

CALIFORNIA COASTAL COMMISSION

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Filed: 12/4/02
49th Day: 1/22/03
180th Day: 6/2/03
Staff: AM-LB AM
Staff Report: December 19, 2002
Hearing Date: January 10, 2003
Commission Action:

F 4c**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-02-316**RECORD PACKET COPY****APPLICANT:** Farzan Ghadooshany**AGENT:** Michael Pauls**PROJECT LOCATION:** 14791 Pacific Coast Highway, Pacific Palisades,
City of Los Angeles

PROJECT DESCRIPTION: Remodel and addition to an existing gas station; provide 22 parking spaces and seven bicycle stalls; convert auto repair to a market, add 376 square feet to the first floor and a new 930 square foot second floor, resulting in a 3,341 square foot, 22-foot high structure; and remove a 1,000 gallon used oil tank.

LOCAL APPROVALS RECEIVED: City of Los Angeles, local coastal development permit No. 2001-0394

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with four (4) special conditions requiring pre- and post-construction water quality measures, the provision of 22 onsite parking spaces for customers of the gas station only, and a notice that all future developments, including repair and maintenance, necessitates an amendment to this permit or a new coastal development permit from the Commission. The major issue of this staff report concerns water quality impacts from the gas station to the adjacent Will Rogers State Beach and Pacific Ocean.

SUBSTANTIVE FILE DOCUMENTS:

1. West Los Angeles Area Planning Commission local coastal development permit No. ZA-2001-0394 (CDP)
2. UST Upgrade/Environmental Oversight Report, Chevron Products Station No. 9-0639, by Wayne Perry Inc., April 17, 1998

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve CDP No. 5-02-316 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be

pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-02-316. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by Coastal Development Permit No. 5-02-316. Accordingly, any future improvements to the gas station authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-02-316 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. Drainage and Run-Off Control Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

Water Quality Goals

- a. Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site.
- b. Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- c. Runoff from all roofs, parking areas, and fueling areas shall be collected and directed through a system of appropriate structural and/or non-structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

Gas Station

- a. The WQMP shall provide for the treatment of runoff from roofs, parking areas, and fueling areas using appropriate structural and non-structural BMPs. At a minimum this must include a bioswale and/or filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, and floatables and particulate debris.
- b. The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.
- c. The applicant shall not spray down or wash down any parking lot or fueling area.
- d. The applicant shall, on a regular basis but not less than once a week, remove accumulated petroleum products from the fueling area and parking lot area using absorbent pads or other approved cleaning devices designed specifically to absorb oil, grease, and other petroleum-based material. The applicant shall collect and dispose of this material in accordance with hazardous waste disposal regulations.
- e. Impervious areas within the fueling area (located under the fueling station canopy) shall be properly contained with asphalt or cement berms to contain

spills if they occur and to prevent such spills from reaching the beach or receiving waters. The berms shall surround the entire pumping area and shall be designed to ensure petroleum hydrocarbons or other pollutants associated with gasoline stations and/or automobiles do not come into contact with storm water runoff or nuisance flow and do not contaminate receiving waters. Employees of this facility shall be educated in proper spill prevention, containment, and clean-up measures, regular monitoring and maintenance at a frequency described in the WQMP, and regular inspection of the pumping area to ensure that any spills are contained as soon as possible.

- f. The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.

B. Monitoring and Maintenance

All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season (between April 16 and October 14).

- a. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- b. All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the Executive Director no later than June 30th of each year. This report shall be submitted for the first three years following the completion of development; biannually thereafter unless the executive director determines that no additional reports are necessary.
- c. It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

- A) The permittee shall comply with the following construction-related requirements:

- a. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials and to contain sediment or contaminants associated with construction activity shall be implemented prior to the on-set of such activity.
- b. No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain.
- c. All trash and debris shall be disposed in the proper trash or recycling receptacle at the end of every construction day.
- d. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain, or tracking. All stockpiles and construction materials shall be covered, enclosed on all sides, and shall be located as far away as possible from drain inlets and any waterway.
- e. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
- f. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- g. A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines.
- h. All BMPs shall be maintained in a functional condition throughout the duration of the project.
- i. Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required.

4. Parking

The applicant shall provide, as proposed, 22 onsite parking spaces. The 22 parking spaces shall be for the sole purpose of providing an adequate parking supply for the proposed gas station addition. The 22 onsite parking spaces shall be for customers only and shall not be rented, leased, or sold.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The proposed project is the remodel and addition to an existing 2,035 square foot gas station, including striping for 22 parking spaces, the provision of seven bicycle stalls, converting the existing service station to a market, adding 376 square feet to the first floor and a new 930 square foot second floor, and removing a 1,000 gallon used oil tank (Exhibit #2). The proposed project includes the removal of the eastern wall of the existing station and retention of all other existing exterior walls. The proposed addition and remodel would create a 3,341 square foot, 22-foot high gas station with 22 on-site parking spaces (Exhibit #3).

Currently, there are four gas-dispensing stations with two pumps at each station (for a total of eight pumps). A 1,600 square foot canopy covers the existing dispensing stations. The proposed project does not increase the number of gas dispensing stations (Exhibit #2).

