

CITY OF LOS ANGELES
CALIFORNIA



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DIRECTOR

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April 15, 1998

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911 Wilshire Boulevard, #2180
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CASE NO. ZA 97-0881(CUB)(CUZ)(ZV)
CONDITIONAL USE/ZONE VARIANCE
959 Crenshaw Boulevard
Wilshire Planning Area
Zone : CR-1VL and R1-1
D. M. : 132B189
C. D. : 10
CEQA : MND 97-0403-CUB(CCR)(ZV)
Fish and Game: Exempt
Legal Description: Lots 62 and 63,
Oxford Square Trace, Lots 45-48,
N.C. Kelly's Montview Tract

Department of Building and Safety

Pursuant to Los Angeles Municipal Code Sections 12.24-C,31, 42 and 56, I hereby APPROVE:

a conditional use to permit the construction, use and maintenance of an approximately 12,537 square-foot drugstore/pharmacy/retail store ("Rite Aid") selling a full line of alcoholic beverages for off-site consumption; and

a conditional use to permit the construction, use and maintenance of Commercial Corner development with specified deviations from Section 12.22-A,23 of the LAMC, and

a conditional use to permit the use of the R1 zoned property for commercial parking, all within the R1-1 and CR-1 Zones, and

Pursuant to Los Angeles Municipal Code Section 12.27-B,1 and Charter Section 98, I hereby APPROVE:

R1-1 ZONE

- o a variance from Section 14.02-A to permit screening/retaining walls up to 7 feet in height, and surface parking to encroach no more than approximately 8 feet into a designated 40-foot Building Line fronting



Victoria Avenue; and landscape, which may include hedges and a neighborhood identification monument sign, to fully encroach into the said Building Line; and

- o a variance from Section 12.08-C,3 to permit a 0-foot rear yard setback in lieu of the required 15 feet; and
- o a variance from Section 12.08-A to permit surface parking, and a monument sign(s), all within the R1-1 Zone; and

CR Zone

- o a variance from Section 12.12.2-C,2(a) and (b) to permit a 5-foot side yard setback in lieu of the required 15 feet; and
- o a variance from Section 12.12.2-C,3 to permit a 0-foot rear yard setback in lieu of the required 15 feet; and
- o a variance from Section 12.12.2-A,8 to permit the sale, display or serving of merchandise in conjunction with the operation and use of a drugstore/pharmacy; and
- o a variance from Section 12.12.2-A1(g) to permit the construction use and maintenance of a drugstore/pharmacy with drive-up pharmacy window and illuminated wall signs (facing Crenshaw Boulevard), all in the CR Zone; and

General Provisions

- o a variance from Sections 12.08-A, 12.12.2-C,5 and 12.21-C,6 of the Municipal Code to permit commercial vehicular ingress/egress, commercial vehicular access between R and C Zones, the temporary parking of commercial vehicles on a portion of the north parking area at the rear of said drugstore/pharmacy for purposes of loading and unloading of merchandise, in the R1 and CR Zones; and
- o a variance from Section 12.21-C,6 to not require a 400 square-foot loading space in the CR 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 in the same color as the surface to which it is applied within 24 hours of its occurrence.
5. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
6. The subject Commercial Corner Development shall comply with all applicable provisions of the Los Angeles Municipal Code Section 12.22-A,23 except as follows:
 - a. Hours of operation from the store and drive-up pharmacy shall be permitted from 6 a.m. to 11 p.m., seven days per week (12.22-A,23 (a)(1)(ii)(a)).
 - b. One pole sign not to exceed 20 feet in height shall be permitted along the Crenshaw Boulevard frontage of the site(12.22-A,23(a)(9)(I)).
 - c. No recycling area or room shall be required (Section 12.22-A,23(a)(5)).
 - d. The establishment shall be permitted to maintain less than 50% window transparency of the exterior walls which face streets (12.22-A,23(a)(8)).
 - e. No landscaping shall be required across the R1/CR Zone boundary in lieu of the required minimum 5-foot landscape (12.22-A,23(a)(6)(iii)). Landscaping shall continue to be required along the perimeter of the subject site.
7. Deliveries. Commercial vehicle deliveries to the subject site shall only occur between 10 a.m. and 4 p.m. Monday through Friday. No Saturday or Sunday deliveries are permitted by commercial vehicles.
8. Landscaping. The applicant shall install and maintain an approximate 32-foot landscaped setback along Victoria Avenue. The final landscape plan, including any walls, with specified plantings, trees, etc. shall be reviewed by the Windsor Village Community (WVC) Association prior to submittal to the Zoning Administrator for review and sign-off.

