



DEPARTMENT OF CITY PLANNING

Recommendation Report



City Planning Commission

Date: September 23, 2010
Time: After 8:30 a.m.
Place: Van Nuys City Hall
City Council Chambers—2nd Floor
14410 Sylvan Street
Van Nuys CA. 91401

Public Hearing: July 19, 2010 *
Appeal Status: Zone Change; Conditional Use
Beverage; Conditional Use;
Specific Plan Exception; Specific
Plan Adjustment; Site Plan
Review, and Project Permit
Compliance may be appealed to
City Council by the Applicant if
disapproved by the CPC.
Expiration Date: October 2, 2010
Multiple Approval: Zone Change; Conditional Use
Beverage; Conditional Use;
Specific Plan Exception; Specific
Plan Adjustment; Site Plan
Review, and Project Permit
Compliance

Case No.: CPC-2009-3462-ZC-CUB-CU-
SPR-SPE-SPPA-SPP
CEQA No.: ENV-2009-3463-MND-REC
Incidental Cases: None
Related Cases: None
Council No.: 5 (Koretz), 2 (Krekorian)
Plan Area: Sherman Oaks - Studio City -
Toluca Lake - Cahuenga Pass
Ventura - Cahuenga
Boulevard Corridor Specific
Plan
Specific Plan:
Certified NC: Sherman Oaks
GPLU: Neighborhood Commercial
Zoning: C2-1VL and P-1VL
Applicant: Ralph's Grocery Company
Ms. Kendra Doyel
Representative: Mr. Alex Irvine
Craig Lawson and Associates

*** A Limited Public Hearing will be held by City
Planning Commission on a Specific Plan Adjustment,
as described below.**

PROJECT

LOCATION: 14049 Ventura Boulevard, Sherman Oaks, California

PROPOSED PROJECT:

Proposed Project per July 19, 2010 Public Hearing Notice

Demolition of an existing grocery store, surface parking lot and commercial retail buildings for the construction of approximately 78,270 square feet of new commercial floor area to include an approximately 65,000 square-foot grocery store on a podium above two levels of parking, operating 24 hours a day, 7 days a week, a 6,270 square-foot lobby, approximately 2,500 square-feet of storage and approximately 4,000 square-feet of neighborhood serving retail. The continued operation of a recycling facility in conjunction with a grocery market pursuant to Section 12.21-A,18(c), to be operated and located within the grocery store. The project will include a total of 316 parking spaces. The property involved is approximately 2.76 acres and classified in the C2-1VL (Commercial) Zone and P-1VL (Automobile Parking) Zone, and located within the boundaries of the Ventura-Cahuenga Boulevard Corridor Specific Plan. An associated haul route is also proposed.

Proposed Project Revised by Applicant Requiring a Limited Public Hearing

Demolition of an existing grocery store, surface parking lot and commercial retail buildings for the construction of approximately ~~78,270~~ 80,270 square feet of new commercial floor area to include an approximately 65,000 square-foot grocery store on a podium above two levels of parking, operating 24 hours a day, 7 days a week, a 6,270 square-foot lobby, approximately 2,500 square-feet of storage, approximately 4,000 square-feet of neighborhood serving retail and a 2,000 covered loading dock area, which requires a Specific Plan Adjustment, as described below. The continued operation of a recycling facility in conjunction with a grocery market pursuant to Section 12.21-A,18(c), to be operated and located within the grocery store. The project will include a total of 316 parking spaces. The property involved is approximately 2.76 acres and classified in the C2-1VL (Commercial) Zone and P-1VL (Automobile Parking) Zone, and located within the boundaries of the Ventura-Cahuenga Boulevard Corridor Specific Plan. An associated haul route is also proposed.

**REQUESTED
ACTION:**

1. Pursuant to Section 12.32-F of the Municipal Code, a Zone Change from C2-1VL and P-1VL to C2-1VL over the entire site.
2. Pursuant to Section 12.24-W,27 of the Municipal Code, a Conditional Use to permit a commercial corner development to:
 - a. Operate between the hours of 11:00 p.m. and 7:00 a.m. for 24-hour operation;
 - b. Maintain deliveries between the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday;
 - c. Permit a projecting sign;
 - d. Provide less than 50 percent transparent windows along the ground floor portions of the project which front adjacent streets, and
 - e. Exceed a height of 45 feet to permit a maximum height of 48 feet.
3. Pursuant to Section 12.24-W,1 of the Municipal Code, a Conditional Use to permit the sale of a full line of alcoholic beverages, including beer and wine, for off-site consumption in conjunction with the operation of a retail grocery store.
4. Pursuant to Section 11.5.7-F of the Municipal Code, Specific Plan Exceptions from the following requirements of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 174,052):
 - a. Section 7-A,3(b) to permit a variable side yard along the easterly property line which varies from 34-feet along the majority of the easterly property line at the northern end and approximately 80-feet along the southern end;
 - b. Section 7-E,1(b) to permit a height of 48 feet in lieu of the maximum allowable height of 30 feet;
 - c. Section 8-B,1(a)(1) to permit three wall signs in lieu of the two signs permitted, and
 - d. Section 8-B,1(c)(2) to permit a projecting sign of 160 square-feet in lieu of the maximum allowable projecting sign of 16 square-feet.

5. Pursuant to Section 11.5.7-E of the Municipal Code, a Specific Plan Adjustment from Section 7-B,2 of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 174,052), to permit a 62% lot coverage, in lieu of the maximum allowable 60%.
6. Pursuant to Section 11.5.7-C of the Municipal Code, a Project Permit Compliance with the Ventura - Cahuenga Boulevard Corridor Specific Plan.
7. Pursuant to Section 16.05 of the Municipal Code, Site Plan Review for a development projects which creates, or results in an increase of 50,000 gross square feet or more of nonresidential floor area.
8. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, Adopt the Mitigated Negative Declaration (MND) for the above referenced project.