The subject site is located on Pacific Coast Highway ("PCH") in the southeastern portion of Pacific Palisades (Exhibit #1). Will Rogers State Beach is located directly across PCH from the subject site. The existing gas station is located in one of the few commercial areas on PCH in the Pacific Palisades. Surrounding development includes a restaurant, small commercial developments, and single-family homes.

On May 15, 2002, the West Los Angeles Area Planning Commission approved local coastal development permit ZA-2001-0394 (CDP) for the subject project located at 14791 Pacific Coast Highway. The City's local coastal development permit included 24 conditions (Exhibit #4). Nothing in this action on Coastal Development Permit 5-02-316 is intended to or does change any action taken by the local government except as explicitly stated herein.

B. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the

protection of water quality to promote the biological productivity of coastal waters and to protect human health.

C. WILL ROGERS STATE PARK

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

D. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned, the development conforms with the Chapter 3 policies of the Coastal Act.

E. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

The City of Los Angeles does not have a certified LUP for the Pacific Palisades. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

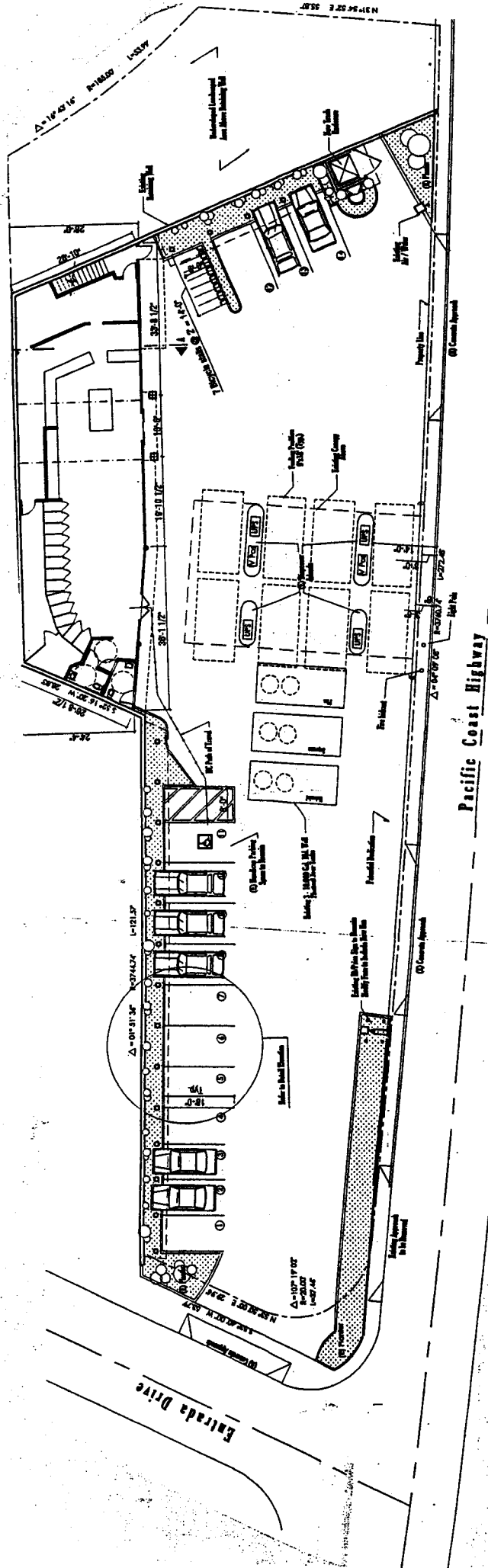
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

