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June 27, 2019

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Robert B. Lamishaw (R)
JPL Zoning Services, Inc.
6257 Van Nuys Boulevard #101
Van Nuys, CA 91401

CASE NO. ZA-2015-4681-CUB-CU-ZV-ZAA
CONDITIONAL USE/ZONE
VARIANCE/ZONING ADMINISTRATOR'S
DETERMINATION
7656 – 7660 Foothill Boulevard
Sunland – Tujunga – Lake View Terrace –
Shadow Hills – East La Tuna Canyon
Zone : C2-1VL and R3-1
D.M. : 204A197, 204B197
C.D. : 7
CEQA : ENV-2015-4682-MND
Legal Description: FR 110, Tract 3980 and ARB
2, FR 181, Western Empire Tract

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(b), I hereby:

FIND, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2015-4682-MND, as circulated on September 27, 2018, ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is not substantial evidence that the project will have a significant effect on the environment; FIND the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; FIND the mitigation measures have been made enforceable conditions on the project; and ADOPT the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration.

Pursuant to Los Angeles Municipal Code Section 12.24 W.27, I hereby **APPROVE**:

a Conditional Use authorizing deviations from LAMC Section 12.22 A.23(b) to allow a car wash and convenience market to operate in a commercial corner / mini-shopping center zoned C2-1VL and R3-1 abutting an R Zoned property with the

convenience market operating 24 hours daily and the car wash operating between the hours of 9:00 a.m. to 7:00 p.m. daily,

Pursuant to Los Angeles Municipal Code Section 12.24 W.4, I hereby **APPROVE**:

a Conditional Use authorizing deviations from LAMC Section 12.22 A.28(a) to allow a car wash entrance / exit / opening to be located within 100 feet of a residential use or R Zoned lot,

Pursuant to Los Angeles Municipal Code Section 12.24 W.37, I hereby **APPROVE**:

a Conditional Use to allow public parking in an R Zone,

Pursuant to Los Angeles Municipal Code Section 12.24 W.1, I hereby **APPROVE**:

a Conditional Use to allow the sale of beer and wine for off-site consumption in the C2 Zone,

Pursuant to Los Angeles Municipal Code Section 12.27 B, I hereby **APPROVE**:

a Zone Variance to allow relief from Sections 12.10 A and 12.21 C.5(h) for a portion of the car wash and convenience market to be located in the R3 Zone, the sale of alcoholic beverages in an R Zone and the movement of vehicles between a less restrictive and more restrictive zone,

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby **APPROVE**:

a Zoning Administrator's Adjustment to allow relief from Section 12.10 C for a reduced rear yard setback of 0 feet for the proposed car wash and convenience market in lieu of the 15 feet as required in the R3 Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such

Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. 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.
5. 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. 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 for attachment to the subject case file.
7. Approved herein is a one-story, 20-foot in height, 4,895 square foot car wash and a one-story, 20-foot in height, 3,400 square foot 7-Eleven convenience market with the convenience market operating 24 hours daily and the car wash operating between the hours of 9:00 a.m. to 7:00 p.m. daily, with the car wash entrance/opening to be located within 100 feet of a residentially zoned lot, public parking in an R Zone, the sale of beer and wine for off-site consumption from 6:00 a.m. to 2:00 a.m. daily and the sale of beer and wine from an R Zone and public parking in an R Zone all on an approximately 40,921 square foot lot zoned for both C2 and R3 uses.
8. All open areas not used for buildings, driveways, parking areas or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan prepared in pursuant to Los Angeles Municipal Code Sections 12.40 through 12.43. The applicant shall submit a written maintenance schedule indicating how the landscaping will be maintained.
9. No request for any reduction of required parking has been requested or approved herein. Required parking shall be provided in accordance with the Municipal Code.
10. A construction work site traffic control plan shall be submitted to the Los Angeles Department of Transportation for review and approval prior to the start of any construction work. The plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs, and access to abutting properties. Construction related traffic shall be restricted to off-peak hours to the extent possible.

11. The applicant shall guarantee street dedications and improvements to the satisfaction of the Bureau of Engineering.
12. Driveway access will be provided from Foothill Boulevard and Apperson Street. Approval of the driveway dimensions, access, and circulation scheme shall be coordinated with DOT's Citywide Planning Coordination Section (Valley Development Review, 6262 Van Nuys Boulevard, Suite 320, Van Nuys, CA 91401 at 818-374-4699). Contact DOT for driveway width and internal circulation requirements, including Case 2 driveways designed with a recommended width of 30 feet for two-way operations or 16 feet for one-way operations. The driveway on Foothill Boulevard closest to Apperson Street shall be closed.
13. Delivery truck loading and unloading shall take place on-site. Delivery vehicles are prohibited from backing into the project site via the proposed driveways.
14. The developer shall install appropriate traffic signs around the site to manage pedestrian and vehicular activity. Left turns shall be prohibited from the Foothill Boulevard driveway.
15. Prior to the issuance of a building permit, plans shall be submitted for review and approval by the Fire Department.
16. No deliveries, loading, or unloading shall occur before 7:00 a.m. or after 8:00 p.m. daily.
17. Any sound, noise or music emitted that is under the control of the Petitioner, shall not exceed decibel levels that are stated in the Los Angeles Municipal Code. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner will be notified and will be required to modify or, if feasible, eliminate the source of the noise. The playing of automobile sound systems while in the car wash parking lot is prohibited and signs so stating shall be placed in parking and vacuum stalls.
18. The car wash shall use the quietest equipment for both automobile drying and the outdoor vacuum cleaners that are available on the market. This condition will be enforced by a requirement that the applicant present to the Department of Building and Safety the noise ratings of all proposed equipment to be used on the site and a rating of the quietest equipment available on the open market.
19. All water and soaps from the car wash shall be retained on-site and recycled for use in the car wash.
20. STAR/LEAD Training. Within six months from the effective date of this grant, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control (ABC) "Licensee Education on

Alcohol and Drugs (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or ABC to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2015-4681-CUB-CU-ZV-ZAA from the Police Department or ABC to the Development Services Center as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR or LEAD training shall be conducted for all new hires within two months of their employment.

21. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. Glass doors and exterior windows of the convenience market shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by police and private security.
23. On-site signs for both the convenience market and the car wash are limited to the maximum allowable under the Los Angeles Municipal Code and the Foothill Boulevard Corridor Specific Plan. Multiple temporary signs in windows and along the building walls are not permitted.
24. The conditions of approval, business permit, and insurance information shall be retained on the property at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control. The manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same.
25. The owner and manager of the convenience store and car wash shall comply with all applicable laws and conditions and shall insure that the convenience store and car wash uses are properly managed and operated so as to prohibit illegal and criminal activities on the premises.
26. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
27. "No Loitering" and "No Public Drinking of Alcoholic Beverages" signs shall be posted at the front, sides, and rear of the site and in the parking areas. Said signs shall be posted in English and the predominant language(s) of the facility's clientele.

28. Complaint Log. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation of both the convenience market and the car wash. The phone number and email address shall be posted at the following locations:

- a. Entry, visible to pedestrians
- b. Customer service desk or counter

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning.

29. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties. No light shall be permitted between the car wash building and the adjacent residential structure except for low level security lighting which shall not shine or be located above the adjacent wall between the properties.
30. The Applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
31. There shall be no video games or coin-operated amusement devices maintained upon the premises at any time. Official California Lottery games and/or vending machines are exempt from this requirement.
32. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled as a part of the project's regular solid waste disposal program. Trash/recycling pick-up is permitted to occur only between the hours of 8:00 a.m. and 8:00 p.m., Monday through Saturday.
- a. Trash/recycling containers shall be locked when not being used.
 - b. Trash/recycling containers shall not be placed in or block access to required parking.
 - c. Trash/recycling items shall not be emptied or disposed into outside containers earlier than 9:00 a.m. or later than 9:00 p.m.
33. Electrical transformers, mechanical equipment, water meters, and other equipment shall be screened from public view.
34. The location of on-site bicycle parking, both short-term and long-term, shall be clearly identified on the premises through the use of signage, color, and/or other such means. Bicycle parking shall be well-lit at all times.