RECOMMENDED ACTIONS:

1. **Approve** and **recommend** that the City Council, pursuant to Section 12.32 of the L.A.M.C., adopt a Zone Change from C2-1VL and P-1VL to [T][Q]C2-1VL over the entire, subject to the attached conditions of approval.
2. **Approve**, pursuant to Section 12.24.W,27 of the Municipal Code, a Conditional Use, subject to the attached conditions of approval, to permit a commercial corner development to:
 - a. Operate between the hours of 11:00 p.m. and 7:00 a.m. for 24-hour operation;
 - b. Maintain deliveries between the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday;
 - c. Permit a projecting sign;
 - d. Provide less than 50 percent transparent windows along the ground floor portions of the project which front adjacent streets, and
 - e. Exceed a height of 45 feet to permit a maximum height of 48 feet.
3. **Approve**, pursuant to Section 11.5.7-F of the Municipal Code, Specific Plan Exceptions from the following requirements of the Ventura - Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 174,052), subject to the attached conditions of approval:
 - a. Section 7-A,3(b) to permit a variable side yard along the easterly property line which varies from 34-feet along the majority of the easterly property line at the northern end and approximately 80-feet along the southern end;
 - b. Section 7-E,1(b) to permit a height of 48 feet in lieu of the maximum allowable height of 30 feet;
 - c. Section 8-B,1(a)(1) to permit three wall signs in lieu of the two signs permitted, and
 - d. Section 8-B,1(c)(2) to permit a projecting sign of 160 square-feet in lieu of the maximum allowable projecting sign of 16 square-feet.
4. **Approve**, pursuant to Section 11.5.7-E of the Municipal Code, a Specific Plan Adjustment from Section 7-B,2 of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 174,052), to permit a 62% lot coverage, in lieu of the maximum allowable 60%, subject to the attached conditions of approval.

5. **Approve**, pursuant to Section 11.5.7-C of the Municipal Code, a Project Permit Compliance with the Ventura - Cahuenga Boulevard Corridor Specific Plan, subject to the attached conditions of approval.
6. **Approve**, pursuant to Section 16.05 of the Municipal Code, Site Plan Review for a development projects which creates, or results in an increase of 50,000 gross square feet or more of nonresidential floor area, subject to the attached conditions of approval.
7. **Adopt** the Mitigated Negative Declaration No. ENV-2009-3463-MND-REC.
8. **Adopt** the attached Findings.
9. **Advise** the Applicant that, pursuant to Section 21082.1(c)(3) of the California Public Resources Code, 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.

Michael J. LoGrande
Director of Planning



Daniel Scott, Principal City Planner



Thomas L. Glick, City Planner
Telephone: (818) 374-5062



Oliver Netburn, Planning Assistant
(818)374-5038

ADVICE TO PUBLIC: The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

TABLE OF CONTENTS

Project Background and AnalysisB-1

Project Summary
Background
Issues and Conclusion

Conditions of Approval

[Q] Conditions.....	Q-1
[T] Conditions	T-1
Entitlement Conditions	C-1

Findings..... F-1

General Plan/Charter Findings
Entitlement Findings
CEQA Findings

Public Hearing and Communications P-1

Exhibits:

A - Maps

A1 - Vicinity Map
A2 - Radius Map

B - Project Plans

C - Site Photographs

D - Environmental Clearance

PROJECT ANALYSIS

Project Summary¹

The Proposed Project includes the demolition of all existing on-site buildings and site improvements, including the Ralph's grocery store and surface parking lot, recycling center, key shop, and dry cleaners, and the construction of approximately 80,270 square feet of new commercial floor area to include an approximately 65,500 square foot Ralph's grocery store on a raised podium above two levels of parking (providing 316 spaces), a 6,270 square foot lobby area serving the market on all three levels, approximately 2,500 square feet of storage space located on the first level of parking, approximately 4,000 square feet of ground floor retail space (separate from the grocery store) fronting onto Ventura Boulevard, and a 2,000 square-foot covered loading dock. A 7-space bicycle rack will also be provided. The grocery store would continue the store hours of 24 hours per day, 7 days a week, and as a Ralph's Fresh Fare store, would provide expanded gourmet offerings and better customer amenities including a larger selection of organic produce, a fully staffed meat and seafood department, a gourmet bakery, an enhanced service delicatessen, catering services, and a large selection of premium wines, spirits, and champagnes. In addition, sushi stations and cheese islands would be provided. The grocery store would provide a recycling area, and the sale of alcoholic beverages (to include beer, wine, and distilled spirits) for off-site consumption, in conjunction with the grocery store operation.

A total of 3 access driveways for the two parking levels are proposed, with access to the lower parking level provided off of Moorpark Street via a combined ingress/egress driveway, and access to the upper parking level provided off of both Ventura Blvd and Hazeltine Avenue via a combined ingress/egress driveway off of Hazeltine Avenue and a divided ingress/egress driveway off of Ventura Boulevard. Delivery truck access to the Project's service area and loading dock on the east side of the Project Site is provided by a one-way circulation pattern which uses two driveways: one for trucks to enter the Project Site off of Moorpark Street (in the northeast corner of the Project Site), and one for trucks to exit the Project Site onto Ventura Boulevard (in the southeast corner of the Project Site).

The Project will include a total of 316 parking spaces of which 194 are standard spaces, 114 are compact spaces and 8 spaces are reserved for disabled access parking. The Project's proposed parking plan would result in a parking ratio of 1.009 spaces per 250 square feet (sf).

The Project would provide approximately 17,960 square feet of landscape within the setback buffer areas along Ventura Boulevard, Moorpark Street, and Hazeltine Avenue, as well as along the eastern side of the Project Site. In addition, street trees would be provided within the public right-of way adjacent to Ventura Boulevard, Moorpark Street, and Hazeltine Avenue. Landscaped areas would be planted with trees and shrubs.

The Project is designed to be compatible with the design features and architecture of other adjoining and neighboring commercial properties, as well as the development standards of the Ventura - Cahuenga Boulevard Corridor Specific Plan and design guidelines of the Sherman Oaks Streetscape Plan and Design Guidelines, which seek to locate new commercial development oriented toward the main street in order to facilitate a pedestrian-friendly environment. In addition, the Project is designed with the intent of complying with the City Planning Commission's recently adopted Walkability Checklist, and the City's Green Building Program (Ordinance 179,820), including meeting the standards of sustainability for LEED (Leadership in Energy and Excellence in Design) Certification applicable to new construction. The proposed building is articulated in a contemporary style with different shapes, textures, colors, materials and overhead architectural features to create visual interest and soften the

¹ The original project description has been revised to include the 2,000 square-foot covered loading dock.

mass. The proposed retail space along Ventura Boulevard brings human scale to the Project while it shields the parking and activates the sidewalk. The exposed parking elevations are articulated and softened with planters and landscaping, and designed to allow additional lighting and ventilation into the space.

The two parking levels located below the supermarket are integrated with the design of the building they serve, resulting in an overall building façade that uses articulations, recesses and surface perforations to achieve a well-designed structure that provides variation and visual interest, further enhancing the streetscape and contributing to a pedestrian-friendly shopping environment.

The Project includes frontages along Ventura Boulevard, Moorpark Street, and Hazeltine Avenue, and is accessed off of Ventura Boulevard, Moorpark Street, and of three on-site wall signs are proposed: one facing the Ventura Boulevard frontage, one facing the Hazeltine Avenue frontage, and one facing the Moorpark Street frontage. A projecting sign having an area of approximately 160 sf, and projecting no more than 48 inches will be located next to the lobby entrance. All other signage developed as a part of the Proposed Project would be constructed in compliance with the applicable sections of the Los Angeles Municipal Codes and regulations, including the Ventura - Cahuenga Boulevard Corridor Specific Plan.

