



EAST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: OCT 28 2021

Case No. APCE-2021-616-SPE-DRB-SPP-CUB
CEQA: ENV-2021-620-CE
Plan Area: Northeast Los Angeles

Council District: 14 – de León

Project Site: 2201, 2207, and 2211 West Colorado Boulevard

Applicant: Simon Shirazi, Eagle Rock Property Investments LLC

At its meeting of **September 22, 2021**, the East Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

Proposed interior tenant improvement, exterior renovation and alteration, and change of use of an existing 1,985-square foot automobile service station and snack shops to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station, construction of a new 560-square foot carwash, and the export of approximately 277 cubic yards of earth on a property that is 18,980 square feet in size. The proposed building will be a maximum of 19 feet, nine inches in height. The Project also includes the installation of three Wall Signs with individual channel letters. The Project will provide 11 vehicle parking spaces and 1,832 square feet of landscaped area. Ingress and Egress on the site will be via two existing driveways on Eagle Rock Boulevard and Colorado Boulevard. There are no changes proposed to the existing gas station.

1. **Found**, pursuant to CEQA Guidelines, Sections 15301, 15303, 15311, Class 1, Class 3 and Class 11, an Exemption from CEQA, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved with Conditions**, pursuant to Sections 11.5.7 C and 16.50 of the Los Angeles Municipal Code (LAMC), a Project Permit Compliance Review and Design Review for a Project located in Subarea II of the Colorado Boulevard Specific Plan;
3. **Approved with Conditions**, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit to allow the sale and dispensing of beer and wine only for off-site consumption in conjunction with a convenience store;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Campos
Seconded: Rascon
Ayes: Arellano, Espinoza, Stevens

Vote: 5 – 0

At its meeting of **September 22, 2021**, the East Los Angeles Area Planning Commission took the action below in conjunction with the denial of the following entitlement:

1. **Denied**, pursuant to LAMC Section 11.5.7 F, a Specific Plan Exception from the Colorado Boulevard Specific Plan Ordinance Nos. 168,046 and 178,098, to allow the construction of a new carwash in Subarea II; and
2. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Stevens
 Seconded: Campos
 Ayes: Arellano, Espinoza, Rascon

Vote: **5 - 0**

Cecilia Lamas (Electronic Signature due to COVID-19)

Cecilia Lamas, Commission Executive Assistant
 East Los Angeles Area Planning Commission

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

Effective Date/Appeals: The decision of the East Los Angeles Area Planning Commission is appealable to the Los Angeles City Council 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: NOV 12 2021

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Amended Findings, Interim Appeal Filing Procedure

- c: Jane Choi, Principal City Planner
 Debbie Lawrence, Senior City Planner
 Nicole Sanchez, City Planner
 Adrineh Melkonian, City Planning Associate

CONDITIONS OF APPROVAL

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the revised plans and materials submitted by the applicant, stamped Exhibit "A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. 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.
3. **Revised Plans.** Prior to condition clearance with the Department of City Planning, Development Services Center, the applicant shall submit a revised Exhibit "A" to the Department of City Planning, Central Project Planning Division showing compliance with the Colorado Boulevard Specific Plan and the Municipal Code as conditioned herein.
4. 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 Department of City Planning Development Services Center to impose additional corrective Conditions, if, in the East Los Angeles Area Planning Commission's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
5. 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.
6. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
7. Prior to the issuance of a building permit, plans shall be submitted for review and approval to the Fire Department.
8. **Building Height.** The project shall be limited to a maximum building height of 19 feet 9 inches as measured from grade. No portion of any building or structures shall exceed 15 feet in height within 20 feet of the rear yard setback.
9. **Rear Yard.** The project shall observe a minimum rear yard setback of 10 feet.
10. **Buffering Walls.** The project shall provide a solid minimum six (6) foot tall retaining wall along the north property line and portion of west property line, as seen in the revised Exhibit A.
11. **Screening Walls.** The project shall maintain solid decorative masonry walls to screen any parking areas along the portion of west, east and south property lines, except for the portion of the property line that requires an opening for ingress and egress to the project site. The screening walls shall be located to the interior side of the landscaping and not

along the property line. Prior to condition clearance, the applicant shall submit a revised exhibit demonstrating the relocation of the screening walls.

12. **Vehicle Parking.** The project shall provide 11 vehicle parking spaces in accordance with LAMC Section 12.21 A.4.
13. **Street Access.** No building permit shall be issued until the Department of Transportation has reviewed and approved the parking lot design, including the number and placement of driveways for street access.
14. Within 90 days from effective date of this grant, the business operator shall obtain from the Department of Transportation written clearance confirming that access, ingress and egress to the 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 Department of Transportation or by a licensed traffic engineer with a concurrent copy of such clearance provided by the business operator to the Department of City Planning Development Services Center.
15. **Floor Area Ratio (FAR).** The project shall be limited to a maximum FAR of 0.13:1 for a maximum floor area of 3,640 square feet.
16. **Landscape Plan.** The applicant shall comply with the following landscape requirements:
 - A. 1,817 square feet of landscaped area shall be provided within the project site.
 - B. At least four (4) new 24-inch box trees shall be planted along the Eagle Rock Boulevard, three (3) new 24-inch box trees shall be planted along the Colorado Boulevard, and four (4) new 15-gallon trees shall be planted along the western property line.
 - C. At least five (5) percent of the project's total lot area shall be landscaped;
 - D. 24-inch box tree shall be planted at 25-foot intervals along the street frontage of the project site;
 - E. At least seven (7) percent of the total area of a surface parking area shall be landscaped; and
 - F. The front yard shall be attractively landscaped; however, no landscaping is required for driveways or passageway areas when surface parking or a parking structure is provided along the street frontage.
17. **Wall Signs.**
 - A. **Sign A**
 - a. **Area.** The total sign area shall not exceed 28.33 square.
 - b. **Height.** The sign shall be limited to 2-feet as measured vertically from the bottom of the sign to the top of the sign.
 - c. **Width.** The width of the sign shall be limited to 14-feet 2-inches in length.
 - d. **Type.** The type of sign shall be limited to illuminated front-lit Channel Letter Wall Sign.
 - B. **Signs B1 and B2**
 - a. **Area.** The total sign area shall not exceed 20.16 square feet each.

