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CALIFORNIA



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January 18, 2001

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Department of Building and Safety

CASE NO. ZA 2000-3322(CDP)(SPP)  
COASTAL DEVELOPMENT PERMIT  
AND SPECIFIC PLAN PROJECT  
COMPLIANCE

115-251 Lincoln Boulevard  
Venice Planning Area  
Zone : C2-1 and P-1  
D. M. : 111B145  
C. D. : 6

CEQA : MND 99-0127-ZC  
(ZV)(PP)(CDP)

Fish and Game: Exempt  
Legal Description: Lot A, Estate of  
Dolores Machardo

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit to permit the construction, use and maintenance of an 8,366 square-foot commercial addition at the rear of an existing 68,177 square-foot shopping center with 230 parking spaces located within the single permit area of the California Coastal Zone; and

Pursuant to the provisions of Ordinance No. 172,897 (Venice Specific Plan), I hereby APPROVE:

Specific Plan Project Compliance, to allow an 8,366 square-foot building addition to an existing 68,177 square-foot shopping center with 230 parking spaces,

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 wall 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 included in the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall provide a minimum of 32 parking spaces for the addition as determined by the Department of Building and Safety.
7. All zone change "Q" conditions of City Council approval Case No. CF 00-0470 shall be implemented (see attached).
8. The applicant shall require all delivery vehicles not to access the site from Machado Drive.
9. The trash containers on-site shall be locked when the site is closed or the fence surrounding the trash containers shall be locked when the shopping center is closed.
10. Construction vehicles and workman vehicles shall not park on 7th Street during the construction of this approved addition.
11. Heating and air conditioning units of the new addition shall be placed at the front of the building closest to Lincoln Boulevard.
12. The City's Department of Transportation shall review and approve the adequacy of the delivery truck turning radius for driveways on 7th Street.
13. All delivery trucks shall park only on the subject site and not on any public streets before unloading. Delivery trucks shall not wait on 7th Street before unloading.
14. The applicant shall dedicate and improve all adjacent streets to the satisfaction of the Bureau of Engineering.
15. The applicant shall require employees of businesses on-site to park in the rear of the business off 7th Street until all parking is full.

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

### **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 that you advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"If any portion of a privilege authorized by a variance or conditional use is utilized, the conditions of the variance or conditional use authorization immediately become effective and must be strictly complied with. The violation of any valid condition imposed by the Administrator, Board or Commission in connection with the granting of any variance, approval of a conditional use or other action 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 \$1,000 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 FEBRUARY 2, 2001, unless an appeal therefrom is filed with the City Planning Department. 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. Such offices are located at:

Figueroa Plaza  
201 North Figueroa Street, #300  
Los Angeles, CA 90012  
(213) 977-6083

6251 Van Nuys Boulevard  
First Floor  
Van Nuys, CA 91401  
(818) 756-8596

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

#### NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. 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, the report of the Zoning Analyst thereon, the statements made at the public hearing on November 30, 2000, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

#### BACKGROUND

The subject site is a level, almost rectangular shaped, corner parcel of land, consisting of approximately 4.9 acres, having a frontage of approximately 441 feet on the west side of Lincoln Boulevard and an approximately depth varying from 181 to 280 feet. The subject property is developed with a shopping center that contains a Laundromat, Pic N' Save, Sav-on Drug Store, shoe store, and vacant building formerly an auto parts center.

Adjoining properties to the north of the subject property are zoned RD1.5 C2-1 and P-1 and are developed with one-story apartments and commercial buildings.

Adjoining properties to the south across Rose Avenue are zoned C2-1 and are developed with a variety of uses including a motel, a private school, La Cabana Restaurant and a commercial corner development fronting on Lincoln Avenue.

Adjoining properties to the east of the subject property are zoned C2-1 and P-1 and are developed with a 300 space parking lot, an auto service gas station and a hamburger stand

and across Lincoln Boulevard Casablanca Restaurant and two-story office buildings with some first floor retail.

Adjoining properties to the west of the subject property across Seventh Avenue are zoned RD2-1 and are developed with one-story single-family dwellings.

Lincoln Boulevard, adjoining the subject property to the east, is a designated Major Highway dedicated a width of 100 feet and improved with curb, gutter and sidewalk.

Rose Avenue, adjoining the subject property to the south, is a designated Collector Street dedicated a variable width of 73 to 86 feet and improved with curb, gutter and sidewalk.