The excavation and grading would require the on-site movement of approximately 23,300 yd³ of soil and the export of approximately 15,400 yd³ of soil.

Background

The Project Site is presently improved with an existing Ralph's grocery store (originally constructed in the late 1960's) consisting of 31,444 square feet of ground level floor area and 9,167 square feet of basement space, for a total of 40,611 square feet. In addition, there is a recycling center located in the northwest corner of the Project Site, a Ralph's pole sign in the northeast corner of Ventura Boulevard and Hazeltine Avenue, and a separate commercial building located in the southeast corner of the Project Site containing a key shop and dry cleaners. The remainder of the Project Site is improved with a 189 space surface parking lot containing wheel stops and light poles, and providing 8 spaces reserved for disabled access parking. The maximum height of the existing façade (i.e., rooftop architectural features) located on the southern portion of the Ralph's grocery store building is approximately 47 feet, as measured from grade (i.e., the adjacent ground elevation). The existing Ralph's grocery store is open 24 hours per day, 7 days a week.

Prior zoning and planning approvals on the Project Site date from the early 1940's and include a variance from the provisions of the R-2 and R-3 zones to permit a free off-street parking lot in connection with the Ralph's market and commercial buildings (ZA-6626); approval to construct a loading dock within the parking lot area (ZA-13513); a zone change from C2-1, R3-1 and R4-1 to C2-1 and P-1, and removal of building line setback lines on the south side of Moorpark Street and on the east side of Hazeltine Avenue (CPC-20647 [Zone Change], CPC-20648-BL and CPC-20649-BL); a boundary adjustment between the C2-1 and P-1 zones to permit an ATM kiosk (CPC 20647); adoption of an ordinance to change the Height District to 1-VL, which included the following policy statement: "The City Planning Commission is not opposed to considering future applications for Height District changes, incorporating the criteria of the "D" Development Limitation Ordinance, for specific projects above three stories (but not more than six stories), where the project site is of sufficient size, width and depth and where the project can be adequately buffered and the impacts sufficiently mitigated so as to be reasonably compatible with nearby residential areas..." (CPC 29244), and; amendment of the Ventura -

Cahuenga Boulevard Corridor Specific Plan boundaries and adoption of the designations of the Sherman Oaks Pedestrian Development District (CPC 1999-001-SP).

Subject Property:

Legal Description: Tract 1000, Portion of Lot 202, Arbs 9 & 10

Existing Land Use: The site is presently developed with a Ralph's grocery store, with a recycling center, a separate commercial building containing a key shop and dry cleaners, and associated surface parking lot.

Plan Land Use: The plan designation for the site is General Commercial in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan.

Existing Zone: The site is zoned C2-1VL and P-1VL (Limited Commercial and Automobile Parking Zone).

Site Gross Lot Area: The site contains two lots that is a variable length of 402 to 409 feet wide by a variable depth of 272 to 325 feet, totaling approximately 120,201 square feet.

Site Net Lot Area: The site, after dedication of 2 feet along Hazeltine Avenue and 7 feet along Ventura Boulevard, will contain two lots with variable length of 400 to 407 feet wide by a variable depth of 265 to 318 feet, totaling approximately 116,030 square feet.

Surrounding Land Uses:

The zoning on the properties surrounding the Project Site is as follows. To the immediate north of the Project Site, on the north side of Moorpark Street, the property is zoned R3-1. The northwest corner of Hazeltine Avenue and Moorpark Street, immediately to the northwest of the Project Site, is zoned RD1.5-1. To the immediate south, across Ventura Boulevard, the properties are zoned C2-1VL. The property immediately adjacent to the east of the Project Site is zoned R3-1 (along the portion fronting Moorpark Street), and C2-1VL (along the portion fronting Ventura Boulevard). To the immediate west, across Hazeltine Avenue, the property is zoned C2-1VL and [Q]P-1VL. Also to the west along Ventura Boulevard are properties zoned C2-1VL on both the north and south sides of the street.

The Community Plan designates the properties surrounding the Project Site to the south, east, and west for General Commercial land use, and the property to the north/northeast of the Project Site for Multiple Family Residential land use. The Ventura - Cahuenga Boulevard Corridor Specific Plan, which also applies to properties located to the south, east and west of the Project Site, designates these properties for Neighborhood and General Commercial.

Adjacent properties are zoned RD1.5-1, R3-1, C2-1VL, and P-1VL zones and are characterized by urban, built-up land and improved streets with sidewalks, curbs and gutters. Adjoining properties are detailed in the following table:

Direction	Land Uses/Improvements	Zones	General Plan Designation
North	Multi-Family Apartments/Single Residence (Condominium)	RD1.5-1, R3-1	Medium Residential
East (along Moorpark)	Single Residence (Condominium)	R3-1	Medium Residential
East (along Ventura)	Store and Office Combination	C2-1VL	General Commercial

South	Bank & Savings and Loan/Stores/ Office Building/Store and Office Combination	C2-1VL	General Commercial
West (along Moorpark)	Commercial (Vacant Land)/Parking Lot (Patron or Employee)	[Q]P-1VL	General Commercial
West (along Ventura)	Auto Service Body and Fender Repair/Fast Food (Drive-Thru)/Commercial (Vacant Land)	C2-1VL	General Commercial

Street Designations and General Circulation:

Ventura Boulevard is a designated Major Highway - Class II and is improved to a width of 100 feet, with sidewalk, curb and gutter. City Engineer maps indicate that the portion of Ventura Boulevard adjacent to the subject property is dedicated to a half-street width of 57-feet, including sidewalk, curb and gutter, and includes a 20-foot radius property-line return at the intersection with Hazeltine Avenue. Per the March 3, 2010 Letter from the Bureau of Engineering, City standards require an additional improvement for street purposes from the subject property. (See "T" Conditions.)

Hazeltine Avenue is a designated Secondary Highway and is improved to a width of 82 feet, with sidewalk, curb and gutter. City Engineer maps indicate that the portion of Hazeltine Avenue adjacent to the subject property is dedicated to a half-street width of 45-feet, including sidewalk, curb and gutter. Per the March 3, 2010 Letter from the Bureau of Engineering, City standards require an additional dedication and improvements for street purposes from the subject property. (See "T" Conditions.)

