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CALIFORNIA

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October 29, 2003

Jay Kerner (A)(O)  
KMI Real Estate Group  
21550 Oxnard Street, #690  
Woodland Hills, CA 91367

Tom Robinson (A)  
4590 MacArthur Boulevard, #500  
Newport Beach, CA 92660

Thomas W. Layman, AIA (R)  
16633 Ventura Boulevard, #1320  
Encino, CA 91436

CASE NO. ZA 98-0220(CUZ)(PA1)  
APPROVAL OF PLANS  
18505-18519 Ventura Boulevard  
and 5411 Reseda Boulevard  
Encino-Tarzana Planning Area  
Zone : C2-1L  
D. M. : 174B125  
C. D. : 3  
CEQA : ENV 2001-4079-CE  
Fish and Game: Exempt  
Legal Description: Lots 1-3,  
Tract 8797 and Lot 4, Tract 5654

Department of Building and Safety

Pursuant to Los Angeles Municipal Code Section 12.24-M, and Condition No. 25 of Case No. ZA 98-0220(CUZ), I hereby APPROVE:

plans to allow the continued use and maintenance of a 9,300 square-foot, one-story retail center in the C2-1VL Zone,

upon the following terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.



4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. The applicant shall submit a revised plot plan to reflect additional landscaping, a relocated trash area, and pedestrian access.
6. All parking shall comply with Section 12.21 of the Los Angeles Municipal Code. Nothing in this grant constitutes a waiver, variance or exception from those requirements except as may otherwise be provided herein.
7. **Modified.** Prior to the issuance of any building permits, the applicant shall dedicate the streets adjacent to the subject property and provide for any necessary improvement including street lights if required, all to the satisfaction of the City Engineer, with the exception that the applicant shall not be required to widen Reseda Boulevard or Ventura Boulevard. Instead, the applicant shall deposit a sum in the amount of \$164,000 into the Ventura/Cahuenga Boulevard Corridor Specific Plan Area Ordinance No 174,052, Department fund No. 523, Tarzana community sub-account. The money shall be used by the Department of Transportation to fund alternative improvements within the Tarzana Community Area of the Ventura/Cahuenga Boulevard Corridor Specific Plan.
8. There shall be no drive through restaurant or other drive through use permitted on the site.
9. There shall be no sale of alcoholic beverages permitted on the premises.
10. All of the requirements of Section 12.22-A,23 of the Municipal Code shall be observed in the use and operation of the subject property except that:
  - a. The maximum height of the building shall not exceed 45 feet.
  - b. The hours of operation of the premises shall be permitted to extend from 6 a.m. until midnight daily.
  - c. There shall be no wall required along any property line adjacent to a residential use.
11. There shall be no pole signs permitted on the property. A maximum of two monument signs are permitted in addition to any identification, direction or building wall signs. There shall be no blinking or flashing signs permitted on the premises that face any residential use.
12. There shall be no billboards permitted on the premises.
13. The applicant shall comply with all of the requirements of the Ventura Boulevard Specific Plan unless otherwise excepted from the Plan by action of the City Planning Commission or City Council on appeal.

14. Prior to the issuance of any permits, the applicant shall consult with the Department of City Planning and arrange to contribute a pro rata share of funding to any proposed Ventura Boulevard Streetscape improvement. Evidence of the arrangement shall be submitted to the Zoning Administrator.
15. All lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to be seen directly by any adjacent residential areas. This condition shall not preclude the installation of low-level security lighting.
16. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or landscape contractor, to the satisfaction of the Zoning Administrator. Prior to the issuance of any building permits, the landscape plans shall be reviewed by the affected Council Office and the Tarzana Business Improvement District (BID).
17. Recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans to the satisfaction of the Fire Department.
18. A parking area and driveway plan shall be prepared to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation prior to the issuance of any building permit or certificate of occupancy.
19. The applicant shall comply with all of the requirements of the Municipal Code and MND 98-0098 with regard to grading, noise and construction activities on the property.
20. **Modified.** At all times the property shall be maintained in a neat attractive condition and free of rubbish and debris. Doors to the trash bin area shall be kept locked at all times with the exception of trash pick up hours. Trash pick up shall be limited to the hours of 9 a.m. to 6 p.m..
21. The applicant shall obtain the services of a comprehensive cleaning and gardening service to maintain the premises. The services shall include maintenance, augmentation and replacement of landscaping and maintenance of landscaping on the premises at the level required by the original landscape plan.