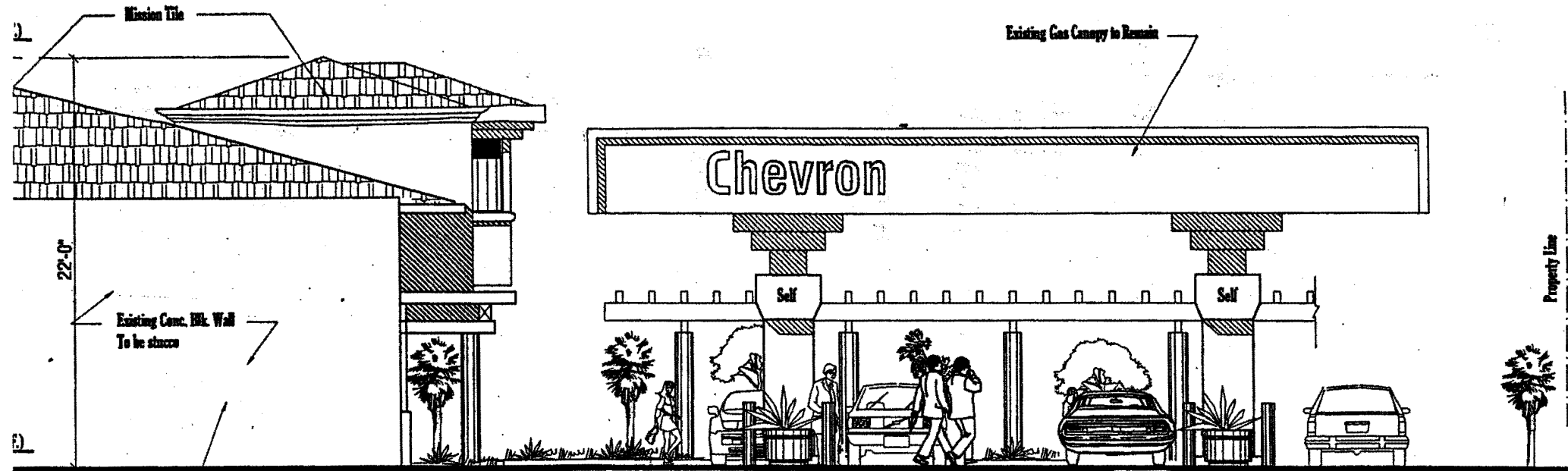


CCC
Exhibit #1
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Project Location







Side Elevation



West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: www.cityofla.org/PLN/index.htm

DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: July 01, 2002

Case No.: ZA 2001-0394(CDP)(CUB)(CU)-A2

**COASTAL DEVELOPMENT PERMIT
CONDITIONAL USES (ALCOHOL, ZONE)**

CEQA: ENV 2001-0395-MND

Location: 14791 Pacific Coast Hwy.

Council District: 11

Plan Area: Brentwood-Pacific Palisades

Zone: (Q)C2-1XL

D.M.: 120 B 129, 123 B 129

Legal Description: Lots C and 112, Tract 1719 and part of A, Lot Nos. 1 to R S Baker et al R Boca De Santa Monica, as more specifically described in the application

Applicant: Farzan Ghadooshany

Appellant: A1) Alex Gregory
A2) George Wolfberg

5-02-316

At the meeting on March 20, 2002 and continued on May 15, 2002, the West Los Angeles Area Planning Commission:

Denied both Appeals

Sustained the action of the Zoning Administrator

Denied the Conditional Use to permit the sale of beer and wine for off-site consumption

Granted the Conditional Use to allow specific deviations from the requirements of Section 12.22-A23(a) of the Code

Granted the Coastal Development Permit

Modified prior Conditions

Adopted the Findings of the Zoning Administrator

Adopted ENV 2001-0395-MND

This action was taken by the following votes:

Moved: Krisiloff

Seconded: Ritter Simon

Ayes: Rodman

Absent: Hall

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COASTAL COMMISSION

Effective Date:

Conditional Uses and Coastal Development Permit are effective at the City level upon the mailing of this report unless appealed to the California Coastal Commission

Appeal Status:

Conditional Uses are not further appealable

Coastal Development Permit is not further appealable at City level but appealable only to the California Coastal Commission - South Coast District office California Coastal Commission upon receipt and acceptance of this Determination will establish start of the 20-day appeal period

Greg Bartz, Commission Executive Assistant

West Los Angeles Area Planning Commission

Attachment(s): Finding, Conditions of Approval, Environmental Conditions under ENV 2001-0395-MND

c: File Distribution

CCC
Exhibit #4
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WEST LOS ANGELES AREA PLANNING COMMISSION DETERMINATION REPORT

BACKGROUND, APPEAL REQUEST and PROJECT DESCRIPTION:

1. On January 24, 2002, Zoning Administrator Jon Perica, pursuant to Los Angeles Municipal Code (LAMC) Section 12.24.-W-1 denied a **Conditional Use** to permit the sale of beer and wine only for off-site consumption, in conjunction with the proposed grocery store with sale of beer and wine from 9:00 a.m. to 12:00 midnight daily and hours of operation 24 hours daily; and pursuant to LAMC Section 12.20.2, approved a **Coastal Development Permit** for the proposed remodeled gas station, grocery store and quick service restaurant; and pursuant to LAMC 12.24-W,27 approved a **Conditional Use Permit** to allow specified deviations from the requirements of Section 12.22-A,23(a) of the Code, to permit the remodeling/addition as proposed and consisting of 2,411 square feet of ground floor, 930 square feet of mezzanine and 1,600 square feet under gas canopy. The specified deviations requested are hours of operation 24 hours daily, screening wall along street frontages, 5-foot landscaping setback along street frontages, and street trees.
2. The Appellants appealed certain Conditions, elements or parts of the Zoning Administrator's **approval** of the Coastal Development Permit and Conditional Use Permit to address hours of operation, screening wall and landscape setback along street frontages, street trees and a **denial** of a Conditional Use Permit to allow the sale of beer and wine for off-site consumption.

FINDINGS:

1. The Commission determined that the Zoning Administrator did not err or abuse his discretion, but erred in certain Conditions of Approval.
2. The Mandatory Findings of the Zoning Administrator were adopted by the Commission and are delineated in ZA 2001-0394(CDP)(CUB)(CU) as indicated below.

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 the sale of beer and wine to be authorized, certain designated Findings have to be made. In these cases, there are specific Conditional Use categories which have additional Findings in lieu of the four standard Findings for most other Conditional Use categories.

CONDITIONAL USE FINDINGS - DENIAL OF ALCOHOL SALES

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

- A. The proposed location will not be desirable to the public convenience or welfare.

