



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



City Planning Commission

Date: October 14, 2010
Time: After 8:30 a.m.*
Place: Los Angeles City Hall
 200 North Spring Street, Room 1010
 Los Angeles, CA 90012

Case No.: CPC 2009-3353-ZC- CUB-CU
CEQA No.: ENV-2009-3354-MND
Council No.: 10, Herb Wesson
Plan Area: Wilshire
Specific Plan: N/A
Certified NC: P.I.C.O.
GPLU: Neighborhood Office
 Commercial
Existing Zones: C2-1-O and P-1-O
Proposed Zone: (T)(Q)C2-1-O
Applicant: Vons – Sam Shink
Representative: Gaines & Stacey, LLP –
 Kimberly Rible

Public Hearing: September 1, 2010
Appeal Status: To City Council
Expiration Date: October 14, 2010
Multiple Approval: Per Section 12.36 of the LAMC (Multiple Entitlements), Conditional Use are appealable to City Council. Zone Change may be appealed by the Applicant if denied in whole or in part.

PROJECT LOCATION: 1416-1434½ South Fairfax Avenue; 5832-5852 West Pico Boulevard; 1415-1435 South Orange Grove Avenue

PROPOSED PROJECT: The construction, use, and maintenance of new 56,000 square foot Vons supermarket with 224 parking spaces, operating 24 hours per day.

- REQUESTED ACTION:**
1. Pursuant to LAMC Section 12.32, A **Zone Change** from C2-1-O and P-1-O to (T)(Q)C2-1-O;
 2. Pursuant to LAMC Section 12.24-W.1, a **Conditional Use** to permit the sale and dispensing of alcoholic beverages for off-site consumption in the C2 Zone incident to the operation of a supermarket with alcohol sales from 6 am to 2 am, daily;
 3. Pursuant to LAMC Section 12.24-W,27, a **Conditional Use** to permit a commercial corner development operating between the hours of 11 p.m. and 7 a.m. that is otherwise not permitted and to have less than 50% transparent windows fronting adjacent streets; and
 4. Pursuant to Section 21082.1(c) of the California Public Resources Code, **Adopt** ENV-2009-3353-MND, Mitigated Negative Declaration for the project.

RECOMMENDED ACTIONS:

1. **Approve** and **Recommend** that the City Council adopt a Zone Change from C2-1-O and P-1-O to (T)(Q)C2-1-O and subject to the attached “T” and “Q” Conditions of Approval;
2. **Approve** Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption in the C2 Zone, subject to the attached Conditions of Approval;
3. **Approve** Conditional Use to permit a commercial corner development operating 24 hours per day with less than 50% transparent windows fronting adjacent streets, subject to the attached Conditions of Approval;
7. **Adopt** ENV-2009-3354-MND as the Mitigated Negative Declaration for the project.
8. **Adopt** the attached findings.

9. **Recommend** that the applicant be advised that the time limits for effectuation of a zone in the “Q” Qualified classification are specified in Section 12.32.G of the LAMC. Conditions must be satisfied prior to the issuance of building permits.
10. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

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Director of Planning

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TABLE OF CONTENTS

Project Analysis	A-1
Project Summary	A-1
Background.....	A-1
Issues	A-2
Conclusion	A-3
(T) Conditions	T-1
(Q) Qualified Conditions of Approval	Q-1
Conditions of Approval for Conditional Use.....	C-1
Findings	F-1
General Plan Land Use.....	F-1
General Plan Text.....	F-1
Zone Change	F-1
Conditional Use for Alcohol.....	F-2
Conditional Use for Commercial Corner Development	F-5
Environmental.....	F-7
Public Hearing and Communications.....	P-1
Exhibits:	
A – Maps	
1 – Vicinity Map	
2 – Radius Map	
B – Plans	
3 – Site Plan/Landscape Plan /Floor Plans/Elevations/Perspective	
C – Environmental Clearance	
4 – MND	

PROJECT ANALYSIS

Project Summary

A request for a Zone Change from C2-1-O and P-1-O to (T)(Q)C2-1-O, a Conditional Use to permit the off-site sale and consumption of a full line of alcohol, and a Conditional Use to permit a commercial corner development operating 24 hours per day with less than 50% transparent windows fronting adjacent streets in conjunction with the construction, use, and maintenance of new approximately 56,000 square foot Vons with 224 parking spaces, operating 24 hours per day. Also, a request to adopt a Mitigated Negative Declaration.

Background

The existing Vons site is located along Pico Boulevard and is bounded by Fairfax Avenue to the west and Orange Grove Avenue to the east. The project site is approximately 87,850 square feet and has an approximately 207 foot frontage along Pico Boulevard. It is rectangular in shape with a depth of approximately 253 feet. The site is improved with an existing approximately 26,300 square foot Vons store.

The subject site is within the Wilshire Community Plan Area and has a Neighborhood Office Commercial land use designation with the corresponding zones of C1.5, C2, C4, RAS3 and RAS4. The current zoning of the site is C2-1-O and P-1-O.

Adjacent land uses along Pico Boulevard include commercial uses including auto repair, retail, and offices in the C4-1-O zone. Land uses to the north include multi-family residential in the R3-1-O, RD1.5-1-O, and R2-1-O zones; land uses to the east and south include multi-family residential in the [Q]R3-1-O and R2-1-O zones; and land uses to the west include multi-family residential in the [Q]R3-1-O zone.

The site is presently encumbered by two zoning designations. The C2-1-O zone is imposed on the portion of the property currently developed with the Vons supermarket and the P-1-O zone is imposed over the portion of the property that accommodates the current surface parking lot. Any reconfiguration of the footprint of the main supermarket use will necessitate an encroachment into the P-1-O zone.

