

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
APCNV-2016-610-ZC-CUB-CU	ENV-2016-611-MND	12 - Englander
PROJECT ADDRESS:		
19270 West Nordhoff Street		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Northridge Oil, Inc., Parviz David Natanzi <input type="checkbox"/> New/Changed	(818) 414-9901	
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Ben Steckler, Fielder Group		
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jennifer Driver	(818) 374-9916	Jennifer.driver@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Zone Change (ZC)		

FINAL ENTITLEMENTS NOT ADVANCING:

Conditional Use Permits (CUB, CU)

ITEMS APPEALED:

N/A

ATTACHMENTS:

REVISED:

ENVIRONMENTAL CLEARANCE:

REVISED:

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other _____

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other _____

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NOTES / INSTRUCTION(S):

FISCAL IMPACT STATEMENT:

- Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- | | |
|---|---|
| <input type="checkbox"/> City Planning Commission (CPC) | <input checked="" type="checkbox"/> North Valley Area Planning Commission |
| <input type="checkbox"/> Cultural Heritage Commission (CHC) | <input type="checkbox"/> South LA Area Planning Commission |
| <input type="checkbox"/> Central Area Planning Commission | <input type="checkbox"/> South Valley Area Planning Commission |
| <input type="checkbox"/> East LA Area Planning Commission | <input type="checkbox"/> West LA Area Planning Commission |
| <input type="checkbox"/> Harbor Area Planning Commission | |

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
April 20, 2017	4 - 0
LAST DAY TO APPEAL:	APPEALED:
June 5, 2017	No
TRANSMITTED BY:	TRANSMITTAL DATE:
Rocky Wiles	June 16, 2017



NORTH VALLEY AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAY 16 2017

Case No.: APCNV-2016-610-ZC-CUB-CU
CEQA: ENV-2016-611-MND
Plan Area: Northridge

Council District: 12 - Englander

Project Site: 19270 West Nordhoff Street

Applicant: Northridge Oil, Inc., Parviz David Natanzi
Representative: Ben Steckler, Fielder Group

At its meeting of **April 20, 2017**, the North Valley Area Planning Commission took the actions below in conjunction with the approval of the following project:

The addition of a 1,020 square-foot, automated carwash to an existing 12-pump automobile fueling station and 2,883 square-foot minimart with the continued sale of alcoholic beverages (beer and wine) for off-site consumption, all operating 24-hours a day, seven (7) days a week.

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-611-MND, as circulated on August 4, 2016, ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **Found**, the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **Found**, the mitigation measures have been made enforceable conditions on the project; and **Adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Disapproved** the requested Zone Change as filed for a Zone Change from (Q)C2-1L to C2-1L;
3. **Approved** and **Recommended** that the City Council adopt a Zone Change, pursuant to Los Angeles Municipal Code (LAMC) Section 12.32, from (Q)C2-1L to (T)(Q)C2-1L;
4. **Approved** a Conditional Use Permit, pursuant to LAMC 12.24-W,1, authorizing the sale of beer and wine for off-site consumption in conjunction with the operation of an existing automobile fueling station and minimart that operates 24-hours a day, seven days a week;
5. **Dismissed** the requested Conditional Use Permit to operate automotive uses (automated carwash and automobile fueling station) and a minimart 24-hours a day, seven (7) days a week, as the subject site does not have a property line which adjoins, is separated only by an alley, or is located across the street from any portion of a lot zoned A or R, as required by LAMC Section 12.24-W, 27;
6. **Approved** a Conditional Use Permit to permit pursuant to LAMC Section 12.24-W,4, for an automotive use (automated carwash) to operate between the hours of 5:00 a.m. and 11:00 p.m., and to permit the mini-mart and gas station to operate 24-hours a day, seven (7) days a week;

- 7. **Adopted** the attached Conditions of Approval as modified by the Commission; and
- 8. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved	Garcia
Seconded	Reyes
Ayes	Harootonian, Nam
Absent	Sampson

Vote: 4 – 0



Renee Glasco, Commission Executive Assistant I
North Valley Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The North Valley Area Planning Commission’s decision is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department’s Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys, or 1828 Sawtelle Boulevard, Second Floor, West Los Angeles.

FINAL APPEAL DATE: **JUN 05 2017**

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.

Attachments: Conditions for Effectuating (T) Tentative Classification Removal, Qualified Conditions of Approval (Q), Modified Conditional Use Conditions of Approval, and Zone Change Findings

c: Jennifer Driver, City Planning Associate

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

1) Dedication Required:

- a. Tampa Avenue (Boulevard II) – Accept the existing two-foot future street and dedicate an additional three-foot wide strip of land along the property frontage to complete a 55-foot wide half right-of-way in accordance with Boulevard II standards of Mobility Plan 2035, together with a 20-foot radius property line return at the intersection with Nordhoff Street.
- b. Nordhoff Street (Boulevard II) – Accept the existing two-foot future street and dedicate an additional three-foot wide strip of land along the property frontage to complete a 55-foot wide half right-of-way in accordance with Boulevard II standards of Mobility Plan 2035.

