



NORTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date OCT 11 2013

CASE NO.: ZA-2012-3207-CU-1A

Address: 7955 North Laurel Canyon Boulevard

Council District: 2

CEQA: ENV 2012-3208-MND

Plan Area: Sun Valley - La Tuna Canyon

Zone: C2-1VL

Applicant/appellant: Brian Weinstock, Dynamic Development
Representative: Alexander Elias

At the meeting on **October 3, 2013**, the following action was taken by the North Valley Area Planning Commission:

1. Denied the appeal.
2. Sustained the action of the Zoning Administrator and denied a Conditional Use to allow the operation of a retail/convenience store 24-hours daily, in lieu of the maximum 7:00 a.m. to 11:00 p.m. daily otherwise permitted in the C2-1VL Zone.
3. Adopted the Findings.
4. Did not adopt the recommendation of the lead agency in adopting Mitigated Negative Declaration No. ENV 2012-3208-MND as the environmental clearance for this action.

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

This action was taken by the following vote:

Moved: Commissioner Vo-Ramirez

Seconded: Commissioner Padilla

Ayes: Commissioners Vo-Ramirez, Padilla, Gonzalez, Sampson, and Leyner

Vote: 5 - 0

Effective Date/Appeals:

Effective upon mailing of this report

Appeal Status:

Not further appealable


Rhonda Ketay, Commission Executive Assistant
North Valley Area Planning Commission

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

Attachments: Zoning Administrator's Decision Letter dated July 10, 2013

cc: Notification List
Jim Tokunaga
Linda Clarke

LYNN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
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DAVID S. WEINTRAUB
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July 10, 2013

Tim Saivar (A)(R)
Dynamic Development Company, LLC
1725 21st Street
Santa Monica, CA 90404

Salim R. Javaheri Trust (O)
c/o Alex Shoupouri
Paramount Corner, LLC
25251 Prado Del Grandioso
Calabasas, CA 91302

CASE NO. ZA 2012-3207CU)
CONDITIONAL USE
7955 North Laurel Canyon Boulevard
Sun Valley-La Tuna Canyon Planning
Area
Zone : C2-1VL
D.M. : 189B165
C.D. : 2
CEQA: ENV-2012-3208-MND
Legal Description: Lot 27, Lankershim
Ranch Land & Water Company Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W,27, I hereby DENY:

a Conditional Use to allow the operation of a retail/convenience store 24-hours daily, in lieu of the maximum of 7:00 a.m. to 11:00 p.m., daily otherwise permitted, in the C2-1VL Zone.

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 May 21, 2013, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have not been established by the following facts:

BACKGROUND

The property is a level, rectangular-shaped, corner record lot with a frontage of 120 feet on Laurel Canyon Boulevard and a frontage of 125 feet on Strathern Street, consisting of approximately 14,915 square feet. The subject site is currently improved with a service station with four parking spaces. The property is zoned C2-1VL, with a Neighborhood Office Commercial land use designation within the Sun Valley-La Tuna Canyon Community Plan Area. This subject site is also located within a fault zone, within the Los Angeles State Enterprise Zone (ZI-2374), within the boundaries of the North Hollywood Northeast Neighborhood Council, the service boundaries of Fire Station No. 89, and the Foothill Division of the Los Angeles Police Department.

The proposed project involves the demolition of an existing service station/retail mini-mart and proposed construction of a new one-story, 4,700 square-foot shopping center measuring approximately 21-feet 4-inches in height, having three tenant spaces: Retail Space "A" (7-Eleven) will consist of approximately 2,500 square feet and the remaining two tenant spaces will consist of approximately 2,200 square feet. The shopping center will have a total of fourteen parking spaces. The applicant is requesting a conditional use to allow for the proposed retail/convenience store (7-Eleven) to operate 24-hours daily, in lieu of the maximum of 7:00 a.m. to 11:00 p.m., daily otherwise permitted, in the C2-1VL Zone when adjoin a residential zone. Vehicular access to the project is available via two-way driveways along both Strathern Street and Laurel Canyon Boulevard frontages leading to 14 surface shared parking spaces.