35. The project site is regulated by the Foothill Boulevard Corridor Specific Plan and the Foothill Boulevard Corridor Specific Plan Design Guidelines and Standards Manual and is subject to all requirements therein under a separate Administrative Review. At a minimum, the following conditions shall be required:

- All roof mechanical equipment and duct work shall be screened from view.
- Night lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to be seen directly by adjacent properties. Blinking lights are prohibited. This provision shall not preclude the installation of low-level security lighting.
- Trash/garbage areas shall be screened by a wall enclosure and/or landscape materials.
- Where a building or structure has been demolished or abandoned, and plans for new construction or renovation have not been submitted to the Department of Building and Safety, within 12 months from the completion of demolition or date of abandonment, owners of lots shall provide landscape screening, fencing, or walls around the perimeter of the lot until construction commences. If chain link fencing is used the fence shall be constructed with either wood lath or similar device woven into the fence for screening, or vines or vegetation espaliered on the fence. However, if transparency is desired for security purposes, notwithstanding the above, the chain link fence may be color coated dark green or black.
- No wall or fence within 50 feet of a front yard setback from a public street shall extend more than 25 feet horizontally without a visual break. Visual breaks may be accomplished by articulation or architectural detailing in the wall plane facing the street, using a staggered wall, an indentation in the wall, a spacing of columns, a series of raised planters or by varying the height of elements and alignment of the wall or including gates or other penetrations for pedestrian access.
- Bicycle parking shall be provided at a ratio of 1/2 bicycle parking space for each 10 required vehicle parking spaces. Bicycle parking shall be located as close to the entrance of the facility as feasible, but not in the right-of-way. If this condition differs from the regulations of Article 1 of the Los Angeles Municipal Code then the provision which requires the most bicycle parking shall prevail.
- Trees shall be planted in the public right-of-way to the specifications established by the Urban Forestry Division of the Department of Public Works at a ratio of at least one tree per 30 lineal feet of street frontage.
- Strip commercial centers along Foothill Boulevard shall have at least 50 percent of the building's vertical or horizontal facade plane articulated with at least six inches of horizontal or two feet of vertical variation.
- To provide pedestrian linkages, a system of walkways shall be incorporated into the Project which shall include decorative paving that enhances and reinforces pedestrian scale, such as paving where vehicles cross pedestrian walkways, the use of bollards and landscaping.

36. No signage is permitted under this grant. All signage for the project site is regulated by the Foothill Boulevard Corridor Specific Plan and the Foothill

Boulevard Corridor Specific Plan Design Guidelines and Standards Manual except for those signs required by this approval and shall be approved under a separate permit through an Administrative Review.

37. The following conditions are Environmental Mitigation Measures or Project Design Features required pursuant to the adopted Mitigated Negative Declaration ENV-2015-4682-MND and shall be printed on the building plans and complied with during the construction and operation of the use.

a. Aesthetics (Landscape Plan)

All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the Development Services Center during the building permit process.

b. Aesthetics (Surface Parking)

- A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
- The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb and landscape.
- Palm trees shall not be considered in meeting this requirement.
- The genus or genera of the trees shall provide a minimum crown of 30 to 50 feet. Please refer to City of Los Angeles Landscape Ordinance (Ord. No. 170,978), Guidelines K – Vehicular use Areas.

c. Aesthetics (Glare)

The exterior of the proposed structures 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.

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

- Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday.
- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously which causes high noise levels.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

- The construction contractor shall use on-site electrical sources or solar generators to power equipment rather than diesel generators.

e. Increased Noise Levels (Parking Wall)

A six foot high, solid, decorative masonry wall measured from the grade of the site shall be constructed adjacent to residential uses and/or zones if no such wall exists.

f. Increased Noise Levels (Retail Markets, Bars, Entertainment)

- 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.
- No openings shall be permitted on any building façade which abuts a residential use or zone except for the door to the mechanical room of the car wash which shall be closed and locked at all times except for when the room is in use.
- No window openings shall be permitted on any building façade which abuts a residential use or zone.

g. Safety Hazards

The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents due to sharp curves, dangerous intersections or incompatible uses, to the Bureau of Engineering and the Department of Transportation for approval that provides Code-required emergency access.

h. Inadequate Emergency Access.

Delivery truck loading and unloading shall take place on-site with no vehicles having to back into or out of the project via the proposed driveways.

i. Transportation/Traffic

- Applicant shall plan construction and construction vehicle staging so as to maintain pedestrian access on adjacent sidewalks throughout all of the construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (by the utilization of barriers such as K-Rails, scaffolding and overhead protection) from work space and vehicular traffic, due to sidewalk closure or blockage at all times.
- Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing pedestrian facilities.

- The applicant shall keep the sidewalks open during construction until only when it is absolutely required to close or block a sidewalk for construction work. The sidewalk shall be reopened as soon as is reasonably feasible taking construction and construction staging into account.
 - The applicant shall develop a work-site traffic control plan for the approval of the Department of Transportation prior to the start of site grading or construction. The plan shall show all proposed roadway and sidewalk closures, traffic detours, haul routes, hours of operation protective devices other than those mentioned above, warning signs and access to adjacent properties.
38. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the applicant to file for 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 Zoning Administrator 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.
39. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
40. MVIP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
- a. Within 24 months from the beginning of operations a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and

required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

41. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify, and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. 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 (b).
- d. 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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority

of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **July 12, 2019**, unless an appeal therefrom is filed with the Department of City Planning. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>. Public offices are located at:

Downtown Office Figueroa Plaza 201 North Figueroa Street, 4 th Floor Los Angeles, CA 90012 (213) 482-7077	Valley Office Marvin Braude Building 6262 Van Nuys Boulevard, Suite 251 Van Nuys, CA 91401 (818) 374-5050	West Los Angeles Office 1828 Sawtelle Boulevard, 2 nd Floor Los Angeles, CA 90025 (310) 231-2901
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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.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on November 26, 2018, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use under the provisions of Section 12.24, a variance under the provisions of Section 12.27 and an adjustment under the provisions of Section 12.28 of the Los Angeles Municipal Code have been established by the following facts.

BACKGROUND

The proposed project site is a sloping, generally triangular-shaped parcel of land consisting of two lots totaling approximately 40,921 (0.9 acres) with a frontage of 265 feet on the southwest corner of Foothill Boulevard and 81 feet on the southerly side of Apperson Street. The proposed project site is currently developed with auto repair uses the gas pump canopy for a former gas station and an office use which are proposed for demolition. The site is zoned C2-1VL facing Foothill Boulevard and Apperson Streets and R3-1 on a diagonal line to the rear of the property facing and parallel to Foothill Boulevard. The zone line does not follow a lot line.

The site is located within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan area and the Foothill Boulevard Corridor Specific Plan area. The project site is not located within an area designed by the Specific Plan as a Target or Major Activity area, and therefore, project clearance is required under an Administrative Review process that is not subject to CEQA. The Community Plan designation is General Commercial, corresponding to the C1.5, C2, C4, and RAS3 Zones and Medium Residential corresponding to the R3 Zone. General Plan footnotes to the General Commercial designation limit the Height District to 1L and 1VL.

