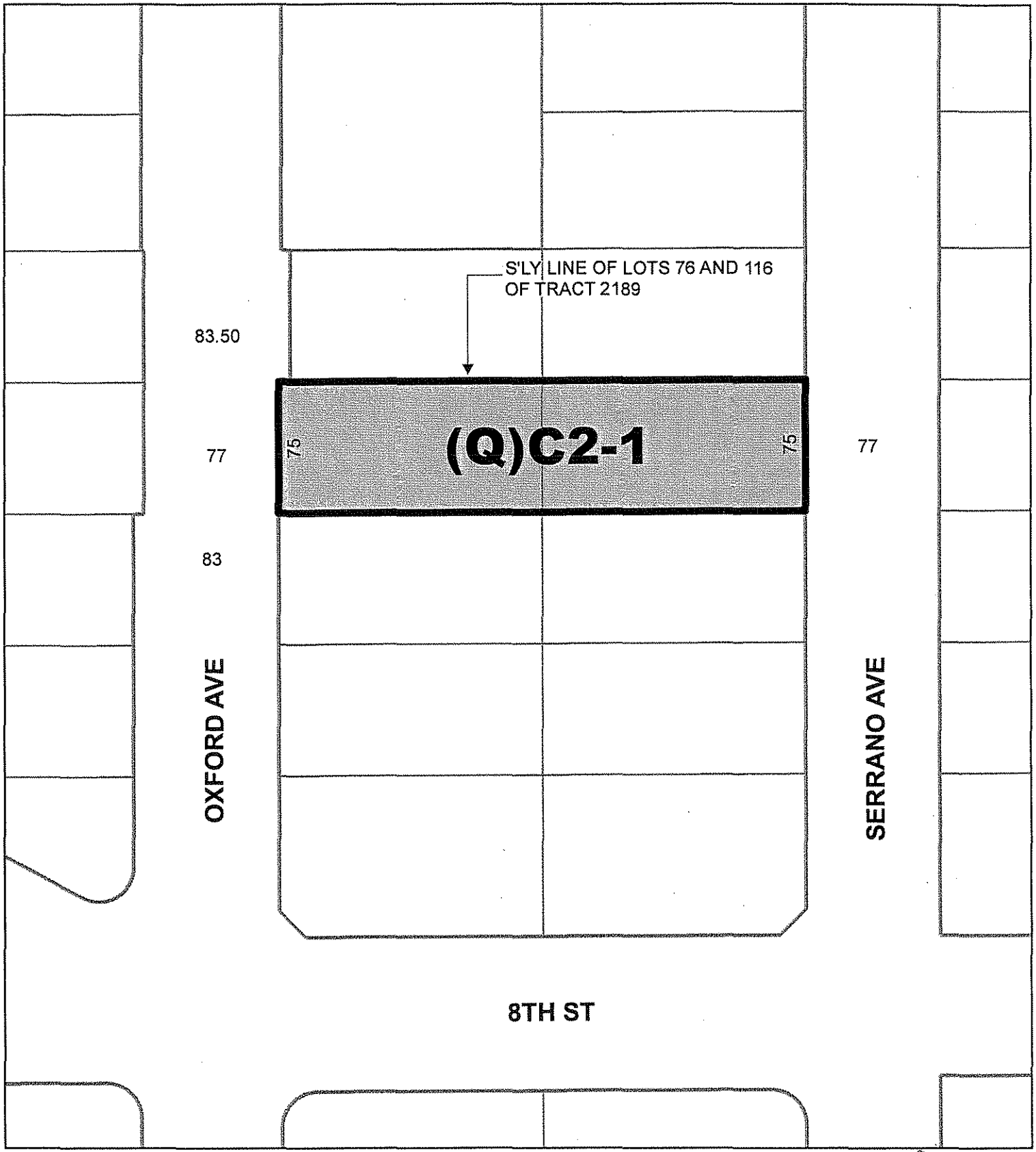


ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section ____ Section 12.04 of the Los Angeles municipal Code is hereby amended by changing the zone classifications of property shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.