- b. **Height.** The signs shall be limited to 1-foot 10-inches as measured vertically from the bottom of the sign to the top of the signs.
 - c. **Width.** The width of the signs shall be limited to 11-feet in length.
 - d. **Type.** The type of signs shall be limited to illuminated front lit Channel Letter Wall Signs.
 - C. **Materials.** The sign materials shall be approved by the Fire Department and the Department of Building and Safety.
 - D. **Location.** The Wall Signs shall be located above the business façade along Colorado Boulevard and Eagle Rock Boulevard.
 - E. **Illumination.** The proposed Wall Signs shall be illuminated with white Light Emitting Diode modules. The project shall not direct light sources onto walls of residential units or windows of commercial buildings.
 - F. **Additional Signage.** There shall be no additional signage installed on the subject site except as approved in previous and subsequent approvals.
 - G. **Mountings.** All mountings shall be done to the satisfaction of the Department of Building and Safety.
18. **Landscape Maintenance.** The property owner of the subject lot shall be responsible for maintenance of all landscape features located on the property, including but not limited to plant materials, signs, walkways, benches and fountains. Each fabricated feature shall be maintained in a condition as near as possible to its original state when installed, both in structural integrity and cosmetic appearance. All vegetation shall be maintained in a first-class condition and designed in accordance with water conservation principles.
 19. **Utilities.** All new utility lines which directly serve a new Project shall be installed underground, and if underground service is not currently available, then provisions shall be made for future underground service.
 20. All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not available at the time the application is submitted and fees paid for plan check, then provisions should be made for future underground service to the satisfaction of the Bureau of Engineering, if determined necessary by the Department of Water and Power.
 21. **Lighting.** All exterior outdoor lamp fixtures shall be shielded to minimize illumination of adjacent properties and to reduce glare. Floodlighting of buildings and the use of low-pressure sodium lighting devices shall be prohibited. All exterior lighting, except for purposes of safety, security and to illuminate signs and billboards, shall be turned off at the end of business hours.
 22. **Hours of operation.** Hours of operation for the convenience store shall be limited to 6:00 a.m. – 11:00 p.m., daily.
 23. Site cleaning, sweeping, trash collection, and deliveries to the site shall be limited to the following hours:

Monday through Friday	7:00 a.m. – 7:00 p.m.
Saturday and Sunday	8:00 a.m. – 5:00 p.m.

Notwithstanding the above, trash collection shall not be allowed on Sundays or legal holidays.

24. Trash storage bins shall be located within a gated enclosure constructed of solid masonry and finished to match the exterior wall materials of the main building.
25. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
26. Arcades, game machines or public phones shall not be permitted.
27. Temporary canopy tents shall not be permitted when the tents are visible from the street or adjoining residential dwelling units.
28. On-site pennants, banners, ribbons, streamers, spinners, balloons and super graphic signs are prohibited.
29. All windows and glass doors shall be maintained free of any signs.
30. Noise from activities on the property shall not exceed the limitations of the City Noise Ordinance.
31. No loudspeaker or public address system shall be permitted. Amplified music shall not be audible beyond outside premises.
32. A copy of the terms and conditions of this grant shall be posted on a wall of the office in plain view of the business owner at all times.
33. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material pursuant to Municipal Code Section 91.8104.
34. The applicant shall file an Approval of Plans application between 24 months and 27 months from the effective date of this grant to allow the Department of City Planning Development Services Center to assess compliance with the conditions. A notice of the public hearing shall be provided to the occupants and property owners within a 500-foot radius of the subject property and payment of applicable fees. At the time of filing, the applicant shall provide to the Department of City Planning Development Services Center evidence of compliance. The applicant shall submit evidence of compliance with each condition, enumerated by condition with the Plan Approval application such as building permits, certificates of occupancy, any supporting documents and photographs, etc.
35. Prior to the issuance of any building permit, the street dedication and improvement, if any, shall be completed to the satisfaction of the Bureau of Engineering. Prior to the Department of City Planning Development Services Center's sign off of the plans, evidence of compliance with this condition shall be submitted to the satisfaction of the Department of City Planning Development Services Center.
36. At any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Department of City Planning Development Services Center reserves the right to require the applicant to file for a plan approval application together with associated fees, the

FINDINGS

(As amended by the East Los Angeles Area Planning Commission at its meeting on September 22, 2021)

ENTITLEMENT FINDINGS

Basis For Conditional Use Permits

Per Section 6.B.1.a and h of the Colorado Boulevard Specific Plan, no automobile service station and other automobile-related retail use and business operation shall be permitted in Subarea II. The applicant requests a Specific Plan Exception to allow a new carwash. In order to grant the Specific Plan Exception, all of the following five (5) legally mandated findings delineated in LAMC Section 11.5.7 F.2 must be made in the affirmative.