Moorpark Street is a designated Secondary Highway and is improved to a width of 85 feet, with sidewalk, curb and gutter. City Engineer maps indicate that the portion of Hazeltine Avenue adjacent to the subject property is dedicated to a half-street width of 45-feet, including sidewalk, curb and gutter, including a 20-foot radius property line return at the intersection with Hazeltine Avenue. Per the March 3, 2010 Letter from the Bureau of Engineering, City standards require an additional dedication and improvements for street purposes from the subject property. (See "T" Conditions.)

Related Cases:

Relevant zoning-related actions for, or affecting, the subject property includes the following:

ZA-4751 - On June 28, 1935, the City Council granted a variance to permit the Citizens National Trust and Savings Bank to be permitted to continue to operate a dog kennel for toy Pomeranian dogs.

ZA-6626 - On September 30, 1941, the Zoning Administrator approved a variance from the provisions of the R-2 and R-3 zones to permit a free off-street parking lot in connection with the Ralph's market and commercial buildings.

ORD 97,921 - On April 6, 1951, the City Council adopted a Building Line on both sides of Moorpark Street from Moorpark Way to Tyrone Avenue.

ZA-13513 - On July 5, 1955, the Zoning Administrator conditionally approved a Variance to permit use of the R3 and R4 zoned portions of the property for various items in connection with the continued operation of the large market, such as a canopy over the loading dock and maintenance of a small shopping cart storage area.

CPC-20647 - On April 21, 1969, the City Council adopted a zone change from C2-1, R3-1 and R4-1 to C2-1 and P-1. (Ordinance No. 138,530)

CPC-20648-BL - On April 23, 1969, the City Council adopted a removal of building line setback lines on the south side of Moorpark Street. (Ordinance No. 138,531)

CPC-20649-BL - On April 23, 1969, the City Council adopted a removal of building line setback lines on the east side of Hazeltine Avenue. (Ordinance No. 138,532)

CPC-20647 - On June 6, 1980, the Director of Planning approves a boundary adjustment between the C2-1 and P-1 zones to permit an ATM kiosk.

CPC-29244 - On February 12, 1982, the City Council adopted an ordinance to change the Height District to 1-VL, which included the following policy statement: "The City Planning Commission is not opposed to considering future applications for Height District changes, incorporating the criteria of the "D" Development Limitation Ordinance, for specific projects above three stories (but not more than six stories), where the project site is of sufficient size, width and depth and where the project can be adequately buffered and the impacts sufficiently mitigated so as to be reasonably compatible with nearby residential areas...". (Ordinance No. 156,378)

CPC-1985-381 - On December 4, 1990, the City Council adopted a specific plan, known as the Ventura - Cahuenga Boulevard Corridor Specific Plan, for portions of the Cahuenga Pass - Sherman Oaks - Studio City - Toluca Lake Community Plan, the Encino - Tarzana Community Plan, and the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan in an effort to regulate traffic, transportation and density problems, and new development in the Corridor. (Ordinance No. 166,560)

CPC-1995-356-CPU - On January 22, 1999, the City Council adopted an update of Cahuenga Pass - Sherman Oaks - Studio City - Toluca Lake Community Plan. (Ordinance No. 172,446)

CPC-1999-001-SP - On June 19, 2001, the City Council adopted an amendment of the Ventura - Cahuenga Boulevard Corridor Specific Plan boundaries and adoption of the designations of the Sherman Oaks Pedestrian Development District. (Ordinance No. 174,052)

Reports Received:

Two (2) reports were received from City departments or other government agency related to this case at the time of the preparation of this recommendation report.

Bureau of Engineering:

In a letter dated March 3, 2010, the Land Development Group of the Bureau of Engineering made the following recommendations:

- Dedication required for Ventura Boulevard of a 7-foot wide strip of land along the property frontage to complete a 57-foot half right-of-way in accordance with Major Highway-Class II standards, including a 20-foot radius property line return at the intersection with Hazeltine Avenue.
- Dedication required for Moorpark Avenue of a 2-foot wide strip of land along the property frontage to complete a 45-foot half right-of-way in accordance with Secondary Highway

Street standards, including a 20-foot radius property line return at the intersection with Hazeltine Avenue.

- Dedication required for Hazeltine Avenue of a 2-foot wide strip of land along the property frontage to complete a 45-foot half right-of-way in accordance with Secondary Highway Street standards.
- Improvements required for Ventura Boulevard to construct additional surfacing to join the existing improvements to provide a 45-foot wide half roadway in accordance with Major Highway-Class II standards, including asphalt pavement, integral concrete curb, 2-foot gutter, and a 12-foot wide concrete sidewalk. Construct an access ramp at the intersection with Hazeltine to comply with ADA requirements.
- Improvements required for Hazeltine Avenue to construct additional surfacing to join the existing improvements to provide a 35-foot wide half roadway in accordance with Secondary Highway Street standards, including asphalt pavement, integral concrete curb, 2-foot gutter, and a 10-foot wide concrete sidewalk. Construct an access ramp at the intersection with Hazeltine to comply with ADA requirements. These improvements should suitably transition to join to the existing improvements.
- Improvements required for Moorpark Street to construct additional surfacing to join the existing improvements to provide a 35-foot wide half roadway in accordance with Secondary Highway Street standards, including asphalt pavement, integral concrete curb, 2-foot gutter, and a 10-foot wide concrete sidewalk. These improvements should suitably transition to join to the existing improvements.
- Installation of tree wells with root barriers and plant street trees satisfactory to the City Engineer and Urban Forestry Division of the Bureau of Street Services.
- Board of Public Works approval shall be obtained prior to the issuance of the Certificate of Occupancy of the development project for the removal of any tree in the existing or proposed right-of-way area associated with the improvement requirements.
- Street lighting and street light relocation will be required satisfactory to the Bureau of Street Lighting.
- Relocate traffic signals, signs, parking meters and equipments to the satisfaction of the Department of Transportation.
- Drainage systems exist in Hazeltine Avenue. Relocate catch basin per B-Permit plan check requirements.
- Sewer lines exist on Ventura Boulevard and Moorpark Street. Extension of the 6-inch house connection laterals to the new property line may be required. All Sewerage Facilities charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
- An investigation may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development.
- Submit shoring and lateral support plans to the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the right-of-way.

- Submit parking area and driveway plan to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

Department of Transportation:

In a letter dated September 22, 2009, the Department of Transportation made the following recommendations:

- At the intersection of Woodman Avenue and Moorpark Street, install a northbound right-turn-only lane on Woodman Avenue through restriping and restricting stopping on the east side of the street, and any traffic signals necessary to accommodate the northbound right-turn-only lane.
- Dedicate 7 feet of land and widen roadway along the entire frontage on Ventura Boulevard.
- Dedicate 2 feet of land and widen roadway along the entire frontage on Hazeltine Avenue.
- Dedicate 2 feet of land and widen roadway along the entire frontage on Moorpark Street.
- Pay or guarantee to pay a Project Impact Assessment (PIA) Fee to DOT before the issuance of any building permit.