2) Improvements Required:

- a. Tampa Avenue – Construct additional concrete sidewalk in the newly dedicated area to complete a 15-foot full width concrete sidewalk in accordance with Boulevard II standards of Mobility Plan 2035. Repair all broken, off-grade or bad order concrete curb, gutter, and sidewalk. Close all unused driveways with full height curb, two-foot gutter, and sidewalk. Upgrade all driveways to comply with ADA requirements. Reconstruct the access ramp at the corner with Nordhoff Street to City standards to comply with ADA requirements. Repair or replace other existing public improvements that may get damaged during construction of the proposed project. These improvements should suitably transition to join the existing improvements.
- b. Nordhoff Street – Construct additional concrete sidewalk in the newly dedicated area to complete a 15-foot full width concrete sidewalk in accordance with Boulevard II standards of Mobility Plan 2035. Repair all broken, off-grade or bad order concrete curb, gutter, and sidewalk. Close all unused driveways with full height curb, two-foot gutter, and sidewalk. Upgrade all driveways to comply with ADA requirements. Repair or replace other existing public improvements that may get damaged during construction of the proposed project. These improvements should suitably transition to join the existing improvements.
- c. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. Some tree removal in conjunction with the street improvement project may require Board of Public Works approval. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.
- d. Trees: Board of Public Works approval shall be obtained prior to the issuance of the Certificate of Occupancy of the development project, for the removal of any tree in the existing or proposed public right-of-way area associated with the improvement

- requirements outlined herein. The Bureau of Street Services Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for the removal of such trees.
- e. Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.
 - f. Refer to the Department of Water and Power regarding power poles (213) 367-2715.
 - g. Department of Transportation may have additional requirements offsite for dedication and improvements.
 - h. No major drainage problems are involved. Roof drainage and surface run-off from the project shall be collected and treated at the site and directed to the streets via drain systems constructed under the sidewalk and through the curb drains or connections to the catch basins.
- 3) Sewers exist in Tampa Avenue and in Nordhoff Street. Extension of the six-inch house connection laterals to the new property line may be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
 - 4) An investigation by the Bureau of Engineering Valley District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Valley District Office of the Bureau of Engineering (818) 374-5088.
 - 5) Submit a parking area and driveway plan to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.
 - 6) **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 by the property owner in the County Recorder's office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Los Angeles Municipal Code (LAMC), the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

A. Development Conditions:

1. **Use.** The use of the subject property shall be limited to those uses permitted in the C2 Zone, as defined in Section 12.14 of the LAMC, and as otherwise permitted by LAMC Section 12.24.
2. **Automotive Repair.** No automotive repair use, as defined in Section 12.03 of the Municipal Code, shall be permitted.
3. **Floor Area.** The existing fueling station with 12 pumps and an ancillary minimart shall not be expanded and shall not exceed approximately 2,900 square feet of floor area. The new automated carwash shall not exceed approximately 1,100 square feet of floor area, for a total of approximately 4,000 square feet on-site, as shown on the project plans dated **December 18, 2015**, and labeled "**Exhibit B**", attached to the subject case file.
4. **Height.** No building or structure shall exceed 21 feet in height, as defined by Section 12.21.1 of the LAMC, and as shown on the project plans dated **December 18, 2015**, and labeled "**Exhibit B**", attached to the subject case file. Any structures on the roof, such as air conditioning units, and other equipment, may exceed the height limit.
5. **Plot/Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development plans, including site, elevations, and complete landscape and irrigation plans prepared by a licensed landscape architect or architect, shall be submitted for review by the Department of City Planning for verification of compliance with the imposed conditions. The plans submitted to Building and Safety shall be in substantial conformance with the plans dated **December 18, 2015**, and labeled "**Exhibit B**", attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
6. **Vehicular Access.** Vehicular ingress and egress from the subject property shall be prohibited from the east and south property lines, except for an emergency access as may be required by the Fire Department. No change to the existing four (4) driveways is proposed or approved (two (2) on Tampa Avenue and two (2) on Nordhoff Street).
7. **Automobile Parking.** Provide parking as required by LAMC 12.21.A.4 at a rate of one (1) parking space per 500 square feet of floor area. No parking variance has been requested or granted herein.
8. **Bike Parking.** The site plan shall be revised to include bicycle parking, as required by the Municipal Code. Bicycle parking shall be located in a safe and accessible location and not at the rear of any building. Design and location of bicycle parking shall be reviewed and approved by the Department of City Planning.
9. **Tree Replacement.** There shall be at least one (1) new tree planted for every non-protected tree removed. Prior to Planning Clearance, both a site and/or landscape plan,

and tree report shall be submitted showing the same number of trees to be removed as the site plan **Exhibit B dated December 18, 2015** showed three (3) non-protected trees to be removed and the tree report dated June 16, 2016 only documented two (2) trees to be removed.

10. **Landscaping (Perimeter Screening).** Prior to Planning Clearance, a landscape plan, including an automatic irrigation system prepared by a licensed landscape architect or licensed architect, shall be submitted showing the following:

- a. Bushes, hedges or trees in the south landscaped buffer to create a noise and visual buffer for the automatic carwash, to screen the view of automobiles from the adjacent site and to replace those removed to reconstruct and relocate the existing curb and berm.
- b. Along the east property line in the existing landscaped area, the existing shrubbery and tree plantings shall remain and additional planting of shrubs and trees mainly on the southern portion along the east property line to screen and differentiate the subject property from the adjoining commercial property to the east.
- c. Low-level bushes in the northern landscaped area between the fueling area and the bus shelter in order to screen the gas fueling area, but to retain the security camera's view for safety purposes. These additional shrubs will serve to limit the amount of debris or shopping carts on the subject property.
- d. New plants shall be drought tolerant, native landscaping to limit irrigation needs and to conserve water. Mediterranean and local, climate-friendly plants may be used alongside native species.
- e. An irrigation plan shall be submitted showing that automated watering systems and drip irrigation and used to irrigate landscaped areas.

11. **Landscaping (Surface Parking).** A minimum of one 24-inch box tree (minimum trunk diameter of two (2) inches and a height of eight (8) feet at the time of planting) shall be planted for every four (4) required surface parking spaces (note, per LAMC Section 12.21.A.4, eight (8) vehicle spaces for the approximately 4,000 square feet of floor area are required, thus only two (2) trees are required, but more can be planted). The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum six-inch high curb, and landscape. Automatic irrigation plan shall be approved by the City Planning Department.

12. **Urban Design.**

- a. **Drive-thru.** Drive-thru element of the automated carwash shall be located directly to the south of the existing minimart and away from primary site corners and adjacent primary streets. The entrance to the automatic carwash shall be from the east going west towards Tampa Avenue.
- b. **Roof.** White or reflective painting shall be used on new rooftops and light paving materials should be installed to reflect heat away from buildings and reduce the need for mechanical cooling.
- c. Use exterior surface materials that will reduce the incidence and appearance of graffiti.