1. **The strict application of the regulations of the specific plan to the subject property would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.**

The purpose of the Colorado Boulevard Specific Plan is to ensure that future development in the Specific Plan area occurs in a manner which is compatible with the surrounding uses. The Specific Plan seeks to address the issues in the Colorado Boulevard commercial strip, characterized as the concentration of auto-related businesses and related traffic with no rear alley access, and visual impact of auto-related businesses. The Specific Plan achieves this purpose through provisions limiting certain commercial uses and allowing uses to be consistent with the character of the Eagle Rock Community. The regulations developed in the Specific Plan are also intended to protect nearby residential neighborhoods from possible detrimental effects of commercial uses.

The applicant proposes the replacement of an automobile service station, including a smog check, a mechanic repair, and a snack shops with a convenience store. The applicant also proposes the construction of a carwash, an auxiliary auto-related use to the existing gas station. The applicant is seeking relief from the strict adherence of Section 6.B.1.a of the Specific Plan which prohibits any automobile service station and other automobile-related retail uses within Subarea II of the Colorado Boulevard Specific Plan area. Therefore, relief is sought to allow the construction of a new 560-square foot carwash.

The applicant proposes the replacement of an automobile service station, including a smog check, a mechanic repair, and a snack shop with a convenience store. The applicant can continue to operate on the site with these uses. There is no hardship that would result nor are there practical difficulties that would occur due to the lack of a carwash on the property. Considering the intent of the Colorado Boulevard Specific Plan, the carwash will be a new car-related use, investment, and infrastructure that facilitates more car traffic to this community. The project is not consistent with the general purpose and intent of the Specific Plan. Therefore, strict application of the regulations of the Specific Plan to the subject property would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Specific Plan. Based on the inability to make this finding in the affirmative that would determine practical difficulties or unnecessary hardships, the Specific Plan Exception request for the proposed carwash is denied.

2. **There are NOT exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.**

The suggestion of increasing demand for aesthetic cleanliness, the prevalent use of electric cars, and demand for advanced technology and more reliable cars does not create exceptional circumstances or conditions applicable to the subject property. These are market circumstances that are applicable to all gas station and auto-related uses in the specific plan area. Therefore, there are no exceptional circumstances or conditions applicable singularly to the subject property that do not apply generally to other property in the specific plan area.

3. **An exception from the specific plan is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The justification of maintaining an economically viable business model and accommodating community needs and demands do not create specific circumstances and practical difficulties for this business alone. These are market circumstances that are applicable to all gas station and auto-related uses in the Specific Plan area. The applicant will still be maintaining the main use of the project site, which is a gas station. Therefore, an Exception from the Specific Plan is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the Specific Plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

4. **The granting of an exception will be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.**

The requested Specific Plan Exception does not achieve the goal of the Specific Plan to ensure that future development in the Specific Plan area occurs in a manner which is compatible with the surrounding residential community. The applicant is proposing a use that is not consistent with the general purpose and intent of the Specific Plan. The applicant is seeking relief from the strict adherence of Section 6.B.1.a of the Specific Plan which prohibits any automobile service station and other automobile-related retail uses. The project proposes the replacement of the existing auto-related uses on the project site by removing the smog check and a mechanic repair shop and snack shop with a carwash and convenience store. The proposed carwash is located within close proximity to the existing single- and multi-family residential uses. It is unclear whether the proposed carwash is a less intense auto related use than the existing smog check and auto repair uses on the project site. This is reflective of feedback received from the community. The granting of the exception will be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the area as the proposed project will not be compatible with the adjacent properties.

5. **The granting of an exception will NOT be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.**

The Colorado Boulevard Specific Plan is in conformance with the Northeast Community Plan which calls for the development of a Specific Plan for the purposes of designating land uses and building intensities and implementing programs for the improvement of

circulation and traffic and other improvements in conformance with the Community Plan. It is the purpose of the Colorado Boulevard Specific Plan to ensure that future development in the Specific Plan area occurs in a manner which is compatible with the surrounding residential community and with the capacity of the circulation system. The construction of a carwash, while maintaining the gasoline service station operation at a Neighborhood Commercial land use designated lot, will not be consistent with the principles, intent and goals of the Colorado Boulevard Specific Plan. The project is not in conformance with the purpose and intent of the General Plan, which aims to allow the subject property and its immediate area to develop with healthy and viable commercial activity. The surrounding properties will not be protected from the potential impacts of the proposed carwash use. Granting the Specific Plan Exception to allow the construction of a fully automated carwash, will not be consistent with the principles, intent and goals of the Specific Plan, Community Plan, and the General Plan.

DESIGN REVIEW BOARD AND PROJECT PERMIT COMPLIANCE REVIEW

6. **A recommendation was made by the Colorado Boulevard Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:**

In accordance with Los Angeles Municipal Code (LAMC) Section 16.50 Design Review Board Procedures, no building permits for changes to the exterior façade or the replacement of signage can be issued unless plans depicting a graphic representation and location of the façade and signage have been reviewed for a recommendation by the Colorado Boulevard Specific Plan Design Review Board.

A Public Hearing was held on June 21, 2021, for the Colorado Boulevard Design Review Board to review the proposed work. Per LAMC Section 16.50 D.8, the definition of Quorum is:

The presence of a simple majority of the members shall constitute a quorum. If a design review board cannot obtain a quorum for action within the stated time limits, the application shall be transferred forthwith to the Director for action with no recommendation from the design review board. An action by the board requires a majority vote of the members of the board.

The Department was unable to gather a simple majority of the board members for a quorum for action within the stated time limit of June 21, 2021. Therefore, the application was transferred to the Director of Planning for action without a recommendation. Herein is the review and the decision of the Director.

