



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
SEPTEMBER 21, 2023

TO: Members of the Planning Commission

FROM: Angela Georgeff, Associate Planner

FILE NO.: CUP-2023-006

PROPOSAL: Request for a Conditional Use Permit (CUP) to expand alcohol sales at an existing gas station/convenience store (Rocket-Chevron) to include distilled spirits. The request entails upgrading the existing ABC Type 20 license (beer and wine only) to an ABC Type 21 license for the off-site consumption of beer wine, and distilled spirits at the convenience store located at 4807 Las Virgenes (APN: 206-4002-048), within the Commercial Retail (CR) zoning district and Scenic Corridor (SC) Overlay Zone.

APPLICANT: Steve Rawlings

RECOMMENDATION: That the Commission direct Staff to prepare a resolution for approval, or a resolution for denial, of File No. CUP-2023-006.

REVIEW AUTHORITY:

The project is before the Planning Commission for review pursuant to Calabasas Municipal Code (CMC) Section 17.12.035 (D), which stipulates that Drug Stores, Grocery Stores, and Convenience Markets with less than fifty percent of the sales floor devoted to the display of alcoholic beverages requires a CUP, which, pursuant to CMC Section 17.62.060(D) is subject to review and a decision by the Commission.

BACKGROUND:

On June 9, 2023, Steve Rawlings (applicant's representative) submitted an application on behalf of United Pacific (applicant) to initiate a request for approval of a Conditional Use Permit to allow for the sale of beer, wine and distilled spirits via a Type 21 liquor license from the State Department of Alcoholic Beverage Control for an existing convenient store

located at 4807 Las Virgenes Road. Rocket-Chevron currently sells beer and wine for off-site consumption via a Type 20 license from the State Department of Alcoholic Beverage Control (ABC). The project was reviewed by the City's Development Review Committee (DRC) on June 15, 2023, and had no major comments. With all outstanding comments addressed, the project was deemed complete by staff on August 8, 2023.

STAFF ANALYSIS:

- A. Alcohol Sales: The Type 21 liquor license, for which Rocket-Chevron is applying, is the "Off-Sale General" license. This license authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Additionally, this license type allows minors on the premises.

The existing convenience store is in operation 24 hours a day, but the sales of alcohol will be limited to state law requirements. Currently, state law prohibits retail alcohol sales between the hours of 2am and 6am. Sales will be occurring within the existing convenience store, but solely for off-site consumption, and there are no proposed improvements to the exterior of the facility. The store currently has 2 to 3 employees per shift, and this is not expected to change based on the new CUP application.

Alcohol sales are conditionally permitted in conjunction with a primary allowable use (convenience store) in the CR zoning district per the Municipal Code. The project application and plans were reviewed by the City's Development Review Committee and no concerns were raised by the Committee. The Los Angeles County Sheriff's Department has indicated that the Sheriff has no objections to the request and that the project is acceptable as proposed.

- B. Site Design/Building Layout: The subject site is located just north of the intersection of Agoura Road and Las Virgenes Road, just south of the 101 Freeway. Due to the proximity of the site to the 101 freeway, the subject site is located within the 101 Freeway Scenic Corridor. However, there are no proposed modifications to the site layout or to the exterior of the building, and thus a Scenic Corridor Permit is not necessary for the current project.

The existing site is fully developed with a gas station, convenience store, and two storage buildings. The applicant is not proposing to alter the exterior of the facility or the current site design, and the only change to the interior building layout will be within the sales area. With the addition of distilled spirits, the display areas will be approximately 2.7% of the overall store as detailed in the Floor Plan (Exhibit A).

Rocket-Chevron is part of the umbrella company, United Pacific, which has Security and Policy Procedures for age verification, intoxicated and disorderly patrons, as

well as loitering and panhandling. Team members are provided training in alcoholic beverage sales rules, laws and regulations (Exhibit B).

REQUIRED FINDINGS:

The findings applicable to the project, and which the Planning Commission would have to make for a project approval, are stated in Section 17.62.060 of the Calabasas Municipal Code, and are as follows:

1. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;
2. The proposed use is consistent with the General Plan and an applicable specific plan or master plan;
3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and
4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

Staff requests the Commission to conduct the public hearing, and then direct Staff to develop findings in support of either approval or denial of the project, supported by the facts and testimony provided at the hearing. Note: A resolution of denial must include an explanation as to why at least one of the required findings for a Conditional Use Permit cannot be made.

ENVIRONMENTAL REVIEW:

This project is exempt from environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines (General Rule Exemption) and Section 15301 (Existing Facilities) of the Guidelines.

