

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ
CAROLINE CHOE
RENEE DAKE WILSON

KAREN MACK
MARC MITCHELL
VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

**FOOTHILL BOULEVARD CORRIDOR SPECIFIC PLAN
PROJECT PERMIT COMPLIANCE REVIEW**

February 4, 2019

Maria Khachiyan (A)
CRV Only Store, Inc.
5956 E Los Angeles Ave Unit 3
Simi Valley, CA 93063

New Dawn Enterprises LLC (O)
3424 Country Club Dr.
Glendale, CA 91208

Antranik Saiyan (R)
316 N Maryland Ave. Unit 308
Glendale, CA 91206

Case Number: DIR-2018-4720-SPP
CEQA Number: ENV-2018-4721-CE
Location: 6360 Foothill Boulevard
Council District: CD7 – Monica Rodriguez
Plan Area: Sunland – Tujunga – Lake

Land Use Designation: Community Commercial
Zone: (Q)C2-1L
Legal Description: Tract: P M 5233; Lot C;
Specific Plan: Foothill Boulevard Corridor

Last Day to File an Appeal: **February 19, 2019**

DETERMINATION

Pursuant to LAMC Section 11.5.7 C, I have reviewed the proposed project, and as the designee of the Director of Planning, I hereby:

Determined based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301, Class 1, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies

Approve with Conditions a Foothill Boulevard Corridor Specific Plan Project Permit Compliance Review for a one-story 600 square foot recycling buyback center on a 14,244 square foot lot within a (Q)C2-1L zone. The subject site is located within Major Activity Area No. 4, but is not located within a Targeted Area.

The project approval is based upon the attached Findings, and subject to the attached Conditions of Approval:

CONDITIONS OF APPROVAL

BUILDING AND SITE CONDITIONS

1. **Building Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped Exhibit "A", and attached to the subject case file. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Use.** The project is approved for the construction, use, and maintenance of a one-story 600 square foot recycling buyback center on a 14,244 square foot lot within a (Q)C2-1L zone.
3. **Height.** The project is approved for one story with a maximum height of 10 feet per Exhibit "A".
4. **Roof Equipment.** All roof mechanical equipment and duct work shall be screened from view in accordance with Section 6.A.1 of the Foothill Boulevard Corridor Specific Plan.
5. **Lighting.** In accordance with Section 6.A.2 of the Foothill Boulevard Corridor Specific Plan, night lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to be seen directly by adjacent properties. Blinking lights are also prohibited. This provision shall not preclude the installation of low-level security lighting.
6. **Trash Enclosures.** Trash or garbage areas shall be screened by a wall enclosure and/or landscape materials in accordance with Section 6.A.3 of the Foothill Boulevard Corridor Specific Plan.
7. **Signage.** No signage was proposed, nor approved herein
8. **Landscaping.** Landscaping shall be provided per Exhibit "A" and in accordance with the Los Angeles Municipal Code Sections 12.40 – 12.43.
9. **Pedestrian Access.** Pedestrian access and a pathway shall be located to the west of the existing market rather than fronting on Foothill Boulevard. Pursuant to the Foothill Boulevard Specific Plan Guidelines and Standards Manual, Section 2.C, direct pedestrian access shall be provided.

ADMINISTRATIVE CONDITIONS

10. **Notations on Plans.** Plans submitted to the Department of Building and Safety for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
11. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
12. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
13. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
14. **Covenant and Agreement.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for attachment to the subject case file.
15. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
16. **Expiration.** In the event that this grant is not utilized within **three years** of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
17. **Indemnification.** INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside,

- void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

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

All terms and conditions of this Director's Determination shall be complied with before the use may be established. This authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination. If such privileges are not utilized or substantial physical construction work has not begun and carried on diligently to completion, the authorization shall become void.

TRANSFERABILITY

This determination runs with the land. In the event the property is sold, leased, rented, or occupied by any person or corporation other than yourself, you must advise them regarding the conditions of this grant.

VIOLATIONS OF THE CONDITIONS, A MISDEMEANOR

Section 11.00 M of the Los Angeles Municipal Code states: "It shall be unlawful to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction. Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, 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 a fine and imprisonment."

APPEAL PERIOD - EFFECTIVE DATE

This Determination is not a permit or license, and any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this Determination is violated or is not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions, as stipulated in the Los Angeles Municipal Code.

