



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### South Los Angeles Area Planning Commission

**Date:** August 6, 2013  
**Time:** 4:30 P.M.\*  
**Place:** Constituent Service Center  
8475 S. Vermont Avenue  
Los Angeles, CA 90044

**Public Hearing:** March 6, 2013  
**Appeal Status:** Zone Change appealable by applicant to City Council if disapproved in whole or in part.  
**Expiration Date:** August 6, 2013

**Case No.:** APCS-2012-3467-ZC  
**CEQA No.:** ENV-2012-3468-MND  
**Incidental Cases:** None  
**Related Cases:** None  
**Council No.:** 8  
**Plan Area:** Southeast Los Angeles  
**Specific Plan:** South L.A. Alcohol Sales  
**Certified NC:** Empowerment Congress  
Southeast Area  
**GPLU:** Commercial Manufacturing  
**Zone:** [Q]R4-1 *proposed C2-1VL*  
**Applicant:** Woo K. Lee  
**Representative:** Ariel Gutierrez -  
Cartomap Services

**PROJECT LOCATION:** 10001 South Main Street

**PROPOSED PROJECT:** A Zone Change from [Q]R4-1 to C2-1VL, in conjunction with the continued use of a legal, non-conforming 2,000 square-foot liquor store and the addition of a 1,475 square-foot accessory storage space.

**REQUESTED ACTION:**

1. Pursuant to LAMC Section 12.32-F, a Zone Change from [Q]R4-1 to C2-1VL in conjunction with the continued use of a liquor store and the addition of a 1,475 square-foot accessory storage space.
2. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, the adoption of a **Mitigated Negative Declaration** and required findings for the above-referenced project.

### RECOMMENDED ACTIONS:

1. **Approve and Recommend** that the City Council adopt a **Zone Change** from [Q]R4-1 to (T)(Q)CM-1, consistent with the Commercial Manufacturing land use designation.
2. **Adopt** the attached Findings.
3. **Adopt** Mitigated Negative Declaration No. ENV-2012-3468-MND.
4. **Recommend** that the applicant be advised that time limits for effectuation of a zone in the "Q" Qualified Classification and "T" Tentative Classification are specified in Section 12.32.G of the L.A.M.C. Conditions must be satisfied prior to the issuance of building permits and that the (T) Tentative classification be removed in the manner indicated on the attached page.
5. **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.

6. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

MICHAEL J. LOGRANDE

Director of Planning

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Lisa M. Webber, AICP  
Deputy Director of Planning

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Daniel Scott, Principal City Planner

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(213) 978-1383

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1295.

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## PROJECT ANALYSIS

### Project Summary

The proposed project involves a Zone Change from [Q]R4-1 to C2-1VL Zone. The Plan Map designates the subject property for Commercial Manufacturing land use with a corresponding zone of CM. The site is currently improved with an existing 2,000 square-foot liquor store, and the Applicant is proposing to add a 1,475 square-foot accessory storage space adjacent to the retail space and three additional parking spaces.

### Background

The project site is a level, rectangular-shaped corner lot consisting of 7,541 square feet, located at the southwest corner of Main Street and Century Boulevard. The site is currently improved with a liquor store that has been legally operating in the currently adopted [Q]R4-1 Zone. A church use is located immediately to the south, on the same block. The Applicant is herein requesting a zone change that would allow commercial/retail uses by-right, which would also make the zone fully consistent with the General Plan's designation of Commercial Manufacturing land use. The Applicant has previously added an accessory storage space without obtaining proper City permits. Although the use was not cited by the Department of Building and Safety, the Applicant is now formally requesting to change the zone of the site and legalize the addition.