7. **The project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan.**

- i. **Permitted Uses.** Section 6.A of the Specific Plan states that any use permitted in the C4 Zone shall be permitted within the Specific Plan area on C4 zoned lots with the limitations set forth in Section 6.B.1. Section 6.B. states that in Subarea II, automobile service station and other automobile-related retail uses shall not be permitted. The Area Planning Commission shall have initial decision-making authority for granting exceptions from specific plan regulations. Approval of uses through this procedure shall not be construed as exempting the Project from other applicable provisions of this Specific Plan.

The project proposes interior tenant improvement, exterior renovation and alteration, and change of use of an existing 1,985-square foot automobile

service station and snack shops to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station and construction of a new 560-square foot carwash. The auto repair and snack shops and gas station were in existence prior to the adoption of Specific Plan, at the time of the subject request, and has a Certificate of Occupancy issued in 1983. As such, the Area Planning Commission only approved the Project Permit Compliance Review and Design Review requests, for the proposed interior tenant improvement, exterior renovation and alteration, and change of use of an existing 1,985-square foot automobile service station and snack shops to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station, and construction of a new 560-square foot structure. Therefore, the project complies with Section 6.B.1 of the Specific Plan.

- ii. **Ground Level Development.** Section 7.A of the Specific Plan states that every project shall include a street wall, which shall extend for at least 75 percent of the length of the street frontage and shall be located five (5) feet from the front lot line. Section 7.A further stipulates that blank walls shall be limited to segments of 15 feet in length, except that blank walls which contain a vehicle entry door shall be limited to the width of the door plus five (5) feet. The subject property has approximately 137 feet of street frontage along Colorado Boulevard and therefore is required to provide a street wall that extends at least 103 feet along Colorado Boulevard and is located five (5) feet from the front lot line. The proposed street wall is shown as approximately 71 feet, which is less than the minimum requirement of 103 feet. The proposed structure street wall is located approximately 61 feet 1 inch from the front lot line, which does not comply with the five (5) feet setback requirement. The subject property has approximately 156 feet of street frontage along Eagle Rock Boulevard and therefore is required to provide a street wall that extends at least 117 feet along Colorado Boulevard and is located five (5) feet from the front lot line. The proposed street wall is shown as approximately 60 feet, which is less than the minimum requirement of 117 feet. The existing automobile service station street wall is located approximately 62 feet 6 inches from the front lot line, which does not comply with the five (5) feet setback requirement. Since the project is the proposed interior tenant improvement, exterior renovation and alteration, and change of use of an existing 1,985-square foot automobile service station to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station, it will maintain existing street wall length and setback on primary façade of the street frontage. The project does not comply with Section 7.A.1, even with the construction of a new 560-square foot structure next to the existing auto repair and snack shops structure. Therefore, it does not need to comply with Section 7.A.1 of the Specific Plan. The proposed street wall does not have any blank walls that extend more than 15 feet in length. All non-transparent wall surfaces are designed to be screened by the planting of shrubs or vines which at maturity will cover the non-transparent wall surface to a height of nine (9) feet. Therefore, it complies with Section 7.A.2 of the Specific Plan.

Section 7.B of the Specific Plan states that at least 60 percent of the area of the first story Street Wall of any Project in Subarea II adjacent to Colorado Boulevard or Eagle Rock Boulevard shall consist of Transparent windows, doors, or openings affording views into retail, office or lobby space. The Transparency area shall be calculated separately for each street frontage and shall not be accumulated in those cases where a Project includes first-story

Street Walls along more than one street. The project proposes 38 percent transparency of the area of the Street wall adjacent to Colorado Boulevard and 17 percent transparency of the area of the Street wall adjacent to Eagle Rock Boulevard. Since the project is the proposed interior tenant improvement, exterior renovation and alteration, and change of use of an existing 1,985-square foot automobile service station to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station, it will maintain existing transparent window, doors, or openings. The project does not comply with Section 7.B, even with the construction of a new 560-square foot structure next to the existing auto repair and snack shops structure. Therefore, it does not need to comply with Section 7.B of the Specific Plan.

- iii. **Building Height.** Section 8 of the Specific Plan states that notwithstanding LAMC Section 12.21.1 A.10 to the contrary, no project within Subarea II shall exceed 30 feet in height above grade. The proposed building will have a maximum height of 19 feet, 9 inches, as measured from grade. As such, the project complies with Section 8 of the Specific Plan.
- iv. **Buffering Walls.** Section 9.A of the Specific Plan states that any project located on a lot which abuts a residentially zoned lot or a lot on which a residential use is located shall include a solid, decorative masonry wall that is six (6) feet in height, as measured from grade. The project site abuts [Q]C4-1XL-zoned property to the north which is improved with six (6) residential units. There is an existing fence abutting the residential uses to the north. The height difference between the finished surface at the proposed structure and the bottom of the existing fence is over six (6) feet. The project proposes a minimum six (6) foot tall retaining wall and a six (6) foot tall wrought iron fence along the north property line. The project proposes a minimum 10-foot, 5-inch retaining wall and a 6-foot wrought iron fence along a portion of the west property line. Therefore, the project complies with Section 9.A of the Specific Plan.
- v. **Screening.** Section 9.B.1 of the Specific Plan states that screening shall be required for auto-servicing uses, storage yards and surface parking. The project site abuts [Q]C4-1XL-zoned property to the north which is improved with six (6) residential units. There is an existing fence abutting the residential uses to the north. The height difference between the finish surface at the proposed structure and the bottom of the existing fence is over 6 feet. The project proposes a minimum six (6) foot tall retaining wall and a six (6) foot tall wrought iron fence along the north property line. The project proposes a minimum 10-foot, 5-inch retaining wall and a six (6) foot tall wrought iron fence along portion of the west property line. Therefore, the project complies with Section 9.B.1 of the Specific Plan. Section 9.B.2 states that notwithstanding any other provision of the LAMC to the contrary, surface parking, when adjacent to a street, shall be screened with a four (4)-foot tall, solid, decorative, masonry wall. However, when surface parking abuts a residential use, then a minimum wall height of six (6) feet shall be required. The project proposes a four (4)-foot tall, solid, decorative, masonry wall to screen the surface parking area. Therefore, it complies with Section 9.B.2 of the Specific Plan. Section 9.B.3 also states that roof-mounted mechanical equipment and/or duct work which exceeds the height of the roof ridge or parapet wall, whichever is higher, shall be screened from a horizontal view with materials compatible with the design of the building. Per plans submitted by the applicant, the proposed