As pointed out by the Pacific Palisades Residents Association, "there are several grocery stores within one or two miles of this spot, including at least one open 24-hours, and residents are not pressing for another." With other existing markets selling wine nearby to Pacific Cost Highway, there is no compelling reason to have another such use in the neighborhood. Unlike food staples like bread, milk, etc., wine is not an everyday product and is not a necessity.

B. The location is not proper in relation to adjacent uses or the development of the community.

This site is adjacent to a major recreational beach area where thousands if not tens of thousands of young people visit and having a nearby location for alcohol in not an appropriate location given the potential for underage drinking problems if older friends purchase it. There was compelling testimony from the senior lead officer for the area of the history of public drinking on the beach and transients who pan handle for money to buy alcohol in the area. Up until recently, there had been a problem liquor store in the nearby area and the community was happy to see it removed. If granted, this sale of wine could possible continue the same type of problem consumption that the neighborhood has had to deal with in the past. Also, the combination of gas sales for drivers and the easy availability of alcoholic products at the same location is a bad mix. The traffic congestion and accidents rate on Pacific Coast Highway is bad enough as it is without the possible worsening of the situation.

C. The use will be materially detrimental to the character of the development in the immediate neighborhood.

Alcohol sales, even it is only wine, tends to draw more young people and transients to the location. Both of these groups of people are already present around the site now and without the previous liquor store in the area, the focus will fall on this site if wine sales was allowed. Even the most diligent management plan is not perfect and while the Applicant's consultant offered numerous self-imposed restrictions concerning how the wine would be sold and buyers checked, no system is perfect and a future employee not being responsible in checking identification and age could be a source of problems sales to underage or alcoholics people. The residents of the expensive home nearby already have to put up with the impacts of heavy beach traffic and noise and there should not have to be another adverse impact to worry about for nearby residents. They are entitled to as much peace and quiet as possible and more wines sales would not help achieve that goal.

D. The proposed location will not be in harmony with the various elements and objectives of the General Plan.

One of the fundamental goals of the adopted Brentwood-Pacific Palisades District Plan is to encourage compatible development. Alcohol sales would bring the types of adverse impacts mentioned in Findings A-C that would not allow this use to be consistent with the type of existing or desired new uses in the local community that the district plans is trying to encourage. Based on the expressed citizen goals for their own community, more alcohol

doesn't belong at this location.

COASTAL DEVELOPMENT PERMIT

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2-G of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

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

Shoreline Access

The Coastal Act provides that maximum access and recreational opportunities shall be provided for all the people consistent with the public safety, the need to protect public rights, of private property owners and natural resource areas from overuse. Approval here will allow the Applicant to modernize and upgrade the existing facilities which will serve beach/coastal visitors as well as those living and working in the area and is therefore consistent with the Coastal Act's policies relating to access. While the Applicant had requested a 24-hour-a-day operation, the hours may be modified under the terms of this action.

As stated above with the absence of alcohol in the area that there has been a decrease in the numbers of transients and vagrants in the area. With alcohol sales such persons would return to the site.

Recreation and Visitor Serving Facilities

The Coastal Act calls for public facilities to be distributed throughout an area. By authorization here, access to the adjacent public beaches is enhanced by there being necessary automobile-related products (gasoline and oil) as well as other convenience items concern over possible sale of alcoholic beverages from the site for off-site consumption and the long hours requested. As noted, there was already a problem with vagrants, transients and other miscreants in the area if the liquor store reopens, as well as a problem relating to public drinking on the beach itself as told to staff by Officer Kiley.

Locating and Planning New Development

Under the Act, new development is to be contiguous with, or in close proximity to existing developed areas. As the redevelopment of an existing site near a commercial area, the Applicant's proposal is consistent with this policy.

- F. **The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The adopted Brentwood-Pacific Palisades District Plan designates the subject property for

limited commercial uses, with corresponding zones of C1, C1.5 and P. While a Local Coastal Program for the area has not been adopted and no work is presently being done on the Plan, the adopted Brentwood-Pacific Palisades District Plan serves as the functional equivalent and as there is no reason to assume any potential Local Coastal Program would prohibit the use proposed for continuation here and, therefore, this finding can be made in the affirmative.

- G. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission, dated October 14, 1980, have been reviewed, analyzed and considered in the light of the individual project in making this determination.**

The Coastal Commission's Regional Interpretive Guidelines for the South Coast Region of Los Angeles County serve to provide guidance for decision-makers in those instances where no Local Coastal Plan has been adopted by the local jurisdiction. It is with respect to height and parking that the Guidelines are relevant here.

Height

The Guidelines for the Pacific Palisades area do not establish height limits for commercial development. The guidelines for commercial development provide that the commercial establishments should be public recreation and recreation supportive or otherwise coastal-related facilities. The sign pole should be replaced with the permitted smaller size if the Applicant wishes to change the present sign.

Parking

The Coastal Guidelines require one parking space for each gasoline pump outlet. The project has 10 pumps with a total of 20 outlets; thus, it would require 20 parking spaces; the increase in market and restaurant area will necessitate additional parking spaces.

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

The development is not located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone. However, Coastal access will be enhanced as the result of authorization herein as gasoline products will be available for those driving in the area.