Seventh Avenue, adjoining the subject property to the west, is a Local Street dedicated a variable width of 40 to 60 feet and improved with curb, gutter and sidewalk.

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

Subject Property:

Case No. ZA 92-0468(CUB) - On July 2, 1992, the Zoning Administrator denied a conditional use to permit in the C2 Zone the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing Pic N' Save retail store, having hours of operation from 9 a.m. to 9 p.m., Monday through Saturday, and 10 a.m. to 7 p.m. on Sunday.

Case No. CPC 99-0542-ZC - the City Council approved a zone change from P1-1 to C2-1 at the subject property.

Case Nos. ZA 96-0736(CUZ)(ZV) and CDP 95-010 - On February 5, 1997, the Zoning Administrator denied a Conditional Use for auto repair (Super Pep Boys) within 300 feet of R Zone; Zone Variance for 9,402 square feet building into the P-1 Zone with reduced parking. Also, denied Costal Development Permit for said 17,242 square feet parts/auto repair at center. Appealed to the Board of Zoning Appeals under BZA 5378.

Case No. BZA 5378 - On May 5, 1997, the Board of Zoning Appeals granted appeal with 19 conditions, i.e., setbacks, wall, hours operated, deliveries, etc.

C.F. 97-0971 and C.F. 97-1084 - August 8 and 11, 1997, City Council adopted Planning Committee action that approved BZA action with 44 conditions after community meetings.

Conditional Certificate of Compliance No. 96-028 - On December 17, 1996, Advisory Agency approved past division (Center parking lot of 230 spaces) of Mirian D. Simonian, with 6 conditions.

Conditional Certificate of Compliance No. 96-029 - On December 19, 1996, Advisory Agency approved past division (restaurant building at Rose Avenue and 7th Avenue) of Elizabeth De Mirjian, with 8 conditions.

Conditional Certificate of Compliance No. 96-030 - On December 26, 1996, Advisory Agency approved past division (gas station and fast food at Rose Avenue and Lincoln Boulevard) of Elizabeth De Mirjian, with 9 conditions.

Conditional Certificate of Compliance No. 96-032 - On December 19, 1996, Advisory Agency approved past division (shoe store with 11 parking spaces at Machado Drive and Lincoln Boulevard) of Deutsch/DSL-Lincoln Ltd., with 7 conditions.

Conditional Certificate of Compliance No. 96-033 - On December 16, 1996, Advisory Agency approved past division (Main building of center except CCC No. 96-029 and property behind building to 7th Avenue) of Deutsch/DSL-Lincoln Ltd., with 7 conditions.

City Plan Case No. 17329 - On October 12, 1965, Ordinance No. 131,010 became effective for a change of zone from C2-1 and R3-1 to C2-1 and P-1.

City Plan Case No. 86-824(GPC) - On May 3, 1989, the City Council adopted the General Plan/Zoning Consistency Program for Venice 11 District. No Action was take regarding the subject site. Ordinance No. 164,844 became effective on June 21, 1989.

#### Surrounding Properties:

Case No. ZA 90-0502(CUB) - On August 15, 1990, the Zoning Administrator denied a conditional use permit at 301 Lincoln Boulevard to permit the off-site sale and dispensing of beer and wine in conjunction with an existing 1,400 square-foot market.

### PUBLIC HEARING

At the public hearing there was strong criticism from residents along or near 7th Street complaining that the rear of the property was not being kept clean and there were health code violations with human wastes and uncollected trash spilled on the ground. Color pictures taken the day before the hearing were provided as evidence. Traffic noise and delivery trucks parked overnight on 7th Street was also a problem. Overall, residents claimed the entire site was not regularly cleaned and that transients were allowed to sleep on the site. The center had become an eyesore which hurt the community efforts to upgrade the surrounding area.

Several neighbors to the north also complained that the City's June 2000 zone change approval did not do enough to prevent truck deliveries going through their neighborhood next to the subject property and not enough wall and landscape buffering was provided for northern neighbors. A copy of the previous zone change conditions is attached to this determination.

The Zoning Administrator explained he had no authority over the City approved zone change conditions but could only act on the Coastal Development permit which evaluated the environmental impact on coastal resources by the small proposed commercial addition and consistency with the Venice Specific Plan which limits height of buildings and requires increased parking. The applicant's application before the Zoning Administrator asked for

no deviations from provisions and requirements of the Coastal Permit Process or the Venice Specific Plan.