S'LY LINE OF LOTS 76 AND 116
OF TRACT 2189

83.50

77

83

OXFORD AVE

(Q)C2-1

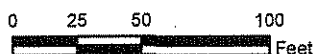
75

75

77

SERRANO AVE

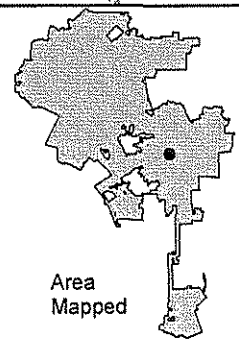
8TH ST



C.M. 132 B 193	CPC-2012-2894-ZC-GPA
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CF/ *LB*

020314



Area Mapped

CONDITIONS OF APPROVAL
(Q) QUALIFIED CONDITIONS OF APPROVAL

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

A. Entitlement Conditions

1. **Use.** The use and area regulations of the subject property shall be limited to the existing use of surface parking until such time the property owner proposes a development project. Any development project proposed must be submitted to the Department of City Planning for review. No exterior physical changes, other than conditioned herein, shall be made to the building except those improvements normal to the proper maintenance of the building.

The use and area regulations of the subject property shall be as follows:

Lots 79, 80, 112 and 113 consisting of the four southerly contiguous lots located on the west side of Serrano Avenue shall be limited to the provisions of the C2-1 Zone as defined in Section 12.14 of the LAMC, except as restricted herein, and except as varied herein, by the Conditional Uses pursuant to CPC 2006-9524-ZC-CUB-CU-SPR.

The total development authorized herein shall include:

First Floor:	36,427 square-feet - Assi supermarket
Second Floor:	33,130 square-feet - C2 Zone retail uses
Basement:	24, 573 square-feet- storage only
	9,100 square feet - C2 Zone retail uses
Receiving and Loading:	1,768 square feet
TOTAL:	104, 998 square feet

The wholesale business operating illegally in the basement (as of September 25, 2008) shall cease operations. Additionally, all structures attached to the building, and not part of any previous or the subject approval shall also be removed. A future request to operate the wholesale business or to legalize the additions should require at least a Traffic Impact Study and a new environmental document.

Lots 77, 78, 114 and 115 consisting of the four northerly contiguous lots located on the west side of Serrano Avenue shall be limited to the provisions of the ~~R3-2 and R4-2 Zones~~ C2-1 Zone as defined in Section ~~12.14 12.10 and 12.11~~ of the LAMC, except as restricted herein. These lots shall be used for surface parking only, as an accessory use to the Market/retail uses on-site.

Lots 139, 140, and 141 consisting of the three contiguous lots located on the east side of Serrano Avenue shall be limited to the provisions of the C2-1 Zone as defined in Section 12.14 of the LAMC, except as restricted herein. The lots shall be used for surface parking only, as an accessory use to the Market/retail uses, west of Serrano Avenue, part of the subject approval.

The following uses shall be prohibited.

- a. Drive-through fast food establishments or mini-marts.
- b. Arcades, video game machines, pool tables or billiard halls.
- c. ~~Restaurants, except fast food restaurants (as approved under ZA 1999-0051 (CUB)(CUZ)(N)(SPR)(PA2) A1 for two units),~~ Night clubs and karaoke studios.
- d. Swap meets.
- e. Dance halls.

~~Any request to add more restaurants or fast food establishments that generate additional traffic should require a Traffic Impact Study and a new environmental document.~~