9. The applicant shall complete all dedications and improvements required by the Bureau of Engineering and Street Lighting.
10. The applicant shall pay for the installation of a sign to be placed on the north side of 10th Avenue at Victoria Avenue which shall prohibit vehicles with more than two axles from traveling westbound along 10th Avenue to Lucerne.
11. The applicant shall design and install a "gateway" monument sign to the satisfaction of the Zoning Administrator which identifies the Windsor Village neighborhood. The proposed sign shall be reviewed by the WVC Association prior to submittal to the Zoning Administrator for review and sign-off.
12. The applicant shall file for and substantially complete a vacation of 10th Avenue within two years of the effective date of this determination. That portion to be vacated shall substantially include 10th Avenue adjacent to the applicant's ownership. The purpose of such vacation is to provide a means to divert traffic exiting the subject site from entering adjoining residential streets of Victoria Avenue and 10th Avenue, and to improve the parking and traffic flow on the subject site.
13. Two years from the effective date of this determination, the applicant shall file a Plan Approval (\$523 fee) application for the purpose of reviewing the effectiveness of the conditions in managing the operations of the facility, including traffic. Notification of the application shall be sent to the Council Office, persons attending the public hearing, the Windsor Village Community Association and the Department of Transportation.

The matter shall be set for public hearing. The Zoning Administrator may delete, add or modify conditions at that time.

14. The conditional use permit for the off-site sales of alcoholic beverages is valid for five years, after which the grant shall become null and void.
15. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter subsequent to the Zoning Administrator's signature on the Planning Department sign-off form and mount it on either the inside of the window of the subject site facing the street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.
16. Coin operated games or other game or entertainment machines or activities are not permitted within the subject facility (or within the subject ownership). Official California State lottery games and machines are allowed.
17. Pay phones are not permitted within the subject facility.
18. The subject property, including any associated parking facilities, shall be maintained in an attractive condition and shall be kept free of trash and debris.

19. A least one security guard shall be on duty continuously during the hours and days the subject facility is open.
20. All outside trash containers on the subject (property/ownership) shall be enclosed and shall be located so as not to result in noise or odor impacts on any adjacent residential use.

Environmental Conditions

21. Construction mitigation measures
 - a. During construction, exposed earth surfaces shall 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 Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
22. Air pollution (construction) mitigation measures. 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 reduced dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - a. All clearing, grading, earth moving, or excavation activities shall be discontinued during period of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - b. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - c. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
23. Noise (construction) mitigation measures
 - a. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 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 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
 - c. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which cause 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 contractor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
24. The applicant shall install air filtration systems to reduced diminished air quality effects on occupants of the project.
 25. A minimum 6-foot in height solid decorative masonry wall shall be constructed adjacent to adjoining residential properties to reduce noise impacts from parking on the site. The height of the wall may represent that combined heights of the retaining wall and screen wall. (Modified by the Zoning Administrator).
 26. All exterior lighting shall be installed with shielding such that the light source cannot be seen from adjacent residential properties. The applicant shall review proposed exterior lighting and shielding with the Windsor Village Community Association prior to Zoning Administrator sign off on proposed exterior lighting.
 27. A parkway and driveway plan shall be submitted to the Bureau of Engineering and Department of Transportation prior to Zoning Administrator sign off.
 28. The applicant shall submit the plot plan to the Fire Department for review and approval prior to Zoning Administrator sign-off
 29. The applicant shall incorporate design guidelines relative to security, semi-public and private spaces, which may include but not be limited to: access control, secured parking facilities, walls/fences with key security, electronic surveillance systems, well illuminated public and semi-public space designed with minimum of dead space and security guard patrol throughout the project, if needed.
 30. The applicant shall seek to reduce impacts resulting from consumption of non-renewable resources, including such measures as compliance with Title 24, California State Code (Energy Conservation Standards), the use of natural gas and/or solar energy; and consultation with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

31. All water/landscape installation shall comply with the requirements of Ordinance No. 170,978 (Water Management Ordinance) which imposes numerous water conservation measure in landscape installation and maintenance. If conditions dictate, the Department of Water and Power may postpone water connection for this project until water supply capacity is adequate.
32. Additional demand on the sewer system capacity may be mitigated, if conditions dictate, by postponement of new sewer connections by the Bureau of Engineering, until the system capacity is adequate.
33. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscape and maintained in accordance with a landscape plan (36-inch box trees required), including automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Zoning Administrator.
34. The applicant shall submit a plan to the Cultural Heritage Commission for proper clearance and approval prior to removal of the existing single-family dwelling.