rooftop mechanical equipment does not exceed the height of the parapet wall. Therefore, the project complies with Section 9.B.3 of the Specific Plan.

- vi. **Yards.** Section 10.A of the Specific Plan states that all lots shall have a five (5)-foot front yard and a 10-foot rear yard, and that no portion of a project above 15 feet in height shall be within 20 feet of the rear lot line. The existing gas station canopy is located approximately 24 feet 3 inches from the front lot line, which complies with the five (5) foot front yard setback requirement. The existing auto repair and snack shops structure is located approximately 14 feet 6 inches from the rear lot line, which complies with the 10 foot rear yard setback requirement. Since the project proposes interior tenant improvement, exterior renovation and alteration, and change of use of an existing 1,985-square foot automobile service station and snack shops to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station, it will maintain the existing setbacks on front and rear yard s. No portion of the proposed 560-square foot structure will be within 20 feet of the rear lot line. Therefore, the project complies with Section 10.A.3 of the Specific Plan.
- vii. **Landscaping.** Section 11 of the Specific Plan contains the following landscaping requirements for the proposed project:

- At least five (5) percent of the project's total lot area shall be landscaped;
- 24-inch box tree shall be planted at 25-foot intervals along the street frontage of the project site;
- At least seven (7) percent of the total area of a surface parking area shall be landscaped; and
- The front yard shall be attractively landscaped; however, no landscaping is required for driveways or passageway areas when surface parking or a parking structure is provided along the street frontage.

The project is required to landscape at least five (5) percent (949 square feet) of the 18,980 square feet of the lot, and seven (7) percent (1,329 square feet) of the total area of a surface parking (18,980 square feet). The project overall proposes 1,817 square feet of landscaped area. The project is required to provide at least six (6) 24-inch box trees along the street frontage of the project site on Eagle Rock Boulevard, which is approximately 155 feet in width and five (5) 24-inch box trees along the street frontage of the project site on Colorado Boulevard, which is approximately 135 feet in length. The applicant submitted a landscape plan, which shows four (4) new 24-inch box trees to be planted along the Eagle Rock Boulevard street frontage of the project site. There is a driveway, an ADA/pedestrian gate, a trash enclosure, and a Pole Sign along the Eagle Rock Boulevard street frontage of the project site which prevents the planting of the required number of trees. The landscape plan shows three (3) new 24-inch box trees to be planted along the Colorado Boulevard street frontage of the project site. There is one (1) existing driveway and a Pole sign along Colorado Boulevard street frontage which prevents the planting of five (5) required trees. The landscaped plan shows that the front yard will be attractively landscaped. The Specific Plan further stipulates that it shall be the responsibility of the property owner of the project to maintain all

landscape features located on private property in accordance with the following criteria:

- Each fabricated feature shall be maintained in a condition as near as possible to its original state when installed, both in structural integrity and cosmetic appearance; and
- All vegetation shall be maintained, i.e., watered, fertilized, trimmed, etc., in a first-class condition and shall be designed in accordance with water conversation principles.

Therefore, the project complies with Section 11 of the Specific Plan.

viii. **Existing Uses.** Section 12 of the Specific Plan contains the following requirements for the proposed project:

- Existing uses on lots within the Specific Plan area shall be made to conform to the screening and buffering requirements of Section 9 within five years from the effective date of this Specific Plan.
- The owner of any lot in the Specific Plan area which contains landscaping or on which landscaping is planted shall maintain that landscaping in a first class condition.
- The owner of any lot in the Specific Plan area which contains landscape features, including but not limited to signs, walkways, benches and fountains shall maintain these features in a condition as near as possible to their original state when installed, both in structural integrity and cosmetic appearance. If more than normal maintenance work is required to comply with this requirement, as determined by the Director, then the features shall be made to comply within one year of the effective date of this Plan.

The project has been conditioned to show compliance with the screening and buffering provisions of the Specific Plan and to maintain all landscape features on the subject property in accordance with the Specific Plan.

ix. **Parking.** Per the Specific Plan, the project is required to provide 11 parking spaces. The plans submitted by the applicant show the project proposes to provide 11 parking spaces. Therefore, the project complies with Section 13.A of the Specific Plan.

