

CONDITIONAL USE CONDITIONS OF APPROVAL

As Modified by the North Valley Area Planning Commission

A. General Conditions

1. 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 the grant.

Condition No. 2 as Modified by the North Valley Area Planning Commission on April 20, 2017.

2. **Hours.**
 - a. The fueling station is permitted to operate 24 hours a day, seven (7) days a week.
 - b. The operation of the minimart is permitted to be 24 hours a day, seven (7) days a week. However, customer access is limited to 5 a.m. to 11 p.m. and sales may continue beyond these hours through a pass-through window. *(See ZA-2007-2835-CUB-CU-ZV in the subject case file.)*
 - c. The operation of the automated carwash is permitted to operate 24 hours a day, seven (7) days a week.
3. **Hours (Signs).** The hours of operation shall be posted at the entrance of the subject facility, at the cashier and on the facility's website, if created.
4. **Loitering.** Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility. Signs shall be in English and in the predominant language of the facility's clientele.
5. **On-Duty Manager.** At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
6. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

7. **Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the final development plans to the satisfaction of the Department of Building and Safety and Department of Transportation.
8. **Signs.** All signs shall be of an identifying or directional nature only and shall be arranged and located so as not to be a distraction to vehicular traffic. New pole signs, projecting signs, roof signs, electronic message boards, pennants, ribbons, streamers, spinners, balloons (or any similar attention-attracting devices) and flashing or animated signs are prohibited.
9. **Outdoor Noise.** No outdoor speaker, public address or paging system shall be installed or maintained on the subject property.
10. **Public Machines.** Any pay phones or automated teller machines (ATM's) on the subject property shall be located inside of the building where they can be readily monitored by facility staff.
11. **Lighting.** Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
12. **Site Maintenance.**
 - a. The property owner and on-site manager(s) shall be responsible for the maintenance of landscaped areas, including continuous operations of watering, mowing, trimming, plant replacement and other operations necessary to assure healthy and vigorous growth and appearance.
 - b. The subject property, including any associated parking facilities and abutting streets, sidewalks and alleys, shall be maintained in a neat and attractive condition at all times and shall be kept free of trash and debris on a daily basis.
13. **Contact Liaison.** A sign or signs shall be posted within the interior of the premises and in public view of any interested person, containing the name and telephone number of a person to be contacted to report graffiti on the site and/or in the event that there are concerns or problems occurring on the site in association with operation of the business.
14. **Posting of Conditions.** These Conditions shall be retained on the property at all times and be produced immediately upon request by the decision maker or Police Department.
15. **Operator Change.** 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 his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

16. **Plan Approval.** The decision maker 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 documented evidence be submitted showing a continued violation(s) 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 this public hearing for nuisance abatement/revocation purposes.
17. **Prior to the effectuation of the grant,** a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City Prior to the final clearance of this condition.
18. All environmental mitigation measures recommended in Mitigated Negative Declaration No. ENV 2016-611-MND, attached as Exhibit "C", are herein incorporated by reference as Conditions of this grant.

B. Conditional Use – Alcoholic Beverage (LAMC Section 12.24.W.1)

19. **Alcohol Sale.** The sale of beer and wine beverages is permitted for off-site consumption in conjunction with an existing, approximately 2,900 square-foot minimart and fueling station. Cessation of the minimart or fueling station shall cause the Conditional Use Permit for the sale of alcoholic beverages to be null and void.
20. **Complaint Response/Community Relations.**
 - a. Prior to the beginning of operations, 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
 - i. Entry, visible to pedestrians
 - ii. Customer service desk, front desk or near the concession stands
 - b. **Monitoring of complaints.** The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

This log shall be made available to law enforcement personnel and by the Decision Maker upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department. Complaints shall be responded to within twenty four hours. The applicant shall provide photographs of the sign postings and a copy of the log to the CCU for inclusion in the Case File.

- c. **Community Liaison.** The property owner/operator shall designate a community liaison. The liaison shall meet with representatives or the neighborhood and/or neighborhood association, at their request, to resolve neighborhood compliance regarding the subject property.
21. **Advise.** The applicant is advised that the subject permit is a land use permit, not a license for sale of alcohol. The conditions and requirements of this permit apply to the subject facility. The conditions shall be complied with in addition to any conditions or requirements imposed by the Department of Alcoholic Beverage Control, the Los Angeles Police Department, or any other licensing or permit agency. Noncompliance with the subject conditions could result in revocation of the subject use permit. Any change of conditions or change in the mode or character of the authorized use requires approval of the decision maker
22. These conditions of approval as well as a copy of any applicable Business permit, ABC Liquor License, insurance information, and Security Company emergency contact phone numbers used by the operator shall be retained on the property at all times, and shall be produced immediately upon the request of the Police Department, ABC Investigative staff or Department of City Planning staff.
23. **Entertainment.** Coin operated game machines, video games, pool tables or similar entertainment or game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
24. Prior to the beginning of operations, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject: "APCNV-2016-610-ZC-CUB-CU". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
25. **Prior to the utilization of this grant,** a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The plan will be maintained by the Department of City Planning and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
26. **Prior to the utilization of this grant,** an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages 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.