Issues and Conclusions

Height:

The Proposed Project includes a maximum building height of 48 feet, 18 feet above the 30 feet permitted by the Ventura - Cahuenga Boulevard Corridor Specific Plan (Section 7-E,b(1)). The Project Site includes an approximate grade difference of 12 feet which descends from Ventura Boulevard to Moorpark Street. As such, and in consideration of the methodology for calculating height, a structure built to the permitted height limit of 30 feet along Ventura Boulevard would necessarily have a building height of 42 feet.

The Project includes two (2) levels of parking below the supermarket level. The two (2) levels of parking are approximately 11 feet in height (including 8-foot, 10-inch vehicular clearances), for a total of 22 feet above the lowest grade elevation, which is at Moorpark Street. An additional 22 feet allow for the supermarket to be situated within a space with high ceilings, consistent with a contemporary supermarket design, for a total building height of approximately 44 feet.

Therefore, when considering the methodology for calculating height, the maximum building height could include approximately 56 feet. Instead, the project is built to a maximum building height of 48 feet.

Noise:

The existing and proposed loading dock is located along the eastern property, adjacent to an approximately 46-foot in height condominium building. At the public hearing, residents of the condominium building expressed concerns over the proposed and existing use of the loading dock which includes deliveries beyond the permitted hours, as well as raucous noise from employees not directly associated with the delivery of goods.

In an effort to diminish the increase in noise levels resulting from the expanded supermarket, and better limit the noise of employees, the applicant has proposed to fully enclose the loading dock area (approximately 2,000 sf) with a roof structure and dock seal. This would allow for all delivery activities, including the unloading of trucks and trash collection, to be located within an enclosed structure.

Lot Coverage:

The proposed project has been designed to utilize the maximum allowable lot coverage (the percent of the building footprint compared to the lot size) that is permitted by Section 7-B,2 of the Ventura - Cahuenga Boulevard Specific Plan, which is 60%. However, as a result of the newly proposed enclosure provided for the loading dock (see noise above), the project would exceed the allowable lot coverage by 1.6% (or 3.9% after dedication).

Therefore, the applicant has filed for an additional entitlement, as Specific Plan Adjustment, to allow for a slight increase in the permitted lot coverage.

Walkability Checklist:

The applicant has incorporated many of the design principles put forth in the Walkability Checklist, most notably off-street parking, on-site landscaping, signage and lighting, and building façade. While the applicant's implementation of these elements reflects a thoughtful consideration of the building and its location, it does not adequately achieve the overall goal of the Checklist, which is to create walkable neighborhoods. Specifically, the use of five (5) driveways (three (3) for passenger vehicles and two (2) for deliveries) and main entrance of the supermarket at the second floor level, located within the building structure does not promote pedestrian safety nor does it provide a visual or physical connection to the street.

Therefore, though the project does contribute to a high quality of urban development through its architectural design, staff recommends conditions that would further enhance the pedestrian experience. Specifically, staff recommends that the project provide 1) safe and comfort pedestrian access from Moorpark to the retail uses along Ventura Boulevard through the use of a mid-block paseo and dedicated walkways, 2) a physical and visual connection from the main entrance of the supermarket to the street.

Recycling Buyback Center:

At the time of filing, the applicant included in the project description the continued operation of a recycling facility in conjunction with a grocery market pursuant to Section 12.21-A,18(c), to be operated and located within the grocery store. The site currently operates a recycling buyback center on the surface parking lot at the northwest portion of the property. This center has been operating under a building permit since May 13, 2008, but without a Certificate of Occupancy. Nevertheless, while the applicant has agreed to compliance with Section 12.21-A,18 of the LAMC, such a use may only be permitted under a Conditional Use Permit, pursuant to Section 12.24-U,22 of the LAMC. At the time of filing, the applicant did not request a Conditional Use Permit to allow the operation of a recycling buyback center and therefore this action does not approve or deny such a request. Staff has included in the conditions of approval for the Zone Change that if the applicant desires to operate a recycling buyback center on-site, the filing of a Condition Use Permit, pursuant to Section 12.24-U,22 of the LAMC, shall be required.

Conclusion:

While the project includes several deviations from the LAMC and the Ventura-Cahuenga Boulevard Corridor Specific Plan, it has been proposed aesthetically and operationally to meet the intent and spirit of both. This would include a contemporary architectural design, improved regulation of the hours and manner of operation, off-site improvements and an abundance of landscaping. Furthermore, the conditions recommended by staff, such as a mid-block paseo, slight modifications to the lobby area and driveway access will ensure that project orients itself to the pedestrian. As well, the applicant's revision of the project to include a covered loading dock area will minimize potential impacts to the abutting properties.

In total, the project will revitalize the existing commercial use and will improve the overall urban environment for the community at large.

(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32-G of the LAMC, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

Standard Conditions

1. **Use.** The property shall be limited to the use and area provisions of the C2 Zone.
2. **Plan.** The use and development of the property shall be in substantial conformance with the project plans submitted marked **Exhibit "B"**, dated September 23, 2010, with the exception of the revised plans prepared in conformance with the requirements of these conditions, herein, and of the LAMC to the satisfaction of the Department of City Planning.
3. **Height.** The building shall be permitted a maximum building height of 48 feet, as defined by Section 12.03 of the LAMC.
4. **Hours of Operation.** The site shall be permitted to operate between the hours of 11:00 p.m. and 7:00 a.m., resulting in 24-hour operation.
5. **Delivery Hours.** The site shall be permitted to have deliveries between the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday.
6. **Parking.** Parking for the proposed uses shall be provided pursuant to the requirements of Ventura - Cahuenga Boulevard Corridor Specific Plan.
7. **Driveways.** The site shall be permitted driveways as follows:
 - a. Three (3) driveways for passenger vehicles located on Ventura Boulevard, Hazeltine Avenue, and Moorpark Street;
 - b. Two (2) driveways for delivery and service trucks located on Ventura Boulevard, Hazeltine Avenue, and Moorpark Street;
 - c. The three (3) driveways for passenger vehicles shall be limited to not more than 30 feet in width;
 - d. The two (2) driveways for delivery and service trucks, and Fire Department access shall be limited to not more than 20 feet in width;
 - e. The two (2) driveways for delivery and service trucks, and Fire Department access shall include tire spikes or other mechanical devices to prevent vehicles from entering from Ventura Boulevard and exiting onto Moorpark Street, with the exception that emergency access shall be allowed;
 - f. Left-turns shall only be permitted from the Ventura Boulevard and Moorpark Street driveways (no left-turns shall be permitted from the Hazeltine Avenue driveway), and
 - g. The driveway at Ventura Boulevard shall be centered within one-foot of the prolongation of the terminating street center line.
8. **Exterior Materials.** The exterior of the proposed building shall be constructed of materials such as high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces.