Vons requests the subject zone change to alleviate the zoning limitations by changing the C2-1-O zone and P-1-O zone to the (T)(Q)C2-1-O zone so that the entire shopping center is uniformly zoned (T)(Q)C2-1-O. The primary benefit of the zone change is to allow the needed flexibility in creating a suitable site plan for the redevelopment of the site. The zone change will allow the new supermarket to front along Pico Boulevard in accordance with existing adjacent commercial development. A small surface parking lot will be located on the southerly portion of the site while the majority of the parking will be located on a roof deck of the new Vons. As presently developed, the Vons supermarket is set back from Pico Boulevard with its primary parking lot to the north, in front of the building, along Pico Boulevard. Locating the new Vons building so that it fronts Pico Boulevard will bring uniformity to this portion of commercial development.

The major elements planned for the subject redevelopment include the following improvements:

- A new improved and expanded Vons supermarket that will serve the community.
- A reconfiguration of the development of the site, with the new Vons to front Pico Boulevard in order to match neighboring development along this portion of Pico Boulevard.

- A new contemporary architectural facade and structure that will be attractive and upscale in overall appearance, consistent with other new development in the area.
- Newly landscaped areas throughout the property to enhance its appearance.
- New security lighting in the parking area and on building walls. The lighting will be installed with shields and directed away from residential uses in the area.
- New surface and rooftop parking areas to eliminate on site and street vehicular congestion.

Streets and Circulation:

Pico Boulevard is classified as a Major Highway Class II dedicated to a variable 100-102 foot width at the project's street frontage.

Fairfax Avenue is classified as a Secondary Highway dedicated to a 73- foot to variable width at the project's street frontage.

Orange Grove Avenue is classified as a Local Street dedicated to a 60 foot width at the project's street frontage.

Issues

Zone Change

In order to construct a new Vons that is compatible with the surrounding area, the applicant is requesting a zone change from C2-1-O and P-1-O to (T)(Q)C2-1. Approval of a zone change will allow the applicant to build the new approximately 56,000 square foot Vons along Pico Boulevard, thus creating a pedestrian friendly project that is consistent with the Wilshire Community Plan.

Conditional Use for Alcohol

The applicant is requesting a Conditional Use to permit the sale of a full line of alcohol for off-site consumption, with alcohol sales from 6 am to 2 am, daily. The existing Vons has an existing permit for the off-site sale of alcohol therefore the new CUP would not add an additional permit to the area.

Conditional Use for Commercial Corner Development

The applicant is requesting a Conditional Use to permit a development operating 24 hours per day and to allow less than 50% transparent windows fronting adjacent streets. The existing Vons operates 6 a.m. to 1 a.m., daily. The new store would provide additional amenities to the community, including a hot bakery, deli, pharmacy, floral department, and Starbucks, that could warrant expanded hours. Alcohol sales would remain limited. The applicant is proposing 17% clear glazing along Fairfax Avenue, 18% clear glazing along Pico Boulevard, and 12% clear glazing along Orange Grove Avenue. The request for less than 50% transparent windows would allow the applicant to shield certain uses, including offices, storage, and maintenance areas from public view and shoppers.

Conclusion

The Applicant, Vons, owns and operates 30 stores within the City of Los Angeles, providing over 2,000 local jobs. The project proposes to demolish an existing Vons supermarket and construct a new Vons. The project consists of a one story, approximately 56,000 square foot building with 224 total parking spaces in the proposed (T)(Q)C2-1 Zone.

The proposed project is in proper relation to existing uses located along Pico Boulevard which is a commercial block providing conveniences such as retail, markets, offices, auto repair, and a healthcare center. Multi-family residential is located within walking distance directly south of the site and north across Pico Boulevard. For those who are transit dependant, the project is accessible via Metro Local Bus Lines 30 and 305 and Metro Rapid Line 730.

Based on the information submitted, the surrounding uses, input from the public hearing, and the conditions of approval, City Planning staff recommends approval of the requested entitlements, as conditioned, as it will provide a more up-to-date store with additional conveniences to the surrounding area.

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.

Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

Responsibilities/Guarantees.

1. Bureau of Engineering.

a. Dedication Required:

- i. Pico Boulevard (Major Highway - Class II) – A 2-foot wide strip of land along the property frontage to complete a 52-foot half right-of-way in accordance with Major Highway – Class II standards including 20-foot radius property line returns or 15-foot by 15-foot corners at the intersections with Fairfax Avenue and Orange Grove Avenue.
- ii. Fairfax Avenue (Secondary Highway) – A 2-foot wide strip of land along the property frontage to complete a 45-foot half right-of-way in accordance with Wilshire Community Plan Secondary Highway Street standards.
- iii. Orange Grove Avenue (Local Street) – None.

b. Improvements Required:

- i. Pico Boulevard – Construct additional surfacing to join the existing improvements to provide a 40-foot half roadway in accordance with Major Highway – Class II standards, including asphalt pavement, integral concrete curb, 2-foot gutter and a 12-foot concrete sidewalk. Construct access ramps at the intersections with Fairfax Avenue and Orange Grove Avenue to comply with ADA requirements. These improvements should suitably transition to join to the existing improvements.
- ii. Fairfax Avenue – Construct additional concrete sidewalk in the street dedication area and repair any broken, off-grade or bad order concrete curb, gutter and sidewalk along the property frontage.
- iii. Orange Grove Avenue – Repair any broken, off-grade or bad order concrete curb gutter and sidewalk adjoining the property.
 - 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.

Notes: Street lighting and street light relocation will be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

- Department of Transportation may have additional requirements for dedication and improvements.
 - Relocate traffic signals, signs, parking meters and equipment to the satisfaction of the Department of Transportation (213) 972-8485
 - Refer to the Department of Water and Power regarding power poles (213) 267-2715.
- iv. Roof drainage and surface run-off from the property shall be collected and treated at the site and drained to the streets through drain pipes constructed under the sidewalk and through curb drains or connections to the catch basins.
- v. Sewer lines exist in Fairfax Avenue, Orange Grove Avenue and in the vacated public alley. Extension of the 6-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. Relocate, abandon or retain the 10-foot wide sanitary sewer easement. No permanent structure shall be constructed within the easements without prior approval from the B-Permit Group of Engineering.
- vi. An investigation may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering (Sewer Counter) to verify sewer capacity (213) 482-7030.
- vii. Submit shoring plans and lateral support plans to the Central District Office of the Bureau of Engineering for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7053.
- viii. Submit parking area and driveway plan to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval (213) 482-7474.