The Zoning Administrator took the case under advisement in order to view the site and see the problem identified by the neighbors. It was clear in actually viewing the site that there were clean up, maintenance and health concerns that were not being properly addressed at the subject shopping center. The Council Office was contacted after the hearing and asked to have Building and Safety send an inspector to the site to issue citations for all health and code violations. The Planning Department has a separate authority to ask Building and Safety to revoke the certificate of occupancy if a business causes a serious public nuisance. The neighbor's letters and pictures of complaint have been referred to the Zoning Administrator in charge of revocation complaints.

### **MANDATED FINDINGS**

In order for a coastal development to be approved the legally mandated findings delineated in Municipal Code Section 12.20.2,G must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

### **COASTAL DEVELOPMENT PERMIT**

1. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).**

The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code). The proposed project has been found to be consistent with all the required features of the Coastal Act including:

- a. Shoreline Access
  - b. Recreation and Visitor-Serving Facilities
  - c. Water and Marine Resources
  - d. Dredging, Filling and Shoreline Structures
  - e. Commercial Fishing and Recreational Boating
  - f. Environmentally Sensitive Habitat Areas
  - g. Agriculture
  - h. Hazards
  - l. Forestry and Soils Resources
  - j. Locating and Planning New Development
  - k. Coastal Visual Resources and Special Communities
  - l. Public Works
  - m. Industrial and Energy Development
2. **The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

Currently, there is no adopted Local Coastal Program (LCP) for this portion of the Coastal Zone. In the interim, the adopted Venice Community Plan serves as the functional equivalent in conjunction with any pending LCP under consideration. The Venice Community Plan designates the subject property for highway oriented commercial with corresponding zones of CR, C1 and C2. The project substantially conforms with Plan density permitted and all other provisions of the Plan. Therefore, it follows that the proposed project would not prejudice the goals and objectives of the Venice Community Plan or the ability of the City in preparing a more specific Local Coastal Program.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The Coastal Commission Guidelines of density, setbacks, parking and height are not affected by the instant request.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.**

Generally, the Coastal Commission has tended to encourage and support the eclectic nature of projects in Venice and this particular development does not appear to generate any precedent contrary to the request herein.

5. **The development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is/is not in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The proposed development is not so located.

6. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

On July 28, 1999, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND 99-0127-ZC(ZV)(PP)(CDP) (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance.

#### **SPECIFIC PLAN PROJECT COMPLIANCE FINDINGS**

7. **The Project is compatible in scale and character with the existing neighborhood and would not be materially detrimental to adjoining lots or the immediate neighborhood.**



The proposed 8,366 square feet building addition will not exceed the height of the existing commercial building; will not extend toward 7th Street beyond the existing building and will comply with the "Q" Conditions of the zone change, i.e. setback, landscaping and block wall separation to the immediate residential area (RD1.5-1) to the north. Access to the stores will remain from Lincoln Boulevard and no additional customer traffic will impact that residential area along 7th Street and Machado Drive. The building and future use will be less intensive than previously approved for the Pep Boys Super Store.

8. **The Project is consistent with the policies and provisions of the general Plan and all Applicable Specific Plans.**

The Venice District Plan designates the subject property for Commercial Neighborhood and Office with corresponding zones of CR, C1, C2, C4 and P and Height District No. 1. The proposed one-story 8,366 square-foot building addition, in the (Q)C2-1 Zone, will fill-in a rear indentation space for a business to serve the neighborhood area. Said proposal to enhance the shopping center would be consistent with the Venice District Plan and Specific Plan.

9. **The Project is consistent with the goals of the California Coastal Act and that the Project will not prejudice the development, adoption or implementation of the Local Coastal Program in the Venice Coastal Zone.**

The Venice Local Coastal Program, Land Use Plan (LUP) was adopted by the Los Angeles City Council on October 29, 1999. The land use designation for the subject property was amended from Neighborhood and Office Commercial, as shown on the Venice Community Plan, to the current designation of Neighborhood Commercial.

The Venice Coastal zone Specific Plan (Ordinance no. 172,897) was adopted by the City Council of October 29, 1999. The subject shopping center is located within the Oakwood-Milwood-Southeast subarea.