Adjoining property to the north of the site across Strathern Street are improved with commercial buildings in the R1-1, P-1VL, & C2-1VL Zones.

Adjoining property directly to the south is an auto parts store in the C2-1VL Zone.

Adjoining property to the east, across Laurel Canyon Boulevard is a one-story shopping center and apartment buildings in the C2-1VL and R3-1 Zones.

Adjoining properties to directly to the west of the subject site, is a church in the RS-1 Zone

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

There are no relevant cases on the subject property.

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:

Case No. ZA 2006-1562(CU)- On November 1, 2006 the Zoning Administrator dismissed a determination of height for 55 feet in lieu of the 45 feet permitted in Height District 1-VL pursuant to Section 12.21.1-A,1 of the Los Angeles Municipal Code, because the project has been re-designed as a rooftop facility that does not exceed the maximum height permitted in Height District No. 1-VL, and approved a conditional use permit for the installation, use and maintenance of an unmanned wireless telecommunications facility on the rooftop of an existing commercial building in the C2-1VL Zone, located at 8001 North Laurel Canyon Boulevard.

Laurel Canyon Boulevard, adjoining the site to the east is a Major Highway dedicated a varying width of 100 to 102 feet and improved with curb, gutter and sidewalk.

Strathern Street, adjoining the site to the north is a Secondary Highway dedicated a width of 80 to 85 feet and improved with curb, gutter and sidewalk.

PUBLIC HEARING

A public hearing on the proposed project was held by the Associate Zoning Administrator on Tuesday, May 21, 2013 at approximately 11:30 a.m at the at the Marvin Braude Building, First Floor Conference Room in van Nuys. The applicant's

representative, Alexander Elias was present as well as approximately 19 members of the public and a representative from Council District Two.

The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

The applicant's representative made the following points:

- The proposed 7-Eleven fits the current business model for operating 24 hours.
- The store is designed in a manner to deter criminal activity and will enhance security in the neighborhood. Will follow LAPD's crime prevention plan and design guidelines.
- There is no alcohol proposed.
- Economic boom to the community and may attract other businesses to area.
- Traffic study indicates no impacts to community.
- Project conforms to the General Plan

One speaker also representing 7-Eleven testified in support of the request.

Ten neighborhood residents spoke in opposition to the request. The major points in opposition were the following:

- 24 hour operation may attract nuisance activity such as loitering and criminal elements.
- Traffic will increase at location 24 hours a day.
- Noise impacts on surrounding residential neighborhood.
- There are other 24 hour mini markets in the neighborhood, no need for 24 hour 7-Eleven at this location.
- Generally not opposed to 7-Eleven operating at this site, but not the 24 hour operation.

The Council Office expressed some concerns about the 24 hour operation.

Public Correspondence

At the time of report preparation, three phone calls were received regarding hearing notification and one letter of opposition.

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-W of the Los Angeles Municipal Code. In order for deviations from Commercial Corner Development Standards to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the three standard findings for most other conditional use categories.

MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The project will not enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The property is a level, rectangular-shaped, corner record lot with a frontage of 120 feet on Laurel Canyon Boulevard and a frontage of 125 feet on Strathern Street, consisting of approximately 14,915 square feet. The subject site is currently improved with a service station with four parking spaces. The property is zoned C2-1VL, with a Neighborhood Office Commercial land use designation within the Sun Valley-La Tuna Canyon Community Plan Area. This subject site is also located within a fault zone, within the Los Angeles State Enterprise Zone, within the boundaries of the North Hollywood Northeast Neighborhood Council, the service boundaries of Fire Station No. 89, and the Foothill Division of the Los Angeles Police Department.