2. Department of Transportation.

- a. A minimum of a 40-foot reservoir space be provided between any security gate(s) and the property line.
- b. Parking stalls shall be designed so that vehicle is not required to back into or out of any public street or sidewalk.
- c. Intersection Improvement - At the intersection of Fairfax Avenue and Pico Boulevard, the project proposes to restripe the eastbound approach to provide an exclusive right-turn. The eastbound approach would then accommodate one left turn lane, two through lanes and one right-turn lane as shown in the attached conceptual mitigation drawing (Attachment 3). While the installation of a right-turn

lane on eastbound Pico Boulevard would serve to enhance traffic flow and safety at this intersection and offset the project's traffic impact, it may also result in the loss of four on-street parking spaces along the south side of Pico Boulevard west of Fairfax Avenue. Therefore, the installation of the eastbound right-turn only lane on Pico Boulevard at Fairfax Avenue should not be conditioned on the project without consent from the affected Council office and impacted stakeholders.

The traffic study also proposed to provide any necessary traffic signal upgrades needed at the intersection of Pico Boulevard and Fairfax Avenue. DOT's Hollywood/Wilshire District Office has authorized the installation of protected-permissive left-turn signal phasing for both the eastbound and westbound approaches. Therefore, the applicant should be required to pay the cost of planning, design, and construction associated with the installation of the protected-permissive left-turn phase for both the eastbound and westbound approaches. Implementing the eastbound right-turn lane and the traffic signal upgrades would reduce the project's traffic impact at Pico Boulevard and Fairfax Avenue to an insignificant level.

- d. Improvement and Mitigation Measure Implementation - The proposed street improvement and associated traffic signal work must be guaranteed through BOE's B-Permit process prior to the issuance of any building permit, and completed prior to the issuance of any certificate of occupancy. Prior to setting the bond amount, BOE shall require that the developer's engineer or contractor contact DOT's B-Permit Coordinator, at (213) 928-9663, to arrange a pre-design meeting to finalize the proposed design. Any costs related to any relocations of bus zones and shelters, and to modifying or upgrading traffic signal equipment that are necessary to implement the proposed mitigations shall be incurred by the applicant. In the event the originally proposed mitigation measures become infeasible, substitute mitigation measures of an equivalent cost may be provided subject to approval by DOT, upon demonstration that the substitute measure is equivalent or superior to the original measure in mitigating the project's significant impact.
- e. Highway Dedication and Street Widening Requirements - Highway dedication and widening may be required along the streets that front the proposed project. Along the project's frontage, Pico Boulevard is classified as a Major Highway Class II, Fairfax Avenue is classified as a Secondary Highway, and Orange Grove Avenue is classified as a Local Street. According to the standard street dimensions of the Department of Public Works, a Major Highway Class II requires a 40-foot half-width roadway within a 52-foot-half-width-right-of-way, a Secondary Highway requires a 35-foot half-width roadway within a 45-foot half width right-of-way, and a Local street requires a 20-foot half-width roadway within a 30-foot half width right-of-way. The applicant should check with BOE's Land Development Group to determine if there are any highway dedication, street widening and/or sidewalk requirements for this project.
- f. Parking Requirements - The project proposes to provide 226 parking spaces. The developer should check with the Department of Building and Safety on the number of Code required parking spaces needed for the project.

- g. Construction Impacts - DOT recommends that a construction work site traffic control plan be submitted to DOT's Hollywood/Wilshire District Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related traffic be restricted to off-peak hours.
- h. Driveway Access and Circulation - Conceptually, the proposed site plan is acceptable to DOT. However, the review of this study does not constitute approval of the driveway dimensions and the project's access/circulation scheme. Those require separate review and approval and should be coordinated as soon as possible with LADOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, @ 213-482-7024) to avoid delays in the building permit approval process. In order to minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes. All pick-up and drop-off activities will take place on-site. Driveways should be Case 2 driveways and 30 feet wide for two-way operations.
- i. Development Review Fees - An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council. Ordinance No. 180542, effective March 28, 2009, identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this new ordinance.

(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

3. **Use.** The project shall comply with the use and area provisions of the C2 Zone, pursuant to Los Angeles Municipal Code Section 12.16, except where modified by the conditions herein or related conditions of the subject case entitlements.
4. **Site Plan.** The use and development of the property shall be in substantial conformance with the site plan and elevation plans labeled "Exhibit-A" stamped and dated July 21, 2010, attached to the subject case file, except as modified by the conditions herein. Prior to the issuance of any permits for the subject project, a detailed site plan, including elevation plans, and floor plans, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. 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.
5. **Floor Area.** The project floor area ratio (FAR) shall be limited to 1.5:1.
6. **Height.** The project shall be limited to a height of 39 feet 6 inches. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view.
7. **Parking.** All project related parking shall be provided in compliance with Section 12.21-A.4 of the Municipal Code. Employee parking shall be restricted to the roof-level parking deck. Employees shall not park on adjacent residential streets during the hours they are working at the subject facility.
8. **Urban Design (Wilshire Community Plan).**
 - a. The project shall provide speed bumps for driveways paralleling walkways for more than 50 linear feet.
 - b. Provide underground new utility service, including Internet services.
 - c. Screen all mechanical and electrical equipment from public view.
 - d. Screen all rooftop equipment and building appurtenances from public view.
 - e. Require the enclosure of trash areas behind buildings for all projects.
 - f. For building frontages, require the use of offset building masses, recessed pedestrian entries, articulations, and surface perforations, or porticoes. Also require recessed doors, entryways or courtyards, decorative planters, pedestrian scale murals or public art, mosaic tiles, or other means of creating visual interest, to break up long, flat building facades and free-standing blank walls greater than ten feet wide.
 - g. Provide color, lighting, and surface texture accents and complementary building materials to building walls and facades.

- h. Maximize the applications of architectural features and articulations to building facades.
- i. Devote 7% of total area of surface parking lots to landscaping.
- j. Provide a landscaped buffer along public streets and/or adjacent residential uses.
- k. Install on-site lighting along all pedestrian walkways and vehicular access ways.
- l. Shield and direct on-site lighting down onto driveways and walkways, away from adjacent residential uses.

9. Signage.

- a. On-site signs shall be limited to the maximum allowable under the LAMC.
- b. Multiple temporary signs in the store windows and along the buildings walls are not permitted.

- 10. Police.** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213) 485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

B. Other Conditions

- 11. Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location and path of travel of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.
- 12. Community Relations.** A 24-hour "hot-line" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors and the local neighborhood association, if any. The applicant shall be required to respond within 24 hours of any complaint received on this hotline.
- 13. 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.
- 14. Construction-related Parking.** Off-street parking shall be provided for all construction-related employees generated by 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.

15. **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 from 8:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 4:30 p.m. on Saturday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period.
16. **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 construction site and where the construction adjoins a residential lot as necessary to preclude dust dispersion from the project site to adjacent residences. The walls shall be in place during any time period when grading is being conducted.

C. Environmental Conditions

17. **Aesthetics (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 and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
18. **Aesthetics (Landscape Buffer).** A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
19. **Aesthetics (Parking Structure Rooftop).** The parking stalls and driveways of the parking structure that are exposed to the sky shall be finished with either a light-colored surface material such as concrete, and/or a minimum of 80 percent of the total area of the stalls shall be shaded by vine-covered pergola, canopy, or trellis. Solar panels and their related support structures may be utilized to provide required shading.
20. **Aesthetics (Vandalism).**
 - a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
 - b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.
21. **Aesthetics (Signage).**
 - a. On-site signs shall be limited to the maximum allowable under the Municipal Code.
 - b. Multiple temporary signs in store windows and along building walls are not permitted.
22. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
23. **Aesthetics (Glare).** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

24. Air Pollution (Demolition, Grading, and Construction Activities).

- 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. Wetting could reduce fugitive dust by as much as 50 percent.
- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- g. Trucks having no current hauling activity shall not idle but be turned off.

25. Air Pollution (Stationary). An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety.

26. 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.

27. Objectionable Odors. No window openings or exhaust vents shall be permitted on the building facade which abuts a residential use or zone.

28. 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. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- c. 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 the Department of Public Works, Bureau of Street Services.

29. Seismic. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

30. Erosion/Grading/Short-Term Construction Impacts.

- a. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
 - Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
 - Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

31. Green House Gas Emissions. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

32. Explosion/Release (Existing Toxic/Hazardous Construction Materials).

- a. **(Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs 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 applicable State and Federal rules and regulations.
- b. **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- c. **(Polychlorinated Biphenyl – Commercial and Industrial Buildings)** Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

33. Standard Urban Stormwater Mitigation Plan (Commercial/Industrial Development Lot 43,560+ sf)

- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate 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 from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- d. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- e. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- f. Preserve riparian areas and wetlands.
- g. Promote natural vegetation by using parking lot islands and other landscaped areas.
- h. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- i. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- j. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- k. Legibility of stencils and signs must be maintained.
- l. Cover loading dock areas or design drainage to minimize run-on and run-off of stormwater.
- m. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
- n. Repair/maintenance bays must be indoors or designed in such a way that doesn't allow stormwater run-on or contact with stormwater runoff.
- o. Design repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to a standard sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required, obtain an Industrial Waste Discharge Permit.

- p. Vehicle/equipment wash areas must be self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to the sanitary sewer.
- q. Cleaning of vehicles and equipment to be performed within designated covered or bermed wash area paved with Portland concrete, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to a properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis (at least twice a year) to remove any solids; and the oil absorbent pads must be replaced regularly, once in fall just before the wet season, and in accordance with manufacturer' specifications.
- r. Reduce the use of hazardous materials and waste by: using detergent-based or water-based cleaning systems, non-caustic detergents for parts cleaning, and/or non-chlorinated solvents; and avoid chlorinated compounds, petroleum distillates, phenols, and formaldehyde.
- s. Store above ground liquid storage tanks (drums and dumpsters) in designated areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, curbs, dikes, liners, vaults, and double-wall tanks. Use drip pans or absorbent materials whenever grease containers are emptied. Where used oil or dangerous waste is stored, a dead-end sump should be installed in the drain. For all other liquids including antifreeze and radiator flush, the drain should be properly connected to a sanitary sewer with a positive control such as a lock, valve, or plug to prevent release of contaminated liquids.
- t. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) 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.

(Commercial and Industrial Development with Lot Size 43,560+ sf):

- u. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- v. The following activities are to be conducted under proper cover with drain routed to the sanitary sewer: a) storage of industrial wastes; b) handling or storage of hazardous wastes; c) metal fabrication or pre-cast concrete fabrication; d) welding, cutting or assembly; and e) painting, coating or finishing.
- w. Toxic wastes must be discarded at a licensed regulated disposal site. Store trash dumpsters both under cover and with drains routed to the sanitary sewer or use non-leaking and water-tight dumpsters with lids. Use drip pans or absorbent materials whenever grease containers are emptied. Wash containers in an area with properly connected sanitary sewer.
- x. Reduce and recycle wastes, including: paper; glass; aluminum; oil; and grease.
- y. Convey runoff safely from the tops of slopes and stabilize disturbed slopes.
- z. Utilize natural drainage systems to the maximum extent practicable.

- aa. Control or reduce or eliminate flow to natural drainage systems to the maximum extent practicable.
- bb. Stabilize permanent channel crossings.
- cc. Protect slopes and channels and reduce run-off velocities by complying with Chapter IX, Division 70 of the Los Angeles Municipal Code and utilizing vegetation (grass, shrubs, vines, ground covers, and trees) to provide long-term stabilization of soil.
- dd. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- ee. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- ff. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- gg. At a minimum, the concrete fuel dispensing area must extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or at the length of which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.

34. Increased Noise Levels (Demolition, Grading, and Construction Activities).

- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 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 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.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

35. Increased Noise Levels (Parking Structure Ramps).

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

36. Increased Noise Levels (Retail Markets, Bars, Entertainment etc...)

- a. No window openings shall be permitted along the residential sides of the building.
- b. A 6-foot-high solid decorative masonry wall adjacent to the residential properties shall be constructed, if no such wall currently exists.

- d. The proposed facility shall incorporate noise-attenuating features (physical as well as operational) designed by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
- 37. Public Services (Fire).** 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.
 - 38. Public Services (Street Improvements Not Required By DOT).** The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation.
 - 39. Increased Vehicle Trips/Congestion.** Implementing measures detailed in said Department's communication to the Planning Department dated July 7, 2010 shall be complied with. The report and project requirements are located in the file.
 - 40. Utilities (Local Water Supplies - Landscaping).**
 - a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
 - b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff
 - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

41. Utilities (Local Water Supplies - All New Construction).

- a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

42. Utilities (Local Water Supplies - New Commercial or Industrial). All restroom faucets shall be of a self-closing design.**43. Utilities (Solid Waste Recycling).**

- a. **(Operational)** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- b. **(Construction/Demolition)** Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- c. **(Construction/Demolition)** To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

D. Administrative Conditions

- 44. Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
- 45. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.

46. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in the (Q) 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 Planning Department for approval before being recorded, after recordation, a copy bearing the Recorder' number and date shall be provided to the Planning Department for attachment to the file.
47. **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.
48. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
49. **Building Plans.** Page No. 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
50. **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 pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
51. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.
52. **Green Building.** Pursuant to LAMC Section 16.10(D)(2), (Green Building Program), prior to the issuance of any building permit, the project must be reviewed and the plans stamped approved by the Director for LEED® compliance. This green building clearance may be obtained at the Site Plan Review Office in the Department of City Planning located on the 6th Floor of 200 N. Spring Street, Los Angeles, or on the 4th Floor of 6262 Van Nuys Boulevard, Van Nuys. Appointments are required for both offices, and can be made by calling 213-978-1219 for the Downtown location, or 213-978-1297 for the Valley location.

In order to obtain the clearance, the following materials must be provided:

- a. LEED Checklist - The project's LEED Checklist that demonstrates that the project will meet the intent of the selected LEED Rating System at the Certified level or higher. Each pursued credit must be annotated to indicate where supporting documentation can be found in the plans and specifications.
- b. Signed Declaration - A signed declaration from the Owner(s), Architect of Record and LEED AP stating that the plans and plan details have been reviewed, and that the project of the selected LEED Rating System at the Certified level or higher. The

declaration (CP-4038) is a Planning Department General Form that can be accessed online at <http://cityplanning.lacity.org>.

- c. Stamped and Signed Drawings/Plans - A complete set of plans stamped and signed by a licensed architect or engineer that has the LEED Checklist and declaration copied onto the first page. Each plan sheet must be signed by the LEED AP verifying that the plans are consistent with the submitted checklist. The drawings/plans may be subject to audit.
- d. Fee - The fee set forth in Section 19.01 Y.

Exemption: At the time of the clearance request, projects that demonstrate that they have received confirmation from the USGBC that each of the project's Design Review credits has been designated as "Anticipated" shall be exempt from the aforementioned audit and fee.

For more information on the Standard of Sustainability, view the Standard of Sustainability Instructions (CP-4041) under Forms & Processes at <http://cityplanning.lacity.org>.

- 53. Community Redevelopment Agency.** That the applicant shall make suitable arrangements for clearance with the Community Redevelopment Agency for the Mid City Recovery Redevelopment Project area.
- 54. 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 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.
- 55. Prior to the clearance of any conditions,** the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

CONDITIONS OF APPROVAL FOR CONDITIONAL USE FOR OFF-SITE ALCOHOL

1. 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.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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 Zoning Administrator 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.
4. The grant made herein shall have a life of seven years after which the grant entitlement shall be null and void and the applicant shall file for and win approval of a new grant from the Office of Zoning Administration in order to continue the sale of a full line of alcoholic beverages for on-site consumption.
5. Approved herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with a 56,000 square-foot supermarket. Sales of alcoholic beverages for off-site sales shall be permitted only between the hours of 6:00 a.m. and 2:00 a.m., 7 days per week.
6. The sale of alcohol for on-site consumption is strictly prohibited.
7. 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.
8. 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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
9. 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 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.
10. The subject alcohol beverage license shall not be exchanged for a public premise type license.
11. There shall be no service, sales or possession of an alcoholic beverage in any patio or on any sidewalk area.
12. No pay phone will be maintained on the exterior of the premises.

13. There shall be no live entertainment of any type including (but not limited to): live music, disc jockeys, or karaoke.
14. There shall be no coin-operated games or video machines maintained upon the premises at any time.
15. The rear-side door(s) of the premises shall be equipped on the inside with an automatic locking device and shall be kept closed at all times. This door(s) shall not be used as a means of access by patrons to and from the premises. Temporary use of this door(s) for delivery of supplies does not constitute a violation. Said door(s) are not to consist solely of a screen or ventilated security door.
16. The Petitioner(s) shall be responsible for maintaining the area and area adjacent to the premises over which they have control, free of litter.
17. Any music, sound or noise emitted that is under the control of the petitioner(s) shall not violate LAMC Section 116.1.
18. The Petitioner(s) shall provide appropriate parking spaces for vehicles used by patrons of the premises as per the City of Los Angeles Zoning Regulations.
19. During the operating hours of business, the Petitioner(s) shall provide security officer(s) on the premises. All security personnel shall maintain order therein and prevent any activity that would interfere with the quiet enjoyment of their property by nearby residents. Said personnel shall be licensed consistent with State Law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.
20. Petitioner(s) shall install a minimum of four security cameras mounted at strategic locations and maintain security cameras and a one-month video library that covers all common areas of the business, high-risk areas and entrances or exits. The security cameras shall operate 24 hours a day to enhance the security of the site. The videotapes shall be made available to police upon request.
21. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premises at each point-of-sale location. This device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.
22. Within six months of the date of this determination and within six months of hire, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months.
23. Petitioner(s) shall maintain on the premises, and present upon request to any law enforcement officer, a copy of the business permit, insurance information, and contact information for the security company used by the Petitioner(s).
24. Any future operator or owner for this site must file a new Plan Approval Application or an equivalent to allow the City of Los Angeles to review the "mode of character" of the usage.

25. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the Petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
26. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
27. Prior to issuance of any permits relative to this matter, 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 for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This 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 to the Department of City Planning for attachment to the subject case file.

FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the Wilshire Community Plan, adopted by the City Council on September 19, 2001 (pursuant to Council File 01-1366). The Plan designates the subject property as Neighborhood Office Commercial which corresponds to the C1.5, C2, C4, RAS3 and RAS4 zones with a height district 1. The subject property is currently zoned C2-1-O and P-1-O and the zone change request is for (T)(Q)C2-1-O. The supplemental use district "O" is used to designate Oil Drilling and applies to areas where the drilling of oil wells or the production from the wells of oil, gases or other hydrocarbon substance is permitted. These The proposed zone of (T)(Q)C2-1-O is consistent with the Neighborhood Office Commercial land use designation on the plan map and is in conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Wilshire Community Plan.

2. **General Plan Text.** The Wilshire Community Plan text includes the following relevant land use objectives, policies and programs:

The requests for approval of the zone change and associated entitlements would be consistent with important goals, objectives, and policies of the Wilshire Community Plan that refer to commercial development including:

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.

3. **Zone Change Findings.** Pursuant to Section 12.32-F, G 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 subject zone change request involves an existing Vons supermarket, which is located on the southeast corner of Fairfax Avenue and Pico Boulevard within the Wilshire Community Plan Area. The site is bounded by commercial uses along Pico Boulevard. Multi-family uses are located directly to the south, as well as across Fairfax Avenue and Orange Grove Avenue. The subject site is approximately 2.02 acres in size. The site is presently encumbered by two zoning designations. The C2-1-O zone is imposed on the portion of the property currently developed with the existing Vons store and the P-1-O zone is imposed over the portion of the property that accommodates the current surface parking area.

The proposed zone change is consistent with the General Plan designation on the property. The Wilshire Community Plan designates the property as Neighborhood Office Commercial and refers to the LAMC for permitted zoning and specific land uses permitted within this designation. The Neighborhood Office Commercial land use designation allows for the corresponding zones of C1, C1.5, C2, C4, P, CR, RAS3 and RAS4. The Neighborhood Office Commercial land use designation allows, but is not limited to, the construction of retail stores, offices, hotels, churches, schools, multi-family development and mixed-use projects. Development of the proposed project includes the demolition of an existing 26,306 square foot Vons to construct a new 56,000 square foot Vons with 224 parking spaces, operating 24 hours per day, which is consistent with the Neighborhood

Office Commercial land use designation. The proposed project is consistent with the proposed Wilshire Community Plan.

Vons requests the subject zone change to alleviate the zoning limitations by changing the C2-1-O zone and P-1-O zone to the (T)(Q)C2-1 zone so that the entire site is uniformly zoned (T)(Q)C2-1. The current patchwork zoning on site is outdated, the "P" zone is no longer utilized by the City of Los Angeles, and it is proper for the entire site to be rezoned to C2, which will facilitate the proposed project and any future redevelopment of the site. Although the applicant has requested removal of the "O" zone, the Planning Department recommends maintaining the "O" so that the site remains consistent with the plan area that designates it as a supplemental use. The "O" designation does not affect the proposed project.

4. Conditional Use Findings (Off-Site Sale of Alcoholic Beverages). In order for a Conditional Use to be granted, all of the legally mandated findings delineated in Section 12.24-W.1 of the Los Angeles Municipal Code must be made in the affirmative.

a. The proposed location will be desirable to the public convenience or welfare.

The subject site is located along the southerly side of Pico Boulevard and is bounded by Fairfax Avenue to the west and Orange Grove Avenue to the east in the Wilshire Community Plan Area. There are no significant environmental resources observed on the project site. The subject property is approximately 2.02 acres in size and is improved with an existing approximately 26,300 square foot Vons that will be demolished and replaced with a new approximately 56,000 square foot Vons with 224 parking spaces. The Applicant, Vons, is requesting a conditional use permit to sell a full line of alcoholic beverages for off-site consumption. Vons proposes to operate 24 hours per day however alcohol sales would be limited to 6 a.m. to 2 a.m., daily.

The project consists of an existing supermarket to be replaced with a new supermarket along a commercial corridor. The requested Conditional Use entitlement for alcohol sales for off-site consumption (CUB) will replace an existing CUB. Even though a new CUB for alcohol sales is requested, it is not adding to the number of existing CUBs in the neighborhood. The updated Vons store will provide grocery sales along with the alcohol sales in an expanded and updated store that is much needed to serve the needs of the neighboring residents. The proposal is appropriately situated for the intended supermarket with alcohol sales. As conditioned, the proposed use will not adversely affect the welfare of the adjacent commercial or residential community. Furthermore, to ensure the location will be desirable to the public convenience, the Planning Department has imposed conditions of approval that will serve as a safeguard to the public.

b. The proposed location is proper in relation to adjacent uses or the development of the community.

The subject area is urban and improved with various commercial (shopping centers, restaurants, commercial office, etc.) and residential land uses. Adjacent land uses along Pico Boulevard include commercial uses including auto repair, retail, and offices in the C4-1-O zone. Land uses to the north include multi-family residential in the R3-1-O, RD1.5-1-O, and R2-1-O zones; land uses to the east and south include multi-family residential in the [Q]R3-1-O and R2-1-O zones; and land uses to the west include multi-family residential in the [Q]R3-1-O zone. The subject location is in proper relation to adjacent uses of the community. The request for sales of alcoholic beverages for

off-site consumption would not conflict with other commercial neighbors and their patrons.

The proposed project, a redeveloped Vons supermarket, is a full-service market to include liquor sales for off-site consumption. The property is zoned for such a use and the use is compatible with the development of the community. The site has long been a commercially designated site with an existing Vons with a CUB for liquor sales for off-site consumption. The conditions imposed with this grant will ensure the uses will operate in a reasonable manner in relation to adjacent uses and development of the community.

- c. *The use will not be materially detrimental to the character of the development in the immediate neighborhood.*

The proposed sale of a full line of alcoholic beverages for off-site consumption in conjunction with a new Vons store will not create adverse impacts to the character of the development in the immediate neighborhood. The store will operate 24 hours per day with alcohol sales limited from 6 a.m. to 2 a.m., daily. The store should not create any adverse impacts to the community. The store will also utilize other means to ensure no adverse impacts are created, such as, electronic age verification and extensive employee training programs. The CUB requested as part of the subject application will replace an existing CUB for liquor for off-site consumption. The existing CUB has been in existence for decades with no complaint. Given the content of the conditions and limitations established herein the surrounding land uses will not be adversely impacted.

- d. *The proposed location will be in harmony with the various elements and objectives of the General Plan.*

There are eleven elements of the General Plan. Each of the elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the Code. The Wilshire Community Plan Map designates the property for Neighborhood Office Commercial land uses subject to the corresponding C2 and P Zones. The site is subject to Height District No. 1 which does not limit height. The project site is also located in the Mid City Recovery Redevelopment Project.

The issue of alcoholic beverages is not specifically addressed by the General Plan. Conditional authorization for the sale of alcoholic beverages for off-site consumption is allowed through the approval of the City Planning Commission subject to findings for this request. Given the content of the conditions and limitations established herein the surrounding land uses will not be adversely impacted. As such, the proposed use will be in harmony with the Plan goals and objectives and will be in harmony with the General Plan.

- e. *The proposed use will not adversely affect the welfare of the pertinent community.*

The proposed use is for a supermarket facility which will provide a full line service of alcoholic beverages. To offer customers a complete variety and more comprehensive food and spirits shopping experience, the applicant would like to sell alcohol along with typical grocery sales items. The redeveloped market use will contribute to improve the

commercial corridor on Pico Boulevard and provide the community with an updated and larger retail facility that can offer alcoholic beverages sales with appropriate limitations. In addition, applicant will continue its practice of local hiring and on-site job fairs. As conditioned, the proposed use will not adversely affect the welfare of the adjacent commercial or residential community.

- e. *That 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 Department of Alcoholic Beverage Control ("ABC"), the number of licenses allowed in Census Tract No. 2169, is 5 for on-site consumption and 4 for off-site sales. The number of existing licenses for on-site consumption is 4 and 4 for off-site. One of the existing off-site licenses is for the existing Vons store. Therefore, ABC indicates that based on the number of allowed and the number of existing licenses, that there is not an undue concentration of licenses in the census tract.

According to the Department of Alcoholic Beverage Control ("ABC"), the project site is not located within a High Crime Reporting District. The total number of crimes reported in Crime Reporting District 762 is 196 crimes. The average number of crimes for all districts is 235 crimes per district. In evaluating the request to sell alcohol for off-site consumption, the City Planning Commission considers; crime statistics, LAPD input, the ABC license information, as well as the site's zoning, land use designation, sensitive land uses, and the site design. In the subject case the census tract is not over-concentrated, the property is not in a high crime district, the site is commercially zoned and the sensitive uses are buffered from the store and the associated parking. Vons is a responsible retailer with very reasonable hours. LAPD did not oppose the application, and it was supported by Council Office 10 and the PICO Neighborhood Council.

- f. *That 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 are located within 1,000 feet of the subject property:

- Single-family and multi-family land uses
- Korean Western Presbyterian Church
1218 South Fairfax Avenue

The term grant allows for a subsequent consideration of the request taking into account any changes in the area which may create impacts. This grant has placed numerous conditions on the proposed project. The area surrounding the project currently includes a wide variety of commercial and residential uses. The PICO Neighborhood Council approved the request for a conditional use for the sale a full-line

of alcoholic beverages for off-site consumption. The conditional use will not detrimentally affect the neighboring residential properties or any other sensitive uses in the area.

5. Conditional Use Findings (Commercial Corner Development). In order for a Conditional Use to be granted, all of the legally mandated findings delineated in Section 12.24.W,27 of the Los Angeles Municipal Code must be made in the affirmative.

a. *The proposed location will be desirable to the public convenience or welfare.*

The Vons redevelopment will be desirable in that it will result in a retail food store more in line with today's conventional grocery store standards. The larger store size will permit the store to compete with other conventional supermarkets in the area, allowing enough space for enhanced bakery, pharmacy, floral and prepared foods sections and to keep up with customer demand and expectation levels. All adjacent development along Pico Boulevard consists of commercial uses as well. Relocating the new store so that it fronts along Pico Boulevard will ensure consistency with neighboring development, most of which is already located at the street along Pico Boulevard. The redevelopment will also result in an updated architectural design, which is more aesthetically pleasing than what currently exists on site today. In addition, the expanded hours of operation to 24 hours per day would provide the area's residents the opportunity for continuous grocery availability, which is consistent with the urban neighborhood. Also, the applicant is requesting approval to provide less than 50% transparent windows fronting adjacent streets. The applicant is proposing 17% clear glazing along Fairfax Avenue, 18% clear glazing along Pico Boulevard, and 12% clear glazing along Orange Grove Avenue. The approval for less than 50% transparent windows would allow areas such as offices, storage, and maintenance areas to be shielded from public view. An updated and expanded supermarket with a broad range of services and products including grocery, non-foods, pharmaceutical, bakery, delicatessen, and a full-line of alcohol sales will be an asset to the immediate community.

b. *The proposed location is proper in relation to adjacent uses or the development of the community.*

The project involves the construction of a new approximately 56,000 square foot Vons supermarket. The existing smaller and outdated Vons store will be demolished to allow for a larger store that is able to accommodate expanded services and grocery and non-grocery sections to satisfy the neighborhood's modern day consumer expectations. The property is located along Pico Boulevard and bounded by Fairfax Avenue and Orange Grove in the Wilshire Community Plan Area. The site is bounded by commercial uses along Pico Boulevard. Multi-family uses are located directly to the south, as well as across Fairfax Avenue and Orange Grove Avenue. The proposed use of a supermarket is permitted in the C2 zone and Neighborhood Office Commercial land use designation. The proposed hours of operation of 24 hours per day, expanded from the standard limitations of the commercial corner ordinance, will be proper in the development of the community that consists of varied commercial uses along Pico Boulevard. Also, the applicant is requesting approval to provide less than 50% transparent windows fronting adjacent streets. As conditioned, the development is proper in relation to adjacent uses.

- c. *The use will not be materially detrimental to the character of the development in the immediate neighborhood.*

The proposed use is virtually identical to the existing use, replacing a supermarket with a new supermarket, and will not be detrimental to the character of the development in the immediate neighborhood. The store upgrades include a larger store with expanded hours of operation, additional services including floral, bakery, and pharmacy departments, and a new architectural design that fronts along Pico Boulevard will ensure consistency with the neighboring commercial development. The expanded grocery and non-grocery sections the store will be able to offer as a result of the expansion are desired by the neighborhood. Finally, the retail use proposed continues to be consistent with the character of the development in the immediate area and will not be materially detrimental.

- d. *The proposed location will be in harmony with the various elements and objectives of the General Plan.*

The project is zoned C2, is located within the Wilshire Community Plan area, and is designated for Neighborhood Office Commercial use. The Plan recommends projects that "Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas." The project has been conditioned to provide a high degree of compatibility with conforming commercial development within the vicinity, thereby, achieving harmony with the objectives of the General Plan.

- e. *The Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety.*

The existing Vons store on-site has been operating with the hours of 6 a.m. to 1 a.m. with only minor calls for LAPD service at the location, the majority of those calls were for shoplifting. The new store will be a substantial upgrade that will include several conditions regarding public welfare and safety, including the implementation of security guards, lighting and cameras. In order to substantially decrease crime related calls, LAPD has imposed several conditions of approval in order to assist the Department in maintaining the public welfare and safety of the surrounding residential and business community.

- f. *Access, ingress and egress to the Mini-Shopping Center or Commercial Corner Development will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, based on data provided by the City Department of Transportation or by a licensed traffic engineer.*

The commercial corner development has been reviewed and a Traffic Study approved by the Department of Transportation. The Department of Transportation has required measures that have been incorporated into the conditions of approval for future implementation, including intersection improvements and traffic signal upgrades at Pico Boulevard and Fairfax Avenue, in their letter dated July 7, 2010. Vehicular ingress and egress will be along Fairfax Avenue and Orange Grove Avenue and all driveways would be limited to 30 feet in width. No vehicular ingress and egress will be permitted along Pico Boulevard. According to the Department of Transportation's analysis, there will be no unmitigated significant impacts. Therefore, the proposed Commercial Corner Development would not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.

- g. *There is not a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed Mini-Shopping Center or Commercial Corner Development.*

The immediate vicinity is composed of commercial zoning that runs along Pico Boulevard. Any redevelopment at this site will require clearance from this requirement of the Municipal Code (the site is an existing Commercial Corner Development ("CCR") that is non-conforming to the CCR regulations). Conditional approval of this project, replacing an existing supermarket with a new supermarket, will not result in an addition to the concentration of Commercial Corner Developments within the immediate area.

- h. *The Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district, area or zone, or, if the lot or lots are located in the identified district, area or zone, that the Mini-Shopping Center or Commercial Corner Development would be consistent with the district, area or zone.*

The subject property is located within the Wilshire Community Plan and the Mid-City Redevelopment Project Area. The project complies with the goals and objectives of the applicable Community Plan and is consistent with the goals and objectives of the Mid-City Redevelopment Project. Further, the proposed (T)(Q)C2-1-O zone allows the proposed use of a retail store (Vons).

6. **Environmental.** A Mitigated Negative Declaration (ENV-2009-3354-MND) was prepared for the proposed project. 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. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

PUBLIC HEARING AND COMMUNICATIONS

A public hearing on this matter was held in front of a Hearing Officer at Los Angeles City Hall on Wednesday, September 1, 2010.

Present. Approximately 10 people attended the public hearing.

The applicant's representative gave a presentation of the project and the described the requested entitlements. The architect for the project gave a more detailed description of the building and design and plans. The applicant also stated:

- A bigger store would better serve the community by providing additional amenities including a hot bakery, deli, pharmacy, floral department, and Starbucks;
- Vons is seeking LEED certification however they are not sure what level;
- The construction timeline including demolition will be approximately 11 months with an anticipated start at the end of 2011 and a opening in the Fall of 2012;
- There are nearby supermarkets for the community to shop at during the closure including another Vons located at Olympic Boulevard and Beverly Boulevard and a Ralphs located at La Brea and Pico Boulevard.

Liz Carlton from the Councilmember Herb Wesson's Office spoke in full support of the project. No member from the public spoke.

Communications Received.

Four letters from other city departments have been received including the Department of Transportation (October 26, 2009 and July 7, 2010), Bureau of Engineering (December 15, 2009), Los Angeles Police Department (November 9, 2009). Conditions of Approval have been added to incorporate the comments where appropriate.

Community Outreach by the Applicant

Community outreach has been a vital component for the project. According to the applicant, several Vons has made extensive efforts to work with the surrounding community. The following is a timeline of events:

- Fall 2009 – Communication with community groups and the Council Office began, shortly after the application was filed with the Department of City Planning.
- September 22, 2009 – Vons met with Captain Eric David and James Lopes of the Los Angeles Police Department.
- December 13, 2009 – A Vons Project Community Open House was held at the site. A mailing went out to all residents within a 500-foot radius. Approximately 75 community members were in attendance. Representatives from community groups, including Liz Carlin of Councilmember Wesson's office, were in attendance.
- June 2010 – The South Robertson Neighborhood Council honored Vons at their 13th Annual SoRo Community Festival for its outstanding leadership in the field of environmental business practice.

Residents within a 500-foot radius from the project site were notified of the public hearing held on September 1, 2010 by mail and notification was published in the Daily Journal on August 9, 2010 as well.