9. **Exterior Lighting.** All exterior light fixtures shall be shielded to minimize the illumination of adjacent properties and to reduce glare. Floodlighting of buildings and parking lot areas shall be prohibited.
10. **Trash.** Trash/recycling receptacles, compactors, cardboard baling machinery and other trash/recycling related devices shall be installed within the interior of the structure, and shall be shielded from the adjacent properties to the satisfaction of the Department of City Planning.
11. **Trash pick-up.** Trash pick-up shall be limited to the hours between 7:00 a.m. to 10:00 p.m. Monday through Sunday. The number of trash pickups per day shall be minimized in order to mitigate the generated noise.
12. **Graffiti.** 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. 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.
13. **Employee Parking.** Employees shall not be permitted to park their vehicles on any surrounding streets during the hours they are working at the subject property.
14. **Recycling Buyback Center.** In the event that the applicant seeks to operate a recycling buyback center on-site, they shall comply with Section 12.24-U,22 of the LAMC.

Environmental Conditions

13. Aesthetics

- a. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
- b. The exterior of the proposed building shall be constructed of materials such as high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces.
- c. Provide structural and/or vegetative screening so that vehicle headlights from within the garage structure cannot be seen from adjacent residential properties.

14. Biological Resources

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. All significant trees (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) on the site not proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree.
- c. A Landscape Plan shall be prepared, indicating the location of all replacement trees, to the satisfaction of the decision-maker. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

- d. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-485-5675. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division of the Department of Public Works, Bureau of Street Services.

15. Cultural Resources

Archaeology

- a. If any archaeological materials are encountered during the course of the Project development, the Project shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology - Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist to assess the resources and evaluate the impact.
- b. Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center.
- c. A covenant and agreement shall be recorded prior to obtaining a grading permit.

Paleontology

- d. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Natural History Museum to assess the resources and evaluate the impact.
- e. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum.
- f. A covenant and agreement shall be recorded prior to obtaining a grading permit.

Human Remains

- g. If human remains are discovered at the Project Site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of LA Public Works Department and County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

16. Geology and Soils

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

Air Quality

- d. 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.
- e. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- f. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- g. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- h. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- i. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

Grading

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

General Construction

- m. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non recyclable materials/wastes 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. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- q. Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- 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.

Haul Routes

- s. Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.
- t. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- u. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

Noise

- v. 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.
- w. 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.
- x. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- y. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

Subsidence and Expansive Soils

- z. Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety.

17. Hazards and Hazardous Materials

- a. 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.

- b. Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- c. The applicant shall submit an emergency response plan for approval by the decision maker and the Fire Department. The emergency response plans shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

18. Hydrology and Water Quality

Commercial & Industrial Development (Lot Size 43,560 sf)

- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing $\frac{3}{4}$ 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 rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. 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.
- d. 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.
- e. Promote natural vegetation by using parking lot islands and other landscaped areas.
- f. Cover loading dock areas or design drainage to minimize run-on and run-off of stormwater.
- g. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
- h. 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.
- i. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- j. 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.
- k. 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.
- l. Toxic wastes must be discarded at a licensed regulated disposal site. Store trash dumpsters both 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.
- m. Reduce and recycle wastes, including: paper; glass; aluminum; oil; and grease.
- n. 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.
- o. 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.
- p. 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 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' specifications.
- q. 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.
- r. 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.
- s. Legibility of stencils and signs must be maintained.
- t. 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.
- u. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- v. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

- w. 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.

Food Service Industry (Restaurants, Bakeries, Food Processors)

- x. Cleaning of oily vents and equipment to be performed within designated covered area, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected 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 to remove any solids; and the oil absorbent pads must be replaced regularly according to manufacturer's specifications.
- y. Store trash dumpsters both under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.
- z. Reduce and recycle wastes, including oil and grease.
- aa. Store liquid storage tanks (drums and dumpsters) in designated paved areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, curbs, or dikes. Use drip pans or absorbent materials whenever grease containers are emptied.
- bb. Prescriptive Methods detailing BMPs specific to the project category are available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the City's website at www.lastormwater.org.

Parking Lots with 25 or More Spaces or 5,000 Square Feet of Lot Area (Residential, Commercial, Industrial, Public Facility)

- cc. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
- dd. Trash container areas must be screened or walled to prevent off-site transport of trash.
- ee. Reduce impervious land coverage of parking lot areas.
- ff. Infiltrate runoff before it reaches the storm drain system.
- gg. Runoff must be treated prior to release into the storm drain. Three types of treatments are available, (1) dynamic flow separator; (2) a filtration or (3) infiltration. Dynamic flow separator uses hydrodynamic force to remove debris, and oil and grease, and are located underground. Filtration involves catch basins with filter inserts. Filter inserts must be inspected every six months and after major storms, cleaned at least twice a year. Infiltration methods are typically constructed on-site and are determined by various factors such as soil types and groundwater table.

19. Land Use and Planning

- a. The Applicant shall obtain the following discretionary approvals from the City Planning Department and/or other public agency:
 - i. Zone Change (ZC) from C2-1VL and P-1VL to C2-1VL over the entire site;
 - ii. A Conditional Use Permit (CU) for a Commercial Corner Development (commercial use) that operates between the hours of 11:00 p.m. and 7:00 a.m., to construct the project at a height of 48 feet in lieu of the 45 foot height limitation, to allow a projecting sign, to provide less than 50% transparent windows along the ground floor portions of the project which front adjacent streets, and to maintain deliveries between the hours of 7:00 a.m. to 10:00 p.m., Monday through Sunday.
 - iii. A Conditional Use Permit (CUB – Alcohol) for the sale of alcoholic beverages, including beer, wine, and distilled spirits for off-site consumption in conjunction with the operation of a retail grocery store;
 - iv. An Exception (SPE) from the Ventura - Cahuenga Boulevard Corridor Specific Plan (“Specific Plan”):
 - 1) Section 7-A,3(b) which generally restricts the side yard along the easterly property line to 10 feet to construct a variable side yard along the easterly property line, including a 34-foot setback along the majority of the easterly property line at the northern end and an approximately 80-foot setback along the southern end;
 - 2) Section 7-E,1(b) which restricts the building height to 30 feet on both sides of Ventura Boulevard to construct a building with a height of 48 feet;
 - 3) Section 8-B,1(a)(1) which restricts the project to a maximum of one wall sign per tenant on a building’s street frontage and one additional sign on a street or alley, to construct three wall signs for the proposed grocery store with one sign facing each street frontage;
 - 4) Section 8-B,1(c)(2) which restricts the size of projecting signs to a maximum of 16 square feet to construct a projecting sign fronting Ventura Boulevard to a maximum of 160 square feet;
 - v. A Project Permit Compliance (SPP) with the Ventura - Cahuenga Boulevard Corridor Specific Plan with the above noted Exceptions;
 - vi. A Site Plan Review (SPR) approval;
 - vii. A Landscape Documentation Package approval; and
 - viii. Regulatory permits for construction activities from the Regional Water Quality Control Board, and the South Coast Air Quality Management District, as applicable;
- b. The Applicant will obtain required approvals and permits from the Building and Safety Department (and other municipal agencies) for Project construction activities including, but not limited to the following: demolition, haul route, excavation, shoring, grading, foundation, building and tenant improvements.