At least once a day the property, adjacent sidewalk and alley shall be cleaned, swept and made free of trash and debris, and at least once a week the parking area and surrounding landscaped areas shall be professionally cleaned and maintained.
22. **Modified.** The applicant shall provide security for the premises by providing a minimum of one state licensed security guard on the premises from 6- 3 p.m. until one half hour after the last business on the premises has closed. The security service shall include the following responsibilities and the agreement with the security service shall be so amended :
  - a. Encourage customers to use the trash receptacles.

- b. Verify that the trash dumpsters area doors are locked at all times except at the time of trash pick up.
  - c. Encourage loiters in the parking lot and the adjoining alley to keep the noise level down and promptly leave the area.
  - d. Clear the parking lot at the close of business hours and chain the lot at the driveway entrances.
    - 1) Cars left in the parking lot at the close of business (other than employee vehicles) will be subject to towing.
  - e. Maintain a written log of vehicles that do not adhere to the posted time limits within the parking lot.
    - 1) Place a courtesy note on cars left in the parking lot beyond the time posted.
  - f. Ensure that patrons do not utilize parking lots of adjoining residential or business properties.
23. The applicant shall consult with the LAPD to employ design out crime techniques in the construction of the new building and the landscaping of the property.
24. **Modified.** The applicant shall provide evidence to the Zoning Administrator that a parking attendant will be on the premises for a minimum of 8 hours each day, seven days a week in order to facilitate parking and to ensure that customer parking rules are observed. There shall be one parking lot attendant at the site from 7 a.m. to 3 p.m.. The parking lot attendants shall perform the following functions:
- a. Register each tenant and employee vehicle.
  - b. Provide identification passes for each tenant and employee to display in their vehicles so they may be easily identified by the attendants and the security guard for enforcement of employee parking regulations.
  - c. Ensure that the 14 parking spaces along the alley are the primary parking spaces used by employees freeing spaces close to the building entrances for customers.
  - d. Place warnings on vehicles not conforming to the posted parking restrictions.
  - e. Maintain a log of vehicles which have received a parking warning.
    - 1) The parking attendant and/or security guard will have vehicles which have received three parking warnings removed upon the fourth violation.

- 2) The logs are to be submitted to the property management company on a weekly basis and shall be forwarded to the council office or zoning administrator upon request.

25. ~~Modified. No sooner than 9 months and no later than one year from the issuance of a Certificate of Occupancy for the building the applicant shall file a Plan Approval application with the Office of Zoning Administration together with a mailing list of owners and occupants within a 500 foot radius of the property. A public hearing shall be held to determine the effectiveness of these conditions and to examine the adequacy of the parking and parking attendant provisions and to determine whether additional off-site parking for employees is required.~~

At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause a notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, and the Los Angeles Police Department corresponding Division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

26. The open, freestanding, arch which is an architectural feature that has been incorporated in the project, shall not be enclosed in any manner so as to add additional square footage to the building.
27. In the event that no street improvement is required along either property frontage, the applicant may seek to obtain a revocable permit from the Board of Public Works to place tables on the sidewalk adjacent to the building. Prior to any such table placement plans shall be submitted to the Zoning Administrator to ensure that adequate sidewalk access remains for pedestrians.
28. Prior to the issuance of any building permits or sign permits, the applicant shall record a covenant and agreement to run with the land that requires all proposed and future tenants to comply with the requirements of City's Sign Ordinances. The covenant shall include a prohibition against any sandwich boards on the property or in the public right of way. The covenant shall be prepared and executed to the satisfaction of the Board of Public Works and the Department of Building and Safety. Evidence of a recorded agreement shall be provided to the Zoning Administrator. Each prospective tenant shall be made aware of these sign restrictions.
29. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and

shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

30. **Added.** A "Hot Line" phone number for the receipt of complaints from the community regarding operation of the center shall be conspicuously placed in the center. The phone number and name of a contact person with responsible authority shall be provided. The "Hot Line" shall be "live" and not connected to an answering machine. It shall be available at all times any of the uses of the center is open, until one hour after the close of business. Phone calls shall be responded to as soon as possible, but in no instance more than two hours after the call is placed. The applicant shall maintain a log of the call, indicating the date, time of the call, name and phone number/address of the caller, nature of the complaint, and action/date taken. The log shall be made available to the Zoning Administrator upon request.

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

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, prior to the termination date of the period, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

#### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant.

#### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after NOVEMBER 13, 2003, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).** Public offices are located at:

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

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

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure 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.