The proposed project for a 12.3 percent increase in building area for the shopping center in the commercial zone will be consistent with the recently updated Venice Specific Plan, will comply with the Coastal Plan and "Q" conditions of CPC 99-0542-ZC that changed the zoning from parking to commercial.

10. **The Project complies with all development requirements of the Specific Plan.**

The Oakwood-Milwood-Southeast Venice subarea limits second floor retail, height to 25 feet and access from alleyways specifically but does not affect this proposal. In general the Specific Plan sets standards for parking at 1:200 square feet, landscaping and materials which must be incorporated into the design for the 8,366 square-foot addition prior to obtaining a building permit. Density and residential standards listed will not apply to a commercial project.

11. **The applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level, etc.**

Does not apply as no residential uses are proposed or removed.

12. **The Project is consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone, etc.**

Does not apply same as Finding No. 11 above.

**ADDITIONAL MANDATORY FINDINGS**

13. 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. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
14. On July 28, 1999, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND 99-0127-ZC(ZV)(PP)(CDP) (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 1500, 221 North Figueroa Street.
15. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



JON PERICA  
Associate Zoning Administrator  
Direct Telephone No. (213) 580-5491

JP:Imc

cc: Councilmember Ruth Galanter  
Sixth District  
Adjoining Property Owners  
County Assessor

## (Q) QUALIFIED CONDITIONS OF APPROVAL

Section 2. Pursuant to Section 12.32J of the Los Angeles Municipal Code, the following limitations are hereby imposed upon the use of the property shown in Section 1 hereof which is subject to the (Q) Qualified classification.

### 1. Administrative.

- a. **Approval Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
- b. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except as such regulations are herein specifically varied or required.
- c. **Condition Modification.** The authorized use shall be conducted at all times with due regard for the character of the surrounding neighborhood. The right is reserved to the Planning Department to impose additional corrective conditions if such conditions are deemed necessary for the protection of the neighborhood. (Note: Conditions cannot be modified to be less restrictive, except as allowed by these conditions or City law, except by filing a new application.)
- d. **Condition Submittal to Building and Safety Department.** A copy of this grant and its conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans submitted to the Department of Building and Safety prior to the issuance of the building permit.
- e. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions and the associated (T) Tentative conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department.
- f. **Definitions.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendments to any legislation.

- 1) The term subject property, as used in these (Q) conditions of approval, is defined as that property delineated and depicted on the radius map, which was submitted as part of the application pursuant to City Plan Case No. 99-0542 ZC, and proposed for a zone change from P-1 to C2-1.
- 2) The term shopping center site, as used in these (Q) conditions of approval, is defined as the entire shopping center premises, including associated parking areas, as depicted as Ownership No. 1 on the radius map which was submitted as part of the application pursuant to City Plan Case No. 99-0542 ZC.

g. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor, and in accordance with any stated laws or regulations, or any amendments thereto.

2. **Use.** The following uses shall be prohibited on the subject property:

- a. Amusement enterprises, as enumerated in LAMC Section 12.16 A 2(a);
- b. Indoor swap meets;
- c. Used automobile and trailer sales areas;
- d. Carpenter shop;
- e. Feed and fuel store;
- f. Ice storage house;
- g. Pawnshop;
- h. Plumbing or sheet metal shop;
- i. Second hand store, unless operated by a philanthropic institution;
- j. Storage building for household goods;
- k. Public auctions;
- l. Automotive repair or automotive fueling and service stations;
- m. Other uses similar to the above, as determined by the Director of Planning.