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 12.24-J,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

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 APRIL 30, 1998, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. 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 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
Room 300, Counter N
Los Angeles, CA 90012
(213) 977-6083

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

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 report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on March 2, 1998, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-C of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a primarily level L-shaped, corner, parcel of land, consisting of six contiguous lots, consisting of approximately 47,200 square feet, having a frontage of 100 feet on the west side of Crenshaw Boulevard and a uniform depth of 150 feet for the portion of the site fronting on Crenshaw Boulevard. The portion of the site located in the R1-1 Zone has a frontage of 100 feet on the east side of Victoria Avenue with a uniform depth of approximately 172 feet. The property has a slight-slope in the rear in the rear portion of the front lots (Lots 47, 48) to the south, looking northerly from Olympic Boulevard.

Surrounding properties are within the CR-1VL, R1-1, C2-1 and R3-1 Zones and are characterized by level topography and sloping improved streets. The surrounding properties are developed with predominantly two single-family dwellings, apartments and one- and two-story commercial buildings.

Adjoining properties to the north of the subject property are zoned CR-1VL and R1-1 and are developed with one- and two-story single-family dwellings and commercial buildings occupied by various commercial offices and retail uses.

Adjoining properties to the south across Olympic Boulevard are zoned C2-1 and R1-0 and are developed with two-story single-family dwellings and one, two-story commercial buildings. A Chevron gas station is located on the southwest corner of Olympic and Crenshaw Boulevards. A sports club and restaurant are located on the southwest corner of Olympic and Crenshaw Boulevards.

Adjoining properties to the east of the subject property across Crenshaw Boulevard are zoned CR-1VL and are developed with one-story, commercial buildings and a parking structure occupied by various retail uses and professional offices and services. Adjoining properties to the west of the subject property are zoned R1-1 and are developed with two-story single-family dwellings.

Olympic Boulevard, adjoining the subject property to the south, is a designated Major Highway dedicated to a width of 100 feet and fully improved.

Crenshaw Boulevard, adjoining the subject property to the east, is a designated Major Highway dedicated to a variable width of 70 to 85 feet and fully improved.

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

Subject Property:

Case No. ZA 85-1205(E) - On December 12, 1985, the Zoning Administrator dismissed an alcohol exemption to permit the sale of beer and wine for on-site consumption in restaurant for 24 patrons.

City Plan Case No. 90-158 PPR was a request for a fast food restaurant and a zone change from R1-1 and CR-1VL to [T][Q]C2-1. The application was withdrawn.

Case No. CUZ 78-476 - On May 4, 1979, the Zoning Administrator denied a conditional use to permit public parking area in conjunction with a parking lot (the case is shown on the subject property but with a property location of 4239 10th Street).

Surrounding Properties:

Case No. ZA 97-0617(CUB)(CUX) - On October 3, 1997, the Zoning Administrator approved a modification of condition Nos. 15, 16, 18, 30, 47 and imposed under Case No. ZA 90-0735(CUB)(CUX)(ZV) at 1020 Crenshaw Boulevard as follows:

15. The driveway exit on Bronson Avenue shall be allowed to be used from 10 p.m. to 2 a.m. for valet parking services. The hours for use of the driveway as an entrance have been extended, but traffic will need to continue its current late night exit patterns.
16. The restaurant shall be permitted an occupancy of 280 patrons between the hours of 10 a.m. and 11 p.m.
18. The capacity be 280 patrons for the karaoke lounge and dance floor area shall be combined between the hours of 9 p.m. to 2 a.m.
30. Access shall be permitted along the Olympic Boulevard frontage for the karaoke and floor area.
47. Outside signage shall be permitted for the existing restaurant/nightclub use.
66. A nominal fee shall be charged for valet services provided for the restaurant/nightclub after 10 p.m.

Case No. ZA 90-0735(CUB) - On January 11, 1991, the Zoning Administrator approved, a conditional use at 1020 South Crenshaw to permit the construction and operation of a three-story athletic club and outdoor golf driving range with approximately 45,200 square-foot floor area, and having a restaurant, lounge, and dance area serving alcoholic beverages for on-site consumption with 210 parking spaces, 30 of which are located on the surface in the R3 Zone.