The proposed project involves the demolition of an existing service station/retail mini-mart and proposed construction of a new one-story, 4,700 square-foot shopping center measuring approximately 21-feet 4-inches in height, having three tenant spaces: Retail Space "A" (7-Eleven) will consist of approximately 2,500 square feet and the remaining two tenant spaces will consist of approximately 2,200 square feet. The shopping center will have a total of fourteen parking spaces. The applicant is requesting a conditional use to allow for the proposed retail/convenience store (7-Eleven) to operate 24-hours daily, in lieu of the maximum of 7:00 a.m. to 11:00 p.m., daily otherwise permitted, in the C2-1VL Zone. Vehicular access to the project is available via two-way driveways along both Strathern Street and Laurel Canyon Boulevard frontages leading to 14 surface shared parking spaces.

In reaching the determination to deny the applicant's request the Zoning Administrator has considered the potential impacts that late night use could have on the surrounding neighborhood, the letters of opposition, the neutral stance of the Council Office on the matter, and the absence of any nearby residential support for the proposed extended hours of operation. With the exception of the four commercial corners at the intersection of Laurel Canyon Boulevard and Strathern Street, multi-family condominiums abut the east side of Laurel Canyon Boulevard and single family residential areas extend north, south, east and further west of the subject site. The existing commercial activity is neighborhood serving and not regional serving commercial.

In making the decision the Zoning Administrator has noted that at the hearing the community members raised concerns with an over concentration of other similar mini-market operations in the area. Planning staff research revealed that there appears to be three such establishments in the immediate vicinity of the project;

they are located at 8004 Lankershim Boulevard, 12050 Roscoe Boulevard, and 6804 Vineland Avenue.

Further it appears that the 8004 Lankershim site appears to be operating successfully with limited hours of operation between 7:00 a.m. -11:00 p.m. and that, that establishment has not requested any deviations from underlying regulations to operate with extended hours.

The Project Planner has also noted that the 12050 Roscoe Boulevard site requested and filed an application for alcohol sales/ deviations from Commercial Corner Hours of operation under ZA Case No. 2002-6450 but withdrew their case on May 8, 2003.

Lastly it was observed that the 6804 Vineland Avenue site does have 24-hour operation for the service station and mini-market with alcohol sales limited to 9:00 a.m.- midnight Sunday-Thursday and 9:00 a.m. to 1:00 a.m. Friday and Saturday, approved under ZA Case No. 20061490. The applicant filed a subsequent plan approval under ZA Case No. 2006- 1490 (CUB)(CU)(PA1) for condition compliance and was approved on December 23, 2010 for a period of seven years.

In this instant matter the Zoning Administrator has determined that the basis for denial is that the project would create an over concentration of shopping centers in the area as the intersection of the proposed development is already developed with a mini- shopping centers, and that the extension of hours as requested would only contribute to the potentially negative impacts of such late night operations and would establish a precedent in the area for other such markets to seek extended hours.

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

The project location is an existing service station located on lot consisting of approximately 14,915 square feet. The area surrounding the project is developed with a mixture of commercial and single-family/multi-family uses. Adjoining property to the north of the site across Strathern Street are improved with commercial buildings in the R1-1, P-1VL, & C2-1VL Zones. Adjoining property directly to the south is an auto parts store in the C2-1VL Zone. Adjoining property to the east, across Laurel Canyon Boulevard is a one-story shopping center and apartment buildings in the C2-1VL and R3-1 Zones. Adjoining properties to directly to the west of the subject site is a church in the RS-1 Zone.

The primary reasons for denying the applicant's request for extended hours of operation are the following:

- Other similar uses in the area may lead to over concentration.
- Late night operation can bring about loitering and increased night time

auto and pedestrian traffic in an area that is predominantly single family residential.

- Denial of the extended hours request does not deny the use. It can be allowed if constructed and operated in accord with the dictates of the Municipal Code.
- No local support for the extended hours of operation.
- Neighborhood Watch and Neighborhood Council do not support the applicant's request.

The standard hours of operation permitted by the LAMC for commercial businesses located next to a residential zone is 7:00 a.m. to 11:00 p.m. There are no other businesses at this intersection that operates 24 hours a day. In making the determination the Zoning Administrator must also factor in the existing neighborhood character and how the request could adversely affect such character. A 24-hour mini market located in a predominantly single family neighborhood could potentially intrude into the peace and quiet generally found in such a neighborhood. Automobiles and customers will have access to the store 24 hours a day and with that the associated verbal noise of customers as well as automobile motors as they enter and exit the parking lot and the store.