The proposed project site is located in a BOE Special Grading Area (BOE Basic Grid Map A-13372), High Wind Velocity Area, Urban Agriculture Incentive Zone, and the Verdugo Fault Zone. The site is not within an Alquist-Priolo Fault Zone. It is not located within a landslide or liquefaction area, preliminary fault rupture study area, or tsunami inundation zone. The site is not within an airport hazard or coastal zone. It is not located within a very high fire severity zone, flood zone, watercourse, or hazardous waste/border zone. It is not a methane hazard site, and there are no oil wells on the proposed project site.

The proposed project site occupies a block of Foothill Boulevard which is primarily comprised of auto repair uses. Surrounding land uses to the immediate northwest across Apperson Street include a market, gas station/auto repair, and a mix of single and multi-family residential uses. Surrounding land uses to the immediate northeast directly across the intersection of Foothill Boulevard and Apperson Street include a gas station, auto repair, medical office, neighborhood serving commercial uses, and a multi-family residential development. The land uses across Foothill Boulevard to the immediate east of the area are a market, liquor store, smoke shop, and small scale neighborhood serving

commercial uses. The land to the immediate south is developed with a multi-family residential use which is surrounded by single- and multi-family residential uses. A church is sited on the land to the immediate west. The surrounding land to the northwest is zoned C2-1VL and R3-1, and the surrounding land to the northeast is zoned C2-1VL, R3-1, RD3-1, RD2-1, and RD5-1. The land to the northeast and northwest are designated General Commercial and Medium Residential by the Community Plan. The surrounding land to the east is zoned C2-1VL and R3-1 and is designated for General Commercial and Medium Residential uses. The land to the south is zoned R1-1-RFA and R3-1 and is designated Low and Medium Residential. The land to the west is zoned R1-1-RFA and is designated Low Residential.

Foothill Boulevard is designated a Modified Avenue I by the Mobility Plan 2035 and is improved with a gutter, curb, and sidewalk.

Apperson Street is designated a Modified Avenue II by the Mobility Plan 2035 and is partially improved.

Previous zoning related actions on the site/in the area include:

Subject Property:

ZA-2013-1390-CU-ZV - On August 6, 2013, a Public Hearing was held for a request for a Conditional Use and Zone Variance to construct a new car wash in the C2 Zone with parking and a portion of a drive-through for the car wash adjacent to an existing auto repair shop in the R3 Zone. The case was subsequently terminated (based on City records the termination date is unclear).

Case No. AA-2004-1461-PMEX – On June 4, 2004, a three-lot, Lot Line Adjustment was approved at 7656 - 7660 Foothill Boulevard and 7641 - 7655 Day Street.

Ordinance No. 170,694 - On October 27, 1995, the Foothill Boulevard Corridor Specific Plan and the associated Design Guidelines and Standards Manual became effective to ensure that development is environmentally sensitive and considers the existing topography and surrounding low density residential, street and circulation system, and scenic views of the local mountains; to enhance commercial vibrancy and development with comprehensive building standards; to enhance multi-family development with coordinated standards; and to promote safe vehicular circulation (ZI 2172).

Ordinance No. 165,670 – On March 23, 1990, the Los Angeles City Council approved an Interim Control Ordinance on multi-family residential and commercial projects.

Ordinance No. 164,330-SA2100 – On January 3, 1989, the Los Angeles City Council approved an ordinance as part of the General Plan/Zoning Consistency Program to change the height district on the C2-1 portion of the site to 1-VL.

Surrounding properties:

Case No. ZA-2013-1198-PAD – On August 16, 2013, the Zoning Administrator approved with conditions the addition of a 634 square-foot office and storage area to an existing approximately 3,200 square-foot church with 51 parking spaces in the R1-1-RFA Zone at 7662 Apperson Street.

Case No. TT-65321 – On June 19, 2006, the Advisory Agency approved with conditions a maximum 26-unit condominium project in the R3-1 Zone located at 7641 and 7655 Day Street. On April 24, 2012, the case was terminated.

Case No. DIR-2005-9363-SPP – On May 22, 2006, the Director of Planning approved with conditions a Design Review Determination and Project Permit Compliance Review at 7655 West Day Street for a two-story over semi-subterranean basement garage, 26-unit townhouse/condominium project in the R3-1 Zone.

Case No. ZA-2000-4014-CUB - On August 21, 2001, the Zoning Administrator approved with conditions a Conditional Use to permit the off-site sales of beer and wine with commercial corner development approval in conjunction with the operation of an existing market in the C2-IVL Zone at 7617 West Foothill Boulevard.

Case No. ZA-1995-0670-CUB – On January 10, 1996, the Zoning Administrator approved with conditions a Conditional Use at 7560 West Foothill Boulevard to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with a restaurant.

A review of City records, staff fieldwork, and information provided by the applicant shows the following within 1,000 feet of the subject site:

Alcohol Sales/Establishments

- Roe Zee Markets Inc, 7670 Foothill Boulevard (full liquor off-site sales)
- Mbarkeh, Shadi, 7611 Foothill Boulevard (full liquor off-site sales)
- Leo's Pizza, Inc, 7556 Foothill Boulevard (beer and wine on-site sales)

Sensitive Uses - Residential

- Multi- and single-family residential uses

Sensitive Uses – Church

- Faith Lutheran Church, 7749 Apperson Street
- Kingdom Hall of Jehovah's Witnesses, 7662 Apperson Street
- Armenian Apostolic Church, 7756 Foothill Boulevard

Sensitive Uses – School

- Haykazunyadz Child Care Center, 7745 Apperson Street
-

Sensitive Uses – Parks

- Howard Finn Park, 7747 Foothill Boulevard

PUBLIC HEARING

The public hearing was held on Monday, November 26, 2018 in the Public Hearing Room of the Marvin Braude Constituent Service Center in Van Nuys. The applicant and his representatives as well as 20 members of the community attended the hearing. A representative of Council District 7 was also present.

Statements in Support:

- The property is currently developed with an auto repair and smog check business which suffers from deferred maintenance. There are also buildings from an abandoned gas station on the site and an office building for a sign and banner business. There are a large number of stored vehicles on the site;
- The property was purchased by the present owner with the intent of demolishing the existing uses and building a car wash and mini-market;
- The project was presented to the Neighborhood Council which ultimately took no action on the case but did send a number of comments and concerns about it;
- There was a traffic study done for the project which showed no ill effects from the development of the project. There is an existing driveway on Apperson and the Department of Transportation prefers that there be no vehicular access from Foothill Boulevard. The traffic light at the intersection of Apperson and Foothill will control access and mitigate any traffic problems;
- We lowered the proposed height of the car wash and the store to 20 feet. Landscaping has been added to the site, which is currently un-landscaped and a landscape plan has been included in the file in compliance with the Foothill Boulevard Specific Plan;
- 7/Even is developing the convenience store and they plan to operate it as a corporate store, but they will eventually franchise it. We believe that a good store operator will overcome some of the problems which the area has had from franchisees of other convenience markets;
- We have done community outreach on the proposed development. We are trying to deal with the homeless issues that are prevalent in the area and have caused problems at other 7/Elevens and mini-markets in the area. We work with schools and other community groups. 7/Even now has much stronger leased and franchise contracts to control bad operators. We also meet regularly with the local Police Division's Vice Unit to take care of any problems that they may have with the operation; and
- I like the idea. We have small markets and stores in the area and they are getting run-down and an eye sore. This owner has other well run car washes in the City that I have used. This is not as close to surrounding residences as many such uses in the area.