Case No. ZA 89-1179(CUB) - On February 13, 1990, the Zoning Administrator approved a conditional use at West 4103 Olympic Boulevard to expand the existing restaurant by 1,280 square feet and continue selling alcoholic beverages with hours from 11 m. to 11 p.m., in the C2-2 Zone.

Case No. ZAI 82-220 E - On December 15, 1982, the Zoning Administrator approved an exemption at 4103 West Olympic Boulevard to permit the sale of alcoholic beverages incident to meal service.

Case No. CUB 79-362 - On February 20, 1980, the Zoning Administrator denied a conditional use at 4201 West Olympic Boulevard for on-site sale of alcoholic beverages.

PUBLIC HEARING

The public hearing on the matter was held on March 2, 1998 at 201 North Figueroa Street, Room 170

The applicant's representative spoke in favor of the proposed project citing support from the Council District and the Mayor, indicating meetings had been held with the neighborhood, "Rite Aid" is developing convenient drive-through pharmacies, the site is suitable, there is a large population in need of the service, landscaping will be in front along Victoria Avenue, the pharmacy will not be 24 hours, but from 7 a.m. to 11 p.m.

One other person spoke in support citing the need for such services, the vacant land is a problem in the area and should be developed. She identified herself as speaking for the Country Club Association. A letter in support was received from the Country Club Association.

Nine persons spoke in opposition, (several letters were received in opposition initially, including a letter from the Windsor Village Community Association) indicating that the hardship is self-imposed, a dwelling unit remains on one of the R1 lots, using R1 lots for commercial/parking purposes, will set an undesirable precedent, prior discussions with a fast food proposal for the Crenshaw lots included discussion of vacating 10th Avenue to improve traffic flow and reduce through-trips on the residential neighborhood, there are nearby pharmacies (Larchmont Village), not object to use, object to use of R1 lots for commercial/parking purposes; traffic will go north on Victoria Avenue, no one can turn against traffic on Olympic Boulevard, the existing Building Line requires a minimum 40-foot setback along Victoria Avenue, a smaller facility should be designed and developed, 24 hour operation will impact single-family residential with noise, lights and other disturbances, Lorraine Avenue (north of Victoria Avenue) is only 24 feet wide, home value in the area is \$16 million, safety and security is an issue, nightclub development at Olympic and Crenshaw has impacted neighborhoods with noise and disturbances, community maintains its own security, how will truck traffic be kept out of neighborhood? Trucks will travel 10th Avenue until a light at Lucerne than turn onto Olympic Boulevard.

The matter was taken under advisement until March 12, to give all parties an opportunity to meet and further discuss modifications to the proposed project. Subsequently, the Zoning Administrator received revised site plans reflecting an approximately 32-foot setback from Victoria Avenue, a "gateway" monument sign, agreement to file for a street vacation, and other modifications which have been incorporated into the conditions of approval of this grant. The Administrator received a letter from WVC Association expressing conditional support with the site plan redesign.

The Zoning Administrator consulted with the Department of Transportation, reaching approval from them to permit restriping the northerly curb along 10th Avenue adjacent to the subject ownership for loading/unloading along that short stretch of 10th Avenue

in the event that commercial vehicular deliveries were ever restricted from the parking lot, signs could be installed on 10th Avenue, westerly of Victoria Avenue, limiting vehicular access (to try to divert truck traffic away from 10th Avenue) and that the applicant should seek a vacation of 10th Avenue.

The applicant included several restrictions on alcohol sales (no fortified wines, no single beer or wine cooler sales) that must be presented to the Department of Alcoholic Beverage Control when the off-sale permit is sought from them (the Zoning Administrator has no authority to such volunteered limitations).

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-C of the Los Angeles Municipal Code. In order for a particular request to be authorized, certain designated findings have to be made. In certain cases, specific conditional use categories have additional or unique findings only applicable to that specific use beyond the four standard findings for other conditional use categories.

CONDITIONAL USE PERMIT FINDINGS FOR OFF-SALE ALCOHOL

- 1. The location of the project will be desirable to the public convenience and welfare and to the development of the community.**

The proposed project is located on a commercially zoned and developed section of Crenshaw Boulevard at the northwest corner of the intersection of Crenshaw and Olympic Boulevard. Both boulevards are designated Major Highways and developed with a mixture of institutional and commercial uses.

According to the applicant's representative, the subject property is located within the Central City-Los Angeles Revitalization Zone designed to encourage business and job growth in economically depressed portions of the city.