- d. Any new property perimeter masonry walls should incorporate changes in materials, texture and/or landscaping to avoid solid, uninterrupted walls. Material such as chain link, wrought iron spears and cyclone are prohibited.
13. **Trash/Recycling Area.** Details shall be provided for the trash and recycling area, as shown on the submitted Site Plan, Exhibit B dated **December 18, 2015**, including the method of enclosure, and design and material of enclosure, at the time of final plan sign off. The trash and recycling areas shall be secured with an enclosure that matches the design of the minimart and is at least six (6) feet in height that fully screens the view of the trash and recycling area.
 14. **Block Wall.** Prior to issuance of a Certificate of Occupancy, a minimum six-foot-high, slump stone or decorative masonry wall shall be constructed along the south property line to the east and west of the new automated carwash, if no such wall already exists, as permitted by LAMC.
 15. **Roof-Top Equipment.** Any new structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties.
 16. **Security.** Prior to the utilization of this grant, a camera surveillance system shall be maintained, which covers all common areas, including entrances, exits and vacuum areas of the car wash. Tapes shall be maintained for 30 day and shall be made available to the Police Department or other enforcement agency upon request.
 17. **Attendant.** An on-site attendant shall be on the premises during all hours of operation of the automated carwash. The attendant shall be responsible for serving customers, ensuring that all car wash equipment is shut off upon closing of the facility and that the site is secured.
 18. **Lighting.**
 - a. All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
 - b. Areas where retail and automotive uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All other open exterior areas, such as walkways and trash areas, shall have low-level, security-type lighting.
 - c. All flood lighting shall be designed to eliminate glare to adjoining properties. All parking areas shall have a minimum of 3/4 foot-candle of flood lighting measured at the pavement.
 - d. There shall be at least two (2) new downward facing light fixtures along the south property line on either side of the automated carwash to replace the two (2) light fixtures proposed to be removed.
 19. **Signs.** All signs shall comply with LAMC Section 14.4, shall be of an identifying nature only and shall be arranged and located so as not to be a distraction to vehicular traffic or adjacent developed areas.

- a. Signs may include gasoline price information as required by LAMC and State regulations;
- b. Flashing and animated signs are prohibited;
- c. Any free-standing sign (i.e. pole or monument sign) shall comply with LAMC and state law; and,
- d. Windows shall not be cluttered with advertisements. No opaque windows shall be permitted in order to create a connection between the interior and the exterior. Prior to Planning clearance, revised plans shall be submitted showing the location and size of all proposed window signs in compliance with LAMC.

20. Project Construction (General).

- a. Project construction shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.

21. Construction (Time Restrictions). Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday. No construction or demolition activities shall be permitted on Sundays or national holidays.

22. The authorized uses shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Decision Maker to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

23. LAMC. 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.

24. Graffiti. 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.

25. Fire Department. Prior to any sign-off of plans by the Development Services Center, the applicant shall submit for review and approval, a plot plan to the Fire Department. Said approval shall be provided in the form of a stamp on the plans submitted to the Development Services Center for sign-off.

26. Site Maintenance. The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of litter, including any landscaped areas and parking area used specifically by patrons.

B. Environmental Conditions (ENV-2016-611-MND):**27. Objectionable Odors (Commercial Trash Receptacles)**

- a. Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
- b. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.

28. Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas)

- a. The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
- b. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- c. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
- d. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- e. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
- f. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- g. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

29. Tree Removal (Non-Protected Trees)

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.

30. Human Health Hazard (Vector Control)

- a. The property shall be maintained in a neat, attractive, and safe condition at all times.
- b. On-site activities shall be conducted so as not to create noise, dust, odor, or other nuisances to surrounding properties.
- c. Trash and garbage bins shall be maintained with a lid in working condition; such lid shall be kept closed at all times.
- d. Trash and garbage collection bins shall be maintained in good condition and repair such that there are no holes or points of entry through which a rodent could enter.
- e. Trash and garbage collection containers shall be emptied a minimum of once per week.
- f. Trash and garbage bin collection areas shall be maintained free from trash, litter, garbage, and debris.

31. Creation of a Health Hazard

- a. Prior to the issuance of a use of land or building permit, or issuance of a change of occupancy, the applicant shall obtain approval from the Fire Department and the Department of Public Works, for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s).
- b. Approved plans for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s) shall be submitted to the decision-maker for retention in the case file.

32. Hazardous Substances

- a. Prior to the issuance of a use of land or building permit, or a change in the existing occupancy/use permit, the applicant shall provide a letter from the Fire Department stating that it has permitted the facility's use, storage, and creation of hazardous substances.

33. Increased Noise Levels (Operational Noise from Machine and/or Other Electronic Devices)

- a. The proposed facility shall be designed with noise-attenuating features (physical as well as operational) by a licensed acoustical engineer to assure that operational sounds shall be inaudible beyond the property line.

34. Public Services (Fire)

- a. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

35. Safety Hazards

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycle, and vehicle safety.
- b. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

C. Administrative Conditions:

36. **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.
37. **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.
38. **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.
39. **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.
40. **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.
41. **Building Plans.** 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.

42. **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.
43. **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.

44. 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.

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.

ZONE CHANGE FINDINGS

A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Northridge Community Plan, last updated and adopted by the City Council on February 24, 1998. The Community Plan designates the subject lot as Community Commercial, which corresponds to the CR, C2, C4 and RAS3 zones and Height District No.1L. The property is not located within a Specific Plan area or special overlay district. The proposed zone change to (T)(Q)C2-1L is consistent with the land use designation on the plan map, and is therefore in substantial conformance with the purposes, intent, and provisions of the General Plan, as reflected in the adopted Community Plan.