Statements in Opposition:

- I work at the Church which is next door to the site. We have checked with the ABC as to overconcentration of off-site liquor sales businesses. There are currently three auto lifts on the site and it used to be used as a gas station. Though the tanks have been removed, we are still worried about toxics in the soil because of the tanks, lifts and other equipment of the auto repair businesses. We are also concerned about storm water runoff from the site as we are approximately 10 feet below grade from the site.
- This corner can do better than a 7/Eleven and a car wash. A similar car wash was turned down on this site 15 years ago. The corner is awful and subject to many accidents. I'm concerned about how close to the uses will be to apartments, homes and the adjacent church;
- I'm opposed because I believe the traffic study is wrong because of the existing traffic on Apperson and Foothill. We have car washes and convenience stores. What we need is a different mix of businesses that don't create traffic like convenience stores do;
- This is an awful corner. The 7/Eleven's in town are all poorly run. The applicant is currently allowing the illegal storage of automobiles and trucks on the lot;
- The site has been used as a gas station and an auto repair business. We want to be sure that any removal and remediation was done properly and with permits;
- I don't see any added value to the community from this project. The property is dirty now and the same owner proposes this. We have no guarantee that this new development will be run any better than what is there now; and
- The car wash should not be built in an R3 Zone. Apperson is used as a cut through route to get around traffic on Foothill. This will just add to the traffic problems for the homes in the neighborhood.

Representative of Council District Seven:

The representative of Council District 7 noted the comments on the case. He wanted the case to be held under advisement until the Neighborhood Council took a position on it. The Council Office has some concerns about the use but is taking no position on it at this time.

Letter from the Sunland-Tujunga Neighborhood Council:

The Sunland-Tujunga Neighborhood Council Board met on December 12 and took no position on this case. It did however have a number of concerns and comments about the case that it wanted to express.

- In 2005 – 2006 a proposal was submitted to build residential condos or apartments on the site. The map was approved for 26 units, but it was never recorded and the project died;
- A proposal was submitted in 2013 for a car wash and a restaurant. The case was terminated without going to hearing;

- We understand that the gas tanks on the site were previously removed and the site clear of environmental concerns. The new development will result in all of the current buildings being removed from the site;
- There are currently six car washes on Foothill in Sunland-Tujunga. Three of them are drive through car washes and two of these operate in conjunction with a gas station, two are hand car washes and one is a full service wash;
- If this proposal is accepted the neighbors strongly request that a sound proof wall be constructed between the car wash and the homes to the rear;
- Many neighbors were in favor of the 7/Even because it would be an improvement to the immediate area. Their representatives emphasized that it would be of a new design not currently used in the area. It will be corporately owned until established and then franchised. The sale of beer and wine will end at 11:00 p.m. and the beer coolers will be locked. The community urged 7/Even to improve their existing stores operating in the area including maintenance and oversight of the establishments storefront areas. The representatives said they would work with the franchisees to resolve issues with the homeless or transients who challenge the cleanliness and good maintenance of the existing stores;
- Both Apperson and Foothill have existing curb cuts. Neighbors were concerned about queueing of traffic waiting to make turns onto Foothill and westbound traffic on Foothill attempting to make left turns into the site across eastbound traffic also creating a queueing problem on Foothill. The community requests a traffic study regarding problems caused by left turns on both streets, queueing effects on both streets and their impact on traffic safety;
- Neighbors are concerned about if the existing long standing businesses which provide services to the neighborhood will be relocated;
- Local neighbors submitted 150 signatures opposed to the project. If approved, nuisance abatement and conditions need to be strictly enforced; and
- Drainage from the site needs improvement now and the community requested that this be reviewed for updates if the project is approved.

LETTERS OF SUPPORT

- I personally have no problem with the car wash or the 7/Even however: Apperson Street must be improved with a proper and standard gutter and sidewalk. No vehicle exit should be placed on Apperson Street. The open storage of vehicles must be stopped immediately. The convenience store should not be allowed to sell alcohol after 11:00 p.m. The opening hour of the car wash should be limited and later on the week ends. Music on any PA system should not be allowed. The current sidewalks are substandard, not safe and are unkempt and ugly; and
- The current owner uses the site as a to store vehicles, most of which should be in a junk yard. Much of the site is totally open and the other portion only has a chain link fence. In addition, vehicles are being stored on the R3 Zoned land. The owner has been told numerous times about the violation but refuses to do anything about it.

LETTERS OF OPPOSITION

- I live two blocks south of the subject site. We have three 7/Elevens within a 2.5 mile stretch of Foothill Boulevard not to mention seven liquor stores. We also have five car washes. This corner is known for many accidents due to heavy traffic and a blockage of views due to existing buildings on the site. The 7/Elevens in our area attract the homeless. This one will be a few short blocks away from the local recycling center and will be the second closest store selling alcohol for the homeless to use after turning in their recycling material. We are concerned about this site becoming a magnet for illegal activity. I contacted 7/Even's District Manager and he said that because this building was to be corporate owned they would not let any trespassing or loitering occur on the site, but they can't control what happens on the public sidewalk. Because there will be an increase in traffic on Apperson, we will have increased danger to people jogging in the neighborhood, walking their dogs and the like because Apperson does not have sidewalks further down the street which makes people walk in the street. Please, I don't want to see added traffic, homeless or another liquor store in our neighborhood. Nor do I want to see the additional delivery trucks accessing the site;
- From Lowell Avenue in Tujunga to Sunland Park along Foothill Boulevard, we have a saturation of 7/Elevens, convenience stores, liquor stores and car washes. This project would make car wash number six and over 12 convenience stores. I've lived here since 1959 and this project serves no purpose;
- We don't need another convenience store in the neighborhood. We currently have seven liquor stores and three 7/Elevens within a two to three mile radius. They have actual fatalities from accidents on that corner. Additional traffic will increase the odds for more accidents. We have chronic vagrancy issues at another 7/Even at Foothill and Oro Vista Street. This will just add another site for such inappropriate behavior adjacent to our neighborhood. Residents in the area are concerned about increased noise levels, and we don't believe that the proposed noise abatement features will be adequate;
- I am opposed to both the convenience store and the car wash. Regarding the car wash, this is a quick money maker for any business. We currently have in a mile radius of the site a full service car wash, one drive through and two self serve ones. There are two more being discussed further east on Foothill. With the area still in draught, this seems not only unnecessary but excessive. We currently have three 7/Elevens in the area and they are all magnets for transients, trash and trouble. I am not interested in these owners saying that they will be different. Future behavior is predicated on past behavior and wishing it to be different is something that they will have little control over. Additionally within a mile of this location are numerous liquor/quick stop stores, a few bars and a full service grocery store. The area is not lacking in options for groceries and alcohol. This proposed project will not be an asset to this location; and
- I have watched mindless decision making regarding over 33 auto repair businesses, smoke shops and liquor stores which keep popping up all over the area. This community doesn't need another 7/Even. We have three and its four

if you include the new one in Shadow Hills. The three that we have on Foothill Boulevard are dirty and add to the continuous problems of trash and panhandling. The store's parking lots are unsupervised and dirty. Many drug deals go down in the parking lots. The franchise owners do not have good policies regarding safety and responsibility to the customers and residents. We don't need more alcohol and cigarette stores. We don't need any more convenience stores. We have plenty of them. We need businesses that care and contribute to the community. Please decline this use as it just doesn't fit in the community, its unneeded and is unwanted by a majority of the neighborhood's shareholders.

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 Zoning Administrator 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 Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator 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 Office of Zoning Administration 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 Zoning Administrator.

- Hours of alcohol sales shall be from 6:00 a.m. to 11:00 p.m., daily.
- After the 11:00 p.m. closing time of alcohol sales, the walk in freezer doors fronting all alcohol shall be locked so that customers cannot gain access to alcoholic beverages.
- The subject alcoholic beverage license shall not be exchanged for a public premise type license nor operated as a public premise.
- There shall be no exterior advertising or sign of any kind or type promoting or indicating the availability of alcoholic beverages.
- No alcohol shall be allowed to be consumed on any adjacent property or the approved car wash on the same lot under the control of the Applicant.
- There shall be no sales of single bottles or cans taken from a prepackaged 6-packs or 4-packs.