3. **Height.** No building or structure located on the subject property shall exceed 18 feet in height, as defined by Municipal Code Section 12.21.1 B 3(a) and (b). Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any nearby residential properties.
4. **Building Setback.** Any building, structure or use located on the subject property shall observe a minimum 20-foot landscaped setback from the northwesterly shared property line (adjacent Machado Drive residentially zoned/used properties).
  - a. No buildings, structures, projections or use shall be permitted within the setback area.
  - b. Walkways and driveways shall not be permitted to cross or encroach into the setback area.
  - c. Prior to issuance of any certificate of occupancy on the subject property, landscaping shall be installed within the setback area, which shall include a minimum of three 24-inch box trees.
  - d. Landscaping and open, 6-foot high wrought-iron security fencing shall be provided in the setback area in substantial compliance with the rendering marked Exhibit E-4, attached to the subject City Plan Case file. The wrought-iron fence shall be equipped with a gate which shall remain locked at all times except when necessary to perform maintenance tasks in the setback area.
  - e. The setback area, including all landscaping, shall be maintained in an attractive condition at all times and be kept free of trash and debris.
5. **Windows.** No window openings shall be permitted along the northwesterly side of any building located on the subject property that faces adjacent Machado Drive residentially zoned/used properties.
6. **Wall (northwesterly shared property line).** A solid decorative masonry wall, at least six feet in height, shall be required adjacent to the subject property along the northwesterly shared property line (adjacent Machado Drive residentially zoned/used properties).
7. **Landscaped Block Wall (7<sup>th</sup> Avenue property line).** Prior to issuance of any certificate of occupancy on the subject property, the applicant shall construct a 3½-foot high solid block wall behind a planter strip, not to exceed 3 feet in width, extending parallel to the entire 7<sup>th</sup> Avenue property line of the shopping center site, except where driveway and walkway openings are necessary. Landscaping, including an automatic irrigation system, shall be installed and maintained to be integrated with

the block wall. The width of the planter strip shall be determined by the applicant coordinating with the Planning Department, Fire Department and the Department of Transportation during the plot plan review process, which will first determine the necessary driveway clearances within the rear parking area and then the distance available from the property line to provide the planter strip and block wall.

8. **Landscaping.** Prior to issuance of any certificate of occupancy on the subject property, all open areas not used for buildings, driveways, parking areas, recreational facilities, or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect and approved by the Planning Department. The landscape plan shall be submitted for the review and approval of the Director of Planning prior to the issuance of any permits relative to this matter, and shall also comply with the requirements set forth by Condition Nos. 7 and 26, as determined by the Director.
9. **Plans.** Prior to the issuance of any building permit, the developer shall submit development plans substantially in conformance with these conditions (i.e., site plan, elevation plan, parking and driveway plan, loading area plan, landscape and irrigation plan) to the satisfaction of the Planning Department, in consultation with the applicable Council Office(s).
10. **Required Additional Discretionary Land Use Permits.** No demolition, grading or building permit shall be issued for the subject property without the applicant obtaining the following additional discretionary land use permits:
  - a. A coastal development permit pursuant to Section 12.20.2 of the Municipal Code; and
  - b. A project permit pursuant to Section 7 of the Venice Coastal Zone Specific Plan (Ordinance No. 172,897).

In addition, the applicant shall comply with the requirements for commercial corner development pursuant to Section 12.22 A 23 of the Municipal Code, or obtain a conditional use pursuant to Section 12.24 C 56, whichever is applicable.

11. **Noise.** No outdoor public address system shall be installed or maintained on the subject property. Further, no paging system shall be installed which is audible outside of any building located on the property.
12. **Parking.** Off-street parking for the subject property shall be provided in accordance with Section 11 of the Venice Coastal Zone Specific Plan (Ordinance No. 172,897).

For a shopping center use, Subsection C (Parking Requirement Table) of Section 11 of the Specific Plan requires 1 parking space for each 200 square feet of floor area, or as otherwise required for each individual use within the center, whichever is greater.

a. Employee Parking.

- 1) Employee parking shall be provided on-site, primarily to the rear of the subject property (i.e., facing the 7<sup>th</sup> Avenue property line).
- 2) Through tenant leases or other means, the property owner(s) shall be responsible for instructing employees not to park their vehicles on adjacent residential streets during the hours they are working on the subject property.

b. Customer Parking/Access.

- 1) Customer parking shall be provided in front of the subject property (i.e., the main shopping center parking area located in front of the existing 7,840 square-foot retail space, facing Lincoln Boulevard).
- 2) No customer access shall be permitted from the rear of the subject property (i.e., facing the 7<sup>th</sup> Avenue property line).

c. Loitering/Overnight Parking Prohibition. The property owner(s) shall be responsible for implementing a plan to discourage loitering and prevent the overnight parking of vehicles throughout the shopping center parking area.

d. All off-street parking spaces shall be properly painted, identified and maintained.

e. Parking Management Plan. Prior to issuance of any building permit, a Parking Management Plan shall be prepared to the satisfaction of the Director of Planning and the Department of Transportation, in consultation with the Council Office(s) showing a parking area/driveway site plan, landscaping, lighting, security and other maintenance measures to assure ongoing compliance with the intent of these conditions, including measures assuring the prevention of loitering and the overnight parking of vehicles. The applicant shall also provide a copy of the plan to the applicable Council Office(s) prior to Planning Department review.

f. Parking for those uses on the subject shopping center site which exist as of the effective date of this zone change shall be maintained in accordance with the

parking requirements specified in Conditional Certificate of Compliance Case Nos. 96-028, 96-029, 96-032 and 96-033.