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

An appropriate environmental clearance under the California Environmental Quality Act has been granted. On October 16, 2001, the Los Angeles City Planning Department issued a Mitigated Negative Declaration.

**CONDITIONAL USE FINDINGS - APPROVAL OF COMMERCIAL CORNER MARKET/
GAS STATION**

J. The proposed location will be desirable to the public convenience or welfare.

The rebuilding of the existing older gas station and the addition of a new convenience market will add an attractive new level of service with improved aesthetics and more food and non-alcoholic beverage service to both beach and Pacific Coast Highway travelers. The market will provide take out sandwiches and soft drinks which will be popular with beach goers and for the driving public, coffee and breakfast baked items will help fortify commuters. These food services are appropriate with the sales of gasoline. The redesign of the station will help focus the new auto service to the general public to the most needed convenience services required. The attractive new setting will upgrade the visual nature of the entire site.

K. The location is proper in relation to adjacent uses or the development of the community.

This site is appropriate for the proposed upgrades project because of the long history of a previous gas station being on this location for many years and the dependency the driving public has developed for service for their vehicles. There is existing "good will" developed with many customers who has used this site for auto service and the new gas station will continue this service in an attractive new setting. The food and non-alcohol service will also be appropriate for customers who would continue to drive by this location going to work or using the Will Rogers Beach.

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

Community groups and local residents properly raised a number of concerns about the possible impacts from the market and gas station operation, especially at a very busy traffic location. The City Department of Transportation did do a traffic evaluation of the net new traffic trips that would be generated beyond those caused by just the existing gas station. The March 21, 2001 DOT evaluation concluded that there would "not be a significant impact on local traffic ...". The reality behind the DOT study is that there is no real significant net increase in traffic for the removal of the larger older gas station and probably a very slight reduction in traffic due to the smaller station size. Only the market addition would cause a small net increase in traffic over the existing station, which when compared to the heavy existing traffic on Pacific Coast Highway, amounts to a tiny overall increase. Other neighbor concerns about ingress, sidewalk location, view impacts, noise, loitering, safety and signs on site are all relevant concerns and have had protective mitigation conditions added to address this impacts. With the proper implementation of these conditions the use should be able to be operated as a good neighbor. The Zoning Administrator reserves the right to add or modify any conditions in the future if circumstances change.

The Applicant specifically requested four alternative ways to meet the City's intent of quality new commercial corner/mini-mall design features: 1) To operate 24 hour a day instead of the 7 a.m.-11 p.m. restriction. This change reflects just the existing history of the hours the gas station has always operated, so technically, it is not really a change for this same use. 2) To eliminate a 3 and 1/2 foot wall set back 5 feet from the property line facing public streets to block the views of parked cars. This change is reasonable because it provides for easier and safer access for pedestrians walking to the site where the existing sidewalk area is substandard now. 3) To reduce the amount of landscaped area on just the area on PCH in front of the gas pumps. The City would normally require a 5-foot landscaped setback area along all of the Pacific Coast Highway area (exempting driveways) including the area directly in front of the gas pumps. It would be impractical to require landscape at this particular area given the likelihood of drivers to drive over this area as a shortcut to PCH. The Applicant has provided deeper landscape along part of PCH as a substitute which is reasonable. 4) To substitute street trees in the middle parking area on the lot for planting of trellis vines and other bushes on two colonnades on either side of the main building. This is a reasonable substitute of one landscaping for another type. Both the required and the proposed planting would be located in the same general area and the colonnade design is a much more attractive overall landscape concept than scattered trees. The requested four modifications cause no significant adverse problems and in some cases are an improvement over the standard City provision for mini-mall designs.

M. The proposed location will be in harmony with the various elements and objectives of the General Plan.

The continuation of the existing gas station with the new market is consistent with the nature of the adopted district plan because without the wine sales, the conventional auto services and sales of food and simple beverages will not cause any of the potential alcohol sales problems identified in Findings B and C above.

N. The access, ingress and egress to the mini shopping or commercial corner development will not constitute a traffic hazard or cause significant traffic congestion or disruption or vehicular circulation on adjacent streets, based on data provided by the City Department of Transportation.

Specific conditions of approval have been included with this grant which restrict egress on Entrada Road, require the Department of Transportation to evaluate the overall ingress and egress to the site, and restrict the delivery truck time and location. As referenced earlier, the City DOT has also evaluated the overall net traffic impacts against the existing traffic conditions and did not find a significant net increase in trips that this project would cause. No one doubts that the traffic level isn't already excessive on Entrada and PCH but the standard that DOT uses to evaluate the extra project impacts is, will that small net increase above the previous gas station be significant. The DOT study said no. The removal of auto service bays will actually decrease the number of vehicle trips which helps off sets the new market trips.

O. There is not a detrimental concentration of commercial corner developments in the

vicinity of the proposed development.

There are no mini-shopping centers in the vicinity surrounding the Pacific Chevron site. No such other similar use exists within about a one mile radius.

- P. **The mini-mall or commercial corner development is not located in an identified pedestrian oriented area or zone.**

Although there is a large beach related population that comes to Will Rogers, all these visitors arrive by vehicle and there is much smaller beach visitor group that would come to this site to purchase food and beverages from the new mini-market.