Per LAMC Section 11.5.7 C.4(c), **the Determination in this matter shall become effective 15 calendar days after the approval date, unless an appeal is filed. All appeals shall be filed pursuant to procedures established under LAMC Section 11.5.7 C.6.** 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 this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date to be accepted. Forms are available on-line at <http://planning.lacity.org>. The Department of City Planning public offices are located at:

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

The time in which a party may seek judicial review of this determination is governed by California Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedures Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

BUILDING PERMIT SIGN-OFFS

All subsequent building permit sign-offs regarding this case must be by **appointment only** with the Department of City Planning Development Services Center staff through an online appointment system at <http://planning.lacity.org>. On the website, continue to "Development Services Center - Location & Appointments," located on the bottom-right-hand corner of the page to make an appointment request.

FINDINGS

The subject site is zoned (Q)C2-1L and has a land use designation of Community Commercial. The subject site is located within Major Activity Area No. 4, but is not located within a Targeted Area. The project is for the construction, use, and maintenance of a one-story 600 square foot recycling buyback center. The parcel is 14,244 square feet in total with an existing market on site. The proposed recycling buyback center and storage container will be located to the west of the market.

Based on a review of the plans and materials submitted labeled "Exhibit A" attached to the administrative file DIR 2018-4720-SPP, the Director of Planning makes the following findings in accordance with Section 11.5.7 C.2 of the Los Angeles Municipal Code and Sections 6 and 8 of

the Foothill Boulevard Corridor Specific Plan and Section 2.C of the Foothill Boulevard Corridor Specific Plan Design Guidelines and Standards Manual:

1. The project substantially complies with the applicable regulations, findings, standards, and provisions of the Specific Plan.

Section 6.A.1 of the Specific Plan requires all roof mechanical equipment and duct work to be screened from view. The project is conditioned herein to screen all roof mechanical equipment and duct work.

Section 6.A.2 of the Specific Plan requires night lighting to be shielded and directed onto the site and no floodlighting to be located so as to be seen directly by adjacent properties. Blinking lights are also prohibited. This provision shall not preclude the installation of low-level security lighting. The project is conditioned herein to apply proper shielding to night lighting.

Section 6.A.3 of the Specific Plan requires trash or garbage areas to be screened by a wall enclosure and/or landscape materials. The project is conditioned herein to screen trash or garbage areas.

Section 8.B.2.a of the Specific Plan limits the height of new commercial buildings, structures, or additions to existing buildings or structures not to exceed 33 feet in height, in addition to the height regulations set forth in Section 12.21.1 A.10 of the Los Angeles Municipal Code. The project has a maximum height of 10 feet which complies with the Specific Plan.

Moreover, Section 2.C Guideline 3 of the Foothill Boulevard Corridor Specific Plan Design Guidelines and Standards Manual guides projects to provide direct pedestrian access from public streets and parking areas, as well as from parking areas to the street. The project is conditioned herein to provide direct pedestrian access to the recycling center.

2. That the Project is consistent with the General Plan.

The proposed project is located within the Sunland – Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon Community Plan, which is one of the 35 Land Use Elements of the City of Los Angeles General Plan. The following Community Plan objectives and policies are applicable to the proposed project:

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

The project will provide additional opportunities and services to an existing and affiliated market located within a shopping center.

Policies 2-1.1: New commercial uses should be located primarily in existing established commercial areas or existing shopping centers.

The project will be located within an existing 14,244 square foot lot that is adjacent to a shopping center built within a (Q)C2-1L zone. This project lot is located on the south side of Foothill Boulevard, between Creemore Drive and Lowell Avenue.

3. That proposed buildings and structures complement or are compatible with the surrounding buildings in terms of design, massing, and architectural integrity.

The project has a maximum height of 10 feet, which is compatible to the 21-foot height of the existing market. Moreover, the recycling buyback center will be located behind the market and is compatible with the design of the building.

4. That the landscape design is compatible with the buildings on site and complements landscape off site.

As conditioned, landscaping shall be provided per Exhibit "A" and in compliance with the Los Angeles Municipal Code Sections 12.40 – 12.43.

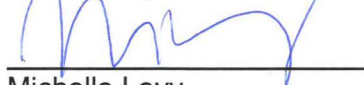
5. That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

The project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301, Class 1 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Vincent P. Bertoni, AICP

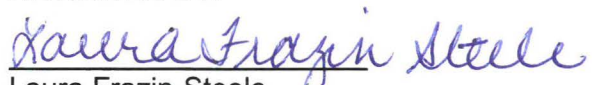
Director of Planning

APPROVED BY:



Michelle Levy
Senior City Planner

REVIEWED BY:



Laura Frazin-Steele
City Planner

PREPARED BY:



Dang Q. Nguyen
Planning Assistant

cc: Council District No. 7; Sunland-Tujunga Neighborhood Council; and Adjacent Property Owners.