MANDATED CONDITIONAL USE FINDINGS

For a Conditional Use to be granted all three of the legally mandated findings under the provisions of Section 12.24-E of the Los Angeles Municipal Code must be made in the affirmative. Additional findings as delineated below are required for the approval of Off-Site Liquor Sales, a Commercial Corner Development and an Automotive Use. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

The proposed mini-shopping center / commercial corner use is located within a commercial corner lot at Foothill Boulevard and Apperson Street. The site is currently occupied by an operating car repair and smog check business, an abandoned gas station canopy, an office for a sign and banner business and the storage of vehicles including the illegal storage of vehicles in the R3 Zone.

Surrounding land uses to the immediate northwest across Apperson Street include a market, gas station/auto repair, and a mix of single and multi-family residential uses. Surrounding land uses to the immediate northeast directly across the intersection of Foothill Boulevard and Apperson Street include a gas station, auto repair, medical office, neighborhood serving commercial uses, and a multi-family residential development. The land uses across Foothill Boulevard to the immediate east area are a market, liquor store, smoke shop, and small scale neighborhood serving commercial uses. The land to the immediate south is developed with a multi-family residential use which is surrounded by single- and multi-family residential uses. A religious institution is sited on the land to the immediate west.

The redevelopment of the site would result in the removal of the existing structures, and the construction of a newly designed 3,400 square foot convenience market (7/Seven) and a 4,895 square foot drive through car wash. The new structures would be a significant upgrade in the built environment of the site as the 7/Seven will be built to a new corporate design and the car wash will be fully enclosed within a building of modern design which is much larger in length than the familiar wash racks of existing gas stations. The entire site will be extensively landscaped especially along the Foothill Boulevard frontage and in the southwest corner of the site which interfaces with an adjacent single family home and the parking area for an affordable housing complex to the south of the site. Landscaping of the site will include the planting of over 20 new trees and 170 shrubs of various height. One advantage of the redevelopment of the site is the implementation of the City's Low Impact Development Ordinance which was developed to control storm water runoff through required infiltration systems and the regrading of large flat areas such as the parking and driveway areas of the site. The ordinance was developed so that storm water runoff does not affect adjacent properties such as the Church to the west and downgrade of

the site and the affordable housing development to the south and downgrade of the site. The site will be regraded so that runoff flows away from adjacent properties and into catch basins under the site for filtration before being released into the storm drains.

The car wash tunnel is over 134 feet, eight inches in length which is longer than the average car wash connected to gas stations which are approximately 45 feet in length. This allows for more coverage of the noisiest implements of the car wash which are the dryers. While much of the testimony on the car wash was directed at the closeness of the facility to the apartment complex to the south of the site, the south wall of the building is solid except for an access door to the equipment room on the south side of the building. The blowers for the dryers are at the east end of the structure facing Foothill Boulevard and not the residential uses to the west and south. The conditional use for the car wash is required because the westerly egress tunnel opening is less than 100 feet from an adjacent R Zone. The use of the R1 Zoned area to the west of the site is a religious institution and the church's parking lot directly abuts the car wash entrance approximately 51 feet away. There is also a single family home which is set back approximately 35 feet from the rear property line. Thus, there is approximately 86 feet between the car wash entrance and the rear wall of the home. Because of the sloping nature of the area both of the R1 Zoned lots to the rear of the site are approximately 10 feet below the grade of the site. The environmental mitigation measures for the case require that a six-foot high noise attenuation wall be built at the property line to mitigate noise impacts on adjacent residential properties. Thus, there will be a 10-foot grade and a 6-foot high wall for 16 feet of elevation separation between any noise producing uses and the adjacent properties which are below grade.

Therefore, the project will enhance the built environment in the surrounding neighborhood by removing a blighted auto mobile repair facility which is used extensively for illegal vehicle storage in an R Zone, building two modern structures that are compliant with the conditions of the Foothill Boulevard Specific Plan, result in storm water mitigation in compliance with the City's Low Impact Development Ordinance and which will have a sound attenuation system surrounding the lot on the west and south property lines.

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

Both buildings in the proposed project are 20 feet high and comply with the design guidelines of the Foothill Boulevard Corridor Specific Plan. They are placed on the site so that the rear of the 7/Eleven store faces adjacent R1 zoned property developed with a religious institution and the car wash's southerly wall, which has no openings except for a door to the equipment room, faces the adjacent apartment building. Thus, all of the areas where noise is likely to occur are set back from adjacent properties by the bulk of the buildings with no openings to the noise producing equipment. The

7/Seven building buffers the parking lot from the church structure and the car wash structure separates the outdoor vacuum cleaners from the apartment to the south. The entire lot is grade separated from adjacent properties by 10 feet and a 6-foot high noise attenuation wall will also further buffer adjacent properties from any noise producing activities. The wall will be placed in-front of the westerly entrance to the car wash facility and buffer any uses to the west of the site from noise generated by the facility and from any noise generated by the outdoor vacuums. The noisiest equipment of the car wash are the dryers which are interior to the building and face Foothill Boulevard away from the adjacent residential uses. The use has been conditioned for the applicant to demonstrate to the Department of Building and Safety during the plan check process that the quietest equipment available on the market is being used for the car wash.

The hours of operation for the car wash has been limited to 9:00 a.m. to 7:00 p.m. in order to limit the use of the car wash to hours when people are not prone to be asleep except on the weekend. Because of the other noise limiting features of the project, noise will be reduced at any hour, however night and morning hours are particularly subject to noise disruptions. Because the hours of alcohol sales are controlled by the State's Department of Alcohol Beverage Control, an absolute hours of sale condition has not been placed in the Conditions of Approval except for the standard hours of 6:00 a.m. to 2:00 a.m. established by State Law. The Zoning Administrator has included in the suggested Conditions to the ABC that the hours of sale be limited to the 6:00 a.m. to 11:00 p.m. suggested by the developer in his presentations to the Neighborhood Council and to others in the applicant's public outreach. This will help regulate traffic into the convenience store for those who are only searching for a location for alcohol sales.

In addition to beer and wine, the proposed 7-Eleven convenience market is expected to offer an array of goods and services under the standards and practices enforced by a national and well known organization. Improvements in the surrounding area are small in scale and largely in need of repair. The proposed one-story, 20-foot in height, 3,400 square foot, 7-Eleven and the one-story, 20 foot in height, approximately 4,895 square foot, car wash will be attractively landscaped and will provide a much needed upgrade by the construction of modern buildings in an updated design to the older corporate standards of the industry in the surrounding neighborhood.

Therefore, 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.

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

The proposed project site is located within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan area and the Foothill Boulevard

Corridor Specific Plan area. The project site is not located within an area designed by the Specific Plan as a Target or Major Activity area, and therefore, project clearance is required under an Administrative Clearance process that is not subject to CEQA review. The Community Plan designation is General Commercial, corresponding to the C1.5, C2, C4, and RAS3 Zones and Medium Residential corresponding to the R3 Zone. General Plan footnotes to the General Commercial designation limit height to 1L and 1VL. As such, the proposed convenience market and car wash correspond to the commercial land use designation and zoning on the site with the granting of a variance to allow the commercial uses to be partially located in an R3 Zone and to allow the movement of vehicles between a less restrictive and a more restrictive zone.

On-site parking will comply with LAMC requirements. Security for the 7-Eleven will be provided at a minimum by alarms and closed circuit cameras. The 7-Eleven staff will provide on-site security for the entire facility, and the car wash tunnel will be closed and locked after hours.

