City Planning Commission

Date: August 28, 2008
Time: After 8:30 a.m.
Place: Van Nuys City Hall
Council Chambers, Second Floor
14410 Sylvan Street,
Room 201, Council Chamber
Van Nuys CA 91401

Public Hearing: August 13, 2007
Appeal Status: Zone Change may be appealed by the applicant if denied, Conditional Use may be appealed.
Multiple Approval: Multiple entitlements considered.
Expiration Date: August 28, 2008
Limited Public Hearing: A Limited public hearing must be held for the additional underlined request.

PROJECT LOCATION: 19762 -19858 W. Ventura Boulevard

PROPOSED PROJECT: The demolition of a 35,142 square-foot portion of an existing shopping center for the construction of a future 47,465 square-foot, 24-hour, supermarket within a shopping center and, the remodel of the shopping center with a new façade and exterior landscaping improvements (86,032 square-feet of total building area), with 365 parking spaces on a 5.22 acre site.

REQUESTED ACTION:

1. Pursuant to Section 12.32 F of the Municipal Code, a Zone Change from P-1VLD (Automobile Parking Zone) and C1-1VLD (Limited Commercial Zone) to [T][Q]C1-1VLD (Limited Commercial Zone) over the entire site;

2. Pursuant to Section 12.24 W 27 of the Municipal Code, a Conditional Use to permit 24 hour operation of a Commercial Corner Development beyond the hours of 7:00 A.M. and 11:00 P.M.;

3. Pursuant to Section 12.24 W 1 of the Municipal Code, a Conditional Use to permit alcohol sales within a new full service retail market;

4. Pursuant to Section 11.5.7 F of the Municipal Code, Exceptions from the following Sections of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 174,052):
   a. Section 7 E (1)(e) to permit a height of 38 feet in lieu of the maximum 30-foot height permitted by the Specific Plan;
   b. Section 7 A (3)(a) to permit a driveway and parking area to be located directly in front of the building in lieu of locating the parking spaces and driveways at the rear of the building;
c. **Section 7 D (1)(c) to permit a landscaped buffer less than the required 10 feet wide around the surface parking lot adjacent to the street; and**

5. Pursuant to Section 11.5.7 C of the Municipal Code, a Project Permit Compliance with the Ventura/Cahuenga Boulevard Corridor Specific Plan.

**RECOMMENDED ACTIONS:**

1. **Approve** and **recommend** that the City Council adopt a **Zone Change** from P-1VL-D and C1-1VL-D to (T)(Q)C1-1VL-D, subject to the attached conditions of approval;

2. **Approve** a **Conditional Use** pursuant for the following:
   a. **Section 12.24 W 27** of the Municipal Code to permit 24 hour operation of a Commercial Corner Development beyond the hours of 7:00 A.M. and 11:00 P.M., subject to the attached conditions of approval;
   b. **Section 12.24 W 1** of the Municipal Code to permit alcohol sales within a new full service retail market, subject to the attached conditions of approval;

3. **Disapprove** the Exception from **Section 7 E (1)(e)** of the Ventura-Cahuenga Boulevard Corridor Specific Plan (Ordinance Nos. 166,560, 171,240, and 174,052) to permit a height of 38 feet in lieu of the maximum 30-foot height permitted by the Specific Plan;

4. **Approve** the Exception from **Section 7 A (3)(a)** of the Ventura-Cahuenga Boulevard Corridor Specific Plan (Ordinance Nos. 166,560, 171,240, and 174,052) to permit a driveway and parking area to be located directly in front of the building in lieu of locating the parking spaces and driveways at the rear of the building, subject to the attached conditions of approval;

5. **Approve** the Exception from **Section 7 D (1)(c)** to permit a landscaped buffer less than the require 10 feet wide around the surface parking lot;

6. **Approve** the **Project Permit Compliance** determination pursuant to Section 11.5.7.C of the Los Angeles Municipal Code, subject to the attached conditions of approval;

7. **Adopt** Mitigated Negative Declaration No. 2005-5200;

8. **Adopt** the attached Findings;

9. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

S. GAIL GOLDBERG, AICP
Director of Planning

Daniel Scott, Principal City Planner

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Telephone: (818) 374-5036
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PROJECT ANALYSIS

Project Summary

The proposed project involves the demolition of 35,142 square feet of commercial floor area and construction of a 47,465 square-foot grocery store, predominantly 25 feet tall, with 4 architectural towers reaching 38 feet. The overall shopping center will be 86,032 square feet, having multiple retail/office uses, most of which exist. Staff notes that the property owner holds title to only 2/3rds of the shopping center and the remaining easterly 1/3rd is under different ownership.

The existing zoning of the subject property is a footprint design with the P-1VL-D and C1-1VL-D zones which has restricted the development of improvements to the shopping center by setting physical limits to the building envelope. The applicant is proposing to develop a new supermarket and improve the existing storefronts on the remainder of the shopping center, along with restriping and improving the parking lot. Because the market is an addition to the many remaining buildings and the adjacent property ownership already utilizes an existing parking layout, there are functional limitations to alternative site plans that make it difficult to rearrange the basic building/parking layout.

Impacts from the proposed activity off of the alley are of contention with the adjacent residents to the south. Delivery truck traffic, loading unloading noise, vehicle exhaust pollution, rubbish hauling noise, and parking congestion are issues highlighted from the public hearings. Staff recommends conditions of approval to lessen these impacts along with the conditions of the associated environmental mitigated negative declaration. A noise impact study analyzing these issues was submitted by the applicant.

Staff recommends approval of the zone change to (T)(Q)C1-1VL-D to make for a logical zone boundary as well as the request for Commercial Corner Review (hours of operation), and Conditional Use Alcohol Sales. Alcohol sales a typical service to markets of this nature and will compliment its retail services. Specific Plan Exceptions are appropriate for the site due to the existing shopping center’s design. However, the Exception for height is recommended for denial from the lack of hardship and practical difficulty. Approval of the project permit compliance is appropriate subject to the above specific plan exceptions.

Background

The subject property is a flat predominantly rectangular shaped, 83,063 square foot lot, having frontage on Ventura Boulevard, with Oakdale Avenue to the westerly boundary, and an alley to the rear. The site is currently developed with a one-story shopping center constructed during the post war era which is in need of remodeling. There are few trees on the subject property. The adjacent property to the east is also developed as a shopping center with reciprocal parking agreements with the subject property. The surrounding development consists of one and two-story commercial buildings to the north, east, and west. Single-family dwellings are developed to the south of the property, across a 20-foot wide alley. The alley serves as access for delivery vehicles to the shopping center.

North: Across Ventura Boulevard are commercial buildings zoned C1-1VL-D. The plan designation for the site is Neighborhood and Office Commercial.
South: Across the alley are single-family dwellings zoned RA-1 and designated as Very Low Residential.

East: Abutting the site is a continuation of commercial shopping center development zoned C1-1VLD and P-1-VLD. The site is designated as Neighborhood and Office Commercial.

West: Abutting the site is a bank building and offices across Oakdale Avenue. The properties are zoned P-1-VLD and C1-1VLD, respectively. The lots are designated as Neighborhood and Office Commercial.

**Street Designations:**

Ventura Boulevard is dedicated to a width of 100 feet adjacent to the subject property and is designated a Scenic Major Highway.

Corbin Avenue is dedicated to a width of approximately 62 feet adjacent to the subject property and is designated a Collector Street.

Oakdale Avenue is dedicated to a width of approximately 62 feet adjacent to the subject property and is designated a Collector Street.

**Related Cases:**

ZA-2005-8772-CUB: Conditional Use for off-site alcohol sales for the subject proposed market. The case is pending public hearing by the Zoning Administration Office.

CPC 97-0042-CPU: The Community Plan Update Program (CPU) for the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan was adopted by City Council on August 17, 1999.


CPC 29989 D: Establishment of “D” Development condition for the subject property. The D Condition limits floor area to a maximum ratio of 1.5:1. Ordinance No. 157,729 became effective on July 14, 1983.

**Reports Received:**

Prior to the completion of the Hearing Officer’s report two letters had been received from other public agencies. The Department of Transportation reports that after review of the traffic study, the project will not have a significant traffic impact on the adjacent streets and intersections. However, the project will be subject to the requirements of the Ventura/Cahuenga Boulevard Corridor Specific Plan. Conditions of approval were attached and will be required for the project highway dedication and improvements to the satisfaction of the DOT and the Department of Public Works, Bureau of Engineering. The dedications include 2 feet along Ventura Boulevard, and 3 feet along Oakdale Avenue, to include public improvements. Further, the relocation and modification of any existing traffic signal equipment, street lights, power poles, trees, parking meters, curb and gutter, utilities, and other public improvements shall be required. The Department of Public Works, Bureau of Engineering has submitted requirements which are consistent with these dedications and improvements.


**Hearing Officer Comments:**

The subject property is currently developed with 72,576 square feet of retail space on 227,516 square feet of lot area. The proposed market will be constructed on the central portion of the overall shopping center, abutting the alley, along the rear property line. Approximately 35,142 square feet of existing retail space will be demolished to construct the market that will have 47,465 square feet of floor area – a net gain of 12,323 square feet. The building will be predominantly 25 feet in height, with four architectural projections on the north elevation that extend between 34 to 38 feet in height. Parking will consist of 365 surface spaces for the entire property. Of this number, 190 parking spaces are required and will be provided for use of the market. Other uses in the shopping center include a 99 Cent Only store, a medical office (dialysis), a bank, and a restaurant. The site plan also depicts proposed landscaped islands throughout the parking area for which the applicant will install to meet the minimum requirements of the Specific Plan. Staff notes that there are trash receptacles proposed at the southerly portion of the site adjacent to the alley which will be conditioned to be either fully enclosed to prevent odors and visual blight or relocated at least 50 feet from a residential use. Mechanical equipment will also require screening and landscape treatment.