Commercially zoned and developed properties adjoin the subject site to the east, north and south and include medical offices, retail and services. To the west and northwest, properties are developed with well maintained single-family residences. The proposed project is located between the commercially developed properties along Crenshaw and Olympic, and the single-family neighborhood to the west. Beyond the subject site, further west along Olympic, properties are improved with single-family residential, making the subject site an "anchor" as well as a buffer.

Due to its location, there is excellent access to the subject site.

Sale of alcoholic beverages will occur, as part of a drugstore/pharmacy/retail experience offered by the proposed "Rite-Aid". The proposed store will enhance

the economic welfare of the community by providing employment and convenience shopping/prescription facilities to the immediate neighborhood.

2. The proposed project will be proper in relation to adjacent uses or the development of the community.

The proposed project consists of the construction of a 12,537-square-foot drugstore/pharmacy/retail store. The existing zoning is CR-1VL (eastern portion) and R1-1 (western portion). Crenshaw Boulevard, a Major Highway, is located along the eastern boundary. Olympic Boulevard, a Major Highway, is located along the southern boundary. Tenth Avenue, directly adjacent to the south, separates from Olympic Boulevard adjoining the subject ownership.

The proposed project is an in-fill development of five parcels of land which have been vacant for several years. There is an existing vacant single-family dwelling that will be demolished to accommodate a portion of required parking when the "Rite-Aid" store is built. The "Rite Aid" store will be oriented towards Crenshaw Boulevard with one-way vehicular ingress from Crenshaw Boulevard and two-way access from 10th Avenue.

The hours of the proposed store, as revised, will comply with the requirements of the Commercial Corner Ordinance: 7 a.m. to 11 p.m., including the drive-up pharmacy service. The request for a 24-hour drive-up pharmacy service was withdrawn at the public hearing.

Single-family development is located to the west and northwest along the extension of 10th Avenue and Victoria Avenue. A variety of commercial retail businesses/institutions are located to the east, north and south along Crenshaw Boulevard and Olympic Boulevard.

To mitigate any impacts on residential uses to the west and northwest, the proposed project will observe an approximate 32-foot front yard setback extensively landscaped, with no access from Victoria Avenue. In addition, hours of operation have been limited to conform to the Commercial Corner Ordinance (7 a.m. to 11 p.m.). Further, all parties agree that the vacation of 10th Avenue should be persuaded and that has been made a requirement of the determination.

According to the radius map submitted with the application, there are four churches, one preschool and one convalescent home within a 600-foot radius of the subject site.

Finally, the conditional use permitting the off-site sale of alcoholic beverages is limited to a period of five years.

Given the limit on the grant for off-site sales, the general location within a commercial district, restricted hours of operation, and several self-volunteered restrictions, the use will be proper in relation to adjacent uses for the development of the community.

3. The proposed use will not be materially detrimental to the character of the development in the immediate neighborhood.

The proposed "Rite-Aid" drugstore/pharmacy/retail store will sell alcohol for off-site consumption, as part of the shopping offered to the immediate neighborhood. Proposed hours of operation, including the sale of alcoholic beverages, will be from 7 a.m. to 11 p.m., seven days per week.

The proposed facility will be oriented towards Crenshaw Boulevard and away from the adjacent residential neighborhood to the west and northwest. The elevation of the subject site is approximately 7 feet lower than the rear and side yards of adjacent residential to the west and northwest. The maximum height of the proposed "Rite-Aid" structure will be 30 feet and compatible in scale with the surrounding one and two-story development in the immediate area.

Residential land uses along the west property boundary will be adequately buffered by a 5-foot setback with a proposed planting (at this time) of bottle trees (evergreen, aspen-like appearance) for screening. Vehicular traffic flow will be discouraged from entering the residential neighborhood along Victoria and 10th Avenues by signage. To solve the traffic flow in the longer term, vacation of 10th Avenue abutting the proposed project is required to enable the applicant to completely reconfigure ingress and egress from the subject site in a manner to divert it from residential neighborhood.

A Plan Approval review within two years of the opening of the "Rite-Aid" will enable all parties to evaluate compliance with conditions contained herein.

The California Department of Alcoholic Beverage Control statistics indicate that within Census Tract No. 2127 a total of 5 off-site licenses are allowed and 2 exist, while 6 on-site licenses are allowed and 11 exist. Within 600 feet of the subject property there are 3 on-site and 0-off-site licenses.