### **NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### **FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on January 4, 2002, all of which are by reference made a part hereof, as

well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use plan approval under the provisions of Section 12.24-M have been established by the following facts:

### **AUTHORITY FOR PLAN APPROVAL**

Section 12.24-M of the Los Angeles Municipal Code provides in part:

"M. Development, Change or Discontinuance of Uses:

1. Development of Site. On any lot or portion thereof on which a conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, and existing institutions or school developments may be expanded as permitted in Subsection L of this Section, provided plans therefore are submitted to and approved by the Commission or by a Zoning Administrator, whichever has jurisdiction at that time ...".

### **BACKGROUND**

The property consists of a 33,751 square-foot, irregular-shaped, corner parcel of land comprised of four record lots, with a frontage of 200 feet on the north side of Ventura Boulevard and a frontage of 220 feet on the west side of Reseda Boulevard. It is zoned C2-1L and is developed with a one-story, 9,300 square-foot multi-tenant retail commercial center and its associated surface level parking lot which lies generally along the northern side of the property.

Ventura Boulevard, adjoining the subject property to the south, and Reseda Boulevard, adjoining the property to the east are both designated Major Highways dedicated a width of 100 feet and improved with curb, gutter and sidewalk. A 20-foot wide alley, adjoining the property to the north, is improved with asphalt pavement and concrete gutter.

The property is located in the Encino-Tarzana District Plan area and designated for Community Commercial uses with corresponding zones of C4, C2, P and PB and Height District Nos. 1L and 1VL. Development is further limited to a maximum Floor Area Ratio of 2:1. The property is also located in the Ventura/Cahuenga Corridor Specific Plan area (Ordinance No. 171,240). It is not currently located within any Interim Control Ordinance area.

On September 10, 1998, under Case No. ZA 98-0220(CUZ), the Zoning Administrator approved a conditional use to permit the construction, use and maintenance of the instant 9,300 square-foot one-story retail center in the C2-1VL Zone.

On October 8, 1998, under Case No. CPC 98-0093 SPE, the City Planning Commission approved Exceptions from several sections (Parking requirements, parking landscaping, and yard setbacks) of the Ventura-Cahuenga Corridor Specific Plan to permit the construction, use and maintenance of the same commercial center.



Both grants required that one year after the issuance of a Certificate of Occupancy for the project, the applicant file for a plan approval in order to review the effectiveness of the conditions of approval, to examine the adequacy of parking and parking attendant provisions, and to determine whether additional off-site parking for employees is required (Condition No. 25 of the Conditional Use Permit, and Condition No. 5 of the Specific Plan Exception). In both cases, the Zoning Administrator/Director of Planning, after the conduct of a public hearing, is authorized to require additional measures to insure the use as approved operates in a fashion not materially detrimental to the character of the development in the immediate neighborhood , as mandated by Finding No. 4 of the Conditional Use permit and Finding No. 5D of the Specific Plan Exception.

## **PUBLIC HEARING**

On August 27, 2001, the applicant's representative filed the instant Plan Approval procedure, in conformance with the above referenced conditions. He indicated at that time that the Center was operating under a Temporary Certificate of Occupancy pending implementation of street widening improvements along the property frontages on Reseda and Ventura Boulevards. The street improvements were deferred with the agreement of Councilwoman Miscikowski to encourage outside dining and pedestrian activity. After completion of the file, a public hearing was scheduled and held on January 4, 2002, at the Airtel Plaza Hotel.

Seven persons testified regarding the project:

Mr. Layman, the applicant's representative, recapitulated the history of development of the project. He further indicated he was just made aware of employee and visitor parking related problems, and went over the parking management operations of the property.

Mr. Katz, tenant of an apartment building located at the alley intersection adjoining the project to the north, complained about the use of his building's parking by the center's patrons, the lack of efficiency of the parking attendant, the lack of enforcement of employees parking regulations, patrons noise, especially during warm nights. Also contributing to the noise factor were trash pick up hours and alley access cited.

Mr. Benjamin, manager of the Adventure 16 retail store adjoining the property to the north mainly complained about litter problems created by the center's patrons, and the loitering of patrons in the alley and the store's parking area at night.

Ms. Tavakoli, representing the Beauty Collection, the largest and only non-food related center tenant, supported the comments made by the previous speaker. She emphasized the lack of enforcement of employee parking regulations, the lack of supervision of undesirable activities (vandalism, drugs, skateboard) in the parking area by the security guard, and the use of the parking area by non-tenant related drivers, especially for a nearby Temple on Saturdays. She specified that parking attendants were only issuing reports, but did not intervene, and let double parking as well as noisy activities occur at night. She deplored the lack of a manager on-site, and the trash problems created by two of the tenants (Coffee Bean and Jamba Juice).