The intent of the Foothill Boulevard Corridor Specific Plan and Foothill Boulevard Corridor Design Guidelines and Standards Manual (Ordinance No. 170,694) is to ensure that development is environmentally sensitive and considers the existing topography and surrounding low density residential uses, street and circulation system, and scenic views of the local mountains; to enhance commercial vibrancy and development with comprehensive building standards; to enhance multi-family development with coordinated standards; and to promote safe vehicular circulation. The proposed project is conditioned herein to comply with Section 6 of the Specific Plan which regulates general design provisions for buildings and structures, including screening, lighting, and trash enclosures. Also, the proposed project is conditioned herein to comply with Section 8 of the Specific Plan, which regulates development provisions, including bicycle parking, street trees, building design, and pedestrian linkages. Finally, the Specific Plan regulates signage, and no signage is proposed by the applicant. Any signage will be cleared by a separate permit and will conform with the Specific Plan.

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

**ADDITIONAL REQUIRED FINDINGS FOR A MINI-SHOPPING CENTER /
COMMERCIAL CORNER DEVELOPMENT IN THE C ZONE**

4. **That based on data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

Transportation/traffic for the proposed project was analyzed under Case No. ENV-2015-4682-MND ("Mitigated Negative Declaration"). The Los Angeles Department of Transportation (LADOT) reviewed the traffic analysis prepared for the proposed

project by Stantec Consulting Services Inc., dated December 2017. Based on an analysis of the existing traffic at the intersection of Foothill and Apperson, expected net increase in daily trips, and trips during AM and PM peak hours caused by the proposed use, LADOT determined that project related traffic would not significantly impact the intersection.

In addition, the site currently has three driveways due to its former use as a gasoline service station. There is one driveway on Apperson and two on Foothill. The development of the site will maintain the existing driveway on Apperson, but it will close one of the driveways on Foothill. The driveway that is to be closed is located within five feet of the intersection of the two streets. The remaining driveway will remain in use. This effectively reduces dangerous turning movements exiting the driveway closest to Apperson and avoids vehicles making turning movements from Apperson onto Foothill. The closing of this driveway will result in the commercial corner development not causing disruption of vehicle circulation on adjacent streets due to ingress and egress from the site.

5. **That project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

Based on City records, staff fieldwork, and information provided by the applicant, there is not a detrimental concentration of mini-shopping centers or commercial corner establishments in the surrounding vicinity. Most of the commercial uses in the area are small scale uses located along Foothill Boulevard. Because of the large number of intersections along Foothill Boulevard any commercial development on the street at an intersection qualifies as a corner commercial project and is subject to the Corner Commercial Ordinance.

ADDITIONAL REQUIRED FINDINGS FOR AUTOMOTIVE USES

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

Historically, Foothill Boulevard has been the location of an undue concentration of auto repair establishments. The proposed project involves the demolition of an existing auto repair use, smog check station, an unused gas station canopy and a used vehicle storage area and the construction of a car wash and a convenience market. There is not an undue concentration of car wash establishments in the vicinity of the proposed use. A field check of Foothill Boulevard showed there to be four current car washes from Sunland Park easterly to the City Boundary Line. This would be the fifth not counting any other previously approved but unbuilt car washes. Testimony at the public hearing indicated that there were six car washes in the same area. There are, however, no over concentration rules for how many car washes may be located in an area. The usual rule for over concentration is the number within a 1,000 feet of the new use, and in this case, there are no others within 1,000 feet of the site. There are

a large number of auto repair facilities in the same area of Foothill including over four smog check stations within two blocks of the site. This project would result in the demolition and removal of the previously mentioned un-landscaped auto repair uses and their replacement by a heavily landscaped convenience market and car wash.

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

As was stated above, the new development will be closing the existing driveway which is adjacent to the intersection of Apperson and Foothill. This will effectively reduce dangerous turning movements exiting the driveway closest to Apperson and avoids any vehicles making turning movements from Apperson onto Foothill. The closing of this driveway will result in the commercial corner development and automotive use not causing disruption of vehicle circulation on adjacent streets due to ingress and egress from the site.

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

Not applicable. No spray painting is proposed.

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

Currently, there is no landscaping on the project site. As shown in Exhibit A, the applicant has proposed a landscape plan showing 12, 36-inch box Palo Verde trees and nine, 24-inch box Palmate Maple trees. Additionally, the landscape plan shows 170, 5-gallon shrubs including Lantana, Fortnight Lily, and Lindheimer's Muhly. As a condition of approval herein and under the Foothill Boulevard Corridor Specific Plan, the applicant will be required to provide a landscape plan that meets or exceeds LAMC requirements including the provision of drought tolerant materials and a maintenance schedule. The proposed Landscape Plan contains landscaped areas in all portions of the lot which is not occupied by buildings, parking spaces and drive aisles. The proposed plan also exceeds the standard of one tree for every four parking spaces on the lot.

ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES

10. **That the proposed use will not adversely affect the welfare of the pertinent community.**

The proposed 7-Eleven convenience store will provide the opportunity for community residents to purchase beer and wine in a safe and monitored environment. Security measures will be in place as conditioned herein, including a 24-hour closed circuit television security camera, alarm system, and appropriate age verification equipment. As is standard practice for 7/Eleven stores in Southern California, the sale of alcohol is limited to beer and wine and not a full line of alcohol. It was stated at the hearing that some 7/Eleven stores sell a full line of alcohol, however, the grant clause for the case limits the site to beer and wine sales only. This can only be changed by a new Plan Approval to the existing case to change the grant and the conditions to allow the sale of a full line.

No single cups or glasses will be offered for sale. It is recommended to the ABC that single sales of alcoholic beverages packaged in four- or six-packs may not be sold. Because the ABC has jurisdiction in the State of California as to how alcohol is sold, a local Conditional Use Permit may not place such conditions on the sale. However, the ABC does receive the suggested conditions prior to granting the license. Because 7/Eleven now sells craft beers as a part of their offerings to customers, it is noted that often craft breweries sell their product in large 16 to 20 ounce bottles at a substantially more expensive price than a single bottle of a nationally branded beer normally sold in six-packs. No alcohol consumption or loitering will be permitted on the premises. No entertainment including video games is to be provided.

Testimony was given at the public hearing about problems caused by transients outside of existing 7/Eleven stores in the area. Complaints were made about the franchisees not operating their stores in a quality manner. The new store at the site will be a corporate owned and operated store by 7/Eleven while it is being established. 7/Eleven has pledged to the Neighborhood Council that they would work with existing franchisees to correct problems with transients and a lack of cleanliness and maintenance at the existing stores and is holding on to the new store so as to avoid such problems in the neighborhood. Therefore, the proposed use will not adversely affect the welfare of the pertinent community.

11. **That the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

A review of City records, information provided by the applicant, and staff fieldwork shows that the following alcohol sales and establishments are located within a 1000 foot radius of the proposed 7-Eleven:

- Roe Zee Markets Inc, 7670 Foothill Boulevard (full liquor, off-site sales)
- Mbarkeh, Shadi, 7611 Foothill Boulevard (full liquor, off-site sales)
- Leo's Pizza, Inc, 7556 Foothill Boulevard (beer and wine, on-site sales)

The proposed business is located in Census Tract 1014. The Census Tract currently has six licenses located in it with one existing off-site beer and wine consumption license and one full line off-site license. The remaining four licenses are located in restaurants.

As such, there is no undue concentration of alcoholic beverage sales in the surrounding community. Additionally, staff research did not disclose any revocation or nuisance proceedings for alcohol use in the surrounding area.