2. **General Plan Text.**

a. **Northridge Community Plan.** The proposed project within the recommended zone change to (T)(Q)C2-1L conforms to the following goals, objectives, policies and Urban Design Guidelines of the Northridge Community Plan:

GOAL 2: A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE UNIQUE CHARACTER OF THE COMMUNITY.

Objective 2-3: To enhance the appearance of commercial districts.

Policy 2-3.1: Improve the landscaping of commercial properties.

Program: Implementation of the Design Policies established in the Urban Design Chapter.

Policy 2-3.2: Landscaped corridors should be created and enhanced through the planting of street trees.

Program: The Urban Design standards include a section which establishes guidelines for community design and landscaping. These guidelines are intended to serve as a reference to other City Departments and public agencies and any private entities who participate in projects which involve improvements to public spaces and rights-of-ways, including streetscape and landscaping.

Policy 2-3.3: Any proposed development should be designed to enhance and be compatible with adjacent development.

Program: Implement conformance with applicable design standards identified in the Design Guidelines of the Plan.

Policy 2-3.4: Preserve community character, scale and architectural diversity.

Program: Design standards for commercial areas are included in the Design Guidelines of the Plan implement this policy.

Policy 2-3.5: Improve safety and aesthetics of parking areas in commercial areas.

Program: Design standards for parking areas are established in the Design Guidelines implement this policy.

Policy 2-3.6: Improve the visual appearance of commercial districts through better control of signage, including billboard proliferation. Large bill-boards are not in keeping with the desired appearance of Reseda Boulevard and all commercial districts and are strongly discouraged.

Program: Increased enforcement of the Citywide sign ordinance.

Program: Implement conformance with applicable design standards identified in the Design Guidelines of the Plan.

GOAL 8: A COMMUNITY WITH ADEQUATE POLICE FACILITIES AND SERVICES TO PROTECT THE COMMUNITY'S RESIDENTS FROM CRIMINAL ACTIVITY, REDUCE THE INCIDENCE OF CRIME AND PROVIDE OTHER NECESSARY LAW ENFORCEMENT SERVICES.

Objective 8-2: To increase the community's and the Police Department's ability to minimize crime and provide security for all residents, buildings, sites, and open spaces.

Policy 8-2.1: Support and encourage community-based crime prevention efforts (such as Neighborhood Watch), through regular interaction and coordination with existing community-based policing, foot and bicycle patrols, watch programs, and regular communication with neighborhood and civic organizations.

Program: Community-oriented law enforcement programs administered by the Los Angeles Police Department.

Policy 8-2.2: Insure that landscaping around buildings be placed so as not to impede visibility.

Policy 8-2.3: Insure adequate lighting around residential, commercial, and industrial buildings in order to improve security.

Program: Discretionary land use reviews and approvals by the Department of City Planning in consultation with the Los Angeles Police Department.

Northridge Community Plan: Design Policies for Individual Projects

Commercial

Site Planning

Structures should be oriented toward the main commercial street where a parcel is located and shall avoid pedestrian/ vehicular conflicts by:

16. Locating surface parking in the rear of structures.
17. Minimizing the number of driveways providing access from major or secondary highways.
18. Maximizing retail and commercial service uses along street level frontages of commercial developments.
19. Providing front pedestrian entrances for businesses fronting on main commercial streets.
20. Providing through-arcades from the front of buildings to rear parking for projects within wide frontages.
21. Providing landscaping strips between driveways and walkways which access the rear of properties.
22. Providing speed bumps for driveways paralleling walkways for more than 50 linear feet.
23. Requiring site plans which include ancillary structures, service areas, pedestrian walkways, vehicular paths, loading areas, drop off and landscaped areas.
24. Providing, where feasible, the undergrounding of new utility service.

Height and Building Design

The mass, proportion and scale of all new buildings and remodels should be at a pedestrian scale. The design of all proposed projects should be articulated to provide variation and visual interest, and enhance the streetscape by providing continuity and avoiding opportunities for graffiti.

Building materials should be employed to provide relief to untreated portions of exterior building facades. The purpose of these provisions is to ensure that a project does not result in large sterile expanses of building walls, is designed in harmony with the surrounding neighborhood, and creates a stable environment with a pleasant and desirable character. Accordingly, the following policies are proposed:

3. No structures should exceed 30 feet in height within 15 feet and 30 feet of front and rear property lines, respectively.
4. Requiring the use of articulations, recesses, surface perforations, or porticoes to break up long, flat building facades and free standing walls.
5. Providing accenting, complementary building materials to building facades.

6. Maximizing the applications of architectural features or articulations to building facades.
6. Designating architecturally untreated facades for tasteful signage.
7. Screening of mechanical and electrical equipment from public view.
8. Screening of all roof top equipment and non-architectural building appurtenances from public view.
9. Requiring the enclosure of trash areas for all projects

Industrial

Structures

1. Requiring the use of articulations, recesses, surface perforations and/or porticoes to break up long, flat building facades.
2. Utilizing complementary building materials on building facades.
3. Incorporating varying design to provide definition for each floor.
4. Integrating building fixtures, awnings, or security gates, into the design of building(s).
5. Screening of all rooftop equipment and building appurtenances from adjacent properties.
6. Requiring decorative, masonry walls to enclose trash areas.

Lighting

Directing exterior lighting onto the project site and locating flood lighting so as not to impact any surrounding residential uses.

As conditioned herein, the proposed project will meet the above objectives and policies to meet the plan area's needs, matching the use that was envisioned for this area by the Community Plan's Community Commercial land use designation. The site is located adjacent to other C2 and C4 zoned commercial developments along Nordhoff Street and Tampa Avenue, and the proposed modified (T)(Q)C2 zone and development of an automated car wash on an existing gas station and minimart site would be compatible with the existing neighborhood land use and character.