2. **Hours of Operation.** The hours of operation of the market/commercial/retail uses shall not exceed 7:00 a.m. to 11:00 p.m. daily.
3. **Height.** No building or structure located on the subject property shall exceed a height of 40 feet as defined by Section 12.03 of the Municipal Code, and as modified by Sections 12.21.1.B3(a) and (b) of the Code. Rooftop equipment including air conditioners and mechanical equipment shall be screened from view of adjacent residential uses.
4. **Parking.** All project related parking shall be provided in compliance with Section 12.21. A.4 of the Municipal Code.
5. **Bicycle parking.** The project shall provide off-street parking spaces for at least 10 bicycles.
6. **Driveway access.** The northernmost existing driveway entrance off the west side of Serrano Avenue to the parking lot servicing the market/retail uses shall be closed as it constitutes a traffic hazard.
7. **Razor Wire.** There shall be no use of barbed, razor or concertina wire. All the existing barbed wire on the boundary walls shall be removed.
8. **Freestanding Walls Landscaping.** The existing boundary walls along the two lots shall be landscaped with clinging vines, and continuous ground cover planted over the entire setback with shrubs, flowers and 24-inch box tree, planted every 20 lineal feet, so that that the wall is screened from public view by landscaping.
9. **Signs.** ~~Only one identification sign on each building face shall be displayed on the site. The sign shall not exceed 100 square feet, or extend more than two feet beyond the wall of the building, and shall not project above the roof ridge or parapet wall (whichever is higher) of the building. All signage shall be provided in compliance with Section 14.4 of the Municipal Code. There shall be no use of multiple temporary signs in the store windows or along the building walls or banners, ribbons, streamers, spinners, balloons, pennants or posters.~~
10. **Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development site and elevation plans including complete landscape and irrigation plan by a licensed landscape architect or architect, and a signage plan shall be submitted for review and approval by the Department of City Planning for verification of compliance

with the imposed conditions. The plans shall be in substantial conformance with the site plans labeled as Exhibit "B" stamped and dated September 25, 2008, or as modified by the City Planning Commission 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.

11. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department. The landscape plan shall include a landscaped area having a minimum width of five feet along all along all street frontages and on the perimeters of all parking areas, except along the northerly side that adjoins the residential uses on the west side of Serrano Avenue. It shall also include at least 83 trees with at least 45 trees on-site and at least 40 in the parking lot across Serrano Avenue in a minimum of one 24-inch box tree (minimum trunk diameter of 2 inches and a height of 8 feet at the time of planting). The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. Additionally, the adjoining parkways along the street frontages shall be maintained with an automatic irrigation system.
12. **Graffiti.** The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs.
13. **Lighting.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
14. **Air Pollution (Stationary).** The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 or better on all residential units and a Minimum Efficiency Rating Value (MERV) of at least 11 or better on all commercial/institutional uses in order to reduce the diminished air quality effects on occupants of the project.
15. **Construction (Air Quality).**
 - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
 - b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

- d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
 - e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
16. **Construction (Noise).** The project 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.
- a. Construction shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.
 - b. Construction 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.
17. **Construction (Grading).** Grading, excavations and fills shall comply with Chapter IX, Division 70 of the Municipal Code. All grading activities required shall receive grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within a hillside area. The application of Best Management Practices shall include but not be limited to the following measures:
- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
 - b. Appropriate erosion control and drainage devices shall be incorporated to the satisfaction of the Building and Safety Department, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. Install roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, and can provide groundwater recharge and reduce excess runoff into storm drains.
 - c. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

18. General Construction.

- a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- a. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- b. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- c. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting
- d. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- e. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

19. **Asbestos Containing Materials.** Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no asbestos containing materials are present in the building. If asbestos containing materials are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

20. **Stormwater and Urban Runoff Pollution Control.** The project shall comply with the following:

- a. Ordinance Nos. 172,176 and 173,494 (Stormwater and Urban Runoff Pollution Control), which require the application of Best Management Practices (BMPs).
- b. Chapter IX, Division 70 of the Municipal Code, which addresses grading, excavations, and fills.
- c. The Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board (A copy of the SUSMP can be downloaded at <http://www.swrcb.ca.gov/rwqcb4/>).
- d. Applicable requirements associated with the National Pollutant Discharge Elimination System Permit regulations. The developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to the issuance of any building or grading permits. A General Permit for Stormwater Discharge shall be obtained from the Southern California Regional Water Quality Board in accordance with NOI instructions.