27. Prior to the effectuation of this grant, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the City Planning Department Condition Compliance Unit. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a beer and wine on-site for off-site consumption, in conjunction with an existing gas station and minimart, and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

28. **Within the first six months of the beginning of operations**, at this establishment, 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. APCNV-2016-610-ZC-CUB-CU from the Police Department to the Condition Compliance Unit as evidence of compliance. In the event there is a 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.
29. **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) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 12 to 18 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.

C. Conditional Use – Automatic Carwash in the C Zone (LAMC Section 12.24.W.4)

30. **Carwash.** The carwash shall be a self-serving automatic carwash. No full-service carwash is approved herein.
31. **Floor Area.** The automatic carwash shall not exceed 1,100 square feet of floor area.

Condition No. 32 as Modified by the North Valley Area Planning Commission on April 20, 2017.

32. **Hours.** The operation of the automated carwash shall be 24 hours a day, seven (7) day a week.

33. **Urban Design.** Per the Citywide Commercial Design Guidelines, gas stations, car washes and drive-thru establishments shall have consistent architectural detail and design elements with other nearby structures to provide a cohesive project site.
- a. The south façade of the proposed carwash shall be treated with architectural treatments, as feasible, as follows:
 - i. Stone shale country ledgerstone (CSV-20044) along the base of the building, except where said material would be concealed by a required retaining wall or where the carwash is constructed directly adjacent to the structure or bamboo to the south. When not feasible, the wall shall incorporate changes in materials, texture and/or landscaping to avoid solid, uninterrupted walls.
 - ii. Café au Lait painted exterior walls.
 - b. **Security.** Any roll-up doors or security grills and bars shall be recessed completely into pockets at the side or top of the entrance/exit so as to conceal the grills when they are retracted.
34. **Vehicle Vacuum Units.** A maximum of two (2) vacuum units on the west side of the minimart are permitted. Prior to Planning clearance, a revised site plan shall be submitted showing that the proposed vacuum units have been relocated further south, as close to the northwestern wall of the automatic carwash as possible, while maintaining vehicle access on either side of the vacuum units (i.e. parking on either side of the units).
35. **Carwash Communication.** A voice operated system shall be included in the mechanical equipment at the entrance to the automated carwash to facilitate verbal contact with customers of the carwash and employees on-site in the minimart building.
36. **LAMC Design, Development and Operating Standards.**
- a. The development and operation of the automotive uses shall comply with all applicable provisions of the Los Angeles Municipal Code Section 12.14-A,6 (Automotive fueling and service station, C2 Zone), except as herein modified.
 - b. The development and operating standards of all the uses on-site shall comply with LAMC Section 12.22.A.28, as applicable, except as modified herein.
37. **Noise Thresholds.** The project shall be designed to assure maximum noise suppression of operational sounds generated by the carwash, vacuums and other car cleaning-related machinery associated with the project.
- a. Any automotive laundry or wash rack, in which power driven or steam cleaning machinery is used, shall maintain noise levels below the levels provided in Table II of Section 111.03 of the Municipal Code, as follows:

SOUND LEVEL "A" DECIBELS		
	Presumed Ambient Noise Level (dB(A))	
Zone	Day	Night
P, PB, CR, C1, C1.5, C2, C4, C5, and CM	60	55

(In this chart, daytime levels are to be used from 7 a.m. to 10 p.m. and nighttime levels from 10 p.m. to 7 a.m.)

At the boundary line between two zones, the presumed ambient noise level of the quieter zone shall be used.

- b. The comparison between the noise emanating from the automotive laundry or wash rack and from Table II shall be made in the manner set forth in Section 111.02(a) of the Municipal Code.
38. **Violation of Conditions.** At any time during the period of validity of this grant, should documented evidence be submitted showing a 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 decision maker reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the decision maker may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

D. Administrative Conditions:

- 39. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
- 40. **Code Compliance.** The area, height and use regulations of the (T)(Q)C2-1L zone classification of the subject property shall be complied with, except where conditions herein are more restrictive.
- 41. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 42. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

43. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
44. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and Department of Building and Safety.
45. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority, including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
46. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.
 - a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during Project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of Project implementation as follows:
 - i. Pre-construction (prior to issuance of a building permit);
 - ii. Construction (prior to certificate of occupancy); and
 - iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of Project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.
 - b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.

- c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
- d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

47. 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, in whole or in part, relating to or arising out of 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 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.