- b. **City Wide Commercial Design Guidelines.** In addition to the Design Guidelines within the Northridge Community Plan, in 2013, the City Planning Commission adopted City Wide Urban Design Guidelines (UDG) for Commercial Development. The UDG were developed to address Program 24 of the Implementation chapter of the General Plan Framework Element and Chapter 5 of the Framework Element promotes, through many goals, policies and objectives that good neighborhood design is key to creating a livable city. As the Project includes an addition of the carwash to the site, the Project shall demonstrate compliance with the City Wide Commercial UDGs. The following design guidelines from the UDG Commercial Section are pertinent to the subject project:

Objective 1: Consider Neighborhood Context and Linkages in Building and Site DesignSite Planning

8. Place drive-thru elements away from primary site corners and adjacent primary streets.
9. At gas stations, car washes, and drive-thru establishments, ensure that separate structures on the site have consistent architectural detail and design elements to provide a cohesive project site.

Entrances

6. Ensure that commercial ground floor uses provide clear and unobstructed windows, free of reflective coatings and exterior mounted gates and security grills. Ensure that landscaping does not create a barrier between pedestrians and the building frontage, nor views into buildings at the ground floor.
7. Install electronic security to avoid the need for unsightly security grills and bars. If such security measures are necessary, ensure that security grills and bars recess completely into pockets at the side or top of storefronts so as to conceal the grills when they are retracted.

Objective 2: Employ High-Quality Architecture to Define the Character of Commercial DistrictsBuilding Façade and Form

1. Vary and articulate the building façade to add scale and avoid large monotonous walls
4. Incorporate and alternate different textures, colors, materials and distinctive architectural treatments that add visual interest while avoiding dull and repetitive facades.
6. Treat all facades of the building with an equal level of detail, articulation and architectural rigor.
8. Reinforce existing facade rhythm along the street where it exists by using architectural elements such as trim, material changes, paved walkways, and other design treatments consistent with surrounding buildings.

Building Materials

1. Approach character-defining details in a manner that is true to a style of architecture or common theme.
2. Apply trim, metal- and woodwork, lighting, and other details in a harmonious manner, consistent with the proportions and scale of the building(s).

3. Select building materials, such as architectural details and finishes that convey a sense of permanence. Quality materials should be used to withstand the test of time regardless of architectural style.
4. Apply changes in material purposefully and in a manner corresponding to variations in building mass.
5. Use white or reflective paint on rooftops and light paving materials to reflect heat away from buildings and reduce the need for mechanical cooling.
6. Use exterior surface materials that will reduce the incidence and appearance of graffiti.
7. Fences should incorporate changes in materials, texture, and/or landscaping to avoid solid, uninterrupted walls. Avoid materials such as chain link, wrought iron spears, and cyclone.
8. Utilize landscaping to add texture and visual interest at the street level. Where limited space is available between the building and the public right-of-way, incorporate climbing vegetation as a screening method.

Storefront Character

2. Design storefronts with a focus on window design to create a visual connection between the interior and exterior.
3. Incorporate traditional storefront elements in new and contemporary commercial buildings by including a solid base for storefront windows. Use high quality durable materials such as smooth stucco or concrete, ceramic tile, or stone for the window base.

Objective 3: Augment the Streetscape Environment with Pedestrian Amenities

Sidewalks

3. Plant parkways separating the curb from the sidewalk with ground cover, low-growing vegetation or permeable materials that accommodate both pedestrian movement and car doors. Brick work, pavers, gravel, and wood chips are examples of suitable permeable materials.
4. Create a buffer zone between pedestrians, moving vehicles, and other transit modes by the use of landscaping and street furniture. Examples include street trees, benches, newspaper racks, pedestrian information kiosks, bicycle racks, bus shelters, and pedestrian lighting.
7. Ensure that new developments adjacent to transit stops invest in pedestrian amenities such as trash receptacles and sheltered benches or seating areas for pedestrians that do not intrude into the accessible route.
8. Provide path lighting on sidewalks to encourage and extend safe pedestrian activities into the evening.

Objective 4: Minimize the Appearance of Driveways and Parking AreasOff-Street Parking and Driveways

4. Where the parking lot abuts a public sidewalk, provide a visual screen or landscaped buffer between the sidewalk and the parking lot.
8. Mitigate the impact of parking visible to the street with the use of planting and landscaped walls tall enough to screen headlights.
9. Illuminate all parking areas and pedestrian walkways to improve safety. Avoid unintended spillover impacts onto adjacent properties.
10. Use architectural features, such as decorative gates and fences, in combination with landscaping to provide continuity at the street where openings occur due to driveways or other breaks in the sidewalk or building wall.

Objective 5: Include Open Space to Create Opportunities for Public GatheringOn-Site Landscaping

1. Retain mature and healthy vegetation and trees when developing a site, especially native species.
2. Design landscaping to be architecturally integrated with the building and suitable to the functions of the space while selecting plant materials that complement the architectural style, uses, and form of the building.
3. Design open areas to maintain a balance of landscaping and paved area.
4. Select drought tolerant, native landscaping to limit irrigation needs and conserve water. Mediterranean and local, climate-friendly plants may be used alongside native species.
5. Facilitate sustainable water use by using automated watering systems and drip irrigation to irrigate landscaped areas.
6. Facilitate stormwater capture, retention, and infiltration, and prevent runoff by using permeable or porous paving materials in lieu of concrete or asphalt. Collect, store, and reuse stormwater for landscape irrigation.

The project, as conditioned herein, complies with the Citywide Commercial Design Guidelines. These guidelines are intended to establish height and massing transitions; consider the pedestrian as the cornerstone of design over automobile centric design; establish landscaping and open space as essential design concepts from the outset of a project; and highlight the role that quality building design can play in creating visually interesting and attractive commercial architecture by contributing to existing neighborhood character and creating. The proposed building design alternates different textures, colors, materials, and offers distinctive architectural treatments to add visual interest while avoiding dull and repetitive facades; adds architectural details to enhance scale and interest on the building façade by breaking it up into distinct plains that are offset from the main building façade; and provides landscaping to provide for a safe and attractive space for patrons and employees and surrounding properties.

The site is not located within any other CDO, specific plan or special land use districts.

Therefore, as conditioned, the recommended development meets the objectives of the Northridge Community Plan, the City Wide Commercial Urban Design Guidelines, is permitted in the C2-1L zone and is consistent with the general plan land use designation.

B. Entitlement Findings

Zone Change, Section 12.32-F of the LAMC:

1. **The recommended zone change is consistent with the General Plan and in conformance with the public necessity, convenience, general welfare or good zoning practice in that:**

The project involves the addition of an automated carwash to an existing site with an automotive fueling station and minimart. The site is currently zoned (Q)C2-1L with Q conditions that prohibit minimarts and carwashes. The purpose of the "Q" condition, similar to the use of "footprint zoning" (e.g., using only the C2 zone under the footprint of structures and P zone for the surrounding parking lot), was to create a physical constraint on the commercial development. However, this planning tool may no longer be needed as the standard practice to protect other uses in the area. As the minimart has been in operation for at least six (6) years with a Zone Variance and Conditional Use, it is apparent that the original Q conditions are outdated for the new needs of the surrounding community and needs to be addressed and new Q conditions should be applied in order to allow the property to be used as other C2 properties can be used. The proposed (T)(Q)C2-1L zone, with new Q conditions permitting minimarts and carwashes, is consistent with the General Plan Community Commercial land use designation, which allows for corresponding zones of CR, C2, C4 and RAS3.

The project is located at the intersection of two (2) major streets, Tampa Avenue and Nordhoff Street. The project will have adequate access to existing City services and infrastructure. There is a necessity for an automated carwash at the site to create a one-stop destination for automotive fuel, retail goods and carwashes. Properties in the immediate neighborhood primarily consist of mainly commercial developments and a gas station with minimart to the northwest across the street. The closest residential use is approximately 140 feet to the northeast in the R3 zone. The addition of the automated carwash to the existing gas station and minimart will be compatible with the surrounding area as conditioned herein. The location of the carwash on the site as shown in **Exhibit B dated December 18, 2015** is also ideal so as to be set apart from the main roadway and can be conditioned to minimize noise on the adjacent outdoor restaurant use. The Zone Change would permit the addition of a carwash that would be compatible with the use and size of existing adjacent developments. Therefore, the zone change is provided as part of public necessity and convenience and in the general welfare of the neighborhood. Furthermore, such a zone change will be in good zoning practice by providing a harmonious zoning and land use activity for the vicinity.

The action, as recommended has been made contingent upon compliance with the "(Q)" and "(T)" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure developments and improvements more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

Conditional Use – Alcohol Sales (Section 12.24.W.1)

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

The project proponent is proposing to maintain the existing gas station facility and minimart, add an approximately 1,100 square-foot automated carwash and to retain the sale of beer and wine, all on a 24 hour a day, seven day a week basis. The proposed project requires a Conditional Use Permit to authorize the sale and dispensing of beer and wine for off-site consumption, and a Conditional Use approval for auto related uses and to operate a carwash, minimart and gas station beyond the hours restricted by LAMC Section 12.22.A.28.b.5. (See Auto Use Conditional Use conditions)

On May 2, 2008, the Office of Zoning Administration approved a Conditional Use to permit the off-site sale of beer and wine in an approximately 2,800 square-foot minimart in conjunction with an existing gas station, with specified deviations from the requirements of Section 12.22-A,23(a) to allow operating hours 24 hours daily, seven (7) days a week, and to provide less than 50% transparent windows on sides that front adjacent streets and a Variance from Condition No. 7 of Ordinance No. 163,949 to permit retail sale. (*Refer to Finding No. 1, Case No. ZA 2007-2835(CUB)(CU)(ZV)*)

The property is zoned for commercial use and will be utilized as such with the proposed sale and dispensing of beer and wine for off-site sales. The full service gas station and minimart have been operating for many years without adverse impacts to the community. The retention of off-site beer and wine sales to the existing minimart will continue to benefit the economic welfare of the community and will increase the convenience to patrons of the commercial area. No evidence was submitted for the record demonstrating that the sale of beer and wine sales will adversely affect the welfare of the Northridge community.

3. 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, there are four (4) on-site and two (2) off-site licenses authorized to the subject site's Census Tract (No. 1153.01), which has a population of 4,156. There are currently three (3) on-site and one (1) off-site ABC licenses being used in the census tract.

Within a 600-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

- 2- Type 20 Off-Site Sale Beer and Wine
- 1- Type 21 Off-Site Sale General
- 0- Type 40 On-Site Sale Beer
- 3- Type 41 On-Site Sale Beer and Wine - Eating Place
- 0- Type 42 On-Site Sale Beer and Wine - Public Premises

- 1- Type 47 On-Site Sale General - Eating Place
- 0- Type 48 On-Site Sale General - Public Premises

Within a 1,000-foot radius of the subject property, there are seven (7) additional on-site sale of a full line of alcohol (Type 47). The proliferation of on-site sale of alcohol is primarily due to the proximity of the Northridge Fashion Center and the Walnut Grove Shopping Center.

According to the statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 1783, which has jurisdiction over the subject property, a total of 75 offenses were reported in 2015, compared to the citywide average of 181 offenses and the high crime reporting district average of 217 offenses for the same period. Crime arrests by LAPD include: 3 Narcotics, 0 Liquor Laws, 0 Public Drunkenness, 0 Disorderly Conduct, 3 DWI Related, and 16 other. The proposed use would not be a unique addition to the community, as there is an existing gas station with a minimart that sells beer and wine directly to the northwest of the subject site. That being said, this site to the northwest has a Zoning Administrator's application filed with the Department of City Planning (ZA-2016-1989-CU) which intends to remove the gas station and the minimart with beer and wine sales and to construct a drive-thru coffee shop. As a result, the proposed project will provide a unique service to the surrounding community if this project to the northwest is approved and built. As conditioned, the approval of the request will provide for public convenience and should not result in an undue concentration of ABC licensed premises in the census tract.