Mr. Dubin, owner of an office building located at the northwest corner of Reseda Boulevard and Clark Street reiterated the problems encountered with spillover parking and trash littering created by patrons of the center.

Mr. Perrin, representing the Ventura Boulevard Business Improvement District, testified that there was no on-street parking available adjacent to the center and that cars parked in driveways and fire lanes violated Condition No. 17. He recommended that the new parking activity reports include the hours of operation of the various tenants, that special attention be given to the implementation of Condition Nos. 22 (State licensed security guard) and 23 (Parking attendant during a minimum of 8 hours). Finally he recommended that the telephone number of a hot line to the manager of the complex be posted on-site.

Ms. Delle Donne, representing the Tarzana Property Owners Association, recommended that off-site parking be leased for the employees, in a manner similar to that arranged by a nearby Taco Bell with a neighboring property.

Ms. Levy-Busch, representing the Council District No. 11, wished for the opening of the northerly alley through to Clark Street, and for improved management of the premises. Measures were recommended to designate more parking spaces for 15 minute parking only, and for strict enforcement of employee parking with the issuance of tickets, and possibly the inclusion of pay parking with validation.

At the close of the public hearing, the Zoning Administrator took the matter under advisement to allow time for the applicant's representative to address the issues raised, and work a satisfactory solution with the adjacent residents and business tenants, with the assistance of the Council District Office and the Tarzana Property Owners Association.

Outside the public hearing, correspondence was received from Mr. Dubin and Mr. Katz, detailing the content of their issues with the operation of the development.

## **DISCUSSION**

It clearly appeared from testimony provided at the public hearing that the operation of the center at the time of the review resulted in negative impacts upon adjoining business and residential properties, insofar as parking enforcement, trash management and security (noise from the center's patrons) are concerned.

In a letter dated January 24, 2001, the then management company of the property requested the company operating the parking services for the center to implement the following by February 1, 2001:

- "1. *We need to issue monthly parking passes to store employees that want to park their cars in our lot. Each employee will be required to give us their license plate number and will have to display the parking pass that they will hang from their rear view mirror. We will designate the row of parking adjacent to the alley as employee parking.*

*The attendant should monitor the parking lot to make sure that no store employees park in the parking lot of Adventure 16, Inc., and that all employees are parking in the designated employee spaces.*

*I will send a notice to each tenant putting them on notice that effective February 1, 2001, employees will be required to park in the designated row of parking stalls along the alley (please see the attached site plan)*

2. *The parking attendant should monitor the Adventure 16, Inc. parking lot and clean up any trash/liter left behind from customers visiting our stores."*

Over one year after the public hearing, having not heard from the applicant or his representative, and after several reminding e-mails to the staff of the new Council District Office, the Zoning Administrator placed a phone call to the applicant's representative to inquire about the status of issues and emphasized the need to close the plan approval review with a determination letter.

On July 8, 2003, the Zoning Administrator received from the applicant's representative an extensive report addressing the issues raised at the public hearing. The following update summarized the actions subsequently taken by the applicant.

*"I am enclosing numerous letters and documents developed over the past several months addressing the issues raised at the public hearing and in the meetings which followed with the surrounding property owners, members of the Tarzana Homeowners Association and community leaders chaired by Lisa Levy Buch.*

*The applicant has implemented recommendations from the local citizens group and the agreements with the various companies which serve the project have been attached pursuant to Lisa's request. However, Lisa is no longer with Councilwoman Miscikowski and the property is now located in Council District #3. Reapportionment of the council districts places this site in Councilman Zine's district and I reviewed the issues raised at the hearing on the Plan approval with Tom Henry, Planning Deputy in Councilman Zine's office and Julie Pietroski with Councilwoman Cindy Miscikowski's office regarding the progress we have made and who are both copied with the attached material.*

*The participants in the meetings at Councilwoman Miscikowski's office included the following:*

- Lisa Levy Buch, Councilwoman Miscikowski's Valley deputy,*
- Duke Perrin (retired LA City Planner) representing the Ventura Blvd BID,*
- Kathy Del-Donne representing the Tarzana Homeowners Association,*
- Leonard J. Shaffer, former LA County Deputy District Attorney,*
- Jonathan Katz, tenant in the apartment immediately northwest of the center,*
- Kevin Benjamin, manager of Adventure 16,*
- Arnold Duban, business owner with offices at 5521 Reseda Blvd.,*