- 12. That the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The proposed use is located in a community developed with small scale commercial uses, a church abutting the site to the west, and single- and multi-family residential uses, including a multi-family residential use abutting the subject site to the south. However, the proposed use will have security measures in place, including an alarm system and 24-hour closed circuit television security to ensure that all off-site sales are conducted to ensure the safety and security of the surrounding community. Sales of single bottles or cans of alcohol from pre-packaged four- or six-packs will not be permitted. Furthermore, there are no schools in proximity to the proposed 7-Eleven, and one park within a 1,000 foot radius.

MANDATED ZONE VARIANCE FINDINGS

For a Zone Variance to be granted all five of the legally mandated findings under the provisions of Section 12.27 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 13. The strict application of the zone code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The subject property consists of two lots totaling approximately 40,921 square feet. One triangular-shaped lot fronting on Foothill Boulevard is approximately 2,212 square feet, is zoned C2-1VL and is occupied by a small office building for a sign and banner business. The larger irregular-shaped approximately 38,709 square foot portion of the subject site has split zoning. The approximately 29,414 square foot portion of the lot fronting on Foothill Boulevard and Apperson Street is zoned C2-1VL. The interior, approximately 9,295 square foot portion of the lot, is zoned R3-1.

The triangularly shaped block bounded by Foothill Boulevard, Day Street, Betty Lou Way and Apperson Street was split zoned with the Betty Lou Land frontage being zoned R1, the first 115 feet of frontage parallel to Foothill zoned for C2 commercial purposes and the land between the R1 zone and the C2 zone, zoned for R3 density multiple unit housing. The zone line between the R3 zone and the C2 zone ran in a diagonal across both the subject property and the property to the south of it. That property is occupied by a multiple unit residential development. This zone boundary did not follow lot lines and resulted in a commercial zoned portion on the otherwise R3 lot and a large portion of the subject lot zoned for residential only use and because of Proposition U passed in 1989 different Floor Area Ratio's. the commercial portion of the lot is limited to a 1.5:1 FAR and the residential portion has a 3:1 FAR.

This zoning configuration, and particularly the 9,295 square foot portion of the site zoned R3-1, makes any reasonable development of the residentially zoned portion of the site extremely difficult. It is limited to a density of 11 units and because of the required yards would need to be set back five feet on the portion facing Foothill Boulevard which would leave a lot with a depth of 74 feet in which to build the building. Any grading or foundation work on the lot is additionally made difficult because of the grade differential on the lot line which is 10 feet higher than the adjoining properties to the west and south. Grading for the site with the abrupt elevation change would be extremely difficult especially with a 5-foot side yard between the R3 and R1 zones. The larger, commercially zoned 29,414 square foot portion of the site lends the development of the property to a unified commercial use. The zoning configuration for the two adjacent R3/C2 lots should have placed the R3 zone on the southerly lot and the C2 zone on the northerly one instead of just following the Foothill Boulevard frontage from 115 feet away. To deny the request would be to create practical difficulties for the both the C2 and R3 portions of the lot as the triangular shape of the zones makes the construction of any buildings with sufficient length extremely difficult with the placement of the zone lines.

The development of the property for a unified commercial development also requires a variance for the commercial zone (less restrictive) to have vehicular access for its parking and driveway areas through a residential (more restrictive) zone. Again the zoning pattern makes no sense for logical development of the site. The zoning regulations do not take into account that properties may be split zoned for entirely different purposes. The general purpose of the zoning regulations is to regulate individual properties so that they can be built on with consistent regulations, floor area ratios and development standards. This property with a diagonal cut between the

two zones results in practical difficulties in developing the property consistent with those zones and bares no relationship to surrounding uses of property.

Therefore, the strict application of the zone code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

14. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

There are special circumstances in this particular property in that the lot is triangular in shape with a zoning pattern split between commercial and residential uses. When looking at the Zoning Map for the area, there are numerous triangularly shaped blocks as Foothill Boulevard cuts through the area on a diagonal as the other streets intersecting it run in either north/south or east/west directions. This creates triangular blocks. Unlike the properties on this particular block bounded by Foothill, Day, Betty Lou and Apperson, none of these other blocks have split zoned properties like the subject lot. The lot lines on these other blocks follow property lines so that similar uses can be placed on each individual lot. Thus, there are special circumstances due to shape, zoning and location that do not apply generally to other property in the same zone and vicinity.

15. **The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The applicant's right to improve the entire ownership is hampered by the split zoning on the subject site. Clearly as previously mentioned, no reasonable or desirable residential development could be achieved on the R3 zoned portion of the site, and the R3 zoned portion has no relationship to the size or conformance of the lot. As mentioned before in Finding No. 14, other properties on the triangular shaped blocks in the neighborhood had their zoning allocated along lot lines instead of by distance from Foothill Boulevard. Thus, the use of the commercial zone has been affected by the non-congruent residential zone which has no relationship to the main portion of the lot. No other commercially zoned lot in the area has this split zoning on it. Therefore, the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

16. **The granting of the variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.**

The granting of the variance will not be materially detrimental to the surrounding commercial uses on C2 Zoned lots to the north and east, which are currently improved with a gas station, auto repair, medical office, market, liquor store, smoke shop, and other small scale commercial serving uses.

The granting of the variance will not be detrimental or injurious to the church on the R1 Zoned lot to the west or the multi-family residential dwelling units on the R3 Zoned site to the south. As conditioned under Case No. ENV-2015-4682-MND, impacts to the church and residential uses shall be mitigated by shielded outdoor lighting, and high-performance and/or non-reflected tinted glass and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat. Noise impacts to the residential uses to the south will be mitigated by a 6-foot high decorative masonry wall and noise attenuating features proposed by a licensed acoustical sound engineer. The requested hours of operation for the car wash have also been reduced by Condition No. 7 to 9:00 a.m. to 7:00 p.m. which will allow the operation outside of the quiet time when people are trying to sleep in the morning or relax after the end of the work day without any intrusive noise affecting their residences next to the car wash. The applicant has provided specifications indicating that noise attenuating equipment will be utilized for the car wash. Condition No. 18 requires the applicant to use the quietest drying and vacuum equipment on the market and so indicate to the Department of Building and Safety when filing for building permits. Construction, grading, and demolition noise is also conditioned under Case No. ENV-2015-4682-MND with restrictions on hours and equipment. The project is mitigated so that a parking and driveway plan incorporating design features to reduce accidents is reviewed and approved by the Bureaus of Engineering and Transportation. Transportation and traffic impacts during demolition, grading, and construction will be reduced through appropriate mitigation measures. Furthermore, the applicant has volunteered design features that will minimize any deleterious impacts; the applicant is retaining and recycling all soap and water from the car wash on site and both the convenience market and the car wash will incorporate security devices including alarms and closed circuit cameras. After hours, the car wash tunnel will remain closed and locked. Finally, as conditioned herein, electronic age verification devices for the sale of alcohol will be retained on site, loitering will not be permitted on the premises, no video games shall be allowed, trash and recycling containers will be appropriately located and buffered from adjacent uses, and the site will be attractively landscaped in accordance with LAMC requirements. Therefore, the granting of the variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.

17. The granting the variance would not adversely affect any element of the General Plan.

The site is located within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan area and the Foothill Boulevard Corridor Specific Plan area. The project site is not located within an area designated by the Specific

Plan as a Target or Major Activity area, and therefore, project clearance is required under an Administrative Clearance process that is not subject to CEQA review. The Community Plan designation is General Commercial, corresponding to the C1.5, C2, C4, and RAS3 Zones and Medium Residential corresponding to the R3 Zone. General Plan footnotes to the General Commercial designation limit height to 1L and 1VL.