13. **Security.** At least two licensed (unarmed) security guards shall patrol inside and outside the subject shopping center site, including associated on-site parking areas, so as to discourage loitering, rowdiness, public drinking and criminal activity in and around the site. Security personnel shall be on duty continuously during all shopping center hours of operation, and at least one-half hour after closing of the shopping center.
14. **Hours.** Any use of the subject property shall operate only between the hours of 8:00 a.m. to 10:00 p.m.
15. **Maintenance, Trash and Storage.**
  - a. The subject property, including any associated parking facilities, shall be maintained in an attractive condition and shall be kept free of trash and debris.
  - b. Open areas devoted to trash storage or other storage shall not be located adjacent to a residential use or shall be buffered so as not to result in noise, odor or debris impacts on any adjacent residential use.
  - c. All outside trash containers on the subject property shall be enclosed and shall be located so as not to result in noise or odor impacts on any adjacent residential use.
  - d. The property owner(s) shall be responsible for installing additional trash receptacles within the shopping center site and regularly repainting or replacing existing receptacles in front of the existing stores.
  - e. The property owner(s) shall be responsible for regularly steam cleaning the pavement and private sidewalk areas immediately in front of the stores.
  - f. The property owner(s) shall ensure that all signs, awnings and lighting fixtures are kept clean, that burnt out lighting is replaced promptly, and that unnecessary signs are removed.
  - g. Maintenance of landscaped areas shall include continuous operations of watering, removal of weeds, mowing, trimming, edging, cultivation, reseeding, plant replacement, fertilization, spraying, control of pests, insects and rodents, or other operations necessary to assure normal plant growth. All trees, shrubs and ground cover shall be healthy and vigorous. Landscape irrigation systems installed pursuant to Condition No. 8 herein shall be continuously maintained.



**16. Complaint response/community relations.**

- a. The subject property owner(s) shall designate a management level community liaison. The liaison shall meet with representatives of the applicable Council Office(s), neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the subject property or shopping center site.
- b. A telephone and fax number (local calling area or toll-free) for business hour contact of the designated liaison shall be provided to the interested parties of record and kept current. This complaint monitoring system shall be implemented prior to the beginning of project construction. The telephone and fax number for the receipt of complaints from the community regarding the subject facility shall be:
  - 1) Provided to the immediate neighbors and local homeowner associations.
  - 2) Posted conspicuously on the premises at all times.
  - 3) Log. The applicant shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for a minimum of five years from the project's certificate of occupancy issuance date, and shall be made available on request to the applicable Council Office(s) and Planning Department for review. The Director of Planning shall have the authority to extend this complaint monitoring system beyond the first five years upon determining in writing, based on findings of fact, that such extension would protect the best interests of the surrounding community.

- 17. Signs (Master Sign Program).** Prior to issuance of any certificate of occupancy for the subject property, the property owner(s) shall use reasonable best efforts with existing tenants to develop and implement a master sign program for all businesses operating at the shopping center site, using creative and complementary designs for all signs. Such master sign program shall be subject to review and approval by the Planning Department, in consultation with the Council Office(s). The intent of this condition is to develop a coordinated sign program for all future tenant signs, with reasonable limitations on the number, type and scale of new signs, and to eliminate sign clutter that contributes to visual blight. The applicant shall also provide a copy of the master sign program to the applicable Council Office(s) prior to Planning Department review.