*The applicant is pursuing a permit for widening both Ventura Blvd. and Reseda Blvd. and plans for the off-site improvements are currently in LA City plan check.*

*The attached documents address the following issues:*

*1. Security (see attached Security agreement marked Exhibit "A"):*

*1.1 After the applicant and architect met with representatives of the security company at the site, the security agreement was amended to:*

- A. Encourage customers to use the trash receptacles,*
- B. Discourage those who want to rummage through the trash dumpsters,*
- C. Encourage loiters in the parking lot to keep moving,*
- D. Clear the parking lot at the close of business hours and chain the lot at the driveway entrances,
  - 1. Cars left in the parking lot at the close of business (other than employee vehicles) will be subject to towing,**
- E. Maintain a written log of vehicles that do not adhere to the posed time limits within the parking lot,
  - 1. Place a courtesy note on cars left in the parking lot beyond the time posted.**

*2. Employee parking:*

*2.1 Attached is a summary of typical employee parking requirements required during peak hours marked Exhibit "B". Also attached is the tenants' staffing schedule identifying the hours of operation for each business in the center marked Exhibit "C".*

*2.2 Attached are the tenant employee vehicle registration forms implemented by the applicant, updated monthly and provided to the security guard to manage use of the parking lot by employees working in the center marked Exhibit "0.1 & 0.2". 2.3. Letters were sent to each tenant advising of the new parking lot management policies in February and are attached marked Exhibit "E".*

*3. Customer Parking:*

*3.1 Attached is a copy of the warning note (Exhibit "F") placed under the wiper blade of vehicles that remain parked in the lot for periods longer than posted or who park within the lot and leave to site to shop at neighboring stores. Also attached is the Parking Log (Exhibit "G") maintained by the parking attendants and security guard.*

*3.2 AMPCO Parking Systems has been contracted to provide parking lot attendants at the site from 7:00 am to 3:00 pm. There are two employees, each performing a single four hour shift which does not require a break*

leaving the parking lot unattended. See Exhibit "H". The parking lot attendants perform the following functions:

- A. Registration of each tenant and employee vehicle,
- B. Provide identification passes for each tenant and employee to display in their vehicles so they may be easily identified by the attendants and the security guard that begins his watch at 3:00 pm.
- C. Ensure that the 14 parking spaces along the alley are the primary parking spaces used by employees freeing spaces close to the building entrances for customers,
- D. Placing warnings on vehicles not conforming to the posted parking restrictions.
- E. Maintaining a log of vehicles which have received a parking warning
  - 1. The parking attendant and/or security guard will have vehicles which have received three parking warnings removed upon the fourth violation.
  - 2. The logs are to be submitted to the property management company on a weekly basis and can be forwarded to the council office or zoning administrator upon request.

#### 4. Maintenance:

4.1 The applicant expanded the scope of work for the maintenance company to include trash removal from the parking lots for Adventure 16 and alley to the apartment building on a daily basis.

5. Trash receptacles have been placed in the center, and

6. Metal clips have been added to on curb along Reseda Blvd creating a ruff surface precluding skateboards from sliding along the top of the curb.

7. Letters were sent to those persons on the mailing list advising of the new managing member providing his telephone direct line and address (See Exhibit I on 8/1/02)

The managing partner for KMI was replaced last year and the new managing partner is: Mr. Tom Robinson  
4590 MacArthur Blvd, Suite 500  
Newport Beach, CA 92660  
PH: 949-631-6620 FX: 949-631-8581

I apologize for the delay in responding. The lack of cooperation of the previous management company and the change of managing partner for the LLC as owner has delayed us. I have included a letter from the new managing member of the ownership to you together with the resignation letter of Jay Kerner, the previous managing member for the ownership.

*Pursuant to our conversation 6/24/03 I have also enclosed photographs of the center illustrating the various features implemented by the owner."*

Documents substantiating the above referenced actions were submitted and are attached to the file.