- e. Stormwater BMPs shall be incorporated to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate shall be required from a California licensed civil engineer or licensed architect that he proposed BMPs comply with this numerical threshold standard.
- f. A Stormwater Pollution Prevention Plan shall be prepared by a California licensed civil licensed civil engineer or licensed architect, to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation that shall include the following:
- 1) Identifies the sources of sediments and other pollutants that affect the quality of storm water discharge;
 - 2) A monitoring program and reporting plan for the construction period. The Stormwater Pollution Prevention Plan shall be retained at the construction site.
- g. Appropriate erosion control and drainage devices shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code.
- h. Any connection to the sanitary sewer shall be required to receive authorization by the Bureau of Sanitation.
- i. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as ANA DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- j. The owner shall record a covenant and agreement satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer=s instructions.
- k. Design an efficient irrigation system to minimize runoff including: (1) drip irrigation for shrubs to limit excessive spray; (2) shutoff devices to prevent irrigation after significant precipitation; and (3) flow reducers.
21. **Solid Waste.** The developer shall institute a recycling program to the satisfaction of the Planning Department to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.
22. **Speaker Systems.** No outdoor speaker, public address or paging system shall be installed or maintained on the subject property.

Other Conditions

23. **Posting of Construction Activities.** The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.

24. **Construction-related Parking.** Off-street parking shall be provided for all construction-related parking generated by employees of the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owner's base of operations.
25. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM, and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period.
26. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
27. **Dust Walls.** Temporary dust walls (e.g., Visqueen plastic screening or other suitable product) not less than 8 feet in height shall be installed and maintained along the property line as necessary to preclude dust dispersion from the project site to adjacent properties. The walls shall be in place during any time period when grading is being conducted within 100feet of any occupied residence on adjoining lots.

Administrative Conditions

28. **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.
29. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
30. **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 assigns. The agreement shall 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.
31. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
32. **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.

33. **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 the Department of Building and Safety.
34. **Utilization of Concurrent Entitlement.** The subject Zone Change, Conditional Use and Site Plan Review require completion of all applicable conditions of approval herein to the satisfaction of the Department of City Planning. The applicant/owner shall have a period of six years from the effective date of the subject Zone Change approval to effectuate the terms of the Zone Change, and two years and an additional year to effectuate the Conditional Use and Beverage Plan Approval entitlements by either securing a building permit or a Certificate of Occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the grant, the applicant files a written request, and is granted an extension to the termination period for up to one additional year pursuant to applicable provisions of the Municipal Code. Thereafter, these enumerated entitlements shall be deemed terminated and the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.
35. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
36. One year from the issuance of thea previous Certificate of Occupancy, and each year thereafter until 2016, for a period of seven years, and every two years thereafter, the property owner shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the property. The purpose of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Director of Planning City Planning Commission shall issue a determination. Such determination may modify the existing terms and conditions, add new terms and conditions or delete one or more of them, all as deemed appropriate.
37. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
38. **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.

- 39. Utilization of Concurrent Entitlement.** The subject Zone/Height District Change requires completion of all applicable Conditions of Approval herein to the satisfaction of the Department of City Planning. The applicant/owner shall have a period of six years from the effective date of the subject Zone/Height District Change to effectuate the terms of the entitlements by complying with all conditions of approval.

Section __. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the Council of the City of Los Angeles, by a majority vote of all its members, at the meeting of _____.

Holly L. Wolcott, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Pursuant to Section 558 of the City Charter,
the City Planning Commission on November 21, 2013,
recommended this ordinance be adopted by the City Council.



James K. Williams, Commission Executive Assistant II
City Planning Commission

File No. _____

FINDINGS

General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject site is located within the area covered by the Wilshire Community Plan, adopted by the City Council on September 19, 2001. The existing Community Plan designates the subject lots 77 and 115 High Medium Density Residential with corresponding zones of R3-2 and R4-2, respectively. The recommended General Plan Amendment would designate all properties as Neighborhood Commercial Land Use Designation, and would designate lots 77 and 115 with a corresponding zone of (Q)C2-1. The Zone Change request to a C2 zone would be consistent with the proposed General Plan Land Use Designation and is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan.
2. **General Plan Text.** The Wilshire Community Plan text includes the following relevant land use goals, objectives, policies and programs:

GOAL 2: Encourage strong and competitive commercial sectors which promote economic vitality and serve the needs of the Wilshire Community through well-designed, safe and accessible areas, while preserving historic and cultural character

Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

Objective 2-2: Promote distinctive commercial districts and pedestrian oriented areas.