The applicant has proposed the following measures which address sale of alcoholic beverages: no single beer or wine cooler sales, no fortified wines. These voluntary measures must be submitted to the ABC at the time the off-sale permit is applied for.

Statistics from the Los Angeles Police department reveal that in the subject Crime Reporting District No. 735, which has jurisdiction over the subject property, a total of 330 crimes were reported in 1996, compared to a citywide average of 398 crimes and a high crime reporting district of 478 crimes for the same period. The applicant has agreed to provide a security guard.

Concern about off-site sales at this corner was raised at the public hearing and in letters to the file because of the nightclubs which operate within the immediate vicinity of the subject property: one at the southeast corner of Olympic and Crenshaw and two are located one block away at Bronson Avenue and Olympic Boulevard. The City has no reason to doubt the reasonable and well-maintained

operation of Rite-Aid; however, a condition limits the off-site sales to five years after which a new conditional use must be applied for.

4. **The proposed project will be in harmony with the various elements and objectives of the General Plan.**

The Wilshire Plan designates the subject property for Highway Oriented and Limited Commercial corresponding to the CR, C1, C1.5, C2 and P Zones and Height District No. 1. The sales of alcoholic beverages for off-site consumption is permitted by conditional use provided the necessary findings can be made in the affirmative. The findings can be made.

COMMERCIAL CORNER FINDINGS

5. **The location of the project will be desirable to the public convenience and welfare.**

The proposed project will be new construction of a 12,537 square-foot drugstore/pharmacy/retail store to be developed over six parcels on a 108-acre site. This commercial project will include a drive-up pharmacy window. One 20-foot high pole sign is approved fronting Crenshaw Boulevard.

Fifty one total parking spaces will be provided. The required parking is based on one space per 250 square feet for commercial uses.

The proposed plot plan and elevations delineate the location of the building, exterior walls, landscaping, trash storage areas, signs and parking areas.

In addition, the applicant requests relief from L.A.M.C. Section 12.22-A 23(a)(6)(l), to allow no landscaping across zone boundaries; from L.A.M.C. Section 12.22-A 23(a)(8), to allow the drugstore to have less than 50 percent of the exterior walls which face streets consist of transparent windows; from L.A.M.C. Section 12.22-A,23(a)(5) to allow no recycling and from L.A.M.C. Section 12.22-A, 23(a)(9)(l)to permit one pole sign.

A request for extended hours of operation was withdrawn. The proposed hours of operation for the drive-up pharmacy and the drugstore will conform to the Commercial Corner ordinance requirements.

The applicant indicates that they operate recycling practices as part of their daily operation and are therefore seeking relief from the requirement for a recycling room. This is reasonable, given that many corporate chains incorporate such practices into their overall store management.

They also request a pole sign that will, unlike mini-malls, serve to advertise only "Rite-Aid" (as opposed to numerous tenants). Its visibility on Crenshaw Boulevard will provide identity for the project and will be oriented towards the commercial streets.

The request for relief from the 50% transparency will enable to applicant to maintain an architectural style consistent with the "Rite-Aid" store image. It is noted that even with the reductions in transparency, the proposed structure appears attractive as a commercial building.

6. The proposed project will be proper in relation to adjacent uses or the development of the community.

The proposed project is located at the northwest corner of the intersection of Crenshaw and Olympic Boulevards -- two Major Highways. Its location is particularly appropriate for the proposed use: easily visible and easily accessible to persons in the immediate neighborhood as well as the larger community. The proposed project also is adjacent to a very well beautiful and maintained single-family neighborhood and as a consequence has the obligation as a transitional and use to "anchor" both the entrance to this neighborhood (via appropriate setbacks, landscape treatments and a volunteered sign) place vacant property into productive use and provide an attractive commercial addition to the commercial frontage along Crenshaw.

The revised site plan represents a substantial improvement over the original one: no access to Victoria Avenue, a 32-foot setback from the front yard property line of the two R1 lots will assure a permanent generous landscaping to the two lots - more in keeping with the rest of the homes along Victoria Avenue. As well, additional conditions are placed on the property including: securing a vacation of the remnant of 10th Avenue which all parties agree is a good idea and would improve traffic flow in the long term, a limit on the off-site sales grant in order to carefully reexamine the matter five years hence, restrictions on truck deliveries across the parking lot, signage prohibiting more than two axle vehicles over 10th Avenue (in the short term), a Plan Approval review to evaluate compliance with the conditions of this multiple grant.