3. The project does not substantially conform with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Sun Valley-La Tuna Canyon Community Plan Map adopted on August 13, 1999, designates the property for Neighborhood Office Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4 and Height District No. 1VL. The site is zoned C2-1VL, which is consistent with its land use designation. The property is not currently within the area of any specific plans or interim control ordinances. The request for relief of Commercial Corner development standards are not specifically addressed in the Sun Valley-La Tuna Canyon Community Plan.

The project requested extended hours of operation will not provide a service and convenience to the community, and is thereby not consistent with several goals, policies, and objectives of the Community Plan. Specifically, the project addresses the following goal/objective/policy of the Community Plan:

Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the unique character of the community.

Approval of the requested 24 hours of operation would be disruptive to the community at large in that it would bring about new late night pedestrian and auto traffic into an area largely developed for residential purposes.

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

Denial of the request for 24-hour operation does not deny the use. The 7-Eleven may be established and operated as a matter of right providing that such establishment and operation meets the requirements of the Los Angeles Municipal Code.

Policy 2-1. 1: New commercial uses shall be located in existing, established commercial areas or existing shopping centers.

Such establishment must always be done with an eye to potential negative impacts to nearby residential development. Here the primary concerns are late night use, resultant new pedestrian and auto traffic, and establishment of a precedent for the area of having such mini-markets operating 24-hours daily.

Therefore, the proposed project will not be consistent with the intent of the General Plan and Community Plan.

ADDITIONAL REQUIRED FINDINGS FOR COMMERCIAL CORNER DEVELOPMENTS

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

The proposed project will close the two existing driveways which are currently located closest to the traffic signal. Inasmuch as the proposed project is a demolition of an existing service station having eight fueling pumps and the construction of a new 4,700 square-foot shopping center, the City's Department of Transportation has concluded that the project would result in the net increase of 586 daily trips which does not reach a threshold that requires a need for a traffic study. However, what was not taken into consideration in that analysis was the project's potential for isolated night time noise resulting from that predicted increase in traffic and the potential for such noise to be disruptive to nearby residential neighbors during their sleeping hours.

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

The subject site is located at the southwest corner of Strathern Street and Laurel Canyon Boulevard. The southeast corner of the intersection is developed with a

shopping center with a tattoo shop and a mini-mart. The northwest is also developed with a shopping center with various tenants.

The proposed project involves the replacement of an existing service station. When this is observed in light of other nearby mini-markets it can be determined that project approval for a 24-hour operation would create or add to a detrimental concentration of such Commercial Corner Developments in the immediate vicinity. In reaching the determination to deny this instant request the Zoning Administrator had considered possible conditions of approval, but was unable to find that the imposition of any conditions would be sufficient to insure the quiet and peaceful enjoyment of nearby homes by their residents. Thus this instant request has been denied.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located in Flood Zone C, an area of minimal flooding.
7. On April 25, 2013, the City Planning Department issued Mitigated Negative Declaration No. ENV-2012-3208-MND (Article V- City CEQA Guidelines) and determined that this project will not have a potentially significant effect on the environment, subject to compliance of the mitigation measure outlined in the Mitigated Negative Declaration. I hereby adopt that action.

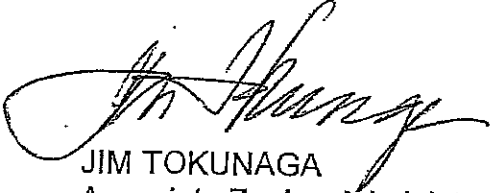
APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after July 25, 2013, unless an appeal there from 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. **Forms are also available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

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JIM TOKUNAGA
Associate Zoning Administrator

JT:jjq

cc: Councilmember Paul Krekorian
Second District
Adjacent Property Owners