CONDITIONS OF APPROVAL:

If the Commission directs Staff to prepare a resolution of approval, draft project conditions of approval are attached as Exhibit C and will be incorporated into an approval resolution, which would return for Commission adoption at the next regular meeting.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

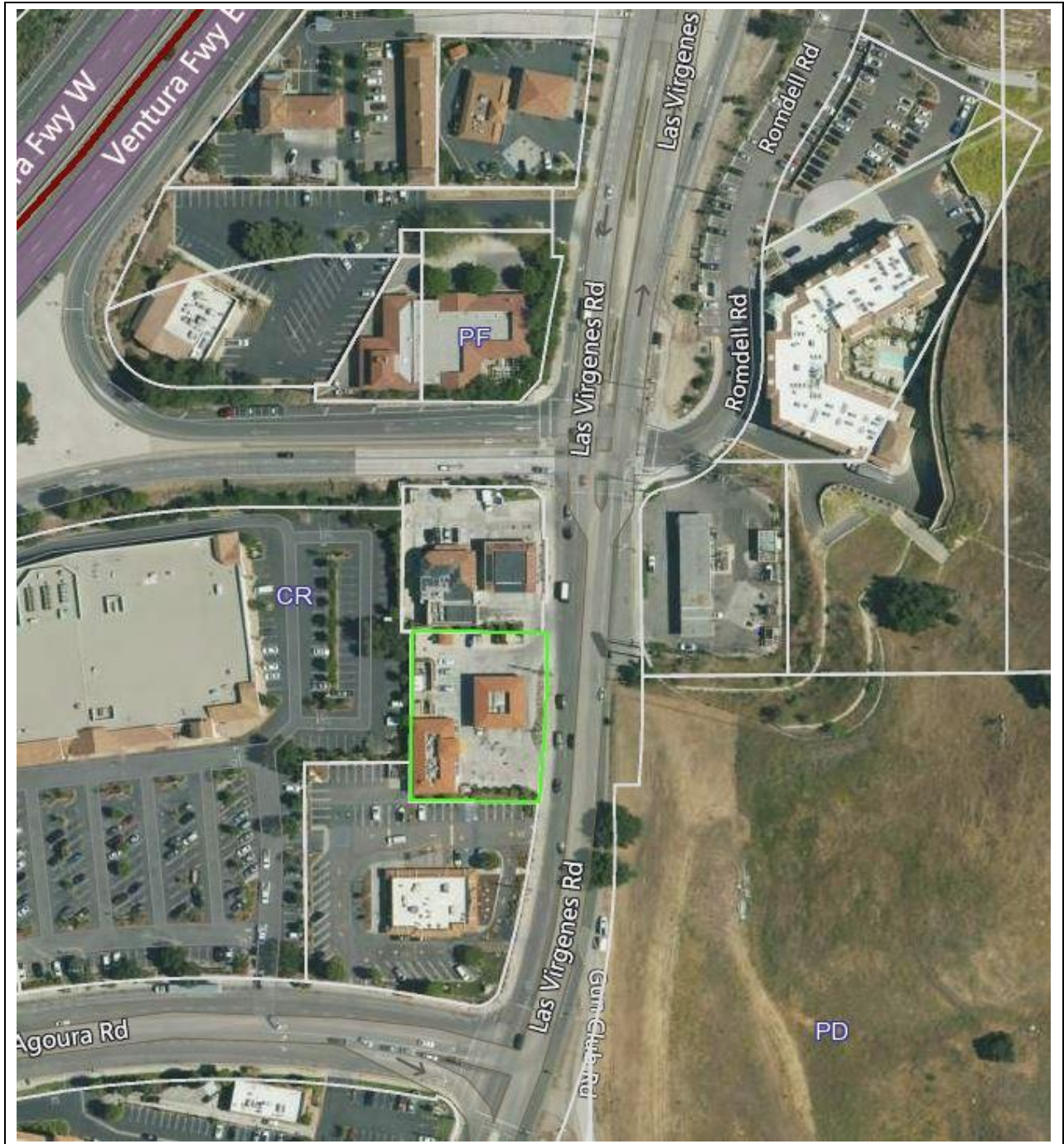
June 15, 2023 No major comments.

ATTACHMENTS:

- Exhibit A: Project Plans
- Exhibit B: Security Policy and Procedures
- Exhibit C: Draft Conditions of Approval

TECHNICAL APPENDIX

Location Map:



Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Convenience Store	Commercial, Retail	Business, Retail
North	Convenience Store	Commercial, Retail	Business, Retail
East	Convenience Store	Commercial, Retail	Business, Retail
West	Grocery Store	Commercial, Retail	Business, Retail
South	Fast Food Restaurant	Commercial, Retail	Business, Retail