ADDITIONAL MANDATORY FINDINGS

- Q. 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)
- R. On October 16, 2001, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2001-0395-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 763, 200 North Spring Street.
- S. 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.

SUMMARY OF THE HEARING:

Zoning Administrator Jon Perica summarized the request, the facts surrounding the case, the action taken, and the Findings made. He indicated:

- Applicant's desire to upgrade site's long history of an auto service area to a convenience market;
 - request for the sale of beer and wine for off-site consumption was denied;
 - approved deviations from the Commercial Corner Ordinance that addressed:
 - hours of operation ;
 - screening walls;
 - landscaping;
 - pole sign "grandfathered" is not part of this request or appeal;
 - reconstruction appropriate for this change of use;
- Issues and concerns:
 - views:

- Applicant sensitive to this issues;
- a "sightline" study will be done to the satisfaction of the Council Office;
- City has no jurisdiction on views;
- traffic impacts as determined by Department of Transportation (DOT);
- there will be a slight increase in traffic;
- no major impacts are anticipated ;
- driveway access to be approved by DOT;
- loss of grandfather rights when existing structures are removed;
- landscape flexibility is needed and is appropriate;
- signage for the use of pedestrian tunnels which are not currently being used;
- dedication and improvement along Pacific Coast Highway are under the authority of the State (CALTRANS);
- Benefit to the area to retain auto-related use; and
- Site subject to a design review per Specific Plan in the area.

The Appellants representing homeowner organizations in the area and residents in the area who have concerns of the proposed project indicated:

- Issues and concerns:
 - grant will be precedent-setting to influence the character of the neighborhood and the Specific Plan;
 - signage;
 - smaller sign preferred;
 - compliance with the Specific Plan;
 - pole sign is too large for the location;
 - traffic circulation;
 - intersection is at level of service "F";
 - turning movements into and out of the site;
 - substandard driveways and its proximity to the intersection;
 - traffic movement impacted by the driveway along Entrada Dr.;
 - driveway to be entrance only along Entrada Dr.;
 - hours of operation;
 - undesirable to allow a 24-hour operation;
 - creates too much noise;
 - attraction for gang activity;
 - situation aggravated when opened until midnight;
 - a 9:00 p.m to 10:00 p.m. closing time is better;
 - views affected by an unnecessary second story addition;
 - aesthetics;
 - fully screen mechanical equipment;
 - a continuing roofline;
 - lack of good faith by the Applicant to comply with the Specific Plan;
 - exceptions from Specific Plan should not be granted;
 - street widening may be hazardous;
 - access;
 - meet American Disability Act (ADA) standards;
 - adequacy to the coast;
 - pedestrian tunnels are problematic;

- sidewalk substandard;
- landscape setback encouraged with space available;
- Zoning Administrator erred in not addressing community issues; and
- Site as a gateway to the City should be improved to its utmost.

The Applicant, his Representative and Council Office Representative in support of the proposed project indicated:

- Owner/Applicant lives in the area and is a part of the community;
- Met with Council Office, Planning staff and the community to address the issues and concerns;
- Site has limited development potential;
- Converting service bays to a grocery store/convenience market;
 - eliminating service bays due to liability, complexity of vehicles that makes it difficult on mechanics;
 - community desires and needs a store/market in the immediate area where none exists;
 - redesign of the building desired;
 - intend to provide a better on-site facility;
- Proposed development will;
 - not block views per sight line study;
 - provide additional landscaping;
 - not include a restaurant, laundry service or the sale of alcoholic beverages;
 - be before the design review board for a third time;
 - remove existing pole sign and canopies;
 - seek additional entitlements as deemed necessary;
 - enhance the intersection and surrounding area;
- Design Review Board (DRB) will address with community input;
 - architectural details;
 - landscaping and green space;
 - signage size, shape, height and location;
- Modification of Conditions of Approval to consider;
 - CALTRANS authority regarding street widening;
 - sidewalk widening to meet ADA standards;
 - posting a bond with the City for off-site street improvements;
 - access to and from the site;
 - on-site parking;
 - landscaping; and
 - mechanical equipment on the roof to be screened or removed.

After closing the public hearing, the Commission deliberated and the following points were made:

- Parking;
 - 23 spaces offered exceeded the City requirements;
 - worthy trade-off of reducing the number of parking spaces to 20 to provide for more on-site landscaping;
 - Parking for customers only and parking is not to be rented out;
- Hours of operation;
 - desire closing at 11:00 p.m.;
 - agree with Applicant's request to allow opening at 5:00 a.m. to accommodate the public;