ENVIRONMENTAL MITIGATION MEASURES:

18. **Major Landforms (Grading/Stability/Demolition).** The potential environmental impacts resulting from grading, demolition or subsidence shall be mitigated to a level of insignificance by compliance with administrative procedures required by the Municipal Code, and by the following:
- a. During construction, exposed earth surfaces should be sprayed with water at least twice a day by the contractor to minimize dust generation.
  - b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
  - c. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
  - d. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - e. One flag person(s) shall be required at the job site to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with the 1996 Edition of "Work Area Traffic Control Handbook".
19. **Air Quality (Construction).** All unpaved demolition and construction areas shall be wetted at least twice a day during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- a. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
  - b. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
  - c. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
20. **Noise (Construction).** The potential environmental impacts resulting from noise generated by construction equipment and grading and demolition activities shall be mitigated to a level of insignificance by compliance with the following:

- a. The project shall comply with the City Noise Ordinances No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
  - b. Construction 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.
  - c. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
  - d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
  - e. The project applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- 21. Illumination.** The potential environmental impacts to the adjoining residential properties resulting from illumination of the parking area and/or the site shall be mitigated to a level of insignificance by compliance with this condition. All lighting shall be shielded and directed onto the site. No floodlighting shall be located so as to shine directly onto any adjacent residential property. This condition shall not preclude the installation of low-level security lighting.
- 22. Traffic Impact Fee.** The potential environmental impacts from project implementation due to the additional traffic generated in an area with an inadequate circulation system shall be mitigated to a level of insignificance by the applicant's compliance with the requirements of the Coastal Transportation Corridor Specific Plan (Ordinance No. 168,999), including the payment of trip fees, prior to issuance of any building permits, to provide for future regional and local transportation improvements.
- 23. Parking/Driveway Plan.** Prior to issuance of any certificate of occupancy, a parking area and driveway plan shall be prepared for approval by the appropriate District Offices of the Department of Transportation.
- 24. Fire Department Plan Approval.** Prior to the recordation of a final subdivision map or issuance of any building permits, recommendations of the Fire Department relative to fire safety, which may include but are not limited to access and interior heat sensitive sprinkler systems, shall be incorporated into the building plans for the subject project to the satisfaction of the Fire Department.

25. **Solid Waste.** The potential environmental impact from project implementation due to the creation of additional solid waste shall be mitigated to a level of insignificance by instituting a recycling program, to the satisfaction of the Bureau of Sanitation, to reduce the volume of solid waste going to landfills in compliance with the City's goal of a 50 percent reduction in the amount of waste going to landfills by the year 2000. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass and other recyclable material.
26. **Landscaping (Surface Parking).** Prior to the issuance of any certificate of occupancy, at least one 24-inch box shade tree (minimum trunk diameter of two inches and minimum height of eight feet at the time of planting) shall be planted for every four uncovered, unroofed surface parking spaces on the applicant's property. The same requirement shall apply within the shopping center's main customer parking area, unless modified by a Parking Management Plan, pursuant to Condition No. 12e, after the review of the Council Office(s) and approval by the Director of Planning and the Department of Transportation. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by minimum six-inch high curbing or other suitable measures. The shade trees may be planted along the periphery of the parking area provided that the trees are planted so as to shade the surface parking area. An automatic sprinkler system shall be installed to water the trees.

Further, prior to issuance of any certificate of occupancy for the subject property, replacement landscaping shall be provided within the shopping center's main customer parking area to the extent that such landscaping will not result in any reduction in the number of required parking spaces. Replacement landscaping shall include minimum 24-inch box shade trees to be installed within any existing planter islands where landscaping has been removed or damaged.

27. **Graffiti Removal and Deterrence.** The property owner(s) and all successors shall acknowledge the applicability of the graffiti removal and deterrence requirements pursuant to Municipal Code Sections 91.8101-F, 91.8904.1 and 91.1707-E relative to the subject project, particularly with regard to the following:
- a. The first 9 feet of exterior walls and doors, measured from grade, and all of any walls enclosing the property shall be built and maintained with a graffiti resistant finish consisting of either a hard, smooth, impermeable surface such as ceramic tile, baked enamel or a renewable coating of an approved, anti-graffiti material or a combination of both pursuant to Section 91.1707-E.
  - b. The period for compliance with a graffiti removal order issued by the Building and Safety Department is 15 days following which period with failure to perform,

the City or its contractor is empowered to enter the property to remove such graffiti with costs accruing to the property owner(s) (91.8904.1).

- c. The period for compliance with a subsequent order for a subsequent occurrence is 3 days (91.8904.1.).
- d. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to the height of at least 9 feet, excluding windows and signs.

**28. Signs.** All signs shall be of an identifying nature only, limited to the minimum necessary to identify the name of the subject business establishment and arranged and located so as not to be a distraction to vehicular traffic or adjacent residential areas. Flashing and animated signs shall be prohibited.