x. **Street Access.** Sections 13.D and E of the Specific Plan state that no building permit shall be issued for a Project located on a lot which has a coterminous lot line with Colorado Boulevard, until the Department of Transportation has reviewed, in detail, and approved the adequacy of the parking lot or parking structure design, including the number and placement of driveways for street access and where the lot or lots to be developed have a lot line coterminous with a street other than Colorado Boulevard, then direct access to or from Colorado Boulevard shall not be encouraged. The plans submitted by the Applicant show the project proposes existing driveways for street access to or from the site from Colorado Boulevard and Eagle Rock Boulevard. In both the existing and proposed project configuration there are driveways access to Colorado Boulevard. Per stamped plans dated May 12, 2021, the Department of Transportation reviewed in detail the adequacy of the parking lot, including the number and placement of driveways for street access prior to issuance of

any building permit. The project is in conformance with Section 13.D and E of the Specific Plan. Section 13.G states that no parking shall be permitted on that portion of a lot located between the front lot line and any portion of a building which faces Colorado Boulevard, Eagle Rock Boulevard, or any street which intersects either Colorado or Eagle Rock Boulevards. The existing parking spaces on the project site are located on the portion of the lot between the front lot line and existing auto repair and snack shops and gas station canopy facing both Colorado and Eagle Rock Boulevards. The location of the building will not be changed, and the site is limited to provide parking space between the front lot line and buildings facing Colorado and Eagle Rock Boulevards. Therefore, the project complies with Section 13.G of the Specific Plan.

xi. **Sign Standards (Prohibitions).**

a. Off-site signs, except existing legally erected off-site commercial signs located in the Specific Plan area, may be replaced at a new site provided that the new location is in Subarea I or III, and the new sign otherwise is permitted pursuant to Division 62 - Sign (Section 91.6220 - Off-Site Signs) of the L.A.M.C. and meets all of the current ordinance requirements. The new sign shall not exceed the display area of the sign being replaced and shall be set back 5 feet from the front property line.

The proposed sign is not an offsite sign.

b. No roof signs shall be permitted.

No roof sign is proposed.

c. No pole signs shall be permitted.

No new pole sign is proposed

d. No animated Sign, including flashing neon Sign shall be permitted.

No digital, flashing or neon sign is proposed.

e. No mural signs shall be permitted.

No mural sign is proposed.

The project is proposing three (3) Wall Signs with individual channel letters reading "Food Mart" and "Carwash". As such, the Area Planning Commission only approved the Project Permit Compliance Review and Design Review requests, for the proposed interior tenant improvement, exterior renovation and alteration, and change of use of an existing 1,985-square foot automobile service station and snack shops to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station, and construction of a new 560-square foot structure but not the carwash. Since the project is not proposing any new Off-Site Sign, Roof Sign, new Pole Sign, Animated Sign, or Mural Sign, Section 14.B (Prohibitions) does not apply.

xii. **Floor Area Ratio (FAR).** Per Section 15.A of the Specific Plan, projects within the Specific Plan area shall have a Base Permitted FAR of 1:1. The project

proposes 3,640 square feet on an 18,980-square foot lot, resulting in a maximum FAR of 0.13:1. Therefore, the project complies with Section 15.A of the Specific Plan.

- xiii. **Preservation of Cultural Resources.** Per Section 16.A of the Specific Plan, to the maximum extent feasible, Cultural Resources shall be retained and enhanced. The project proposes to rehabilitate the existing structure while maintaining its historic function. Therefore, the project complies with Section 16.A of the Specific Plan.
 - xiv. **Underground Utilities.** Section 17 of the Specific Plan states that all new utility lines which directly serve a new project shall be installed underground, and if underground service is not currently available, then provisions shall be made for future underground service. The project has been conditioned to install all new utility lines underground. Therefore, as conditioned, the project complies with Section 17 of the Specific Plan.
 - xv. **Lighting.** Section 18 of the Specific Plan states that all exterior outdoor lamp fixtures shall be shielded to minimize illumination of adjacent properties and to reduce glare. Section 18 further stipulates that floodlighting of buildings and the use of low-pressure sodium lighting devices shall be prohibited. The Specific Plan also states that all exterior lighting, except for purposes of safety, security and to illuminate signs and billboards, shall be turned off at the end of business hours. The project has been conditioned to comply with the lighting provisions of the Specific Plan. Therefore, as conditioned, the project complies with Section 18 of the Specific Plan.
8. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

The City of Los Angeles determined that based on the whole of the administrative record, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, Section 15303, Class 3, and Section 15311, Class 11, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the Conditional Use plan approval process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the East Los Angeles Area Planning Commission are located within Section 12.24 W.1 of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcohol beverages for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

- 9. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for off-site consumption in a 1,791-square foot convenience store. Hours of operation are 6 a.m. to 11 p.m. daily. The sale and dispensing of beer and wine for off-site consumption in a 1,791-square foot convenience store will increase the economic vitality of the area.

The convenience store is located in a building that is zoned [Q]C4-1XL and the project proposes interior tenant improvement and exterior renovation and alteration to the building's façade. The project proposes the conversion of a 1,985-square foot existing automobile service station and snack shop to a 1,791 square-foot convenience store. The convenience store's proposal of sale and dispensing of beer and wine for off-site consumption was supported by the Eagle Rock Neighborhood Council and the Chamber of Commerce. The conditions which relate to the sale and service of alcoholic beverages are listed above for the consideration of the ABC. The Department of City Planning has imposed operational conditions such as: electronic age verification machines; the maintenance of the operation as a convenience store, security cameras, and STAR training to mitigate the convenience store's land use impacts and to protect public welfare. As conditioned, the operation of a convenience store to sell beer and wine for off-site consumption will enhance the built environment on Colorado Boulevard, as the gas station will be replaced, and will provide a beneficial service to the Northeast Los Angeles community and the city.

10. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property is a level 18,980 square-foot parcel consisting of three (3) lots zoned [Q]C4-1XL. The site is improved with a one-story commercial building and gas station canopy with a total floor area of 3,314 square feet (constructed in 1971). Pedestrian access is from Eagle Rock and Colorado Boulevards. The property has approximately 155 feet of frontage on Eagle Rock Boulevard and 135 feet of frontage on Colorado Boulevard. The property is within the Colorado Boulevard Specific Plan Subarea II.