Moreover, the plans include façade improvements to the remaining portion of the subject ownership. A variety of building materials, colors, and architectural elements are noted on the plan which will provide visual articulation for the project. The applicant has indicated that the owners of the remaining portion of the Corbin Village Shopping Center (to the east) expressed interest in improving their store fronts to coordinate its appearance with the resulting Vons/Pavilions design. This redevelopment plan (separate from the subject application) will involve improvements to the shopping center including façade improvements, landscaping, new security lighting in the parking area and alley, a new wall on the south property line for sound attenuation and security, and repaving and restriping the parking area.

The Noise Impact Study prepared by Arup Acoustics dated April 16, 2008 discusses the noise impacts relative to the proposed project’s mechanical equipment (i.e. refrigeration and air condition) and loading dock activities (i.e. loading/unloading of goods from trucks, delivery trucks, truck mounted refrigeration equipment, engine idling and use of airbrakes) including loading/unloading from the adjacent alley. The study indicates that, “The typical daily delivery at the proposed Pavilions includes 8 large trucks (Pavilions), and up to 12 trucks from vendors (i.e. beer, soft drink, and bakery companies).” The study found that the above noise generators did not produce significant noise levels over that permitted by the LAMC and; therefore, noise impacts are less than significant. The option of barrier walls on the south side of the alley, adjacent to the single family zone, is provided as a suggestion to further attenuate noise from the loading activity. Although adequate analysis for large trucks, their equipment, and on-site mechanical equipment was made, the following noise generators were not addressed in the open-air alley:

- Rubbish collection activity (engine noise from collection trucks and emptying of up to four(4) 3 cu. yd. rubbish containing bins within the 15 ft. by 10 ft. rubbish enclosure to be accessed from the alley).

At the initial public hearing held on January 9, 2006 the applicant requested to postpone the City Planning Commission meeting in order to meet with the community and council office for further discussions on improving the project. As months passed, the application was postponed repeatedly and eventually reworked to include several entitlements as seen in the current staff report. Due to the added entitlements the Planning Department directed the applicant to restart the public hearing process to consider all requests at one hearing. The hearing officer has included both testimonies from the original public hearing of January 9, 2006 as well as the most recent on August 13, 2007 because the project has essentially has not changed in configuration. The testimony received at the second public hearing regarding the zone change
and project was similar. Commentary on the conditional use permit, specific plan exception, and project permit compliance requests were largely from a few individuals who opposed the project. Some points brought up specifically addressed the alcohol sales and over-in-height towers. Staff notes that the applicant had requested during the public hearing that a specific plan exception of 5 feet in lieu of 10 feet required buffer on the front yard. This addition will need to be included and properly noticed.

During the hearing, the applicant volunteered to provide the construction of a median island in Ventura Boulevard adjacent to the subject property which would prevent left turning traffic into the site at its main driveway (approx. 250 feet east of Oakdale Avenue). This sparked concern from a property owner to the west that such a median would cause more traffic onto Oakdale Avenue and create gridlock into his driveway. The proposal has not been considered by the Department of Transportation (DOT) and a condition of approval is included that requires DOT review and approved by the prior to acceptance or rejection of this offer.

It is significant to know that the applicant owns the westerly approximate two-thirds portion of the shopping center and not the entire center. The portion of ownership is identified on the radius map and site plan.

During the analysis, it was discovered that the traffic study contained floor area values that did not match project. Instead of 35,142 square feet to be demolished, 53,069 square feet of demolition was shown on the study. The resulting discrepancy grew from a net increase of 2,271 square feet to 12,323 square feet. Staff rejected the validity of the traffic study and analysis by DOT and sent the traffic study back to Overland Traffic Consultants, Inc for further revision and analysis. Further investigation found that these figures reflected a different configuration of the shopping center which did not accurately represent the current project. The hearing officer then suspended processing of this case until the Department of Transportation could re-evaluate the correct floor area information and provide recommendations to the Planning Department. After re-evaluation, DOT’s letter of April 15, 2008 indicated that review of the traffic study shows that no significant traffic impacts on the adjacent streets and intersections will result from the project. A total net increase of 41 am peak trips and 128 pm peak trips would be generated from the balance of the project.

Environmental Review:
The Reconsideration of the Mitigated Negative Declaration was found to lack some other potential environmental impacts for the project. Staff recommends including the standard mitigations for Aesthetics (Light), Air Pollution (Stationary), Noise (Truck Traffic), and Stormwater Pollution Control as noted in the Q Condition Nos. A-11 through A-14.

Zone Change:
The subject property currently is zoned P-1VL-D and C1-1VL-D in a “Footprint Zoning” pattern. The request to a C1-1VL-D would be consistent with the plan designation of Neighborhood and Office Commercial. The project, as conditioned in the staff report, will not have any significant impacts on the community and will help further goals and objectives of the community plan. The applicant has submitted a plot plan layout and elevations that generally demonstrates the project conforms to the C1 zone and Height District No. 1VL-D requirements (45 feet maximum, with a floor area ratio of 1.5:1). If not conditioned, the potential buildout floor area of the site can be 341,271 square feet (1.5:1 x 227,516 sq. ft.) by comparison to the 86,032 square feet proposed. The resulting proposed floor area ratio is 0.378:1 – substantially less than that permitted by right. Being the project is within the typical existing C1 development standards, Staff recommends a Q conditions limiting the floor area and use.
Specific Plan Exception and Project Permit Compliance:
The predominant building height of 25 feet is appropriate in scale with existing commercial center and other surrounding single family development. Relief is requested for the addition of up to 13 feet above the permitted 25 feet high building. A total of four tower elements are proposed varying from 34 to 38 feet in height, with one portion of the parapet wall at the front of the Pavilions Store at 32 feet. These elements are located at the north side of the building where height would be of no visual impact to any neighboring properties to the south. The main purpose of these towers is to provide architectural enhancements to the Ventura Boulevard façade. However, Staff could not establish hardship or any physical difficulty within the site that would warrant approval of the added height. The site is a rectangular shaped and predominantly flat in topography.

The site plan shows the proposed market in a location that replaces a section of stores that exist in a linear arrangement, at the rear of the site. Parking for the retail stores is located at the front of the property. The site plan is consistent with the remainder of the existing layout and provides a logical reason to approve the specific plan exception permitting a greater setback for the proposed building. Due to the existing layout, mandating the new market to be located at the front of the property would present a hardship to redesign the entire parking and circulation layout with consideration for access to other remaining buildings. Staff agrees that not allowing the setback as proposed would present practical difficulties due to spatial constraints and consistency with the shopping center’s original layout and internal circulation. Moreover, the adjacent property to the east is not controlled by the applicant and locating the building along the front property line would cause functional consequences for the parking/driveway arrangement; especially with the reciprocal parking agreement encumbering both properties. As presented, internal circulation within the parking lot of the properties, function and flow with the best possible design.

The applicant has provided landscape elements consistent with the specific plan requirements; however, the landscape buffer of 10 feet will be reduced around the periphery of the site along Ventura Boulevard and Oakdale Avenue due to required street dedications. Specifically, the portions directly adjacent to the existing buildings to remain are proposed with substandard width landscape buffers. These portions have predetermined area/dimensional constraints that create hardship for a standard buffer width, unless parking spaces are reduced. The existing shopping center’s space constraints dictate physical limitations to future parking layout where justifications for hardship can be established.

The landscape plans also provide landscape elements and notes in an attempt to comply with the Woodland Hills Streetscape Plan which has been made as a condition of approval. The plan provides indications of planting Tulip Trees and accommodations for new brick work over the adjacent sidewalk.

With consideration to the above staff comments, the remainder of the project is consistent with the provisions of the Ventura/Cahuenga Corridor Specific Plan making it appropriate to issue the Project Permit Compliance. Staff further notes that since the WH Neighborhood Council Planning, Land Use and Mobility Committee will review and advise the Department of Public Works on the streetscape plan improvements, a condition of approval will be added requiring their input.

Conditional Use:
The request for conditional use to permit 24 hour operation of a Commercial Corner Development beyond the hours of 7:00 A.M. and 11:00 P.M. presents the argument as to the public necessity of such a retail service in this location. Staff researched the area’s markets and discovered that the only other supermarket that is open 24 hours is “Ralphs” located at Ventura and Topanga Boulevards, approximately one mile to the west. A market with a range of
services and products including grocery, non-foods, pharmaceutical, bakery, delicatessen, and potential liquor sales will be an asset to the immediate community.

The requested Conditional Use entitlement for alcohol sales for off-site consumption will become the third establishment within the 600-foot radius to sell a full line of liquor. The other two establishments are directly on the east side of Corbin Avenue. Five liquor licenses for on-site consumption exist within the radius. The upscale Pavilions store will provide grocery along with the alcohol sales in an area that has no other similar retail service. Similar markets of this scale and service include approximately one store a mile away. The proposal is appropriately situated for the intended grocery market with alcohol sales. The larger market will provide a needed service that is lacking in the vicinity.

Staff reviewed the project for compliance with the “Walkability Checklist”. Configuration of the buildings and access points provide sufficient articulation of the site’s layout. Placement of landscaping and varying materials and colors create multiple textures and dimension demanded by the checklist. The project’s shortcomings include the following:

- “Parking should be located at the rear of the building rather than adjoining the adjacent major street”. This is not possible with the existing development on the subject property and adjacent property.
- “Alleys should be used to access the parking behind the building. If no alley is available, access should be created from a side street.” The existing configuration of the buildings prevents the redesign of the entire center. Alley access for this site is used primarily for loading and utility access and must remain to serve existing businesses. This is consistent with the loading requirements of Section 12.21 C 6 of the LAMC.

**Issues**

Several concerns of the community were brought to light at the public hearing. These concerns include noise and pollution caused by delivery trucks, loading, and vagrants/homeless attracted by trash receptacles in the adjacent alley. The alley provides access for the commercially zoned property to its north, including the subject property. Conditions of approval can be imposed to mitigate the noise, exhaust, and trash to a reasonable level. Traffic and parking was also named as concerns. The Q conditions include a landscape buffer, enclosed loading docks, enclosed equipment, and operating conditions prohibiting truck idling, and maintaining the premises. These and other conditions were recommended as environmental mitigation measures to address many of the above impacts. Limitations of delivery hours has been addressed by conditions of approval. Any other deliveries must be conducted in the front of the store. With unrestricted hours, provided the size of trucks is of the appropriate size class.