There are favorable aspects to this project as well. The building itself will front Crenshaw and not be separated from the frontage by a parking lot. This helps to preserve the character of the commercial street. Unlike a mini-mall with several tenants (including parking in front), the proposed project is a single tenant. The developer has shown a willingness to modify plans to achieve neighbors' and developers' objectives.

7. The proposed use will not be materially detrimental to the character of the development in the immediate neighborhood.

Please refer to Finding Nos. 3 and 15.

8. The Mini-Shopping Center/Commercial Corner Development use is consistent with public welfare and safety.

Please refer to Finding No. 5.

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

The Department of Transportation determined that a traffic study was not needed for the proposed project given that the prior use was a medical office use. Nonetheless, conditions of this grant will mitigate potential short term and long term problems: a two year Plan Approval review is required to evaluate compliance with the conditions contained herein; no access is permitted directly onto Victoria Avenue from the parking lot; more than two axle vehicles will be prohibited (by sign) to continue westbound in 10th Avenue; and the applicant working with City agencies is required to apply for and secure a vacation of 10th Avenue for that portion which abuts the subject site. In this manner, a long term goal -- to improve traffic circulation and prevent through-trips into the residential neighborhood -- shared by the applicant, Council District and residents -- can be achieved.

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

No Mini-Shopping Centers or Commercial Corner Developments are located within the 600-foot radius of the subject site. There is no detrimental over concentration of similar development.

11. **The Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian-oriented area or zone, or, if the lots are located in an identified pedestrian oriented area or zone, the Mini-Shopping Center or Commercial Corner Development would not have an adverse impact on the pedestrian oriented area or zone.**

The proposed project is not located within a identified pedestrian oriented area or zone.

VARIANCE FINDINGS

In order for a variance to be granted, all five of the mandated findings delineated in City Charter Section 98 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:

12. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant is seeking several variances from Sections 12.08-A and C, and 12.12.2-A and C of the Municipal Code to permit the construction use and maintenance of a 12,537 square-foot drugstore/pharmacy with parking in the R1

and CR Zones. A third variance is requested from Section 14.02-C, to permit encroachment into an existing 40-foot Building Line (B.L.) which otherwise does not permit walls, parking, hedges within the B.L.

The subject parcel is comprised of four lots in the CR Zone -- fronting Crenshaw Boulevard -- and two lots in the R1 Zone-- fronting Victoria Avenue. While bounded by 10th Avenue to the south, the subject site is virtually adjacent to Olympic Boulevard, a Major Highway and the alternative route to the Santa Monica Freeway.

Is this a self-imposed hardship? The commercially-zoned portion of the site is a desirable location for drugstore/pharmacy that will also sell sundries and retail items. But two R1 zoned lots to the rear are needed to accommodate required parking. These two lots are located at the entry to a well preserved and maintained single-family residential neighborhood, Windsor Village. Along Victoria Avenue there is a historic Building Line which mandates all structures be set back 40 feet, giving a generous and well maintained appearance to the residential street. Without the variance, the applicant maintains that the project is not viable. But with the variance, the entry to the single-family neighborhood will be forever changed.

All of this could lead to a finding of self-imposed hardship except that the very location of the single-family lots themselves make them difficult to successfully develop as residences due to traffic-generated noise and air quality impacts from Olympic Boulevard. It is noted that an R1 lot on the south side of Olympic is used for auto repair; and two R1 lots westerly of the subject site on the north side of Olympic are also vacant.

Further, the site plan, as revised by the applicant during the advisement period, will result in a setback of approximately 32 feet -- compared to the original proposed 10-foot setback -- from the front yard property line, affording a generous landscape that can help to "anchor" the entrance to the residential neighborhood and buffer the parking lot from the neighborhood.

The proposed project will provide 51 parking spaces. Without utilization of a portion of the R1 lots, these requirements cannot be met.

With respect to the CR uses, a drugstore/pharmacy/retail store is not permitted in the CR Zone unless it is accessory to medical office. Because the proposed facility stands alone, it is a principal, not an accessory secondary use. There are in the immediate vicinity complementary uses: nearby commercial development along Crenshaw Boulevard includes a medical center, dental office, convalescent home, doctor's offices and a second medical center, suggesting that the proposed use will appropriately complement existing uses by providing a convenient source for a wide variety of prescription, non-prescription drugs as well as sundries.

Zoning regulations are written on a citywide basis and cannot take into account individual unique characteristics that may exist on certain parcels. In the instant

case, the Code's desire to restrict the commercial activities in the CR Zone and R1 Zone and the applicant's desire, as modified, to provide a reasonable and viable use for the property can be accommodated in a manner consistent with the purpose and intent of the zoning regulations.