The adjacent properties are zoned [Q]C4-1XL. The abutting property to the north is improved with two (2)-story commercial structures with a combination of store and residential uses. The abutting property to the west is improved with a single-story commercial structure. The adjacent properties to the south across Colorado Boulevard are improved with a gas station and a convenience store. The adjacent properties to the east across Eagle Rock Boulevard are improved with a single-story Bank and a parking lot.

The project proposes interior tenant improvement, exterior renovation and alteration, and change of use of an existing 1,985-square foot automobile service station and snack shop to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station, and construction of a new 560-square foot structure. The proposed building will be a maximum of 19 feet, 9 inches in height. The request is to allow the sale and dispensing of beer and wine for off-site consumption in a 560-square foot convenience store and hours of operation from 6 a.m. to 11 p.m., daily. The proposed project should not result in nuisance activities such as loitering or drinking in public. As conditioned, the convenience store is expected to operate in a manner that is compatible with and does not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs 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 LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The Northeast Los Angeles Community Plan designates the property for Neighborhood Commercial land uses with corresponding zones of C1, C1.5, P, C2, C4 and RAS3. The project site is within the [Q]C4-1XL Zone and the existing and requested uses are permitted within the zone. The Northeast Los Angeles Community Plan and Colorado Boulevard Specific Plan are silent regarding the sale and dispensing of beer and wine at convenience stores. The proposed sale and dispensing of beer and wine at a convenience store located in a commercial zone is consistent with the following Community Plan commercial objectives and policies:

Goal 2: Strong and competitive commercial areas that suitably serve the needs of the community and attracts customers from outside the plan area by satisfying market demand and maximizing convenience and accessibility while preserving unique historic and cultural identities of each commercial area.

Objective 2-1: To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.

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

Approval of the request is consistent with Objective 7.3 of the Framework Element which states "maintain and enhance the existing businesses in the City" as well as Policy 7.3.2 which states "retain existing neighborhood commercial activities within walking distance of residential areas." As conditioned, the sale and dispensing of beer and wine at a convenience store located within walking distance of residences and businesses can be deemed to substantially conform to the purpose, intent and provisions of the General Plan, the Northeast Community Plan.

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

The property is zoned for commercial use and will be utilized as such with the proposed sale and dispensing of beer and wine for off-site consumption at a convenience store. The project received the support of the Neighborhood Council and the Chamber of Commerce. No evidence was submitted for the record demonstrating that the continued sale and dispensing of beer and wine for off-site consumption at a convenience store will adversely affect the welfare of the Northeast Los Angeles community.

13. The granting of the application will not result in an undue concentration of premises for the continued sale of a full line of alcoholic beverages and on-site consumption of beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number

and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the California State Department of Alcoholic Beverage Control licensing criteria, there are three (3) off-site licenses authorized to Census Tract No. 1810.00.

According to statistics provided by the Los Angeles Police Department Central Division, which has jurisdiction over the subject property within Crime Reporting District No. 1105, a total of 37 Part 1 Crime and 15 Part 2 arrests were reported in 2020, compared to the citywide average of 141 crimes and the high crime average of 169 crimes for 2020. Crimes reported by LAPD include (3) Narcotics, (0) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (2) Disorderly Conduct, (0) Gambling, and (2) DUI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The proposed convenience store is located in an area of relatively low crime. As conditioned, the approval of the request will provide for public convenience and should not result in an undue concentration of ABC licensed premises in the census tract.

14. **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 project site is zoned for commercial uses and will continue to be utilized as such with the proposed convenience store. The following sensitive uses are located within 1,000 feet of the subject site:

- Eagle Rock Elementary School
- Preschool California
- Los Angeles Filipino, American United Church of Christ
- St Dominic's Catholic Church Eagle Rock Seventh Day, Adventist Church
- Single- and multi-family dwellings

The proposed convenience store is located in a commercial zone. The nearby sensitive uses did not object to the sale and dispensing of beer and wine at the convenience store. As conditioned, the convenience store will not detrimentally affect nearby residentially zoned properties.

CEQA FINDINGS

The Planning Department has determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Categorical Exempt under Article 19, Section 15301, Class 1, Section 15303, Class 3 (new construction or conversion of small structures), and Section 15311, Class 11. The project is located at **2201, 2207, and 2211 West Colorado Boulevard.**

The project proposes interior tenant improvement, exterior renovation and alteration, and change of use for an existing 1,985-square foot automobile service station and snack shops to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station, construction of a new 560-square foot structure, and the export of approximately 277 cubic yards of earth on a property that is 18,980 square feet in size. The proposed building will be a maximum of 19 feet, 9 inches in height. The project also includes the installation of three (3) Wall Signs with individual channel letters reading "Food Mart" and "Carwash". The project also involves the sale and dispensing of beer and wine only for off-site consumption with zero seats in conjunction with the proposed convenience store. Hours of operation are 6 a.m. to 11 p.m., daily. The project will provide 11 vehicle parking spaces and 1,832 square feet of landscaped area. Ingress to and Egress from the site will be via the existing driveways on Eagle Rock Boulevard and Colorado Boulevard. There are no changes proposed to the existing gas station.