No revocation proceedings have been initiated for any use in the area.

4. **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 following sensitive uses were observed within a 1,000-foot radius of the site:

- 14 single-family homes to the northeast
- One (1) multi-family condominium to the northeast
- Five (5) multi-family apartment buildings to the northeast and east

The proposed use would be located in an existing service station in conjunction with an existing minimart. The nearby residential properties and sensitive uses are accustomed to having this establishment in the area and rely on the service it provides. The expansion of the existing use to include the carwash and to retain the off-site sale of beer and wine only would not detrimentally affect nearby properties and it is anticipated that beer and wine would consist of only a small portion of the total sales for the minimart. The site is located within an area with a Community Commercial land use designation and will continue to be a desirable retail outlet that will service a public convenience to the community's employees, residents, and visitors.

5. **That 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 is requesting a conditional use to allow the sale of beer and wine only in conjunction with an existing full service gas station and minimart and a new automated carwash in a designated Community Commercial area. The gas station and minimart are currently open 24 hours a day, seven (7) days a week, with operational conditions, including the limitation of sales through a pass-through window between 11 p.m. and 7 a.m. The gas station and minimart with the sale of beer and wine has been in operation for many years and is compatible with the surrounding uses.

The applicant has operated this business in a responsible manner and the proposed automated carwash and the continued sale of beer and wine sales within the existing minimart of the food mart will not be detrimental to the character of the immediate area and will have a positive economic impact. The minimart will continue to serve a public convenience for the area's employees, residents and visitors. The continued operation of this business with the continuation of off-site beer and wine sales with strict adherence to the set conditions, will provide a retail service that is beneficial to the surrounding neighborhood.

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

6. **That 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 30,539 square-foot site located at the southeast corner of Nordhoff Street and Tampa Avenue in Northridge. The site is improved with an existing full-service gas station and minimart which was built in 1989 and includes an existing approximately 2,900 square-foot minimart, which operates 24 hours a day, seven (7) days a week, with the doors locking to the public from 11 p.m. to 7 a.m. with continued sales through a pass-through window.

The adjacent properties to the west and southwest are zoned C4 and C2 and are improved with regional scale commercial development. The abutting properties to the north and northeast are zoned C4 and are improved with commercial buildings, a gas station with minimart as well as multi-family in the R3 zone.

The addition of the approximately 1,100 square-foot automated carwash is the only significant structural change to the site. The grant includes a conditional use to permit the operation of gas station, ancillary minimart and a new carwash. The grant also includes the request to continue to allow the sale beer and wine for off-site consumption and to permit a 24 hour a day, seven (7) days a week operation of a gas station, minimart and automated carwash. As conditioned herein, the gas station, minimart and carwash will be open 24 hours a day, seven (7) days a week. The applicant will continue to operate the business as a service station and minimart and the continued convenience of beer and wine sales would be a desirable offering in the area. The site has been in operation for many years without adverse impacts upon the surrounding community and as conditioned, the sale of beer and wine will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

7. **That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

See General Plan/Charter Findings for the Zone Change entitlement above.

Conditional Use – Automotive Uses, LAMC Section 12.24.W.4

8. That project approval will not create or add to a detrimental concentration of automotive uses in the vicinity of the proposed automotive use;

The project site is located along a heavily traveled major thoroughfare within the Northridge Community Plan. Nordhoff Street and Tampa Avenue are major commercial thoroughfares within the City of Los Angeles. This grant allows for limited automotive uses in the C2 zone and those uses have been well conditioned herein.

The subject property is located on the southeast corner of Nordhoff Street and Tampa Avenue and is currently improved with a gas station and minimart. There are other automotive uses in area (including the gas station directly adjacent to the northeast that has an application to remove said gas station – ZA-2016-1989-CU). As shown in the table below, there are four (4) other automotive fueling stations within ½ mile from the subject site. Only one (1) of the four (4) (Shell) has both a minimart and a carwash. The Shell’s location is located to serve the residential community to the south and southwest. Whereas, the proposed Chevron gas station with minimart and carwash is located to serve the single- and multi-family to the northeast. While the Costco gas station has a full-service carwash adjacent to the regional market, the location of the carwash (Cruiser’s Carwash) is primarily located to serve customers of the regional market. As a result, there appears to not be a detrimental concentration of auto uses (gas stations with car washes) within the surrounding community as they each serve a different type of customer.

Gas Stations within 1/2 Mile of the Subject Site				
Gas Station Brand	Address	Minimart	Carwash	Auto Repair
Union 76*	19301 Nordhoff Street, Northridge, CA 91324	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Shell	8900 Corbin Street Northridge, CA 91324	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Costco	8810 Tampa Ave, Northridge, CA 91324	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> **	<input checked="" type="checkbox"/>
USA Gasoline	19301 Parthenia St, Northridge, CA 91324	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Chevron***	19270 Nordhoff Street, Northridge, CA 91324	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> ****	<input checked="" type="checkbox"/>
*Gas station directly across the street to the northwest of the subject site **Adjacent lot to the west at 8870 Tampa Ave, Northridge, CA 91324 does (Cruiser carwash) ***Subject Site **** Requesting to include a carwash				

9. That based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets;

No changes are proposed to the property's vehicular ingress, egress or parking. The automated carwash use will be located directly behind the existing minimart and requires no additional curb cuts to the site. The addition, as conditioned, will be reviewed in accordance with the Municipal Code and be subject to the approval of other City Departments including the Department of Transportation and Bureau of Engineering. As

part of the approval process, the Department of Transportation will review the request for potential traffic impacts.

Furthermore, LADOT issued a Referral Form on May 17, 2016 stating that no traffic study was required. Bureau of Engineering issued a report on March 21, 2016 recommending approval with conditions of the proposed project, subject to review by LADOT.