**Conclusion**

The proposed project will be within scale and compliment the subject shopping center that is in desperate need of revitalization. The applicant has proposed a significant storefront rehabilitation for their portion ownership for which they are responsible. Such a market will be an asset to the local community as a needed service and this entitlement is an opportunity to impose proper operating conditions for which to protect the community from any new impacts. The recommended C1 Zone is consistent with the subject community plan designation and the specific plan. Conditional Use for Commercial Corner hours of operation and alcohol sales is appropriate, provided conditions of approval are followed. The exceptions to the specific plan have been evaluated to allow the driveway and parking lot in the front-yard setback, but to deny the added height, as it is unfounded. As conditioned, the project will be an appropriate improvement to the site and respective neighborhood.
CONDITIONS FOR EFFECTUATING (T) OR [T] TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

1. Dedication(s) and Improvement(s). Prior to the issuance of any building permits, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary), the following:

   A. Responsibilities/Guarantees.

      1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.

      2. Prior to issuance of sign offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.

   B. Dedications Required:

      1. Ventura Boulevard. A 2 foot wide strip of land along the property frontage to complete a 52-foot half right-of-way in accordance with Scenic Major Highway – Class II standards, including a 20-foot radius property line return at the intersection Oakdale Avenue.

      2. Oakdale Avenue. A 3-foot wide strip of land along the property frontage to complete a 33-foot half right-of-way in accordance to the Ventura Cahuenga Boulevard Corridor Specific Plan. Provide 2-foot sidewalk easements at the driveways to the satisfaction of the City Engineer to comply with the Americans with Disabilities Act requirements.

   C. Improvements Required:

      1. Ventura Boulevard. Construct additional concrete sidewalk in the dedicated area to complete a 12-foot full width sidewalk including in the area of the property line return and remove and reconstruct any broken, off-grade or bad order concrete curb, gutter, sidewalks and close any unused driveways to the satisfaction of the City Engineer.

      2. Oakdale Avenue. Construct suitable surfacing to join the existing improvements to provide a 23-foot half roadway in accordance with the Ventura/Cahuenga Boulevard
Corridor Specific Plan, including asphalt pavement, integral concrete curb, 2-foot gutter and a 10-foot full width concrete sidewalk together with suitable transitions offsite to join the existing improvements.

3. Alley. Repair any broken and off-grade asphalt pavement and longitudinal gutter to the satisfaction of the City Engineer.

4. Construction of tree wells and planting of street trees and parkway landscaping to the satisfaction of the City Engineer and the Street Tree Division of the Bureau of Street Services (213) 847-0833. Some tree removal may be required in conjunction with the street improvement and may require Board of Public Works approval. The private engineer should contact the Street Tree Division for further information (213) 485-5675.

5. Note: Street lighting and street light location may be required satisfactory to the Bureau of Street Lighting.

6. Traffic signal relocation or installation will be required satisfactory to the Department of Transportation (818) 374-4694.

7. Relocate power poles satisfactory to the Department of Water and Power (213) 367-2715.

8. There is an existing mainline sewer with house connection sewers in Oakdale Avenue. Extension of the 6-inch house connection laterals to the new property line will be required. All Sewerage Facilities charges and Bonded Sewer are to be paid prior to obtaining a building permit.

9. The Bureau of Sanitation may need to investigate the public sewers for sufficient capacity to facilitate the proposed development. Submit a request to the Public counter of the Valley District Office of the Bureau of Engineering.

10. A parking area and driveway plan shall be prepared for approval by the appropriate district office of the Bureau of Engineering and the Department of Transportation.

2. The driveway, parking and loading area(s) shall be developed substantially in conformance with the Site Plan, dated December 8, 2006, and labeled Exhibit “B1” of the administrative file as to their location and access, but may be modified in order to comply with provisions and conditions of the subject Department of Transportation authorization. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.

3. Preparation of a plot plan to the satisfaction of the Fire Department.

4. Making any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights of way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05N, to the satisfaction of the Department of Telecommunications.

5. Police Department: Preparation of a plot plan in conformance with the Design Out Crime Guideline Booklet and guidelines defined in the Crime Prevention Through Environmental Design (CPTED) handbook to mitigate impacts on police services. Police recommendations may include but are not limited to secured parking, security fencing, security lighting, information signs, building design and landscaping to reduce places of potential
concealment. The plans shall be to the satisfaction of LAPD Crime Prevention Section Personnel.

6. Notice: Prior to issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 176,077 adopted by the City Council, must be paid in full at the Development Services Division office.

7. Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

8. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

9. Recreation and Parks Dedication. Per Section 12.33 of the Los Angeles Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “Q” Qualified classification.

A. Development Conditions:

1. Use. The property shall be limited to the development of a shopping center of 86,032 square-feet of total building area, with the construction of a 47,465 square-foot supermarket, and the remodel of the shopping center with a new façade and exterior landscaping improvements, with 365 parking spaces on a 5.22 acre site.

2. Parking: The applicant shall provide parking in accordance with the Los Angeles Municipal Code Section 12.21 and/or the requirements of the Ventura/Cahuenga Boulevard Corridor Specific Plan and a minimum of 365 parking spaces.
   a. Employee Parking shall be provided on-site. Employees shall not park on adjacent residential streets during the hours they are working at the subject facility.

3. Height: The project shall not exceed 30 feet in height, as defined by Section 12.21.1 B.3 of the Los Angeles Municipal Code. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any single family uses.

4. Floor Area. The project site shall be limited to a maximum floor area of 86,032 square feet, including the new construction of a 47,465 square foot retail market in accordance with the following table:

<table>
<thead>
<tr>
<th>Use</th>
<th>Floor Area (sf.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supermarket (retail)</td>
<td>47,465</td>
</tr>
<tr>
<td>Other retail</td>
<td>21,634</td>
</tr>
<tr>
<td>Medical office</td>
<td>8,800</td>
</tr>
<tr>
<td>Bank (office)</td>
<td>5,400</td>
</tr>
<tr>
<td>Restaurant</td>
<td>2,733</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>86,032</strong></td>
</tr>
</tbody>
</table>

5. Plan: The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "B1", dated December 8, 2006.

6. Urban Design (Community Plan Guidelines):
   a. The project shall provide speed bumps for driveways paralleling walkways for more than 50 feet.
   b. Provide where feasible, the under grounding of new utility service.
   c. The project shall include articulation, recesses, surface perforations, porticoes to break up long, flat building facades.
   d. Use accenting, complementary building materials for building facades.
   e. Maximize application of architectural features or articulation of building facades.
   f. Designate architecturally untreated facades for signage.
   g. Screen of mechanical and electrical equipment from public view.
   h. Screen all rooftop equipment and building appurtenances from public view.
   i. Require the enclosure of trash areas for all projects.
   j. Devote 2% of total surface area of surface parking lots to landscaping.
   k. Provide landscaped buffers along public streets or adjoining residential uses.
I. Install on-site lighting along all pedestrian walkways and vehicular access ways.
m. Shield and direct on-site lighting onto driveways and walkways. Direct on-site lighting away from adjacent residential uses.

7. **Sustainable Development Practices.** The project shall be subject to the Green Building Program of Section 16.10 of the Los Angeles Municipal Code (Ordinance No. 179,820, Effective May 29, 2008). The DCP will need to issue a green building clearance in order for projects to receive a building permit. Applicants may obtain the clearance at the Site Plan Review Office located on the 6th Floor of 200 N. Spring Street, Los Angeles, or on the 3rd Floor of 6262 Van Nuys Boulevard, Van Nuys. Appointments are required for both offices, and can be made by calling 213-978-1219.

8. **Signage:**
a. On-site signs shall be limited to the maximum allowable under the Code.
b. Multiple temporary signs in the store windows and along the building walls are not permitted.

9. **Police.** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to *Design out Crime Guidelines: Crime Prevention Through Environmental Design* published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

10. **Increased Vehicle Trips/Congestion (Ventura/Cahuenga Boulevard Corridor Specific Plan).** The applicant shall comply with the implementation measures of the Department of Transportation letter dated April 15, 2008.

11. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

12. **Air Pollution (Stationary).** The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better in order to reduce the effects of diminished air quality on the occupants of the project.

13. **Commercial Development (Stormwater Pollution Control Measures).**
a. Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
c. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
d. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.

e. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.

f. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.

g. Promote natural vegetation by using parking lot islands and other landscaped areas.

h. Preserve riparian areas and wetlands.

i. Cover loading dock areas or design drainage to minimize run-on and run-off of stormwater.

j. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

k. Repair/maintenance bays must be indoors or designed in such a way that doesn't allow storm water run-on or contact with storm water runoff.

l. Design repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to a standard sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required, obtain an Industrial Waste Discharge Permit.

m. Vehicle/equipment wash areas must be self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to the sanitary sewer.

n. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

o. The following activities are to be conducted under proper cover with drain routed to the sanitary sewer.

i. Storage of industrial wastes

ii. Handling or storage of hazardous wastes

iii. Metal fabrication or Pre-cast concrete fabrication

iv. Welding, Cutting or Assembly

v. Painting, Coating or Finishing

p. Store above ground liquid storage tanks (drums and dumpsters) in areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, dikes, liners, vaults, and double-wall tanks. Where used oil or dangerous waste is stored, a dead-end sump should be installed in the drain.

q. Toxic wastes must be discarded at a licensed regulated disposal site. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water-tight dumpsters with lids. Use drip pans or absorbent materials whenever grease containers are emptied. Wash containers in an area with properly connected sanitary sewer.

r. Reduce and recycle wastes, including: paper; glass; aluminum; oil; and grease.

s. Reduce the use of hazardous materials and waste by: using detergent-based or water-based cleaning systems; and avoid chlorinated compounds, petroleum distillates, phenols, and formaldehyde.

t. Convey runoff safely from the tops of slopes and stabilize disturbed slopes.

u. Utilize natural drainage systems to the maximum extent practicable.

v. Control or reduce or eliminate flow to natural drainage systems to the maximum extent practicable.

w. Stabilize permanent channel crossings.

x. Protect slopes and channels and reduce run-off velocities by complying with Chapter IX, Division 70 of the Los Angeles Municipal Code and utilizing vegetation (grass, shrubs, vines, ground covers, and trees) to provide long-term stabilization of soil.
y. Cleaning of vehicles and equipment to be performed within designated covered or bermed wash area paved with Portland concrete, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected to the sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis (at least twice a year) to remove any solids; and the oil absorbent pads must be replaced regularly, once in fall just before the wet season, and in accordance with manufacturer’s specifications.

z. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as “NO DUMPING - DRAINS TO OCEAN”) and/or graphical icons to discourage illegal dumping.

aa. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.

bb. Legibility of stencils and signs must be maintained.

c. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

dd. The storage area must be paved and sufficiently impervious to contain leaks and spills.

e. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

ff. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer’s instructions.


a. An 8-foot high solid decorative masonry wall adjacent to residential use and or zones shall be constructed if no such wall exists.

b. The loading dock shall be fully enclosed.

c. A Noise study shall be prepared by a licensed acoustical engineer before the issuance of any building permit, to the satisfaction of the decision maker, and any recommendations made in the study to reduce potential noise impacts to less-than-significant levels shall be complied with. The noise study shall consider the loading and unloading of all delivery trucks as well as trash dumping and hauling.

15. Noise/Machinery. Trash compactors, cardboard bailing machinery and the like shall be installed within the interior of the structure, and must be shielded from the adjacent single family zone to the south to the satisfaction of the Department of City Planning.

16. Trash receptacles proposed at the southerly portion of the site adjacent to the alley shall be either fully enclosed to prevent odors and visual blight or relocated at least 50 feet from a residential use.

17. Mechanical equipment within the surface parking lot shall be screened with landscape materials, and maintained in A-1 condition, to the satisfaction of the Department of City Planning.
Volunteered Conditions:

18. Parking lot cleaning and sweeping, and trash collections from and deliveries to the commercial corner development shall occur no earlier than 7:00 a.m., nor later than 8:00 p.m., Monday through Friday, and no earlier than 10:00 a.m., nor later than 4:00 p.m., on Saturdays and Sundays.

19. The applicant shall erect a sound wall nine feet in height along the southern edge of the alley, except for that portion where an access driveway is required by the City. Construction of the sound wall is subject to approval by the Department of City Planning and will be designed and constructed in accordance with the April 2008 Noise Impact Study prepared by Arup North America Ltd.

20. The applicant shall construct a median on Ventura Boulevard, in front of the main driveway into the commercial corner development from Ventura Boulevard, in order to prevent left turns in and out of the commercial corner development to/from Ventura Boulevard. The median shall be reviewed by Department of City Planning for compliance with the Ventura-Cahuenga Boulevard Specific Plan and Woodland Hills Streetscape Plan. Construction of the median is subject to approval by the Department of City Planning and the Department of Transportation.

21. The applicant shall provide an automated shopping cart return system.

B. Environmental Conditions:

1. **Aesthetics (Landscaping).** 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 decision maker.

2. **Aesthetics (Surface Parking):**
   a. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
   b. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. Automatic irrigation plan shall be approved by the City Planning Department.
   c. Palm trees shall not be considered in meeting this requirement.

3. **Aesthetics (Graffiti):**
   a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
   b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.

4. **Erosion/Grading/Short-Term construction Impacts:**
   a. 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.
b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
c. All loads shall be secured by trimming, watering, or other appropriate means to prevent spillage and dust.
d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
e. All clearing, 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.
f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

Noise

g. 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.
h. Construction and demolition 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.
i. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
j. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
k. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

General Construction

l. 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.
m. 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 shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
n. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
o. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
p. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
q. Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
r. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills

5. **Liquefaction:**
a. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss which requires the preparation of a geotechnical report. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement,
lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration.

b. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

6. **Explosion/Release (Asbestos Containing Materials).** Prior to the issuance of any demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District’s Rule 1403 as well as all other state and federal rules and regulations.

7. **Increased Noise Levels (Landscape Buffer).**
   a. A minimum five foot landscape buffer shall be planted adjacent to the residential use.
   b. A landscape plan prepared by a licensed Landscape Architect shall be submitted and approved by the decision maker.
   c. A landscape buffer shall be planted as to shield proposed loading dock from the view of adjacent residences.

8. **Public Services (Fire):** 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.

9. **Increased Vehicle Trips/Congestion (Ventura/Cahuenga Boulevard Corridor Specific Plan).** The applicant shall pay a trip fee, as required by the Department of Transportation (DOT), to a DOT fund for financing regional and local transportation improvements.

10. **Safety Hazards.** The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

11. **Utilities (Solid Waste).** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

C. **Administrative Conditions:**

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.

2. **Code Compliance.** Area, height and use regulations of the C1-1VL-D zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder’s Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder’s number and date shall be provided to the Planning Department for attachment to the file.

4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency’s successor and in accordance with any stated laws or regulations, or any amendments thereto.

6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.

7. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

8. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.

9. **Utilization of Concurrent Entitlement.** The subject Zone Change, Conditional Use, Specific Plan Exception, and Specific Plan Project Permit requires completion of all applicable conditions of approval herein to the satisfaction of the Department of City Planning and the effective date of the Zone Change, Conditional Use, Specific Plan Exception, and Specific Plan Project Permit shall coincide with that of the associated Zone Change on the property involved. The applicant/owner shall have a period of six years from the effective date of the subject Zone Change to effectuate the terms of the accompanying entitlement by either securing a building permit or a Certificate of Occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the grant, the applicant files a written request, and is granted an extension to the termination period for up to one additional year pursuant to applicable provisions of the Municipal Code.
The applicant/owner shall have a period of six years from the effective date of the subject grant for Zone Change to effectuate the terms of this entitlement by securing a building permit.

Thereafter, the entitlements shall be deemed terminated and the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.
ENTITLEMENT CONDITIONS
FOR CONDITIONAL USE FOR CCR AND ALCOHOL SALES,
SPECIFIC PLAN EXCEPTION AND PROJECT PERMIT COMPLIANCE

A. Conditional Use - Alcohol:

1. **Use.** Pursuant to Sections 12.24 W 1 of the Municipal Code, the property shall be permitted for the sale or dispensing of a full line of alcoholic beverages for consumption off the premises in conjunction with the construction of a one-story, 30-foot high, 47,465 square foot supermarket. The proposed market will be able to sell a full line of alcoholic beverages for off-site consumption from 6:00 PM to 2:00 AM seven days a week, on an approximately 5.22 acre lot.

2. **Plans.** The development of the subject property shall be in substantial conformance with the site plan attached to the subject case file and labeled as Exhibit “B1”, dated December 8, 2006.

3. **Parking.** The applicant shall provide parking in accordance with the requirements of the Ventura/Cahuenga Boulevard Corridor Specific Plan and a minimum of 365 parking on-site spaces.

4. **Term.** The subject grant shall be for a seven (7) year time period. Said time period to begin on the effective day of this action shown elsewhere in the report. If the owner of the land wishes to continue operation as granted herein, he must file a new application with the Department of City Planning. Said application must be filed no later than three months prior to the expiration of this grant and said application must be made on the appropriate forms and fees paid.

5. **Operating Conditions:**
   a. The sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction within a 47,465 square-foot supermarket. [Volunteered by applicant]
   b. Alcoholic beverages will be permitted in areas as shown on Exhibit “B-3”, dated December 8, 2006. [Volunteered by applicant]
   c. The total occupancy load shall not exceed 1,587 patrons. However, the maximum number of persons on the premises shall not exceed that permitted by the City Department of Building and Safety or the City Fire Department, whichever is more restrictive.
   d. No liquor will be served - only sale of sealed projects. [Volunteered by applicant]
   e. Hours of operations shall be restricted as follows:
      i. The hours of operation of the subject market shall be limited to the hours of 24 hours daily, 7 days a week. [Volunteered by applicant]
      ii. The sale and dispensing of alcoholic beverages is permitted between the hours of 6 a.m. and 2 a.m. daily. [Volunteered by applicant].

6. **Security:**
   a. The property owner shall be responsible for discouraging loitering in and around the subject property.
   b. Security lighting shall be installed on the exterior of the building and not illuminate adjacent residential uses.
   c. Security personnel shall patrol the subject property during the hours the subject property is open to the public.
   d. Security Monitoring. The applicant shall install security cameras on building. A minimum of 4 security cameras mounted at strategic locations along the alley shall
be required. Such security cameras shall operate 24 hours a day to enhance the security of the site.

7. Complaint response/community relations:
   a. Monitoring of complaints. The property owner shall coordinate with the local division of the Los Angeles Police Department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.
   b. Complaint monitoring. A 24-hour "hot line" phone number for the receipt of complaints from the community regarding the subject facility shall be:
      i. Posted at the entry.
      ii. Posted at the reception desk.
      iii. Provided to the immediate neighbors and local neighborhood association, if any.
      iv. Log. The property owner shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for a minimum of one year and shall be made available on request to the Planning Department for review.

8. Maintenance, trash and storage.
   a. The subject property, including any associated parking facilities, shall be maintained in an attractive condition and shall be kept free of trash and debris.
   b. Open areas devoted to trash storage or other storage shall not be located adjacent to a residential use or shall be buffered so as not to result in noise, odor or debris impacts on any adjacent residential uses.
   c. All outside trash containers on the subject property shall be enclosed and shall be located so as not to result in noise or smell impacts on any adjacent residential use.
   d. Trash pick up shall take place only between 7 a.m. and 8 p.m. Monday through Friday, and 10 a.m. and 4 p.m. Saturday and Sunday.

9. The conditions of this approval shall be retained on the premises at all times and be immediately produced upon request by any LAPD officer or Alcoholic Beverage Control (ABC) investigator. The store management and all employees of the store shall be knowledgeable of the conditions herein.

10. Administrative.
    a. Exchange of license WARNING. Prohibition of license exchange is not included in the subject conditions because the City cannot prohibit the State from issuing or exchanging any license. The State licenses do not supersede this authorization. The property owner/operator must secure a new conditional use authorization to modify any conditions, requirements or provisions of the subject authorization.
    b. Warning: The property owner/operator is advised that the subject permit is a land use permit, not a license for sale of alcohol. The conditions and requirements of this permit apply to the subject facility and/or property ownership. The conditions must be complied with in addition to any conditions or requirements imposed by The Alcoholic Beverage Control Department, Police Department or any other licensing or permit agency. Noncompliance with the subject conditions could result in revocation of the subject use permit. Any change of conditions or change in the mode or character of the authorized use requires a new conditional use permit.

B. Conditional Use – Commercial Corner Review:

1. Use. Pursuant to Sections 12.24 W 27 of the Municipal Code, the property shall be permitted 24 hour operation of a Commercial Corner Development beyond the hours of 7:00 A.M. and 11:00 P.M in conjunction with the construction of a one-story, 30-foot
high, 47,465 square foot supermarket.

2. Hours of deliveries and trash pick-up are limited as follows:
   a. Monday through Friday: 7 a.m. to 8 p.m.
   b. Saturday and Sunday: 10 a.m. to 4 p.m.

3. **Landscape Buffer**: The landscape buffer along Oakdale Avenue shall be permitted to be a variable 1 to 5 feet in width, subject to the Specific Plan Exception under this grant.

4. **Code Compliance**: The project shall comply with all other pertinent standards of Section 12.22 A 23 of the Los Angeles Municipal Code.

C. **Specific Plan Exception**:

1. **Entitlement**: The subject property shall be permitted the following exceptions from the following Sections of the Ventura/Cahuenga Boulevard Corridor Specific Plan:
   a. Section 7 A (3)(a) to permit a driveway and parking area to be located directly in front of the building in lieu of locating the parking spaces and driveways at the rear of the building.
   b. Section 7 D (1)(c) to permit a landscaped buffer less than the require 10 feet wide around the surface parking lot adjacent to the street.

2. **Plan**: The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked *Exhibit "B1", dated December 8, 2006*.

3. **Landscape Buffer**: The landscape buffer along Ventura Boulevard shall be no less than a variable 5 to 8 feet in width. The landscape buffer along Oakdale Avenue shall be no less than a variable width of 1 to 5 feet.

4. **Building Setback**: The new market building shall be setback from Ventura Boulevard a maximum of 196 feet.

5. **Specific Plan Compliance**: The project shall be in full compliance with all other provisions of the Ventura/Cahuenga Boulevard Corridor Specific Plan.

D. **Project Permit Compliance**:

1. **Zone Code Compliance**: All area, height, and use regulations of the C1.5-1VL zone classification of the subject property shall be complied with, except when conditions or regulations of the Specific Plan are specifically varied or required.

2. **Lanscaping/Architecture**: Prior to the issuance of a certificate of occupancy, and in addition to all other requirements of the Department of Building and Safety, the property owner shall provide a letter of certification by a licensed landscape architect to the Director of Planning or her designee, that all required landscape and relevant streetscape elements have been implemented.

   In addition, the property owner shall provide a letter of certification by a licensed architect to the Director of Planning, that all required design, structural, and architectural finished, selected finish material have been implemented.
3. **Ventura/Cahuenga Boulevard Corridor Specific Plan.** The Specific Plan Project Permit Compliance is applicable to the Ventura/Cahuenga Boulevard Corridor Specific Plan with regard to height, FAR, lot area coverage, setbacks, yards, signs, landscaping, streetscape, compatibility with adjacent buildings, and parking requirements.

4. The project shall be strictly limited to the demolition of a 35,142 square-foot portion of an existing shopping center for the construction of a future 47,465 square-foot, 24-hour, supermarket within a shopping center, and the remodel of the shopping center with a new façade and exterior landscaping improvements (86,032 square-feet of total building area), with 365 parking spaces on a 5.22 acre site. The project shall be in substantial conformance with the project plans, labeled Exhibit “B1”, dated December 8, 2006, except as modified to comply with the conditions of this grant.

5. No portion of the project shall exceed the a structure height of 30 feet, as measured from grade to the top of the roof and shall be clearly shown on construction drawings in compliance with plans identified as Exhibit “B2”, dated December 8, 2006.

6. Any structures on the roof, such as air conditioning units and other roof equipment, shall be fully screened from view.

7. The applicant shall provide a 196-foot, 6-inch front yard setback as shown in the submitted plans, Exhibit “B1”, dated December 8, 2006, in accordance with Specific Plan Exception grant of Case No. CPC 2004-5201-ZC-SPE-CUB-CU-SPP.

8. The applicant shall provide a 20 foot rear yard setback along alley southerly of the lot, as measured from the centerline of the alley, which will be landscaped.

9. The project shall be limited to a maximum lot coverage of 60 percent of the lot area.

10. For the surface parking lot, the applicant shall provide a variable 5 to 8-foot landscaped buffer along the portion that fronts Ventura Boulevard and a variable 1 to 5-foot landscaped buffer along the westerly property line, in accordance with Specific Plan Exception grant of Case No. CPC 2004-5201-ZC-SPE-CUB-CU-SPP.

11. Based on the 47,465 sq. ft. of retail market use, other retail uses, medical office, office, and restaurant use, the applicant shall provide a minimum of 365 parking spaces on site, and trees shall be planted in the surface parking lot at a ratio of 1 tree per 4 parking spaces to shade the parking spaces. The trees shall be shade producing trees of a minimum 30-inch box size, no less than ten feet in height at maturity, with a minimum tree canopy of 50% of the height of the tree. These trees shall be evenly distributed throughout the parking lot so as to shade the surface parking area, as shown in the submitted plans, Exhibit “B1”, dated December 8, 2006.

12. The applicant shall submit a landscape plan to the Planning Department for approval prior to issuance of a building permit which demonstrates a minimum of 15 percent of the total area of the surface parking lot is landscaped.

13. The applicant shall submit plans to the Department of Transportation and complete all necessary procedures as may be required. In the event that a PIA fee is required, the applicant shall guarantee to pay a PIA fee to the DOT in the amount to be determined and shall be paid in either a single payment or through a deferred payment plan to the satisfaction of DOT before the issuance of a building permit.
NOTE: PIA fees to be paid are subject to change due to increases to the Annual Indexing as determined by the DOT.

14. Any modifications or an increase in new floor area, of the property shall be cause for separate discretionary review pursuant to Section 11.5.7 of the LAMC and other applicable statutory requirements.

15. All streetscape improvements such as street trees, street lighting, street furniture, sidewalk brickwork treatments etc., shall be to the satisfaction of the Department of Public Works, Bureau of Street Services; Street Tree Division; and Bureau of Street Lighting, and in compliance with the Woodland Hills Streetscape Plan and Design Guidelines. The Woodland Hills Neighborhood Council, Planning Land Use and Motion Committee must meet and review the plans as presented by the project applicant and the architect. Prior to the issuance of any permit for Streetscape improvements, the committee must advise that the project would be an appropriate and attractive use of the site, and recommended approval of the plan concept and design as conditioned

16. Where feasible, the applicant shall underground utilities on the site to the satisfaction of the Department of City Planning.

17. The applicant shall maintain the landscape in a good, healthy condition by performing daily maintenance, remove trash, and replace any dead plant materials, broken irrigation sprinklers and watering devices.

18. A Covenant and Agreement shall be recorded with the Los Angeles County Recorder acknowledging the contents and limitations of the Ventura-Cahuenga Boulevard Corridor Specific Plan, as well as the conditions of approval established herein. The Covenant and Agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns and shall be submitted to the Department of City Planning for approval prior to being recorded. After recording, a copy bearing the County Recorder’s number and date shall be provided to the Department of City Planning for attachment to the administrative file.
FINDINGS

A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Canoga Park-Woodland Hills-Winnetka-West Hills Community Plan, updated and adopted by the City Council on August 17, 1999. The Plan map designates the subject property for Neighborhood Commercial land use, with corresponding zones of C1, C1.5, C2, C4, RAS3 and RAS4. The zone change recommendation to the C1 (Commercial) Zone IS CONSISTENT with the Commercial Industrial land use designation and IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

2. **General Plan Text.** The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan text includes the following relevant land use goals, objectives, policies and programs:

   **Goal 1. AN ECONOMICALLY VITAL COMMERCIAL SECTOR OFFERING ADIVERSITY OF GOODS AND SERVICES TO MEET THE NEEDS OF THE COMMUNITY PLAN AREA. THIS MEANS THAT COMMERCIAL LAND USE POLICIES MUST SUPPORT MAXIMUM EFFICIENCY AND ACCESSIBILITY OF COMMERCIAL DEVELOPMENT WHILE PRESERVING THE HISTORIC COMMERCIAL AND CULTURAL CHARACTER OF THE DISTRICT.**

   **Objective 2-1:** Conserve and strengthen viable commercial development and encourage recycling of obsolete commercial development.

   **Policies:**

   2-1.1 Locate new commercial development in areas currently designated for such development.

   **Program:** The plan provides well defined boundaries for commercial areas, any extended growth outside those boundaries requires a plan amendment.

   **Objective 2-2:** Enhance the appearance of commercial districts.

   **Policies:**

   2-2.1 Require that any proposed development be designed to enhance and be compatible with adjacent development.

   **Program:** Continue the implementation of the Ventura/ Cahuenga Boulevard Corridor Specific Plan, and implement the applicable design standards identified in the Design Guidelines Chapter of the Community Plan.

   2-2.3 Preserve community character, scale and architectural diversity.

   **Program:** The Plan establishes height limits, amends Plan designations and recommends corresponding zone changes to implement this policy.

   **Program:** Chapter V of this Plan, Urban Design includes design guidelines for individual commercial projects.

   2-2.4 Improve safety and aesthetics of parking areas in commercial areas.
Program: Implement design standard for parking areas established in the Ventura/Cahuenga Boulevard Corridor Specific Plan and within the Design Standards Chapter of this plan.

Objective 2-4: Reinforce the identity of distinct commercial districts through the use of design guidelines and development standards.

2-4.1 Ensure that commercial infill projects achieve harmony with the best of existing development.


The recommended project will meet the above goal, policies, and objectives of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan by providing revitalization of a dated commercial development with a new major grocery market, facade improvements, parking and landscaping improvements, and adjacent public improvements. Such improvements will comply with the Ventura/Cahuenga Boulevard Corridor Specific Plan, its design standards, and design standards of the Community Plan. The subject site is designated Neighborhood and Office Commercial and the Commercial zone designation is consistent and appropriate with the Community Plan. The recommended project of will achieve the intent of the community plan policies and objectives as stated further in the following findings.

3. Ventura/Cahuenga Corridor Specific Plan: The Ventura/Cahuenga Corridor Specific Plan was adopted June 19, 2001. It was created to ensure that land uses and development along the corridor occur in a manner that is compatible and compliments the surrounding community. Section 2, Purposes identifies the following objectives consistent with the project:

a. To provide a compatible and harmonious relationship between residential and commercial development where commercial areas are contiguous to residential neighborhoods.
b. To provide building and site design guidelines to promote attractive and harmonious multi-family and commercial development.
c. To assure a balance of commercial land uses in the Specific Plan area that will address the needs of the surrounding communities and greater regional area.
d. To preserve and enhance community aesthetics by establishing coordinated and comprehensive standards for signs, buffering, setbacks, lot coverage, and landscaping.
e. To promote an attractive pedestrian environment which will encourage pedestrian activity and reduce traffic congestion.
f. To preserve alleys, wherever possible, in the corridor to facilitate traffic flow.
g. To enhance Community Streetscape Plans by encouraging the undergrounding of utilities.

The subject entitlement conditions seek to protect the adjacent neighborhood with conditions of approval including operational and development requirements. This harmony between residential and commercial development is achieved by implementation of the appropriate design guidelines and compliance procedures of the Specific Plan. The project will maintain the Neighborhood Commercial land use existing for the site. Assuring the consistency of uses in the specific plan will properly implement the spirit and intent of the plan. The varied products of a supermarket will service the community with a broad scope of merchandise and result in retaining a nearby customer base – leading to the promotion of pedestrian access and reduced traffic. Public right-of-ways have also been preserved by evidence of the retained alley for servicing and
removing departing and arriving traffic from Ventura Boulevard. The proposed streetscape plan by the applicant is within the spirit of the specific plan. Together with conditions requiring the undergrounding of utilities, plan implementation will be achieved.

B. Entitlement Findings

1. **Zone Change, L.A.M.C. Sec. 12.32.F:** The recommended zone change is in conformance with the public necessity, convenience, general welfare or good zoning practice in that:

   The recommended zone change from P-1-VLD and 1-1VLD to (T)(Q)C1-VLD will permit a development which, as conditioned will be consistent with the surrounding intensities and level of development. The proposed project involving a retail food market is permitted by corresponding zones of the Neighborhood Commercial land use designation with corresponding zones of C1, C1.5, C2, C4, RAS3 and RAS4. There is a necessity to sustain retail activities as designated by the general plan in order to permit the community’s commercial land uses to effectively serve the appurtenant neighborhood. A food market will provide such a neighborhood service at the convenience to the area’s residents by establishing the location within close proximity. Such project will also provide the neighborhood with added employment opportunities as well as support services relative to the retail food industry. The decisionmaker’s review of the project and conditions of approval will ensure that good zoning practice is held accountable. The project is convenient to public transit that travels along Ventura Boulevard.

   The action, as recommended, has been made contingent upon compliance with the “(T)” and “(Q)” conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action. Additional conditions of approval including use, floor area, height, parking, aesthetic, and operational conditions to ensure that the project provides sufficient protection for residents south of the subject property.

2. **Conditional Use, L.A.M.C. Sec. 12.24 W 27 – Commercial Corner Development:**

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

   The project will be desirable in that its development will rehabilitate a major portion of the shopping center that is long overdue. The Project replaces (partially vacant) commercial/retail uses with commercial/retail uses. All adjacent development along the Ventura Blvd. corridor consists of commercial uses as well. The Project will revitalize vacant and underutilized commercial property and is designed to comply with the applicable Woodland Hills Streetscape Plan. The entirety of the existing shopping center will be remodeled, resulting in an updated and coordinated architectural design. The requested hours of operation will expand service to 24 hours a day. Such service would provide the areas residents an opportunity for consistent grocery market availability continuously.

   Of the area’s markets, it was discovered that the only other supermarket that is open 24 hours is “Ralphs” located at Ventura and Topanga Boulevards, approximately one mile to the west. A market with a range of services and products including grocery, non-foods, pharmaceutical, bakery, delicatessen, and potential liquor sales will be an asset to the immediate community.
b. The proposed location is proper in relation to adjacent uses or the development of the community.

The project consists of 47,465 square feet of proposed supermarket along with 38,567 square feet of existing commercial uses. The existing shopping center will be redesigned to accommodate the existing uses and intended market. The property is situated on Ventura Boulevard in Woodland Hills. Adjacent uses consist of commercial/retail uses. The intended uses are permitted in the C1 zone and the Neighborhood Commercial land use designation. The hours of operation expanded from the standard limitations of the commercial corner ordinance will be proper in the development of the community that consists of varied commercial uses along Ventura Boulevard and residential uses in adjacent areas. As conditioned, the development will respect the community and provide revitalization of a commercial center.

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

The project is located within the Ventura-Cahuenga Blvd. Specific Plan area and within the Canoga Park- Winnetka-Woodland Hills-West Hills Community Plan. The property is zoned C1-1VLD and is designated in the applicable plan as neighborhood commercial. The project, as conditioned, will conform to all applicable plans. (The exceptions requested relate to height, front yard setback, and landscape buffer. See Exception to Specific Plan application materials and findings filed concurrently.) similarly, the project has been conditioned to provide a high degree of compatibility with conforming commercial development within the vicinity, thereby, achieving harmony with the objectives of the general plan policies.

Additional Findings required for Mini Shopping Center and Commercial Corner Developments:

d. The Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety.

The proposed retail facility is consistent with the public welfare as expressed by the Community Plan and its corresponding zones for the Neighborhood and Office Commercial land use category. Grocery stores are permitted within the C1 zone. The project has been appropriately conditioned to protect the public welfare and safety.

e. Access, ingress and egress to the Mini-Shopping Center or Commercial Corner Development will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, based on data provided by the City Department of Transportation or by a licensed traffic engineer.

The commercial corner development proposed will retain all existing driveways – two along Oakdale Avenue, two from the alley, and one driveway from Ventura Boulevard. This is the same number of driveways with no additional traffic access points that will impact the existing flow of automobiles. The Department of Transportation has required measures that have been incorporated in the conditions of approval for future implementation as the project develops. According to their analysis, there will be no significant impacts. Required dedications and improvements along Ventura Boulevard, Oakdale, and the alley have been included.
Further, with payment of Project Impact Assessment fees as required by the Ventura/Cahuenga Boulevard Corridor Specific Plan, full compliance will be achieved.

f. **There is not a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed Mini-Shopping Center or Commercial Corner Development.**

The immediate vicinity is composed of commercial zones along two major highways. It is a given that any development on the corner lots of this intersection will require clearance from this requirement of the Municipal Code. However, the subject property is an existing Commercial Corner Development (CCR) that is non-conforming to the CCR regulations and will remain as such with the current project. This will not result in an addition to the concentration of Commercial Corner Developments that would proliferate within the immediate area.

g. The **Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district, area or zone, or, if the lot or lots are located in the identified district, area or zone, that the Mini-Shopping Center or Commercial Corner Development would be consistent with the district, area or zone.**

The subject property is located within the Ventura/Cahuenga Boulevard Corridor Specific Plan, an area plan that controls commercial development and vehicle trips to minimize negative impacts on the vicinity. The plan emphasizes regulatory measures that pertain to the improvement of commercial projects in various scale of development over different segments of Ventura Boulevard. This particular of Ventura Boulevard within the Woodland Hills sector requires a maximum height of 30 feet along with other requirements that create a neighborhood serving commercial. The project achieves this goal by providing a low scale market and rehabilitation of the remaining retail stores within this ownership.

3. **Conditional Use, L.A.M.C. Sec. 12.24 W 1 – Alcohol Sales:**

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

   The Project is located within an existing shopping center which is zoned for commercial uses. The requested Conditional Use entitlement for alcohol sales for off-site consumption will become the third establishment within the 600-foot radius to sell a full line of liquor. The other two establishments are directly on the east side of Corbin Avenue. Five liquor licenses for on-site consumption exist within the radius. The upscale Pavilions store will provide grocery along with the alcohol sales in an area that has no other similar retail service. Similar markets of this scale and service include approximately one store a mile away. The proposal is appropriately situated for the intended grocery market with alcohol sales. The larger market will provide a needed service that is lacking in the vicinity.

   b. **The proposed location is proper in relation to adjacent uses or the development of the community.**

   The proposed Project, a Pavilions supermarket, is a full-service market to include liquor sales for off-site consumption. The property is zoned for such a use and the use is compatible with development of the community. The site has long been a
commercially designated site. Other neighboring off-site alcohol sales establishments are noted in the above finding. However, no concentration of licenses of similar type is present. The full service market provides other food related merchandise, different from nearby vendors. There is one sensitive use in the vicinity, across Ventura Boulevard – Hebrew Discovery Church. The properties are separated by Ventura Boulevard having a 100 foot right-of-way.

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

The project is located within the Ventura-Cahuenga Blvd. Specific Plan area and within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. The property is zoned C1-1VLD and is designated in the applicable plan as neighborhood commercial. The project, as conditioned, will conform to all applicable plans. (The exceptions requested relate to height, front yard setback, and landscape buffer. See Exception to Specific Plan application materials and findings filed concurrently.) Similarly, the project has been conditioned to provide a high degree of compatibility with conforming commercial development within the vicinity, thereby, achieving harmony with the objectives of the general plan policies.

Additional Findings required for Alcohol Sales:

d. The proposed use will not adversely affect the welfare of the pertinent community.

The proposed use is for a supermarket facility which will provide a full line service of alcoholic beverages. To offer customers a complete variety and more comprehensive food and spirits shopping experience, the applicants would like to sell alcohol with their grocery purchases. The market use will contribute to improving of the commercial corridor on Ventura Boulevard and provide the community with a retail facility that can offer alcoholic beverages sales with appropriate limitations. As conditioned, the proposed use will not adversely affect the welfare of the adjacent commercial or residential community.

e. That the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control’s guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and

There are 2 off-site permits and 10 on-site permits within 1,000 feet of the subject property. If this request were granted, it would mean 3 off-site locations in the same area. There appears to be no overconcentration of alcohol permits for off-site sales. Since the alcohol sales will occur within the context of a supermarket, this request may be subject to the Caldera Bill requirements. Therefore, the City Council may need to make a finding of “public convenience or necessity” if the site is located in the following:

- There is a high crime,
• There is an overconcentration of existing licenses, or
• The use would tend to create a law enforcement problem.

f. That the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The project site is within a shopping center in need of rehabilitation. Approximately 64 single family units are within 600 feet to the south of the subject property, across the alley. A church (Hebrew Discovery Center at 19819 Ventura Boulevard) is located within 600 feet to the north of the subject property across Ventura Boulevard. Moreover, there are a total of 7 alcohol establishments within 600 feet of the site. This will become the third establishment for alcohol sales within the 600-foot radius to sell a full line of liquor for off-site consumption. The other two establishments are directly on the east side of Corbin Avenue. Five liquor licenses for on-site consumption (restaurants) exist within the 600-foot radius. The Conditional Use Permit has been conditioned to insure the operation of an establishment that is compatible with adjacent sensitive uses.

4. Specific Plan Exception Findings. Pursuant to Municipal Code Section 11.5.7 H 2:

   a. That the strict application of the regulations of the Specific Plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the plan in relation to the request.

The site plan shows the proposed market in a location that replaces a section of stores that exist in a linear arrangement, at the rear of the site. Parking for the retail stores is located at the front of the property. The site plan is consistent with the remainder of the existing layout and provides a logical reason to approve the specific plan exception permitting a greater setback for the proposed building. Due to the existing layout, mandating the new market to be located at the front of the property would present a hardship to redesign the entire parking and circulation layout with consideration for access to other remaining buildings. Not allowing the setback as proposed would present practical difficulties due to spatial constraints. Moreover, the adjacent property to the east is not controlled by the applicant and locating the building along the front property line would cause functional consequences for the parking/driveway arrangement; especially with the reciprocal parking agreement encumbering both properties. As presented, internal circulation within the parking lot of the properties, function and flow with the best possible design. The applicant has provided landscape elements consistent with the specific plan requirements.

That the strict application of the regulations of the Specific Plan to the subject property will not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the plan in relation to the request.

The predominant building height of 30 feet is appropriate in scale with existing commercial center and other surrounding single family development. Relief is requested for the addition of up to 8 feet above the permitted 30 feet high building. A total of four tower elements are proposed varying from 34 to 38 feet in height, with one portion of the parapet wall at the front of the Pavilions Store at 32 feet. These elements are located at the north side of the building where height would be of little
impact to any neighboring properties. However, hardship or any physical difficulty could not be established within the site that would warrant approval of the added height. The site is a rectangular shaped and predominantly flat in character. No topographical challenges exist that would result in hardship by the applicant to design a project that would conform to the standards of the specific plan height requirement.

b. That there are exceptional circumstances or conditions that are applicable to the subject property involved or to the intended use or development of the subject property that do not generally apply to other property in the Specific Plan area.

As noted above, there are exceptional circumstances in this situation due to the existing development of the site and neighboring site that utilizes a reciprocal parking agreement to accommodate public parking. The site is already developed as a strip mall that is to be refaced and upgraded along with the development of the proposed market. The proposed design and placement of buildings will be consistent and function with the existing development that dictates parking and circulation for the shopping center.

That there are no exceptional circumstances or conditions that are applicable to the subject property involved or to the intended use or development of the subject property that do not generally apply to other property in the Specific Plan area.

There are exceptional circumstances or conditions that may warrant the approval of additional height. As indicated above, the site is a rectangular shape and has little topographic variation to substantiate additional height as proposed. Adjacent properties have similar characteristics. Similar to the above, no topographic or irregular circumstances would apply to the subject property that would be applicable to other similar properties in the vicinity.

c. That an exception from the Specific Plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

Approval of the exception to allow the parking to be placed in front of the building is necessary for the preservation of the existing property right possessed by the owner of the contiguous shopping center. As noted above, parking and circulation would be compromised if the proposed market is required to be placed at the frontage of the lot.

Not allowing a reduced landscape buffer will interfere with the applicant’s ability to enjoy a substantial property right generally possessed by other commercial developments that maintain existing developed properties that have previously not foreseen the future development standards of the specific plan that was adopted in 2001. Spatial constraints that were created from the existing development and new parking requirements have forced the applicant to squeeze more parking and landscaping from the existing lot that had been built prior to the effective date of the Ventura/Cahuenga Specific Plan. Existing parking has been redesigned to accommodate 31 new parking spaces and electrical transformer utility pads. The applicant has in good faith met other landscape requirements to provide a minimum of 15 percent of landscaped area within the area of the parking lot. Additionally, great effort and care was taken to distribute the landscape islands evenly within the
parking lot, so that shade trees may be planted to cover a maximum area. In consideration of these special circumstances and practical hardships, the applicant has demonstrated that no other design alternative

*That an exception from the Specific Plan is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

There are no special circumstances or practical difficulties that are similar to other sites in the vicinity that would prevent enjoyment of substantial property rights possessed in the specific plan. As noted in the above findings, the site is generally a level in topography without challenges of hillside slopes that may cause difficulty in meeting the 30 feet height limit of the specific plan. The proposed development is a one story commercial building able to comply with the height standard.

d. *That the granting of an exception would not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.*

Granting the exception would not be detrimental to the public welfare or injurious to the vicinity. The applicant has attempted to comply with all standards of the specific plan provisions. The development has been designed to be compatible with the remaining shopping center and within the scale of the adjacent neighborhood. The project will not have adverse effects on existing vehicular parking circulation or the ingress/egress to the site from the public street. Further, the project will comply with the Woodland Hills Streetscape Plan as evidence of the proposed landscape plans submitted.

*That the granting of an exception would be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.*

Granting the exception would not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.

e. *That the granting of an exception will be consistent with the principles, intent and goals of the Specific Plan and any applicable element of the General Plan.*

The proposed project meets the goals and purposes of the Specific Plan as noted in the above specific plan findings.

*That the granting of an exception will not be consistent with the principles, intent and goals of the Specific Plan and any applicable element of the General Plan.*

Granting the exception would not be consistent with the goals of the specific plan and general plan. The additional height is clearly in excess of the Ventura/Cauhenga Specific Plan in that the building height proposed will exceed the established 30 feet limitation.

5. **Project Permit Compliance Findings:** Pursuant to Municipal Code Section 11.5.7 C:
a. The project substantially complies with the applicable regulations, standards and provisions of the specific plan.

As conditioned, the project complies with the development requirements of the specific plan. As noted above, the height request has been disapproved and compliance with the 30 feet limitation is required. The applicant must submit revised plans to meet this standard. The subject grant allows the projects driveways and parking areas in the front of buildings otherwise prohibited by the specific plan. As stated in the above findings, the specific plan exception will permit such a design in consideration of the instant circumstances.

i. Uses. The project is for the construction of a new 4,457 sq. ft. 1-story commercial bank building. Bank and office uses are not restricted uses for this area subject to the use limitations contained in the Ventura/Cahuenga Boulevard Corridor Specific Plan.

ii. FAR. The project is located within the Neighborhood and General Commercial plan designation and is limited to a FAR development right not to exceed 1.0:1. The lot is 227,516 square feet and would permit up to 227,516 sq. ft. of floor area. The project’s floor area of 86,032 sq. ft. does not exceed the permitted FAR.

iii. Yards.

Front yards and setbacks –The project site is an approximately 600-foot wide lot along Ventura Blvd. and requires a minimum front yard setback of 18 inches from the front lot line. The project as proposed will provide an approximate 196 feet front yard setback as permitted by the accompanying specific plan exception.

Sideyard – The project site is located at a corner which requires an 18 inch sideyard. The project will not require a sideyard in this instance due to existing buildings built prior to the effective date of the Specific Plan and therefore subject to non-conforming status that bears no requirement for such standard.

Rear yard – As the project site’s rear lot line is adjacent to an existing alley, the project site is subject to the Specific Plan rear yard regulation of 20 feet. The project provides a rear yard of 20 feet as measured from the centerline of the alley and is in compliance with the specific plan provision. The rear yard is subject to landscape requirements as shown compliant by the preliminary landscape plan.

iv. Lot Coverage. Buildings and structures in the Neighborhood and General Commercial designation shall cover no more than 60% of the lot area. The lot measures a total of 227,516 sq. ft.; the new building footprint will cover 86,032 sq. ft. (38%), which complies with the maximum lot coverage restriction.

v. Driveways. The existing development has access from Ventura Blvd. and driveway access from Coldwater Canyon Ave. The proposed project would remove the driveway access from Ventura Blvd., which is consistent with the requirements of the Specific Plan, and maintain the existing driveway access from Coldwater Canyon Ave. Vehicles will access the project site’s surface parking lot by entering and exiting from the existing driveway located immediately the south of the project site off of Coldwater Canyon Ave.
vi. Height. The project is located within the Studio City community on the south side of Ventura Blvd. and west of Coldwater Canyon Ave. The height limit for buildings or structures along this portion of Ventura Boulevard is 30 feet. The project as proposed shall measure is predominantly 25 feet. The exception for up to 38 feet has been denied and plans demonstrating this correction will be required which demonstrates a project not to exceed the 30 ft. height limit.

vii. Parking. Parking requirements per the Specific Plan for retail uses require at least one parking space for each 250 sq. ft. of floor area. The proposed project would include the construction of a 47,465 sq. ft. market, which will require a minimum of 190 parking spaces. The project has proposed to provide a total of 190 parking spaces for the new market.

viii. Signs. No signage is proposed with the subject application and will be reviewed under a separate application.

ix. Streetscape Improvements. Streetscape improvements such as street trees, street lighting, street furniture, sidewalk brickwork treatments, placement of bicycle racks shall be to the satisfaction of the Bureau of Street Services; Street Tree Division; and Bureau of Street Lighting as required per the Woodland Hills Streetscape Plan and Design Guidelines. These guidelines are available via the Internet at www.lacity.org/PLN.

x. Design Advisory Committee.

The Woodland Hills Neighborhood Council, Planning Land Use and Motion Committee must meet and review the plans as presented by the project applicant and the architect. The committee must advise that the project would be an appropriate and attractive use of the site, and recommended approval of the plan concept and design as conditioned.

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

Mitigation measures have been recommended in the Mitigated Negative Declaration No. ENV-2005-5200-MND(REC). The environmental mitigations are necessary to be implemented into the determination as noted below.

C. CEQA Findings

A Mitigated Negative Declaration (ENV 2005-5200-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency’s independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.
PUBLIC HEARING AND COMMUNICATIONS

Public Hearing

The first public hearing was held at the Marvin Braude Constituent Service Center on January 9, 2006. Four individuals, representing the applicant, approximately 14 neighboring property owners, and a representative of Council District No. 3 attended the public hearing. The second public hearing occurred on August 13, 2007. Twenty six individuals attended.

Communications Received

At the first hearing, 20 letters in opposition were received. During the second hearing, one letter of support was received from the Neighborhood Council, 3 letters in opposition were received from residents, and one petition in opposition with 28 signatures was received.

Summary of Public Hearing Testimony - January 9, 2006

The applicant’s representative spoke in favor of the project and was available to answer any questions.

Approximately 14 neighboring property owner expressed the following concerns:

Alley, Trucks, Noise, Air Pollution:
- Noise from the loading docks that face the alley will been impossible to suppress. Even if the trucks are backed into a concealed dock, noise will still be noticeable.
- Accessory equipment including air conditioning units, trash compactors, and others will provide more noise.
- Excessive noise from multiple delivery trucks that travel up and down the alley, including idling, and backing up (with the warning signal beep).
- A single loading bay for one truck will cause other trucks to stack in the alley, while waiting to load/unload. Idling trucks will create more noise and exhaust.
- Exhaust from both gas and diesel powered delivery trucks will cause additional unwanted air pollution. Construction of additional walls, irrespective of its height, will not mitigate air pollution or noise.
- Vagrants/homeless are attracted by the alley and refuse from the existing and future stores.
- Delivery hours should be limited to reasonable hours of operation.

Traffic and Parking:
- Parking is currently inadequate in the shopping center. The addition of Vons will exacerbate the situation.
- Previous zone changes from Parking to Commercial Zones have been rejected because of potential parking problems.
- Traffic generated by the proposal will impact Oakdale and Corbin Avenues. Intersections in the vicinity will slow to a poor level of service.
- Left turns for trucks on Corbin Avenue is impossible from the alley.

Other comments:
- One resident expressed his excitement of the project. Other projects (Chuck E Cheese) that have tried and failed in the shopping center were a “band-aid” attempt. The center is currently dilapidated and needs repair. Corbin Village Center should have a master plan where buildings should be constructed along Ventura Boulevard.
• Property values of the adjacent single family lots will depreciate.

The Council Representative noted that the shopping center could be nicer if more thought were
put into the logistics and design. He stated that the abutting single family residential uses are
going to be difficult to mitigate impacts. The project can become a focal point for the
neighborhood if the current design is improved. The councilman is concerned of the direction
this project has taken.

Summary of Public Hearing Testimony – August 13, 2007

The applicant presented the project and noted that it meets the minimum parking requirement of
354 spaces with 11 additional spaces. The loading dock will be completely enclosed.
Landscaping in the parking lot and around the building will include 70 trees and meets the
minimum requirements of the Ventura/Cahuenga Specific Plan. The highest point of the
buildings will be architectural towers that extend to 38 feet high. These are requested for
specific plan exception relief. Other entitlements are as noted in the application; however, the
applicant’s representative also expressed the following requests:
• Delivery hours requested is 7am to 11pm.
• A specific plan exception of 5 feet in lieu of 10 feet required buffer on the front yard.
Several meetings involving this project took place (i.e. open house, Woodland Hills
Neighborhood Council).

On rebuttal, the applicant’s representative responded to the questions and issues raised. He
disputed accusations of Von’s non-involvement in some of the neighborhood meetings. He
volunteered some conditions and indicated that the noise study will be submitted to the case
file. Further, trash delivery will be considered for pick up on the Oakdale Avenue side.

The applicant volunteered the following conditions:
• To construct 9 foot high sound walls on the south side of the alley, adjacent to the single
  family zoned properties.
• Construct a median island in the middle of Ventura Boulevard at the main driveway
  entrance to prohibit left turning traffic.
• Agreed to the installation of security cameras.
• Agreed to utilize an automated shopping cart return system.

Five individuals supporting the project cited the following points in favor:
• Other sites are currently being rehabilitated. The remodeling of the subject property will
  remove blight from the area.
• A business tenant agrees that blight is present, but has remained in the area because of
  the good relationship with his landlord.
• A representative of the Woodland Hills Neighborhood Council noted that NC has
  unanimously adopted a motion to approve all of the requested entitlements at their
  August 8th meeting.
• The owner of the shopping center to the east is attempting to design his improvements
  to be consistent with the subject property. He agrees the 99 Cent Store is a nuisance,
  along with the shopping carts and derelicts sorting through the trash.
  o Access to the alley should be limited to prevent further dumping; trash cages
    should be constructed.
  o Other markets have security cameras. Cameras should be mounted on the alley
    side.
  o Graffiti is a problem recently.
  o The project would increase property values due to the improvements to the
    center.
People knowingly bought residential property adjacent to commercial should expect noise and other issues that come with these uses. There is a reciprocal parking agreement that will continue through the new development.

Two individuals with general concerns noted the following:

- Street widening on Oakdale Avenue is supported because of the added traffic improvements.
- There should be more landscaping on the Oakdale Avenue side.
- The parking access for the Oakdale Avenue driveway is in alignment with the driveway of the site to the west. This will impact customer access to the property across the street.
- Twenty four hour maintenance for shopping carts should be enforced.

Although not opposed to redevelopment of the site, 7 individuals in opposition had the following points:

General comments:
- At the neighborhood council meetings, no immediate neighbors were present to object because no one knew about the meeting.
- The existing 99 cent store has no restricted access. Vagrants have caused problems on a weekly basis.
- Concessions/entitlements were requested by Vons; there should be conditions to prevent the cost of problems to neighbors.
- Impacts that are unavoidable and need not be requested.
- Shopping carts are a problem and should be monitored electronically.
- Employee parking should be on the site and not on residential streets.

Traffic and Noise from Refuse and Delivery Trucks:
- Current traffic study is too old and a new traffic study needed.
- Traffic will be backed up on Corbin Avenue due to loading at the 7-11 Store.
- Traffic is excessive and creates congestions along the intersection of Ventura and Corbin as well as Ventura and Oakdale. The area lacks street parking as well.
- Issues include traffic, noise, and exhaust generated from delivery trucks in the alley.
- There will be approximately 17 trucks expected daily to deliver from 7am to 11pm, 7 days a week. No truck delivery except between hours of 10am to 8pm.
- Clarify the number of trash deliveries.
- Trash collection should be on the Oakdale side.
- Redesign of the building to move loading docks to the Ventura Boulevard side, to enter at the front of the building, is necessary to reduce nuisances. (i.e. exhaust and noise)
- Installation of sound walls adjacent to the south side of the alley should be discussed due to the height of trucks that are in excess of 13 feet.
- There was a letter requesting an acoustical study. Why hasn’t the study been submitted to the City?
- Proposed walls on sides of the alley will create sound reflection chamber with trucks driving through and performing loading activities. Even a 9 foot high wall will not effectively dampen noise.
- The sound study must be submitted to the city along with the environmental study
- Would like to see noise reduced to insignificant levels

Conditional Use:
- The liquor CUP should be limited to certain hours.
- The hours of most Vons stores is 6am to 2pm. The proposed 24 hour of operations is probably to compete with Ralphs Market.
• The expanded hour will be of no benefit to the neighbors or Vons. The store should be only open until 8:30 or 9:00pm. With limited liquor sales.
• The 24 hours of operation is a concern.

Specific Plan Exception:
• The 38 foot tall towers are phallic symbols and should not be approved.
• The building should be constructed at the front of the lot in accordance with the specific plan requirement – this will remove the immediate noise to neighbors.
• One resident was opposed to removal of the buffer along Ventura and Oakdale

Zone Change Comments:
• Object to zone change due to the entire lot will be a C zone to allow additional floor area to be built and impact the neighborhood.

A representative of the Council Office reiterated some of the main points that were expressed by the public testimony. They further indicate that they support the redevelopment of the center with these concerns being addressed.