There are six (6) Exceptions which must be considered in order to find a project exempt under Section 15303, Class 3: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

The site is zoned [Q]C4-1XL and has a General Plan Land Use Designation of Neighborhood Commercial. While the subject site is located within Special Grading Area (BOE Basic Grid Map Act A-13372), Urban Agriculture Incentive Zone, Urban Agriculture Incentive Zone Area, Liquefaction Area, and is located within the Raymond Fault, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of "sensitive" locations and will reduce any potential impacts to less than significant. Regulatory Compliance Measures (RCMs) include requirements to conform with the California Building Code and the City's Landform Grading Manual. These RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment the project is located. The project shall comply with the comments contained within the LA Sanitation's City Planning Case Referral Form dated April 22, 2020, for the proposed project. Thus, the location of the project will not result in a significant impact based on its location.

With regard to potential cumulative impacts during the construction phase of the project, there may be active construction activity in the vicinity of Colorado Boulevard where the subject property is located at the same time that the project undergoes construction. However, regulatory compliance measures will help ensure that cumulative impacts related to construction activity are addressed. Regarding transportation impacts, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. Per the Traffic Study Assessment form dated March 10, 2021, the proposed structure and convenience store in conjunction with the existing gas station will only generate 111 more daily trips than the existing uses on the project site. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. Therefore, the subject project will have no cumulative impact on the City's circulation system.

As mentioned, the project proposes interior tenant improvement, exterior renovation and alteration, and change of use of an existing 1,985-square foot automobile service station and snack shops to a 1,791-square foot convenience store, demolition of 50 square feet of the existing automobile service station, construction of a new 560-square foot structure, and the export of approximately 277 cubic yards of earth on an 18,980-square foot lot, in an area zoned and designated for such development. All adjacent lots are developed with multi-family and commercial uses, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 0.13:1 or 3,640 square feet on sites that are permitted to have a maximum FAR of 1.5:1. The projects propose a building height of 19 feet 9 inches, which is not unusual for the vicinity of the subject sites and is similar in scope to other

existing multi-family and commercial uses in the area. As identified in the Tree Letter prepared by Kerry Norman, Registered Consulting Arborist (RCA #471) on April 22, 2020, 2207 Colorado Boulevard has no Protected Trees on site. The project is proposing to remove nine (9) non-Significant Trees. Thus, there are no unusual circumstances which may lead to a significant effect on the environment. The project also involves the sale and dispensing of beer and wine only for off-site consumption with zero seats in conjunction with the proposed convenience store. The project also includes the installation of three (3) Wall Signs with individual channel letters reading "Food Mart" and "Carwash". The project will provide 11 vehicle parking spaces and 1,817 square feet of landscaped area.

Additionally, the only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The proposed project is located over 22 miles away from Topanga State Park, therefore, the subject site will not create any impacts within a designated state scenic highway. While there is an existing fueling service station on-site, a Phase 1 Environmental Site Assessment prepared by WEECO Western Environmental Engineers Co. dated July 12, 2018, revealed no evidence of recognized environmental conditions or environmental issues in connection with the subject property. Based on the conclusions of this assessment, WEECO recommends no further investigation of the subject property. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with various City of Los Angeles Ordinances and State laws. Such RCMs include but are not limited to the Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts.

purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause a notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, and the Los Angeles Police Department corresponding Division. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Department of City Planning Development Services Center may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

37. Within 90 days of the effective date of this determination, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.
38. **Revised Sign Plans.** Applicant shall submit plans to the Department of City Planning, Central Project Planning Division showing compliance with the Colorado Boulevard Specific Plan and the Municipal Code seeking recommendation from the Colorado Boulevard Specific Plan Design Review Board for any modification on existing signage that requires clearance from the Department of Building and Safety.

Conditional Use Permit Conditions

39. Prior to the 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 form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.
40. Approved herein is the sale and dispensing of beer and wine for off-site consumption and conversion of 1,985 square-foot of an automobile service station and snack shop to a 1,791-square foot convenience store.
41. 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 East Los Angeles Area Planning Commission shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the East Los Angeles Area Planning Commission may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.
42. The applicant/owner/operator and on-site manager(s) shall comply with all applicable laws

and conditions and shall properly manage the facility to discourage illegal, criminal, and/or nuisance activity on the subject premises including any accessory parking areas which have been made available or are commonly used for patron parking.

43. The exterior windows and glass doors of the convenience store shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height so as to permit surveillance into the convenience store by Police and private security.
44. Exterior lighting on the building shall be maintained and provide sufficient illumination of the immediate environment so as to render persons clearly visible.
45. The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting and noise from the patio dining area. Noise at the convenience store shall not exceed the levels stated in the Noise Ordinance.
46. **Within 30 days of the effective date of this determination** the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning_ccu@lacity.org, with the subject of the email to include the case number, "**APCE-2021-616-SPE-DRB-SPP-CUB/Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
47. **Within 30 days of the effective date of this determination**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of beer and wine for off-site consumption, in conjunction the facility, known as FoodMart, and agree to abide and comply with said conditions.
48. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Condition Compliance Unit within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
49. Should there be a change in the ownership and/or the operator of the business, the East Los Angeles Area Planning Commission reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or If at any time during the period of validity

of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the East Los Angeles Area Planning Commission may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

50. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.
51. **Indemnification and Reimbursement of Litigation Costs.** The Applicant shall do all of the following:
- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the Department City Planning Development Services Center has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the East Los Angeles Area Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The East Los Angeles Area Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the East Los Angeles Area Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the East Los Angeles Area Planning Commission.

- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.

- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- Fortified wine (greater than 16% alcohol) shall not be sold. (Applicant proposes Fortified wine sale.)
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The 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 beverages.
- The single unit sales of malt liquors and/or malt based products shall be prohibited.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

Administrative Conditions

52. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
53. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
54. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
55. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
56. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral

of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

57. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
58. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
59. **Recording Covenant.** Prior to the 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 form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment