

LUPC Staff Report For Chevron Convenience Store

Summary

The property has been owned by a Venice family for many years, and it had an Arco gas station, a cashier's booth, and a Thomas's restaurant with outdoor seating. The property is subject to the Lincoln Boulevard Community Design Overlay District ordinance, which prohibits new pole signs and requires pedestrian orientation of the building toward Lincoln Boulevard.

The property has been leased to Chevron. The owner proposes to demolish the cashier's booth and the restaurant, leave the gas pumps as-is, and construct a new convenience store. In exchange for removal of the three pole signs and installation of a pedestrian-oriented monument sign with the gas station branding and prices, the LUPC has recommended allowing the proposed convenience store to orient its entrance and building away from Lincoln Boulevard.

Project Description

Project Address: 251 South Lincoln Boulevard

Applicant: Carl Edward (Ed) Simonian, Maredand, LLC (310) 396-1591;
Eddymail@earthlink.net

Case Numbers: ZA-2013-3814-ZV-CDP-CU-CUB-SPP-CDO;
ENV- 2013-3815-EAF

The applicant has abandoned the request for a CUB for off-site sale of alcoholic beverages.

Applicant's Representative: Alisa Karlan, Cerrell Associates Inc., (323) 466-3445;
Alisa@Cerrell.com

Size of parcel and improvements: 12,485 square feet, having frontage of approximately 146 feet on Lincoln Boulevard, and 85 feet on Rose Avenue. The parcel is located on the northwest corner of Lincoln and Rose, on the same corner as Whole Foods, but is a separate parcel.

Zoning: [Q]C2-1-CDO; The [Q] condition is the Lincoln Boulevard Community Design Overlay ordinance.

General Plan Land Use: Neighborhood Commercial

Venice Subarea: Oakwood-Milwood-Southeast Venice

Hearings And Meetings Conducted:

Community meetings were held at the site on the mornings of February 11th and April 22nd. The LUPC conducted a hearing on this application on November 6, 2014.

Description of Application:

Demolition of an existing gas station window payment building and restaurant, and construction of an 1,879 square foot convenience store with a maximum height of 25 feet and 8 parking spaces, all adjacent to existing gasoline pumps, with photovoltaic panels on the roof.

Code Sections From Which Relief Is Requested:

1. The Lincoln Boulevard Community Design Overlay District ordinance, ordinance number 179,906: a Zone Variance to permit the construction of approximately 1,879 square foot convenience store with the primary entrance to be oriented to interior of the lot (gas pumps) instead of the primary entrance oriented towards Lincoln Boulevard required by [Q] condition 6, and a zone variance to permit a modification of an existing pole sign, which is prohibited by [Q] Condition 10a.
2. LAMC Section 12.22 A.28(b)(5), which allows gas stations to be open Monday to Friday from 7 A.M. to 7 P.M., Saturday from 9 A.M. to 8 P.M., and Sunday from 11 A.M. to 8 P.M. The applicant proposes to have the gas pumps remain open 24/7, as currently operated, and proposes shorter hours for the convenience store.
3. LAMC Section 12.22A.28(a)(6)(i) prohibits pole signs at gas stations. The applicant requests a conditional use to deviate from this prohibition of pole signs in order to modify one of the three existing pole signs. The applicant proposes to remove the other two pole signs.
4. LAMC Section 12.22 A.23(a)(9), which requires an indoor recycling room. The applicant proposes to not have an indoor recycling room.

Changes Made At Request Of Community

Some neighbors were unhappy to lose the outdoor tables, which are a community gathering spot. Community members desired compliance with the Lincoln Boulevard CDO by having the entrance to the convenience store oriented to Lincoln Boulevard, or having a second entrance on Lincoln Boulevard. The applicant did not want to have a second entrance, for security reasons. The applicant agreed to put tables and chairs on the property, along the Lincoln Boulevard sidewalk, to maintain the community gathering spot, and to make the convenience store more pedestrian-friendly.

Neighbors were strongly opposed to the application to permit the sale of beer and wine, and it was abandoned by the applicant.

The air and water were located at the corner of Lincoln and Rose, and the applicant agreed to move them to a less prominent location.

Comments/Suggestions Made At The Neighborhood Meetings and the LUPC Hearing:

The convenience store is only one story tall, why must it be 25' high? A big part of this concern was the potential for using the walls for signage. There should be no signage anywhere on the outside of convenience store, or on the inside facing outward. Other than the height, the design of the building, with a sloping roof and lot of glass, was nice.

There should be no exception to the CDO requirement of pedestrian orientation for the entrance to the building. A possible compromise to not having the entrance oriented to Lincoln Boulevard is to have two entrances, with one being pedestrian-oriented at the sidewalk. However, the applicant stated that Chevron does not wish to have two entrances for security reasons. A second compromise was proposed by the community: move the entrance as close as possible to Lincoln Boulevard while still serving the gas pumps, with a pathway that leads to the sidewalk at Lincoln

Boulevard. The applicant has not moved the entrance to the convenience store, but has proposed a pathway from the sidewalk to the entrance.

Have a few tables and chairs in the space between the sidewalk and the front of the proposed building to preserve the long-term community use of the existing tables and chairs in this area. Sell some food and drinks and coffee to encourage use of the tables and chairs.

Landscaping: additional landscaped areas to separate and define the necessary drive and parking areas from the sidewalk, and an expansion of landscape area at the corner of Lincoln and Rose, including moving the unattractive air and water station to a location that is less prominent.

Install and maintain a living wall or a green wall on the north side of the convenience store.

Have hydrogen dispensing in addition to gasoline.

Remove of all 3 pole signs and install a monument sign like the gas stations have in Santa Monica.

Replace the canopy over the gas pumps with something more artistic like the one at Olympic and Robertson, and install photovoltaic cells on the roof of the canopy.

Most of the parking was located at the rear of the lot, which looks nicer than at the front of the lot.

Removal of the driveway apron and curb cut directly in front of the proposed convenience store, and replacement with a sidewalk.

Installation of large street trees to match the size and species of the existing street trees.

Removal of the pay phone.

Relocating the utilities to underground as per the CDO.

Motion Passed By The LUPC:

The LUPC recommends that the VNC recommends as follows:

1. Removal of the three pole signs so that the property is in compliance with the Lincoln Boulevard Community Design Overlay District ordinance (“CDO”) [Q] Condition 10.a., and LAMC 12.22A.28(A)(6)(i), and installation of one pedestrian-oriented sign with the gasoline branding and prices, identical to the pedestrian-oriented gas station signs permitted in Santa Monica. If the City Department Of Transportation determines that this type of pedestrian-oriented sign is impossible at the corner of Lincoln and Rose due to driver line-of-sight requirements, and so long as the other two existing pole signs are permanently removed, the VNC recommends approval of a variance to [Q] Condition 10.b. and a conditional use pursuant LAMC 12.22W.4, to allow the applicant to modify one existing pole sign, which shall be modified in substantial conformance with pages Sign-02 and Sign-05 of the drawings submitted with the application and marked Exhibit “A.”

2. The only other signs on the property shall be two non-illuminated gasoline branding signs on the canopy as proposed on page Sign-04 of Exhibit “A.” There shall be no other signs, banners, logos, branding, or advertising of any kind on the windows or exterior walls of the convenience store, and the applicant shall record a covenant in the form attached as Exhibit “B” relating, in part, to signage.
3. The Lincoln Boulevard Community Design Overlay District ordinance [Q] Condition 6 requires the primary entrance of the building to be oriented towards Lincoln Boulevard. If, and only if, the applicant removes all three pole signs and installs a pedestrian-oriented sign as described above, the VNC recommends approval of a variance to [Q] Condition 6, to allow the primary entrance to be oriented towards the interior of the lot. In addition to removing all three pole signs and installing a pedestrian-oriented sign, the applicant shall increase the pedestrian orientation by providing tables and chairs on the property, in front of the store and immediately abutting the sidewalk along Lincoln Boulevard, during all of the store’s daytime operating hours.
4. There shall be no alcohol sales on the premises.
5. The North wall of the building shall be covered with live foliage.
6. If, and only if, the applicant’s lessee provides recycling bins located at each island with gasoline pumps, the VNC recommends approval of a variance to exempt the applicant from the requirement set forth in LAMC 12.22A.23(a)(9) to provide an indoor recycling room.

LUPC Vote: Yes: 5, No: 1, Abstain: 2

Yes:

Robert Aronson
Ramsey Daham
Mark Kleiman
Mehrnoosh Mojallali
Kathleen Rawson

No:

Maury Ruano

Abstain:

Gabriel Rustini
Robin Rudisill

New And Improved Version Of LUPC Motion For Consideration By VNC Board:

The LUPC recommends that the VNC recommends as follows:

1. The Lincoln Boulevard Community Design Overlay District ordinance (“CDO”) [Q] Condition 10.a., and LAMC 12.22A.28(A)(6)(i), prohibit pole signs. However the three pole signs on the property are legal non-conforming signs. The applicant proposes to remove two of the pole signs and to enlarge and modify the third pole sign. The VNC recommends removal of all three pole signs so that the property is in compliance with the CDO and LAMC, and

recommends installation of one pedestrian-oriented sign with the gasoline branding and prices, identical to the pedestrian-oriented gas station signs permitted in Santa Monica. If the City Department Of Transportation determines that this type of pedestrian-oriented sign is impossible at the corner of Lincoln and Rose due to driver line-of-sight requirements, and so long as the other two existing pole signs are permanently removed, the VNC recommends approval of a variance to [Q] Condition 10.b. and a conditional use pursuant LAMC 12.22W.4, to allow the applicant to modify one existing pole sign, which shall be modified in substantial conformance with pages Sign-02 and Sign-05 of the drawings submitted with the application and marked Exhibit "A." The only other signs on the property shall be two non-illuminated gasoline branding signs on the canopy as proposed on page Sign-04 of Exhibit "A," and these two gasoline branding signs shall be deemed the signage permitted by [Q] Condition 10.c. There shall be no other signs, banners, logos, branding, or advertising of any kind on the windows or exterior walls of the convenience store, and the applicant shall record a covenant in the form attached as Exhibit "B" relating, in part, to signage.

2. The Lincoln Boulevard Community Design Overlay District ordinance [Q] Condition 6 requires the primary entrance of the building to be oriented towards Lincoln Boulevard. If, and only if, the applicant removes all three pole signs and installs a pedestrian-oriented sign as described above, the VNC recommends approval of a variance to [Q] Condition 6, to allow the primary entrance to be oriented towards the interior of the lot. In addition to removing all three pole signs and installing a pedestrian-oriented sign, the applicant shall increase the pedestrian orientation by providing tables and chairs on the property, in front of the store and immediately abutting the sidewalk along Lincoln Boulevard, during all of the store's daytime operating hours.
3. There shall be no alcohol sales on the premises.
4. The North wall of the building shall be covered with live foliage.
5. If, and only if, the applicant's lessee provides recycling bins located at each island with gasoline pumps, the VNC recommends approval of a variance to exempt the applicant from the requirement set forth in LAMC 12.22A.23(a)(9) to provide an indoor recycling room.
6. The VNC recommends approval of a variance to exempt the applicant from the limit on operating hours set forth in LAMC 12.22A.28(b)(5), to allow the applicant to have the gasoline pumps (but not the store) operating 24 hours/day, 7 days/week.
7. The applicant shall remove the curb cut on Lincoln Boulevard directly in front of the store and replace the sidewalk, and shall install street trees to match those currently on the street.

Exhibit B

AUTOMOTIVE USE

12.22 A 28 (b) (18) Covenant. Prior to the issuance of a building permit or land use permit, the owner of the lot or lots shall execute and record a covenant and agreement in a form satisfactory to the Director of Planning, acknowledging that the owner shall implement each of the conditions set forth in this paragraph, and shall not permit the establishment of any uses enumerated in Section 12.24 W.4. of the Los Angeles Municipal Code without first obtaining a conditional use approval. The covenant and agreement shall run with the land and be binding upon the owners, and any assignees, lessees, heirs, and successors of the owners. The City's right to enforce the covenant and agreement is in addition to any other remedy provided by law.

Conditions of Operation in 12.22 A 28 (b).

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| (1) Spray painting shall not be conducted. | (12) The site where the automotive use is located shall be kept clear of weeds, rubbish, and all types of litter and combustible materials at all times. One trash receptacles shall be located for every 200 square feet of open space and shall be uniformly distributed throughout the open areas of the site. |
| (2) Junkyard or automobile dismantling activities shall not be conducted. | (13) Any automotive laundry or wash rack, in which power driven or steam cleaning machinery is used, shall maintain noise levels below the levels provided in Table II of Section 111.03 of this Code. The comparison between the noise emanating from the automotive laundry or wash rack and from Table II shall be made in the manner set forth in Section 111.02(a) of this Code. |
| (3) Public address system shall not be permitted. | (14) Any automotive sound shop or automotive alarm shop shall be wholly conducted within a fully enclosed building. No portion of the building or its associated parking area shall be within 50 feet of any school, lot with a Certificate of Occupancy for a one-family dwelling, multiple-family dwelling, or mixed use project containing a residential use, A or R zoned lot. |
| (4) Site cleaning, sweeping, trash collection, and deliveries to the site shall be limited to the following hours: Monday through Friday, 7:00 AM to 7:00 PM and Saturday and Sunday 8:00 AM to 5:00 PM. Notwithstanding the above, trash collection shall not be allowed on Sundays or legal holidays. | (15) All operational conditions imposed by the Department of Building and Safety in its annual inspections of automotive repair and used vehicle sales area pursuant to Section 12.26 I. of this Code shall be followed. |
| (5) Hours of operation shall be limited to: Monday through Friday, 7:00 AM to 7:00 PM; Saturday, 9:00 AM to 8:00 PM; and Sunday, 11:00 AM to 8:00 PM. | (16) On-site pennants, banners, ribbons, streamers, spinners, balloons and supergraphic signs are prohibited. |
| (6) All loading, including those of vehicles, shall occur on-site. | (17) All windows and glass doors shall be maintained free of any signs. |
| (7) Vehicles being repaired shall be stored on-site. Any off-site parking shall comply with Section 12.21 A.6. of this Code. | |
| (8) Accessory sales activities shall not occur outside a fully enclosed building. | |
| (9) Trailers and/or temporary modular buildings shall not be permitted as a work area. | |
| (10) Arcades or game machines shall not be permitted. | |
| (11) Temporary canopy tents shall not be permitted when the tents are visible from the street. | |