The Citywide General Plan Framework Element sets forth a citywide comprehensive long-range growth strategy. The recommended Zone Variance conforms to the following objectives and policies of the Citywide General Plan Framework Element, as follows:

General Commercial Areas. Objective 3.12: Generally, maintain the uses, density, and character of existing low-intensity commercial districts whose functions serve surrounding neighborhoods...

The proposed 7/Eleven convenience market and car wash replace an existing auto repair use that is in need of an upgrade with attractively designed and landscaped low density commercial uses that serve the surrounding residential and commercial neighborhoods.

The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan includes the following objectives and policies:

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

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

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

Additionally, Chapter V of the Community Plan, Urban Design, includes the following policies:

- *Limiting height of structures to that required...*
- *Providing accenting and complementary building materials to building facades.*
- *Screening of mechanical and electrical equipment from public view.*
- *Screening of all rooftop equipment...*

The proposed 7-Eleven and car wash will enhance the appearance of the commercial district along Foothill Boulevard by removing an auto repair use that is in need of upgrade. Currently, there is no landscaping on the site; the applicant will provide water saving landscaping and irrigation along Foothill Boulevard and throughout the project site. The applicant is proposing a one-story, 20-foot in

height convenience market and a one-story, 20-foot in height car wash, conforming with the small scale commercial district. The vacuum mechanical equipment will be state-of-the-art to reduce noise impacts as shown in the specifications provided by the applicant. Furthermore, the project is conditioned so that rooftop equipment will be screened from view.

The intent of the Foothill Boulevard Corridor Specific Plan and Foothill Boulevard Corridor Design Guidelines and Standards Manual (Ordinance No. 170,694) is to ensure that development is environmentally sensitive and considers the existing topography and surrounding low density residential uses, street and circulation system, and scenic views of the local mountains; to enhance commercial vibrancy and development with comprehensive building standards; to enhance multi-family development with coordinated standards; and to promote safe vehicular circulation. The proposed project is conditioned herein to comply with Section 6 of the Specific Plan which regulates general design provisions for buildings and structures, including screening, lighting, and trash enclosures. Also, the proposed project is conditioned herein to comply with Section 8 of the Specific Plan, which regulates development provisions, including bicycle parking, street trees, building design, and pedestrian linkages. Finally, the Specific Plan regulates signage, and no signage is proposed by the applicant. Any signage will be cleared by a separate permit and will conform with the Specific Plan. As conditioned herein, and as mitigated in the Mitigated Negative Declaration, Case No. ENV-2016-1676-MND, the proposed project conforms with the Community Plan and the applicable Specific Plan.

MANDATED ZONING ADMINISTRATOR ADJUSTMENT FINDINGS

For a Zoning Administrator Adjustment to be granted all three of the legally mandated findings under the provisions of Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 18. While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

Yards are not determined by zone lines but by the lot lines of the property in question. In this case the rear lot line of the property is the southerly lot line adjacent to the residential complex to the south of the site. The front yard is the Apperson Street frontage and the side yards are the westerly lot line adjacent to the religious institution to the west of the site and the easterly adjoins Foothill Boulevard. The proposed car wash is partially located in the R3 zone at five feet from the rear lot line instead of 15 feet. The C2 zone requires no rear yard so no adjustment is required in that area. The convenience market is located along the lot line of the property and encroaches into the required 5-foot side yard of the R3 zone for approximately 10 feet. Again, there is no rear yard requirement for the C2 portion of the lot.

The request for a Zone Variance to permit the two commercial uses in the R3 Zone has been granted by other portions of this case. Again, a proper conformation of the zoning pattern would have been to make zone lines match lot lines as has happened in all other triangularly shaped lots and blocks along this stretch of Foothill Boulevard. If the full lot had been zoned for commercial uses, this adjustment would not have been needed as there are no rear or side yard requirements for the C2 Zone for commercial developments. The yard requirements are placed in residential zones partly to allow for air and sunlight to flow through window openings on residential structures. There is no such need for air and light in commercial structures as there are no full time inhabitants in them. The residential structure to the south of the site is setback approximately 46 feet from the project site's rear property line and is located at a lower grade than the project site. It has ample space for air and light to permeate the building. Similarly, the convenience market though proposed to sit on the side lot line of the site is approximately 60 feet from the church building and again at a higher grade than the church. Thus, the two commercial structures, though built in the residential yards of the R3 Zone, conform to the zero yards required for commercial buildings in the C2 Zone, allow sufficient air and light to enter the structures adjacent to them and are further separated from the residential and religious uses by a 6-foot sound attenuation wall built on a site at a higher grade than the adjacent uses.

19. **In light of the project as a whole, 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.**

Both commercial structures on the site are designed to be 20 feet tall with solid walls facing the adjacent residential structures except for the auto opening on the west facing wall of the car wash which is located in the R3 Zone and faces on a tangent a residential use to the southwest of the site. This single family home is not in a direct line to the site, is located 10 feet lower in grade and will have a 6-foot high sound wall between the opening in the car wash and the property line. Thus, any noise impacts from the car wash will be negated by the location and improvements to the site. The residential structure to the south is approximately 50 feet from the southerly lot line of the site, is 10 feet lower in grade, will have a 6-foot high sound wall on the property line and the car wash has been moved five feet away from the property line, thus negating any sound impacts from the car wash. The convenience store also has a solid wall between the two properties and does not generate any noticeable operational noise. The area of the westerly property line which is not occupied by the building will have the 6-foot high sound wall on it. This will control any parking lot noise on the church. Further controlling noise from the commercial site is the church's own parking lot which fills the area between the church and the property line. Thus, the location of the site at a higher grade than surrounding properties with a sound wall surrounding the site will not adversely affect or degrade adjacent

properties. The wall and the building placement will also block headlight glare from vehicles using the parking lots of the site.

20. **The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.**

As previously stated, the site is located within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan area and the Foothill Boulevard Corridor Specific Plan area. The requested Zoning Administrator's Adjustment conforms to the following objectives and policies of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan states as follows:

Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

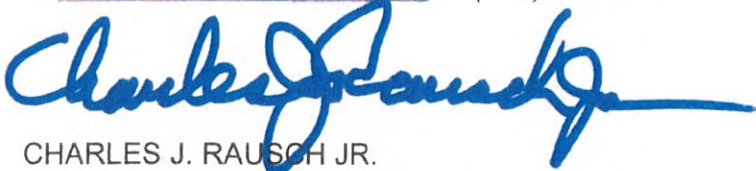
Policies 1-3.1: Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability...

The proposed 5-foot rear yard setback on an R3 Zoned lot and a 0-foot setback on a R3 Zoned lots side yard does consider the character, integrity, or compatibility of the abutting multi-family residential and religious use. The project was designed so that all walls directly adjacent to R3 or R1 uses have no opening to allow noise from the uses to affect these properties. To further reduce noise and light from these uses affecting adjacent properties, a 6-foot high wall for noise and light mitigation has been placed on the property lines adjacent to the R3 and R1 Zones. The grade separation of the site and the sound wall will also reduce any impacts from the westerly opening of the car wash from affecting the R1 residences to the southwest of the site. Thus, the project considered and mitigated any effects of the project on the compatibility of the project on adjacent residentially zoned land.

ADDITIONAL MANDATORY FINDINGS

21. 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 located outside of a flood zone in Zone C.

Inquiries regarding this matter should be directed to Laura Frazin Steele, City Planner, at laura.frazinsteel@lacity.org or (818) 374-9919.

A handwritten signature in blue ink, appearing to read "Charles J. Rausch Jr.", with a long horizontal flourish extending to the right.

CHARLES J. RAUSCH JR.
Associate Zoning Administrator

CJR:ML:LFS

cc: Councilmember Monica Rodriguez, Seventh District
Adjoining Property Owners