In 1957, the subject site was issued a Certificate of Occupancy by the City for a 2,000 square-foot retail store and has since been operating as such. In 1991, the City Council adopted a zone change for the subject property from an underlying M1-1 Zone to the current [Q]R4-1 Zone, as part of the City's General Plan Consistency program. At the time, the City was mandated under the State's AB283 legislation to make the zones of all properties throughout the City consistent with the General Plan. This particular site was designated Commercial Manufacturing land use with an underlying zone of M1-1. The M1 Zone was classified inconsistent with the land use designation since it allows higher intensity of uses than what is permitted within the Commercial Manufacturing designation. The zone change would effectively make the site consistent with the existing Commercial Manufacturing land use designation. It would also allow the Applicant to lawfully add and operate an accessory storage space. Staff is recommending to change the zone to CM-1. The zone consistency is further explained below, under AB283.

### Issues

#### AB283 General Plan Consistency – Church Use

The AB283 program was a massive and extensive undertaking, which utilized unconventional methods to address the zoning inconsistencies in order to meet the State's deadline, where, for this area along Main Street, each block was grouped together to effectuate the General Plan Consistency. For instance, where the blocks were improved with commercial or limited industrial uses, that entire block face was changed to the CM Zone in order to make it consistent with the Commercial Manufacturing designation. However, if the block consisted of a church or church-related use on any of the lots in that block, the entire block was changed to a [Q]R4-1 zone, which allowed R4 uses but restricted the construction of new churches. The R4 Zone allows church uses as a matter of right. Existing churches were allowed to maintain its use as a non-conforming use. This practice was universally applied to blocks in the Southeast and South Los Angeles communities to limit the expansion and proliferation of churches at the urging of the local citizens at the time. Due to the legal constraints and enormity of the AB283 program, "wholesale" changes were made to areas throughout the City. As a result, this part of Main

Street consists of a block having a zone of CM-1, the next block having a zone of [Q]R4-1, and the following with a zone of C2-1VL.

Furthermore, the “Q” Qualified Classification was incorporated as part of the R4 Zone in order to allow existing and other uses permitted in the Commercial Manufacturing land use designation. New churches were categorically prohibited. The Q Condition states that:

“Churches and uses accessory thereto legally existing as of the effective date of this ordinance, shall be subject to the regulations governing such uses as provided for in LAMC Section 12.11 [R4 Zone – allows church uses]. Thereafter, the use of property shall be restricted to those uses permitted in the zone corresponding to the land use designation for the subject property as set forth in the Southeast Los Angeles [Community] Plan.”

Subarea No. 4614

Plan Designation: Commercial Manufacturing

Corresponding Zone: CM-1

This zone change, however, essentially created confusion as a result of the new R4 Zone, which allows multi-family residential and other related uses, and the Q Condition, allowing a higher intensity of limited manufacturing uses permitted in the CM Zone. (There is no direct industrial/residential land use conflict, however, because the CM zone inherently allows uses allowed in the R3 Zone, which permits less density than R4 Zone – creating more confusion). There is also an issue of utilizing the Q Condition as a vehicle to permit uses of higher intensity than what the zone itself allows. In other words, the Q Condition should not allow uses that are more intense, like manufacturing uses, in the R4 Zone. It is not proper planning practice. As explained earlier, however, this method was utilized solely for the purpose of meeting the mandate of the massive AB283 program. The intention was to meet the General Plan Consistency mandate, while the long-term goal of the City was to address the issue site by site at a later time. The Southeast Los Angeles Community Plan is currently in the process of a major update at the time of this writing.

The project site, that has been operating as a liquor store, was subject to this wholesale change with the new [Q]R4-1 Zone, in 1991, given the fact that this site was located on the same block as a church use. The retail use is technically, legally operating on the site, as the Q Condition allows those uses permitted in the CM Zone. However, changes or addition to the building would trigger issues of zone consistency. The request by the Applicant to change the zone would create a zone that would allow retail and other commercial uses on the site. Staff is recommending the approval of a zone change to (T)(Q)CM-1, as the CM Zone would restrict certain types of uses, such as churches, indoor swap meets and hospitals, while permitting limited manufacturing uses, such as bakeries, research labs and packaging businesses. The CM-1 Zone would be consistent with the Commercial Manufacturing land use designation, as originally intended, while effectively “cleaning up” of the zone. The zone change would also allow an accessory storage use to the primary retail store.

Signage

There are currently numerous illegal signs installed on the facades facing both Main Street and Century Boulevard. This has created a cluttered look and degraded the use of the building. A condition has been imposed as a requirement to remove all illegal and temporary signs. Additional measures have been imposed to maintain the use in a safe and sanitary condition, free of debris and graffiti. The approval of this Zone Change would effectively clean up the site and upgrade the use.

### Accessory Storage Space

The Applicant has previously added an accessory storage space without obtaining proper City permits. Although the use was not cited by the Department of Building and Safety, the Applicant is now formally requesting to change the zone of the site and legalize the addition. The proposed CM-1 Zone would be consistent with the Commercial Manufacturing land use designation, as originally intended under the AB283 program. The zone change would also allow an accessory storage use to the primary retail store.

### Parking and Landscaping.

The addition of an accessory storage space would be required to provide three additional parking spaces. Due to the fact that the retail use was issued a Certificate of Occupancy in 1957, the liquor store has been operating as a grandfathered use. No parking was required at the time. As such, additional parking is only required to that of what is being added currently.

At the public hearing, the hearing officer raised the issue of cars using the driveway space off of Main Street as a parking area and the lack of landscaping in the parking lot. The Applicant has since revised the plans to eliminate parking spaces in this area and designate the space as an ingress/egress driveway. Further, landscaping has been added on the perimeter of the site to enhance the site. A revised site plan is attached herewith.

### Surrounding Properties:

The neighborhood is characterized by retail and auto uses located along Main Street with residential uses along the local "side streets". Properties to the north, across Century Boulevard, is under construction with retail uses in the CM Zone. Properties to the east, across Main Street, are developed with retail uses and a church. The property immediately to the south is developed with church uses all in the [Q]R4 Zone. Properties to the west, across an alley, are improved with single-family residences and duplexes in the R2 Zone.

### Streets and Circulation:

Main Street is a Secondary Highway dedicated to a 85-foot width at the project's street frontage.

Century Boulevard is a Major Highway Class II dedicated to a 100-foot width at the project's street frontage.

The Alley is dedicated to a 12-foot width.

### Public Hearing:

A public hearing on this matter with the Hearing Officer was held at City Hall on Wednesday, March 6, 2013 (see Public Hearing and Communications, Page P-1).

### Relevant Cases:

*Case No. CPC-1986-827-GPC.* The City Council adopted Ordinance No. 167,354 Subarea No. 4614 that changed the zone from M1-1 to [Q]R4-1 for the subject site, as part of the AB283 General Plan Consistency program.

**Conclusion**

Based on the information submitted, the surrounding uses, input from the public hearing, and the project's proposed compliance with the Southeast Los Angeles Community Plan, the Department of City Planning is recommending that the South Los Angeles Area Planning Commission approve the zone change to (T)(Q)CM-1. It will provide for a commercial site that will become fully consistent with the General Plan. It will also inherently prohibit the church uses on the site. The approval of this Zone Change, with the imposition of the conditions of approval and mitigation measures, will clean up and upgrade the site, while allowing the small business to expand its economic base by allowing the addition of an accessory storage space. No testimony or other communications in opposition to the proposed zone change were received.

## **Conditions For Effectuating (T) Tentative Classification Removal**

Pursuant to Section 12.32 G of the Municipal Code, the (T) or [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. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. Bureau of Engineering. Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
  - a. Prior to the issuance of building permit, the applicant shall pay a fee in accordance to Ordinance No. 182,237, adopted by the City Council requiring the City Engineer to collect a fee for the investigation of highway dedication and improvements requirements, as well as for the processing of a report to the City Planning Department. The total amount owed for this application (including a 2% and 7% surcharge) is \$10,766.25 payable to the City of Los Angeles (including \$3,000 for expedited cases). Further processing of this case will continue upon receipt of payment and failure to pay may delay clearance of engineering conditions required for this project. The fee may be paid in person or by mail at: Land Development Group, Attn: Public Counter, 201 N. Figueroa Street, Suite 200, Los Angeles, CA 90012. Prior to the issuance of a building permit, all other improvements shall be guaranteed for the repair of any broken off-grade bad order concrete curb, gutter, and concrete sidewalk on both Main Street and Century Boulevard; and all driveways will be required to comply with ADA requirements.
3. Department of Transportation. Satisfactory arrangements shall be made with the Department of Transportation to assure:
  - a. A parking area and driveway plan shall be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street suite 400, Station 3.



4. Fire Department. Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval and a suitable arrangement shall be made satisfactory to the Fire Department, binding the all successors to the following:
  - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.

Notice: If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.) as required herein, are completed to the satisfaction of the City Engineer.

## (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.

### Entitlement Conditions

1. **Use.** The uses on the subject property shall be limited to those permitted in the CM-1 Zone, pursuant to LAMC Section 12.17.1.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A". Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Planning Department. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Floor Area.** The floor area of the buildings on the subject property shall not exceed 1.5:1 floor area ratio (FAR), pursuant to LAMC Section 12.21.1-A,1.
4. **Height.** The height of all structures shall not exceed the provisions as enumerated in LAMC Section 12.21.1.
5. **Parking.** The number of parking spaces shall be in conformance with LAMC Section 12.21-A,4, as determined by the Department of Building and Safety.
6. **Existing Signs.** All illegal signs shall be removed prior to the issuance of any building permit.
7. **No Blank Wall.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site. No facade shall create a blank wall effect.

### Environmental Conditions

8. **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.
9. **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.

10. **Light.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
11. **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.
12. **Air Pollution.** 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 11, to the satisfaction of the Department of Building and Safety.
13. **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.
14. **Green House Gas Emissions.** Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
15. **Emergency Evacuation Plan.** Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.
16. **Demolition, Grading, and Construction Activities.**
  - a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
  - b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
  - c. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
  - d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
  - e. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
17. **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.

**18. Noise Levels – Retail Markets.**

- 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.
- c. 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.

- 19. 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. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

**20. Safety Hazards.**

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

**21. 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.)

22. **Utilities (Solid Waste Disposal).** All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

### **Administrative Conditions**

23. **Approvals, 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.
24. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
25. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
26. **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.
27. **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.
28. **Building Plans.** Page 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.
29. **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.
30. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings 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.

31. **Expiration/Termination.** The subject (T)(Q)CM-1 Zone shall become null and void, and the rezoning proceeding shall be terminated, (a) if the applicant fails to remove the T Tentative classification within the six year time period provided in LAMC Section 12.32-G,h, including any extensions or (b) upon applicant's delivery to the Director of City Planning of written notice terminating the (T)(Q)CM-1 rezoning.
32. **Expedited Processing Section.** 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.

## FINDINGS

1. **General Plan Land Use Designation.** The subject property is located in the Southeast Los Angeles Community Plan, which was adopted by the City Council on March 22, 2000. The Plan Map designates the subject property for Commercial Manufacturing land use with a corresponding zone of CM. The subject property contains approximately 7,541 square feet. The site is currently zoned [Q]R4-1, which is technically inconsistent with the Commercial Manufacturing land use designation (see Zone Change Findings No. 1 on Page F-2). The Applicant is requesting to change the zone from [Q]R4-1 to C2-1VL as part of proposed project. A (T)(Q)CM-1 Zone is being recommended by the Department of City Planning, which will make the site fully consistent with the adopted Commercial Manufacturing land use designation. The zone change will continue to allow the site to be used as a liquor store and add an accessory storage space. The CM Zone will also be consistent with the neighboring commercial properties along Main Street.
  
2. **General Plan Text.** The Southeast Los Angeles Community Plan text includes the following relevant land use goals, objectives and policies:

**Objective 2-1:** *To conserve and strengthen viable commercial development.*

**Policy 2-1.4:** *Ensure the viability of existing neighborhood stores (i.e, mom-and-pop) which support the needs of local residents and are compatible with the neighborhood.*

**Policy 2-1.5:** *Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.*

**Objective 2-3:** *To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.*

**Objective 2-6:** *To maintain and increase the commercial employment base for community residents whenever possible.*

The project is located along the major thoroughfare of Main Street at the corner of Century Boulevard. The proposed project, as conditioned, will enhance the neighborhood character, ensure the viability of existing neighborhood stores, require uses to be compatible with City regulations, and allow the existing businesses to expand their economic base. The project will upgrade the existing liquor store while being able to expand the business by adding an accessory storage space. The recommended Zone Change from [Q]R4-1 to (T)(Q)CM-1 will make the site fully consistent with the adopted Commercial Manufacturing land use designation.

Framework Element. The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The requested Zone Change would permit the continued use of a liquor store along Main Street at the corner of Century Boulevard, a major intersection. The continued use and addition of an accessory storage space would allow the small business to maintain and

expand its economic viability. The proposed project would advance overarching planning principles set forth in the Framework Element, including:

**Objective 7.2:** *Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

**Objective 7.3:** *Maintain and enhance the existing businesses in the City.*

**Objective 7.6:** *Maintain a viable retail base in the City to address changing resident and business shopping needs.*

3. The **Transportation Element** of the General Plan is not likely to be affected by the recommended action herein. Main Street is a Secondary Highway dedicated to an 85-foot width and the Alley is dedicated to a 12-foot width. The proposed project will not generate significant traffic impacts and a traffic study was not required by the Department of Transportation. Three vehicular access points currently serve the site, one along Main Street and two along Century Boulevard. Any improvements, as required as part of the (T) Classifications, will assure compliance with this Element of the General Plan and with the City's street improvement standards.

Furthermore, the requested Zone Change will allow the continued use of an existing retail store along a major transportation corridor in an established residential neighborhood. The implementation of the conditions of approval and mitigation measures will bring the use into compliance with City regulations by eliminating unlawful parking areas, while adding proper parking spaces and adding landscaping.

Bike Plan. The 2010 Bicycle Plan, a component of the Transportation Element, was adopted on March 1, 2011 and will not be affected by the recommended action. The three goals that have been established by the Plan are to: increase the number of types of bicyclists who bicycle in the City; make every street a safe place to ride a bicycle, and make the City of Los Angeles a bicycle friendly community. These goals will realized by the implementation of policies, programs, and objectives. Policy 1.2.7 of the Plan is to "develop and implement citywide bicycling parking standards," by increasing the supply of secure bicycle parking.

The site is located on the southwest corner of Main Street and Century Boulevard. The proposed zone change will not affect the Bike Plan, as the project involves the continued use of a retail store and the addition of an accessory storage space.

Bicycle Ordinance No. 182, 386.

The proposed project is not subject to the provisions of the newly adopted Bicycle Ordinance, effective March 13, 2013 because the project was submitted to the Department of City Planning on December 17, 2012. Further, the Applicant is proposing to add an accessory storage space to the existing retail floor area.

4. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action.



## Entitlement Findings

### 5. Zone Change Findings

- a. Pursuant to Section 12.32-C 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 involves the continued use of an existing 2,000 square-foot liquor store and the addition of 1,475 square feet of accessory storage space. The site is currently zoned [Q]R4-1. The Applicant is requesting to change the zone from [Q]R4-1 to C2-1VL as part of proposed project. A (T)(Q)CM-1 Zone is being recommended by the Department of City Planning, which will make the site fully consistent with the adopted Commercial Manufacturing land use designation. The zone change will continue to allow the site to be used as a liquor store and add an accessory storage space. The CM Zone will also be consistent with the neighboring commercial properties along Main Street.

Public Necessity, Convenience and Welfare. The project site is a level, rectangular-shaped corner lot consisting of 7,541 square feet, located at the southwest corner of Main Street and Century Boulevard. The site is currently improved with a liquor store that has been legally operating in the currently adopted [Q]R4-1 Zone. A church use is located immediately to the south, on the same block. The Applicant is herein requesting a zone change that would allow commercial/retail uses by-right, which would also make the zone fully consistent with the General Plan's designation of Commercial Manufacturing land use. The Applicant has previously added an accessory storage space without obtaining proper City permits. Although the use was not cited by the Department of Building and Safety, the Applicant is herein formally requesting to change the zone of the site and legalize the addition.

The requested zone change would also promote the general welfare by upgrading the site and conforming with City regulations. There are currently numerous illegal signs installed on the facades facing both Main Street and Century Boulevard. This has created a cluttered look and degraded the use of the building. With the implementation of zone change, all illegal and temporary signs will be required to be removed. Additional measures have been imposed to maintain the use in a safe and sanitary condition, free of debris and graffiti. The approval of this zone change would effectively clean up the site and upgrade the use. Further, landscaping has been added on the perimeter of the property to enhance the site

Good Zoning Practices. In 1957, the subject site was issued a Certificate of Occupancy by the City for a 2,000 square-foot retail store and has since been operating as such. In 1991, the City Council adopted a zone change for the subject property from an underlying M1-1 Zone to the current [Q]R4-1 Zone, as part of the City's General Plan Consistency program. At the time, the City was mandated under the State's AB283 legislation to make the zones of all properties throughout the City consistent with the General Plan. This particular site was designated Commercial Manufacturing land use with an underlying zone of M1-1. The M1 Zone was classified inconsistent with the land use designation since it allows higher intensity of uses than what is permitted within the Commercial Manufacturing designation. The zone change would effectively make the site consistent the existing Commercial Manufacturing land use designation.

The AB283 program was a massive and extensive undertaking, which utilized unconventional methods to address the zoning inconsistencies in order to meet the State's deadline, where, for this area along Main Street, each block was grouped together to effectuate the General Plan Consistency. For instance, where the blocks were improved with commercial or limited industrial uses, that entire block face was changed to the CM Zone in order to make it consistent with the Commercial Manufacturing designation. However, if the block consisted of a church or church-related use on any of the lots in that block, the entire block was changed to a [Q]R4-1 zone, which allowed R4 uses but restricted the construction of new churches. The R4 Zone allows church uses as a matter of right. Existing churches were allowed to maintain its use as a non-conforming use. This practice was universally applied to blocks in the Southeast and South Los Angeles communities to limit the expansion and proliferation of churches at the urging of the local citizens at the time. Due to the legal constraints and enormity of the AB283 program, "wholesale" changes were made to areas throughout the City. As a result, this part of Main Street consists of a block having a zone of CM-1, the next block having a zone of [Q]R4-1, and the following with a zone of C2-1VL.

Furthermore, the "Q" Qualified Classification was incorporated as part of the R4 Zone in order to allow existing and other uses permitted in the Commercial Manufacturing land use designation. New churches were categorically prohibited. The Q Condition states that:

"Churches and uses accessory thereto legally existing as of the effective date of this ordinance, shall be subject to the regulations governing such uses as provided for in LAMC Section 12.11 [R4 Zone – allows church uses]. Thereafter, the use of property shall be restricted to those uses permitted in the zone corresponding to the land use designation for the subject property as set forth in the Southeast Los Angeles [Community] Plan."

Subarea No. 4614

Plan Designation: Commercial Manufacturing

Corresponding Zone: CM-1

This zone change, however, essentially created confusion as a result of the new R4 Zone, which allows multi-family residential and other related uses, and the Q Condition, allowing a higher intensity of limited manufacturing uses permitted in the CM Zone. (There is no direct industrial/residential land use conflict, however, because the CM zone inherently allows uses allowed in the R3 Zone, which permits less density than the R4 Zone). There is also an issue of utilizing the Q Condition as a vehicle to permit uses of higher intensity than what the zone itself allows. In other words, the Q Condition should not allow uses that are more intense, like manufacturing uses, in the R4 Zone. It is not proper planning practice. As explained earlier, however, this method was utilized solely for the purpose of the meeting the mandate of the massive AB283 program. The intention was to meet the General Plan Consistency mandate, while the long-term goal of the City was to address the issue site by site at a later time. The Southeast Los Angeles Community Plan is currently in the process of a major update at the time of this writing.

The project site, that has been operating as a liquor store, was subject to this wholesale change with the new [Q]R4-1 Zone, in 1991, given the fact that this site was located on the same block as a church use. The retail use is technically, legally operating on the site, as the Q Condition allows those uses permitted in the CM Zone. However, changes or addition to the building would trigger issues of zone

consistency. The request by the Applicant to change the zone would create a zone that would allow retail and other commercial uses on the site. Staff is recommending the approval of a zone change to (T)(Q)CM-1, as the CM Zone would restrict certain types of uses, such as churches, indoor swap meets and hospitals, while permitting limited manufacturing uses, such as bakeries, research labs and packaging businesses. The CM-1 Zone would be consistent with the Commercial Manufacturing land use designation, as originally intended, while effectively “cleaning up” of the zone. The zone change would also allow an accessory storage use to the primary retail store.

California Government Code Section 65041.1 identifies certain desirable planning practices and specifically encourages the “promot[ion] of infill development and equity by rehabilitating, maintaining and improving existing infrastructure that supports infill development and appropriate reuse and replacement of previously developed, underutilized land that is presently served by transit, streets, water sewer and other essential services.” The Project directly advances this key State planning objective and promotes good zoning practice by rezoning the site to make the site consistent with the land use designation, in line with the AB283 General Plan Consistency program. Also, the zone change will provide the opportunities for the small business to expand its economic viability and bring the site into compliance with City regulations.

- b. The current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed project. 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 the subject recommended action.
- 6. Environmental.** On March 13, 2013, a Mitigated Negative Declaration, ENV-2012-3468-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.
- 7. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is outside of a Flood Zone.

## **PUBLIC HEARING AND COMMUNICATIONS**

### **Hearing**

A public hearing conducted by the Hearing Officer on this matter was held on the 10<sup>th</sup> Floor of City Hall on Wednesday, March 6, 2013.

1. Present: The Applicant's Representative
2. Initial Indication and Testimony: The Applicant's team presented the proposed project, including some of the changes to the original design. Below is a summary of the issues discussed:

### **By Applicant's Representative**

- The Representative stated that, in response to the comments by the City Planning staff, the Applicant has decided to request a proper zone change that would create a site that is fully in conformance with the land use designation and also better for the property as a long-term solution, in lieu of a "quick fix" Zone Variance. The Applicant also included changes to the original design based on the comments, such as adding landscaping, removing illegal signage and eliminating parking in the driveway space.

### **By Hearing Officer –Issues Raised**

- Additional landscaping and the elimination of parking in the driveway should be added on the perimeter of the parking lot and shown on revised plans
- Advise the Applicant that the removal of all illegal signage will be a condition of approval
- More architectural features should be added to prevent the blank wall effect
- Consult with the Department of Building and Safety to make sure the provision of parking will be compliance. This can be done prior to the time of clearance
- Further investigation will be done to make a final recommendation of the zone change, given the complexity of the site's history

### **Communications Received**

No communications were received.