Policy 2-2.1: Encourage pedestrian-oriented design in designated areas and in new development.

Objective 2-3: Enhance the visual appearance and appeal of commercial districts.

Policy 2-3.1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.

The subject site is located in the Wilshire Community Plan area at 3525 W. 8th Street between Oxford Avenue and Serrano Avenue, and is improved with a building currently utilized as a supermarket with retail and receiving and loading uses on the ground floor, retail uses on the second floor, and retail and storage uses in the basement with 235 surface parking spaces adjacent to the building on the north and across Serrano Avenue the east. The supermarket and retail uses encompass 104,998 square feet. The building was originally constructed in 1965 as a commercial structure, and has operated since 1998 in a predominantly commercial area. The subject request does not include any physical improvements to the existing property. The applicant is requesting a Zone/Height District Change from R3-2 and R4-2 to (Q) C2-1 and a General Plan Amendment from High Medium Density Residential to Neighborhood Commercial Land Use Designation, in order to reflect

the current land use as parking utilized to support the primary use of a supermarket and retail establishment.

The Neighborhood Commercial Land Use designation will create a logical land use pattern adjacent to the High Medium Density Residential Land Use designations in the surrounding vicinity. The change in zone and land use designation meets the above objectives and policies of the Wilshire Community Plan by enhancing the viability of an existing neighborhood store that supports the needs of local residents. The site is operated as a full service market providing goods to the community and residents of the surrounding area. The Zone Change and General Plan Amendment will enable the existing shopping center to continue to provide to provide and amenity within a reasonable walking distance of many residents.

The applicant is not requesting to make any physical improvements to the existing property, but instead wishes to maintain it in its current state. Any future changes to the site would be processed under all applicable rules and regulations of the City of Los Angeles Municipal Code (LAMC) in effect at that time, as well as compliance with the City's adopted Commercial Urban Design Guidelines.

The site has continued to function as a commercial node in a residential area. The recommended General Plan Amendment to a commercial General Plan Land Use Designation will strengthen this existing commercial node, allowing this cluster of commercial uses to continue to serve the local community. The location of this site is along a major transportation corridor of 8th Street and near Western Avenue, and thus provides easy access to those who rely on public transportation.

3. **City Charter Sections 556 and 558.** The recommended General Plan Amendment from High Medium Density Residential to Neighborhood Commercial complies with Charter Sections 556 and 558 in that the recommended amendment reflects the land use patterns, trends and uses in the immediate area and furthers the intent, purposes and objectives of the Wilshire Community Plan. The proposed General Plan Amendment to Neighborhood Commercial is consistent with the Wilshire Community Plan in that it preserves and strengthens existing, viable commercial development and provides additional opportunities for new commercial development and services within existing commercial areas. Furthermore, the recommended General Plan Amendment enhances the viability of existing neighborhood stores and businesses that support the needs of local residents and are compatible with the neighborhood.
4. The **Transportation Element** of the General Plan will not be affected by the recommended action, in that no specific project requiring dedications or improvements to West 8th Street is proposed at this time.
5. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action, in that no physical changes are proposed for the project site.
6. **Zone/Height District Change Findings.**

Pursuant to Section 12.32 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The project site is located at 3525 W. 8th Street between Oxford Avenue and Serrano Avenue, and is improved with a building currently utilized as a supermarket with retail and receiving and loading uses on the ground floor, retail uses on the second floor, and retail and storage uses in the basement with 235 surface parking spaces adjacent to the building on the north and across Serrano Avenue the east. The supermarket and retail uses encompass 104,998 square feet. The site is operated as a full service market providing

goods to the community and residents of the surrounding area. The subject approval does not include any physical improvements to the existing property. The applicant is requesting a General Plan Amendment from High Medium Residential to Neighborhood Commercial, and a Zone/Height District Change from R3-2 and R4-2 to (Q)C2-1.