- store hours from 5:00 a.m. to 11:00 p.m.;
- gas pumps available 24 hours per day;
- Signage;
 - compliance with the Specific Plan;
 - satisfactory to the DRB;
 - issue not before this Commission since Applicant is volunteering to remove pole sign and the approval of the signage is a different process;
- Specific Plan;
 - DRB will review project for compliance with the Specific Plan;
 - there shall be no exceptions to the Specific Plan per Condition No. 19;
 - concern of conflicts with Commission's determination with the Specific Plan;
 - issues not before the Commission to address;
- Improper land uses for this site;
 - alcohol sales;
 - quick service restaurant;
- Conditions of Approval are to be modified;
- Mechanical equipment shall be located on the ground or screened from view if located on the roof;
- Traffic circulation in and around the site shall be considered and approved by the Department of Transportation (DOT) to address concerns of;
 - ingress and egress;
 - cut through traffic;
 - speeding vehicles;
 - use of speed bumps;
- Quick service restaurant should not be allowed;
- Landscaping;
 - exceptions/deviations should not be granted;
 - allow flexibility to DRB to approve;
- A one-foot dedication along Pacific Coast Highway for sidewalk improvements to meet ADA requirements should be done satisfactory to State (CALTRANS) and City Bureau of Engineering (BOE); and
- Post a completion bond of \$50,000 until sidewalk improvements are constructed.

After deliberating the Commission unanimously passed a motion to;

- Deny both appeals, thereby sustaining the action of the Zoning Administrator in;
 - denying a Conditional Use request for the sale of beer and wine for off-site consumption;
 - granting a Coastal Development Permit (CDP) for the proposed remodeled gas station with a grocery store but not for a quick-service restaurant;
 - granting a Conditional Use Permit to allow deviations from the requirements of Section; 12.22A,23(a) of the Los Angeles Municipal Code (LAMC) of hours of operation 24 hours daily and a screening wall along street frontages (deleted deviations for 5-foot landscape setback along street frontages and street trees);
 - adopting the Findings of the Zoning Administrator;
 - adopting ENV 2001-0395-MND;
- Modify the Conditions of Approval as follows;
 - Condition No. 9 add parking is to be provided for customers only;
 - Conditions No. 13 a.) dedication of a one-foot strip of land along Pacific Coast Highway for the purpose of widening the existing sidewalk to meet ADA

requirements satisfactory to the State CALTRANS and City BOE; b.) improve sidewalk area satisfactory to CALTRANS and BOE or post a bond in the amount of \$50,000 until the improvements are constructed to ensure completion of the improvements;

- Condition No. 14 add egress to the Condition;
- Condition No. 18 hours of operation of the grocery store shall be from 5:00 a.m. to 11:00 p.m.;
- Condition No. 20 add no quick service restaurant permitted;
- Condition No. 21 add for customer use;
- Condition No. 23 parking for a minimum of 20 vehicles or to meet the requirements of the LAMC shall be provided; and
- Condition No. 24 mechanical equipment to be located on the ground or screened from view if located on the roof satisfactory to the Zoning Administrator and the Pacific Palisades Specific Plan DRB

APPEAL RIGHTS:

Conditional Uses are not further appealable.

Coastal Development Permit is appealable. The determination in this matter is only appealable to the California Coastal Commission. Said determination by the West Los Angeles Area Planning Commission will become effective on the date indicated on the front page of this report unless an appeal is filed with the California Coastal Commission in accordance with their procedures. They can be reached at:

California Coastal Commission - South Coast District Office
200 Oceangate - 10th Floor
Long Beach, CA 90802
(562) 590-5071
Attention: Pam Emerson / Charles Posner

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

A copy of the "Permit" will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

EFFECTUATION OF THE ACTION:

1. Coastal Development Permit and Conditional Use:

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 the 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. 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 in a public office of the Department of Planning setting the reason for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

2. Time Extension: A request for permit utilization time extension:

- a. Must be filed at a public counter of the Planning Department, and
- b. The extension application must be accepted prior to the expiration of the time to utilize the grant or other authorization.
- c. The extension application must be accompanied by the appropriate fee payment and substantial evidence that unavoidable delay has prevented or will prevent the Applicant from taking advantage of the grant or authorization within the specified time limits.
- d. WARNING: IF more than one permit is involved, be sure you secure an extension of time for each separate permit, as may be required by law. Often permits have different time limits and extension allowances.

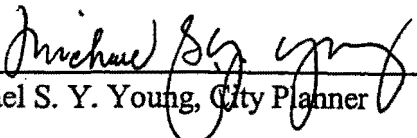
AMERICANS WITH DISABILITIES ACT (ADA) NOTICE:

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

REFERENCED EXHIBITS

Exhibit No. B-1: Conditions of Approval (attached).

Exhibit No. A-1: Applicant's plot plan (file copy only).


Michael S. Y. Young, City Planner

MSY:gb

CONDITIONS OF APPROVAL

The Conditions and requirements of ZA 2001-0394(CDP) have not been modified substantially, except as indicated below.