A memo to the Zoning Administrator dated August 6, 2003, from Ms. Delle Donne, Tarzana Improvement Association states as follows:

*"For you information, we met on July 29, 2003 with Tom Layman, Architect for the project, Tom Robinson, former owner and manager of the Center and Jim Krantz, new owner of the Center (as of 8/1/03). Also present at the meeting were commercial property owners, members of both the Tarzana Improvement Association and Tarzana Property Owners Association and local residents. This was our first meeting since this case was moved to Council District #3.*

*It seems that there were two main issues, the first, whether the parking, security and trash situation has improved since last year. Prior to this meeting, we spoke both with the adjacent apartment manager and the business owner at the Center. The manager told us that there was a major improvement when their owner had towing signs hung around the building. The business owner felt even though the situation was better, parking continues to be difficult and that employees should park off-site. Overall, the participants did not feel that all the problems have been completely resolved as of this date. It was felt that the parking monitors and security staff need to be more aggressive in carrying out their job responsibilities.*

*It was decided that we would request a 90-day extension from your office in order to give the new owner and manager an opportunity to make any necessary changes to eliminate the problems at the Center. This was agreeable to all parties. We would meet again toward the end of October on this matter.*

*The second important issue is whether off-site improvements need to be constructed by the applicant. As you remember from the public hearing, there are pros and cons with the widening of the Boulevard. We have asked Tom Henry to arrange a meeting with both DOT and Bureau of Engineering so that we understand what is required, and if there are options to these improvements. According to the owner, this particular issue needs to be resolved as quickly as possible.*

*We hope the extension is acceptable to your office."*

On September 15, 2003, the Zoning Administrator received a request from the Department of Transportation as follows:

*"Since the widening on Reseda Boulevard and Ventura Boulevard is required by the Ventura/Cahuenga Specific Plan and is not an environmental mitigation measure, and the applicant has agreed to voluntarily deposit with the Department of Transportation \$164,000, which is the estimated cost to widen Reseda Boulevard and Ventura Boulevard, the applicant will not be required to widen Reseda*

*Boulevard and Ventura Boulevard. The \$164,000 shall be deposited into the Ventura/Cahuenga Boulevard Corridor Specific Plan Area Ordinance No. 174,052, Department fund No. 523, Tarzana Community sub-account. This money shall be used by the Department of Transportation to fund alternative improvements within the Tarzana Community Area of the Ventura/Cahuenga Specific Plan."*

Documents quoted above provide a history of the follow-up subsequent to the public hearing. Personal circumstances, added to the redistricting of the Council District areas, and changes in the make-up of the ownership and managing responsibilities of the property lead to the substantial delays encountered in bringing closure to this review. All parties involved have however been particularly active since early summer of 2003 to resolve issues raised at the public hearing, as documented above.

On Friday, August 1, 2003, the Zoning Administrator conducted a personal field check of the property. The following observations were made at 10 a.m.:

- Crown Disposal garbage pick-up truck loading trash from the disposal area adjacent to the alley to the north. None of the three access doors to the area were locked after the truck's departure.
- 1-hour free parking posted in the parking area, which is accessed from double driveways from Reseda and Ventura Boulevards as well as from the alley.
- One employee from Coffee Bean leaving his shift left from his vehicle which was not parked in the employee parking designated area.
- Eight cars were utilizing employee parking spaces (out of 14 spaces)
- Only the Coffee Bean outlet and the Beauty supply store were open. The other three food outlets were closed.
- No parking attendant or security guard were on the premises (hours were not covered in the contract).
- Customer parking was 75 % full.
- Parking area and site well maintained. No litter visible.
- Linen delivery service to Quinzo's parked truck in alley, adjacent to Adventure 16.
- Outside music was soft, not audible beyond property.
- Adventure 16 customer used back alley, by the apartments to access Adventure 16 parking area. Remained in car playing loud radio, with car windows open, in Adventure 16 parking area.

From the above observations, made at a time of low utilization of the site, it appears that employee parking needs further, stricter enforcement, and efforts should be made to maintain trash disposal area locked outside pick-up times.

Without reiterating the measures taken to mitigate the parking, noise, security and littering impacts, conditions of approval have been modified as shown to reinforce the mitigation of impacts the operation of the center has been identified to cause on adjoining properties. Further, in order to provide adjoining residents and business owners with further leverage to maintain the operation of the center with due respect to adjoining uses, Condition No. 25 was modified to require a plan approval procedure with public hearing should documentation be provided that any of the conditions of approval for the project are being continuously violated.

In light of the above, the instant review of conditions and their reinforcement is expected to insure that the center operates with due respect to the character of the immediate area.

**ADDITIONAL MANDATORY FINDINGS**

1. 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.
2. On August 27, 2001, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2001-4079-CE, for a Categorical Exemption, Class 1, Category 22, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.
3. 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.



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AC:lmc

cc: Councilmember Dennis P. Zine  
Third District  
Adjoining Property Owners  
County Assessor