10. **That any spray painting will be conducted within a fully enclosed structure located at least 500-feet away from a school or A or R zone, and that all spray painting will be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, as well as South Coast Air Quality Management District Rules 1132 and 1151, regulating these installations.**

No spray painting will be conducted at the site.

11. **That the applicant has submitted an appropriate landscape plan setting forth all plant materials and irrigation systems, and a written maintenance schedule indicating how the landscaping will be maintained.**

An existing gas station and minimart currently exists on-site with landscaping surrounding the perimeter of the site on all sides. The project includes the addition of an automated carwash directly to the south of the minimart and will remove much of the existing dense landscaping where the proposed carwash will be located. In addition, three (3) non-protected trees along the south property line will be removed and as conditioned herein, the project will include at least three (3) replacement trees and shrubbery/hedges in the new reduced landscaped buffer on the south property line, as well as on the north and east property lines. Inasmuch as the property has already been developed and the request involves only the addition of a new carwash, with no substantial changes to the minimart, parking or fueling area but does require modified landscaping, a landscape plan or irrigation plan is required herein.

Finding No. 12 as Modified by the North Valley Area Planning Commission on April 20, 2017

12. **That 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 zoned (Q)C2-1 and is improved with a one-story, approximately 2,900 square-foot minimart and an automobile fueling station (Chevron) with 12 gas pumps and a gas canopy. The project includes the addition of a new, approximately 1,100 square-foot automated carwash as an auto use. The gas station was constructed 1989 with an automotive repair building. The auto-repair building was fully converted to a minimart in 2010 and has been in operation as a minimart since, with no complaints filed with the Department of Building and Safety. In 2008, through ZA-2007-2835-CUB-CU-ZV, a conditional use was approved for the auto uses on site (automotive fueling and ancillary minimart). The addition of the automated carwash in present time triggers a requirement for a new conditional use as carwash uses are subject to specific operational and development standards in LAMC Section 12.22.A.28 which trigger a conditional use through LAMC Section 12.24.W.4 when said standards cannot be observed.

One of the primary objectives of establishing development and operating standards of automotive uses required of Section 12.22.A.28 is to enhance compatible development of gas stations, auto repair and car washes near residential uses by establishing a buffer distance of 100 feet between a carwash and residential uses. In addition, these standards include restrictions of the hours of operation of said auto uses. In this instance the subject property is not within 100 feet of a residential use but wishes to deviate from the restricted hours of operation required in Section 12.22.A.28 and operate 24 hours a day, seven (7) days a week, and thus needs approval of a conditional use to deviate from LAMC's standards.

Under this action, a conditional approval has been granted which is based on the ability to provide an auto use to serve the immediate surrounding commercial, single- and multi-family uses to the northeast. While there is another automated carwash approximately ½ mile to the southwest at 8900 Corbin Avenue, that carwash is located to primarily serve the community to the southwest. In addition, the carwash adjacent to the existing Costco to the south is located to serve as a regional destination, rather than a local serving use. As conditioned herein though, the hours of the carwash will be 24 hours a day, seven (7) days a week.

As a result, the proposed project will enhance the built environment and perform a function and provide a service that is beneficial to the community with appropriate conditions. Without such limitations, which have been expressly outlined in the conditions of this grant, the findings to approve this conditional use would not have been made in the affirmative. As such, the permitted uses need to be limited to those which can be operated in a manner which does not constitute an adverse impact of neighbors' quality of life. At the public hearing, a representative of the Office of the Twelfth Council District, also testified that they have no specific concerns about the business and were neutral on the matter of the continuation of the use and the addition of the automated carwash.

13. That 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; and

The subject property is zoned (Q)C2-1 and is improved with a one-story, approximately 2,900 square-foot minimart and an automobile fueling station (Chevron) with 12 gas pumps and a gas canopy. The project includes the addition of a new, approximately 1,100 square-foot automated carwash as an auto use. The gas station was constructed in 1989 with an automotive repair building. In 2008, through ZA-2007-2835-CU-CUB-ZV, a conditional use was approved for the auto uses on site (automotive fueling and ancillary minimart). The auto-repair building was fully converted and expanded to a minimart in 2010 and has been in operation since, with no complaints filed with the Department of Building and Safety. The addition of the automated carwash in present time triggers a requirement for a new conditional use as carwash uses are subject to specific operational and development standards in LAMC Section 12.22.A.28 which trigger a conditional use through LAMC Section 12.24.W.4 when said standards cannot be observed.

One of the primary objectives of establishing development and operating standards of automotive uses required of Section 12.22.A.28 is to enhance compatible development of gas stations, auto repair and car washes near residential uses by establishing a buffer distance of 100 feet between a carwash and residential uses. In addition, these standards include restrictions of the hours of operation of said auto uses. In this instance

the subject property is not within 100 feet of a residential use but wishes to deviate from the restricted hours of operation required in Section 12.22.A.28 and operate 24 hours a day, seven (7) days a week, and thus needs approval of a conditional use to deviate from LAMC's standards.

The surrounding area is improved with a mixture of commercial uses, including an outdoor seating area associated with the restaurant that is directly abutting the subject automated carwash. A number of operational and development-related conditions have been imposed on the project which will make the use more compatible with the surrounding community. Environmental mitigation measures address potential impacts. Therefore, as conditioned, the permitted use of the property is not anticipated to have any detrimental impacts and is designed to be compatible with adjacent or nearby properties.

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

See General Plan/Charter Findings for the Zone Change entitlement above.

C. **CEQA Finding.** A Mitigated Negative Declaration (ENV-2016-611-MND) was prepared for the proposed project and issued by the Planning Department on August 4, 2016. During the review period, the Department of City Planning received zero (0) comment letters. On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis, and attached as **Exhibit C** to this staff report. The records upon which this decision is based are with the Project Planning Section of the Planning Department in Room 430, 6262 Van Nuys Boulevard.

D. Other Required Findings.

1. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goal of this General Plan Element.
2. **Fish and Wildlife.** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.
3. Based upon the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.