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" - Proposed Site Plan, except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The Applicant shall submit plot plans to the Fire Department for review and approval (contact the Hydrant and Access Unit at (213) 485-5964).
7. No outside or inside eating area is allowed for the project.
8. A "NO LEFT TURN" sign shall be posted at the Entrada Road exit. A "NO JAYWALKING" sign shall be placed on the Pacific Coast Highway frontage and inside the mini-market.
- 9a. No paid parking on site is allowed.
- b. Parking is to be provided to customers only.
10. The Council Office shall have final approval for all signs on site.
11. There shall be colored concrete on the Pacific Coast Highway sidewalk frontage to the satisfaction of the Council Office.
12. There shall be a "sight line" study prepared from the point of the uphill neighbor most impacted by the view of the new project to the satisfaction of the Council Office.
- 13a. The Applicant shall dedicate a one-foot strip of land along Pacific Coast Highway for the purpose of widening the existing sidewalk to meet the Americans Disabilities Act (ADA) requirements

- satisfactory to State Department of Transportation (CALTRANS) and the City's Bureau of Engineering (BOE).
- b. The Applicant shall improve the sidewalk area satisfactory to CALTRANS and BOE or post a bond in the amount of \$50,000.00 until the improvements are constructed to ensure the completion of the improvements.
 - c. All future requirements for dedications and improvements of the Applicant's site abutting Pacific Coast Highway shall be in accordance with the procedures and guidelines established by CALTRANS for required dedications, improvements or acquisitions of land under its jurisdiction.
14. The Department of Transportation shall review and approve all driveway access, ingress, egress and internal circulation. DOT shall also evaluate the feasibility of installing any design restrictions which would make exiting left onto Entrada Road harder.
 15. The project height shall not exceed 22 feet in height.
 16. Delivery times shall be limited to 7 a.m. to 7 p.m. daily and location of future delivery vehicles on site shall be approved by the Zoning Administrator.
 17. All City environmental conditions in Mitigated Negative Declaration ENV 2001-0395 shall be implemented (see attached).
 18. The permitted grocery store hours are 5 a.m. to 11 p.m. (midnight) daily.
 19. The project shall comply with all required features of the Pacific Palisades Specific Plan.
 20. No fast food business or a quick service restaurant is permitted at this site.
 21. Public restrooms for customer use shall be provided at the subject site.
 22. The Applicant shall comply will all State of California Department of Water Quality Control requirements regarding the removal of any leaking gas tanks or contaminated soil.
 23. Parking for 20 vehicles shall be provided.
 24. Mechanical equipment shall be located on the ground or screened from view when located on the roof satisfactory to the Zoning Administrator and the Pacific Palisades Specific Plan Design Review Board.

(Article V - City CEQA Guidelines)

CCC
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CDP No. 5-02-316
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**MITIGATED NEGATIVE DECLARATION
(ENV-2001-395-MND)**

PAGE 2

I b1. Aesthetics (Hillside Site Design)

Environmental impacts, such as alteration of existing or natural terrain may result from project implementation. However, these impacts will be mitigated to a level of insignificance by the following measures:

- Grading shall be kept to a minimum.
- Natural features, such as prominent knolls or ridge lines shall be preserved.
- Project shall comply with the City's Hillside Development Guidelines.

I b2. Aesthetics (Landscaping)

Environmental impacts to the character and aesthetics of the neighborhood may result from project implementation. However, the potential impacts will be mitigated to a level of insignificance by the following measure:

- All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.

I b5. Aesthetics (Signage)

Environmental impacts may result from project implementation due to on-site signage in excess of that allowed under the Los Angeles Municipal Code Section 91.6205. However, the potential impact will be mitigated to a level of insignificance by the following measures:

- On-site signs are limited to the maximum allowable under the code.
- Multiple temporary signs in the store windows and along the building walls are not permitted.

I c1. Aesthetics (Light)

Environmental impacts to the adjacent residential properties may result due to excessive illumination on the project site. However, the potential impacts will be mitigated to a level of insignificance by the following measure:

- Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

(CONTINUED ON NEXT PAGE)

VI a ii. Seismic

Environmental impacts may result to the safety of future occupants due to the project's location in an area of potential seismic activity. However, this potential impact will be mitigated to a level of insignificance by the following measure:

- The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

VI b. Erosion/Grading/Short-Term Construction Impacts

Environmental impacts may result from the visual alteration of natural landforms on the site due to grading. However, this impact will be mitigated to a level of insignificance by designing the grading plan to conform the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.

Short-term air quality, grading and noise impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a level of insignificance by the following measures:

Air Quality

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- 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.
- All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- General contractors shall maintain and operate construction equipment so as to

(CONTINUED ON NEXT PAGE)

minimize exhaust emissions.

Noise

- The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- Construction shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

Grading

Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within "hillside" areas. The application of BMPs includes but is not limited to the following mitigation measures:

- Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
- Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

(CONTINUED ON NEXT PAGE)

General Construction

Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.

- All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

XIII a. Public Services (Fire)

Environmental impacts may result from project implementation due to the location of the project in an area having marginal fire protection facilities. However, this potential impact will be mitigated to a level of insignificance by the following measure:

- The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

XV d. Safety Hazards

(CONTINUED ON NEXT PAGE)

Environmental impacts may result from project implementation due to hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses. However, the potential impacts can be mitigated to a level of insignificance by the following measure:

- Submit a parking and driveway plan, that incorporates design features that shall reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

XVII b. Cumulative Impacts

There may be environmental impacts which are individually limited, but significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. However, these cumulative impacts will be mitigated to a level of insignificance by imposing the above mitigation measures.

XVII d. End

The conditions outlined in this proposed mitigated negative declaration which are not already required by law shall be required as condition(s) of approval be the decision-making body except as noted on the face page of this document.

Therefore, it is concluded that no significant impacts are apparent which might result from this project's implementation.

