated for commercial land uses. At any given time, there are between 1 and 4 employees working on site. The proposed beer and wine sales hours would be from 6 a.m. to 2 a.m., daily, consistent with state law. There are no changes being requested with this application to the premises' footprint or its current operations, other than the Applicant's request to add the incidental sale of beer and wine for off-site consumption (Type 20 ABC License).

The Applicant faithfully serves this community, offering a full variety of goods and services that customers expect at a full service "one stop shop" food mart, including fuel, vehicle service needs, everyday grocery needs, medicines, and many more everyday household items. The incidental sale of beer and wine falls under the product offering expected from a full-service, modern food mart with a fueling and service station. The Applicant has and will continue to have a positive impact on the welfare of the community.

Furthermore, corporate policies are in place for the responsible retailing of beer and wine for off-site consumption as well as proactive security measures to ensure the sale of beer and wine does not result

in adverse impacts or nuisance activity. The Applicant will continue to provide a commercial service that is beneficial and convenient to the community. Additionally, all employees involved in the sale of alcoholic beverages must first successfully complete in house training for the responsible sale of alcoholic beverages.

- 3. 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 Food Mart and Service Station is located at 18524 W. Ventura Blvd. The subject property is located within 600 feet of the PM Pediatric Urgent Care Center and the Mecca Park. Although located near these two sensitive uses, the proposed use will not adversely affect the welfare of the pertinent community because the premises has continuously been operated as a food mart and gas station for many years and in that time has not caused any nuisance issues to the surrounding community. The subject site is intended for small shopping centers, professional buildings, service centers and other commercial activities providing convenience goods and services to the surrounding residential neighborhood in conformance with the comprehensive general plan of the city. As such, the property is a commercial use within an area designated for commercial land uses.

There are some residential uses directly to the south of the subject property. However, the Applicant has operated at this location for many years and acts as a community amenity and will continue to perform a beneficial function to the local community. Initial and ongoing training is one of the most important, fundamental elements necessary to operate our stores in a safe and responsible manner. The Applicant conducts training segments on security, robbery deterrence, safety, strategies to discourage loitering, facility maintenance and operations, responsible sales of age restricted products (beer and wine), accident prevention, and workplace safety, among others.

The sale of a nominal amount of beer and wine in strict adherence to corporate policies, along with the proper management and supervision that will occur, will provide additional convenience that is beneficial to the community and allow this station to be competitive and viable without adversely affecting the welfare of the pertinent community. This Food Mart and Service Station is in an area with various commercial uses that directly surround it. The use is consistent with other uses in the community, providing neighborhood convenience for automobile services and household products.

Therefore, the proposed use will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area.

Sharon W. DeMott, Esq.

- 1. 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.**

This is a CUB for the addition of incidental off-site alcohol sales only. The project site is and will remain adequate in terms of ingress and egress and will not create a traffic hazard or cause significant traffic congestion or disrupt vehicular circulation on adjacent streets, as this is an existing use.

There are no proposed physical changes proposed with this application. The project's location, size,

height, and operations have already been approved through previously approved building plans and permits. Therefore, the structures and daily operations are and will remain compatible with adjacent properties and the surrounding neighborhood.

2. 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 approval of this Conditional Use Permit will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the project site, as this is an existing use and there are no physical changes proposed.

Describe any security measures that will be taken to prevent loitering, theft, vandalism, etc.

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The Applicant conducts training segments on security, robbery deterrence, safety, strategies to discourage loitering, facility maintenance and operations, responsible sales of age restricted products (beer and wine), accident prevention, and workplace safety, among others. There are also security cameras on the interior and exterior of the premises.

2. Specify and explain every requirement of LAMC Section 12.22 A.23 of Chapter 1 that cannot or cannot be complied with. Attach Exhibit: Mini-Shopping Center Commercial Corner Development (CP13-7755).

The Applicant currently operates the Service Station and Food Mart 24 hours, daily, and is requesting alcohol sales hours from 6 a.m. to 2 a.m., as permitted by State law.