The building was originally constructed in 1965 as a commercial structure. The supermarket and retail center have operated since 1998 in a commercial and residential area. The site is level and is divided into two adjoining parcels, one with eight contiguous lots and one across Serrano Avenue to the east consisting of three contiguous lots in the (Q)C2-1 zone. The two northernmost lots are designated as R3-2 and R4-2 respectively. The lot size is approximately 22,495.7 square feet.

Surrounding and adjacent properties are within the R3-2, R4-2, C2-1 and C2-2 zones and contain medium to high density residential and commercial uses. The area is characterized by level topography and fully improved streets. The properties south of 8th Street are within the C2-1 and R4-2 zones and have Neighborhood Commercial and High Medium Residential Land Use designations. The properties to the east of the subject site have zones of C2-1 and R4-2 and land use designations of Neighborhood Commercial and High Medium Residential. These properties are developed with a mix of residential and small commercial uses, as well as surface parking. The property to the west of the subject site, at the northwestern corner of West 8th Street and Oxford Avenue is zoned (Q)C2-2 with a Neighborhood Commercial Land Use Designation. The parcels to the north of the subject lot are zoned R3-2 with a High Medium Density Residential Land Use Designation and are developed with multi-family residential uses.

The recommended Zone/Height District Change from R3-2 and R4-2 to (Q)C2-1 is consistent with the Neighborhood Commercial General Plan Land Use Designation. The current use of a retail center is permitted by the C2 zoning designation, which is within the range of corresponding zones for the Neighborhood Commercial Land Use Designation. As conditioned, no exterior changes are to be made to the project site except for general maintenance, and the current use of this site is conducive to the general welfare of the community and good zoning practice. The recommended Zone Change and General Plan Amendment preserves and strengthens an existing, viable commercial development within a commercial node at West 8th Street, Oxford Avenue and Serrano Avenue. Furthermore, the recommended Zone Change enhances the viability of the existing neighborhood shopping center by allowing for full service restaurants, which are typically found in shopping centers of this type, and supports the needs of the adjacent, multifamily residential areas. The center provides the Wilshire community with a market and retail uses conveniently located within walking distance of residential areas.

The requested Zone/Height District change from R3-2 and R3-4 to (Q)C2-1 is therefore compatible with the existing development of the community, consistent with the Wilshire Community Plan and is consistent with public necessity, convenience, general welfare and good zoning practice. The action, as recommended, has been made contingent upon compliance with the "Q" Conditions imposed herein, which are to limit uses on the re-zoned

parcels to the existing uses of surface parking. Additionally, modification of the "Q" Conditions in Ordinance 180,559 make all future projects subject to discretionary review. Such limitations are necessary to protect the best interests of and to assure a development 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 any future project that may be proposed for the site.

CEQA Findings

A Negative Declaration (ENV-2012-2895-ND) was prepared for the proposed Zone Change and General Plan Amendment. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Neighborhoods Projects Division of the Planning Department in Room 621, 200 North Spring Street. Note that environmental conditions placed on the project site from ENV-2006-9525-MND-REC1 remain in effect as part of the revised Ordinance No. 180,559 in this report.

The Negative Declaration was published for a period of 20 days. During this period, one comment was received. The commenter expressed concern that a public hearing was not held for the General Plan Amendment, and indicated that there should be an environmental impact report to address the needs of the community and the state of the infrastructure. The commenter noted that lots 77, 78, 114 and 115 are utilized for parking, thus there is no need for a General Plan Amendment. The commenter also noted that this project lies within a Methane Buffer Zone, thus public safety concerns need to be addressed properly and effectively. Since no specific project is proposed at this time, there were no environmental impacts identified. Any future project would undergo environmental review and be processed under all applicable rules and regulations of the City of Los Angeles Municipal Code (LAMC) in effect at that time.