13. **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.**

The special circumstances affecting the subject lots are their surroundings and location. The two R1 lots are very close to Olympic Boulevard, a Major Highway and an alternative transportation corridor for the Santa Monica Freeway. The City's Department of Transportation has improved signalization along Olympic Boulevard for the express purpose of moving traffic from the downtown out to the Westside. This corridor is therefore heavily traveled, considered an alternate route to the Santa Monica Freeway and equipped as "Smart Corridor" by the City's ATSAC system.

It is not likely that the two R1 lots can be maintained as viable residential uses due to the impacts from traffic along Olympic Boulevard. The two R1 lots, and certainly the R1 lot closest to Olympic, are negatively impacted and may not be suitable for single-family dwellings. The modified alternative use -- with an approximately 32-foot landscaped setback -- can "anchor" this important corner for the neighborhood while providing a more viable use and with extensive landscaping buffer the neighborhood at this corner.

The land use surroundings include two medical centers, a convalescent home, doctors and dentists offices, suggesting that a drugstore/pharmacy/retail uses appropriately complement the character of the surrounding land uses along Crenshaw Boulevard.

14. **Such 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 such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

Other properties throughout the city have been granted use or yard variances to accommodate uses that are related to existing or surrounding uses, are accessory to proposed uses but are otherwise prohibited by the strict application of the Zoning regulations.

The applicant is seeking parity with other such properties and has demonstrated in the instant case that the proposed project has a relationship with surrounding uses, is complementary to surrounding uses and will be modified to better fit with the residential side of the surrounding uses.

15. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The finding made in the affirmative, is based upon the following: the improvement of a vacant R1 lot, the maintenance of a generous landscape setback at the entrance to the Windsor Village neighborhood, a requirement to secure vacation of a short stretch of 10th Avenue, the restriction of commercial truck deliveries across the parking lot and a review of the project operations within two years of the effective date of the determination.

It is conjecture that the R1 lot closest to Olympic Boulevard will ever be developed, much less well maintained due to its proximity to the traffic impacts.

The proposed project as modified, offers an alternative viable use while "anchoring" the entrance to the residential area: parking and walls can encroach no more than 8 feet into the Building Line, preserving an approximate 32-foot setback from the front property line. This setback will maintain an appearance complementary to the rest of Victoria Avenue. The additional setback was proposed during the advisement period and represents a significant change from that presented at the public hearing.

Installation of landscaping and a monument sign will give the neighborhood a visible identity and put derelict lots into attractive and productive use. A requirement of the determination letter is review of the landscape and monument sign by the adjoining resident's association. In this manner, the proposed use will become a better neighbor.

This grant restricts truck deliveries across the parking lot because the level of increased commercial activity will impact the adjacent residential properties. In the event the restrictions are not adhered to, during the Plan Review, the Zoning Administrator may prohibit them and limit delivery to 10th Avenue only.

The grant requires substantial completion of the vacation of 10th Avenue within two years of the effective date of the determination. All parties agreed that this was worth pursuing and the Zoning Administrator can find no reason to make this an open-ended condition. The Department of Transportation has signaled their support; and it would improve traffic movement to and from the proposed facility. The applicant and city agencies responsible to undertake such an action are called upon through this determination to complete the action, not merely initiate it. The two year period was established in order to permit the applicant to construct and operate his drugstore/pharmacy/retail store while pursuing the street vacation. It is not possible to know precisely when a vacation will be completed, therefore, substantial completion is required.

A two year Plan Approval review is called for in order to assess the compliance of the operator with the conditions of approval, as well as review the completion of the street vacation. The applicant may, at that time, further request a change

in hours of operation or modification to other conditions. The Zoning Administrator may modify conditions based upon public input.

16. **The granting of the variance will not adversely affect any element of the General Plan.**

Please see Finding No. 4. The subject property is not located within any specific plan or interim control ordinances.

ADDITIONAL MANDATORY FINDINGS

17. 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. (No shading)
18. On February 26, 1998, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND 97-0403 (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby certify that action. The records upon which this decision is based are with the Environmental Review Section in Room 1500, 221 North Figueroa Street.
19. 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.


EMILY GABEL-LUDDY
Associate Zoning Administrator

EGL:Imc

cc: Councilmember Nate Holden
Tenth District
Adjoining Property Owners
County Assessor