- a. 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.
- b. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drill rigs and jackhammers.
- d. Noise and groundborne vibration construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.
- e. Barriers such as, but not limited to, plywood structures or flexible sound control curtains extending eight feet in height shall be erected around the Project Site's northern and eastern boundaries to minimize the amount of noise during construction on the nearby noise-sensitive uses located offsite.
- f. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- g. Flexible sound control curtains shall be placed around drilling apparatuses and drill rigs used within the Project Site to the extent feasible.
- h. All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.
- i. No loading or unloading of any vehicle, or operating any dollies, carts, forklifts, or other wheeled equipment, which causes any impulsive sound, raucous or unnecessary noise, shall be permitted earlier than 7:00 a.m. and not after 10:00 p.m., within the service area.
- j. The eastern side of the Project's parking levels facing the multi-family residences shall have a solid decorative wall.
- k. The Projects parking ramps shall be constructed of concrete, not metal.
- l. The interior ramps shall be textured to prevent tire squeal at turning areas.
- m. A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
- n. A landscape plan prepared by a licensed Landscape Architect shall be submitted and approved by the decision maker.
- o. A six-foot solid decorative masonry wall shall be constructed at the property line separating the Project Site from the adjacent multi-family residences to the east.

21. Public Services

Fire Department

- a. 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.

Police Department

- b. 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 100 West 1st Street, Room 250, Los Angeles, 90012, (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
- c. All walkways, including those located within the service area, shall be well-illuminated.

Schools

- d. The applicant shall pay school fees to the Los Angeles Unified School District to help offset the impact of additional student enrollment at schools serving the Project area.

22. Transportation and Traffic

- a. Woodman Avenue and Moorpark Street - It is recommended that the north approach of Woodman Avenue to Moorpark Street be restriped to accommodate a northbound right-turn lane.
- b. The Proposed Project shall be developed in accordance with City standards and regulations applicable to improvements within the public right-of-way, and in substantial conformance with the Site Plan and Floor Plans for the Proposed Project as approved by the decision making body, including on-site and off-site sidewalks, landscape buffer areas, stripped pedestrian accessways, bike rack area, vehicle access and circulation, driveway width, and texturized driveway surfaces.
- c. Texturized driveway surfaces shall be provided at all driveway approaches within the parking levels.

23. Utilities and Service Systems

Water

- a. The Project shall comply with Ordinance No. 170,978 (Water Management Ordinance),

which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

- b. If conditions dictate, the Department of Water and Power may postpone new water connection for the Project until water supply capacity is adequate.
- c. The applicant shall install low-flush water toilets and water-saving showerheads in new construction. Low-flow faucet aerators should be installed on all sink faucets.
- d. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:
 - i. High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
 - ii. Restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
- f. Unless otherwise required, all restroom faucets shall be of a self-closing design, to the satisfaction of the Department of Building and Safety.
- g. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - i. Weather-based irrigation controller with rain shutoff;
 - ii. Matched precipitation (flow) rates for sprinkler heads;
 - iii. Drip/microspray/subsurface irrigation where appropriate;
 - iv. Minimum irrigation system distribution uniformity of 75 percent;
 - v. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; and
 - vi. Use of landscape contouring to minimize precipitation runoff.
- h. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

Solid Waste

- i. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled

accordingly as a part of the Project's regular solid waste disposal program.

- j. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the Project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- k. To facilitate on site separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the Project's regular solid waste disposal program.

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 Department of City Planning for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the [T][Q]C2-1VL 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 Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning 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 Department of City Planning 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 Department of City Planning 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. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.
10. **Utilization of Concurrent Entitlement.** The subject Zone Change, Conditional Use, Determination, and Site Plan Review 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, Variance, and Site Plan Review 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 remaining entitlement(s) by either securing a building permit or a Certificate of Occupancy for the authorized use.

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.

**CONDITIONS FOR EFFECTUATING (T)
TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32-G of the LAMC, 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 shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the Applicant.
 - (2) Prior to issuance of sign offs for final site plan approval and/or project permits by the Planning Department, the Applicant shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the Applicant. 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.
2. **Sewer Facilities.** Construction of necessary sewer facilities to the satisfaction of the Bureau of Engineering. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
3. **Drainage Facilities.** Construction of necessary drainage facilities to the satisfaction of the Bureau of Engineering.
4. **Street Trees.** Construction of tree wells and planting of street trees and parkway landscaping to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
5. **Traffic and Transportation.** The applicant shall, through the established B-Permit process of the Department of Public Works and to the satisfaction of the Department of Transportation:
 - a. Install a northbound right-turn-only lane on Woodman Avenue, at the intersection of Woodman Avenue and Moorpark Street, through restriping and restricting stopping on the east side of the street, and any traffic signals necessary to accommodate the northbound right-turn-only lane;
 - b. Guarantee the installation of an eastbound protected-permissive left-turn phasing for Ventura Boulevard left-turn movement at Hazeltine Avenue, east jog intersection (Traffic Control Report dated 10-15-09, Determination 3);

- c. Guarantee the installation of an eastbound protected-permissive left-turn phasing for Moorpark Street at the intersection of Hazeltine Avenue and Moorpark Street (Traffic Control Report dated 12-30-09, Determination 1), and
 - d. Pay or guarantee to pay the Project Impact Assessment (PIA) Fee, pursuant to Section 11 of the Ventura/Cahuenga Boulevard Corridor Specific Plan, to DOT before the issuance of any building permit.
6. **Parking.** Preparation of a parking area and driveway plan to the satisfaction of the appropriate Valley District Office of the Bureau of Engineering and the Department of Transportation. 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. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.
 7. **Site Access and Circulation.** The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation that incorporates design features that reduce accidents and which incorporates a maximum of 30-foot wide driveways (for two-way driveways) with a 20-foot reservoir to be required from the new property line to any gate or the first parking stall.
 8. **Street Lights.** Installation of street lights to the satisfaction of the Bureau of Street Lighting.
 9. **Street Lights.** That street lighting modifications be required at an intersection if there are improvements by the Department of Transportation (also for off-site improvements).
 10. **Fire Department.** Preparation of a plot plan to the satisfaction of the Fire Department.
 11. **Cable Television Facilities.** 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 17.05-N, to the satisfaction of the Department of Telecommunications.
 12. **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.
 13. **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.
 14. **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.
 15. **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.

CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE FOR THE SALE OF ALCOHOLIC BEVERAGES (LAMC SECTION 12.24-W,1); CONDITIONAL USE FOR COMMERCIAL CORNER (LAMC SECTION 12.24-W,27); PROJECT PERMIT COMPLIANCE EXCEPTION (LAMC SECTION 11.5.7-F); PROJECT PERMIT COMPLIANCE ADJUSTMENT (LAMC SECTION 11.5.7-E); THE PROJECT PERMIT COMPLIANCE (LAMC SECTION 11.5.7-C), AND SITE PLAN REVIEW (LAMC SECTION 16.05)

In addition to the environmental conditions from ENV-2009-3463-MND-REC included in the "Q" Conditions part of this conditional approval, the applicant shall be required to adhere to the following conditions:

Conditional Use - Off-Site Alcoholic Beverage Sales²

1. The business operations occur 24 hours per day, seven days a week. There shall be no sale of alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m.
2. There shall be no seating area in the vicinity of the sale of alcoholic beverages. No alcoholic beverages will be served for consumption in the market. Consumption of said beverages is for off-site only.
3. There shall be no coin-operated games or video game machines maintained on the premises at any time.
4. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business.
5. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Petitioner(s) shall be removed or painted over within 24 hours of being applied.
6. There shall be no signs visible on the outside which advertise the availability of alcoholic beverages.
7. The premises will maintain facilities for the preparation and cooking of food served for its takeout counters. Alcoholic beverages will not be permitted to be consumed on the premises.
8. There shall be no sale of "fortified" wine (greater than 16% alcohol), unless such product is a premium dessert wine, such as ports and madeiras.
9. Patrons less than 21 years of age are permitted to shop in the supermarket. However, alcoholic beverages shall not be sold to patrons under 21 years of age.
10. Alcoholic beverages shall not be consumed anywhere on-site, including the parking levels or any outside areas on the Petitioner(s) property.
11. The gross sale of alcohol shall not exceed the gross sale of food items on a quarterly basis.
12. Petitioner(s) shall be responsible for maintaining free of litter, the areas over which they have control and which are adjacent to the premises.
13. Petitioner(s) shall install and maintain security cameras and a one-month video or digitally recorded library that covers all common areas of the business, high-risk areas and

² Conditions relating to alcohol sales have been provided by the applicant and are included as part of the proposed project.

entrances or exits. The videotapes or digital recordings shall be made available to police upon request.

14. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.
15. Any future operator or owner for this site must file a new Plan Approval application to allow the City of Los Angeles to review the "mode and character" of the usage.
16. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the Petitioner(s) to file for a Plan Approval application together with the associated fees and to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
17. The Petitioner(s) shall not allow their property to be used as overflow parking for the public or for restaurant and nightclub valet parking services.
18. **Plan Approval.** Within two (2) years of the issuance of a Certificate of Occupancy, the applicant shall file an application for a Plan Approval, pursuant to Section 12.24-M of the LAMC, to allow the City of Los Angeles to review the operation of the use, and to add, remove or modify any conditions.

Conditional Use - Commercial Corner

19. **Signage.** The building shall be permitted one (1) projecting sign.
20. **Transparency.** The building shall be permitted to provide less than 50 percent transparent windows along the ground floor portions of the project which front Hazeltine Avenue and Moorpark Street, except as required under Condition 28 (Parking Structure).

Project Permit Compliance Exception - Ventura/Cahuenga Boulevard Corridor Specific Plan

21. **Height.** The proposed building or structure shall be limited to a maximum height of 48 feet, including parapets and roof-top mechanical equipment, and in substantial conformance with the project plans submitted marked **Exhibit "B"**, dated September 23, 2010.
22. There shall be a canopy, projecting not less than 5 feet from the building façade, above the vehicular entrance at Ventura Boulevard. (Directional signage may be provided on or within the canopy.)
23. No reflective materials shall be permitted on the roof.
24. All rooftop equipment shall be screened from view, including the residential condominium building to the east.

25. Sideyard. The eastern sideyard shall be permitted a maximum width of 80 feet from the property-line to the eastern wall of the building, and shall include the following:

- a. All areas within the sideyard, with the exception of those areas providing for vehicular and pedestrian access, as defined below, shall be fully landscaped with native groundcover, shrubs and trees;
- b. A minimum 5-foot landscape buffer abutting the commercially and residentially zoned properties to the east, including native groundcover, shrubs and trees;
- c. A minimum of thirteen trees shall be planted within the landscape buffer with a 25-foot linear separation;
- d. A minimum of six (6) trees shall be planted at the driveway at Ventura Boulevard, with a minimum of three (3) trees to be planted on either side of the driveway;
- e. Palms shall not be considered when meeting the requirements of tree planting within the sideyard;
- f. The delivery and service truck driveway shall be limited to not more than 20 feet wide, with the exception of the Fire Department turnaround;
- g. The delivery and service truck driveway shall be designed for one-way circulation which includes the following:
 - i. Vehicles would only be permitted to enter the delivery and service truck driveway from Moorpark Street and to exit onto Ventura Boulevard;
 - ii. The driveway at Ventura Boulevard shall have an access control gate, bollards, parking spike strips or other similar devices to prevent vehicles from entering from Ventura Boulevard;
- h. The loading dock/service area shall include the following:
 - i. The truck staging area for the loading dock shall be separated from the driveway by a stepped masonry wall, as shown in the approved architectural plans;
 - ii. The truck staging area for the loading dock shall be covered by a 70-foot long roof, as measured from the edge of the loading dock, and
 - iii. The end of the 70-foot roof structure shall include a dock seal;
- i. The wall separating the loading dock area and the delivery and service truck driveway shall be landscaped with a climbing vine, such as Creeping Fig (*Ficus repens*);
- j. The applicant shall post signs, subject to the approval of the Department of City Planning, at every driveway or door opening within the easterly side yard, which indicate a "Quiet Zone", "No Loitering" and indicate the hours of operation.
- k. All lighting for vehicles shall not exceed a 20 feet in height, including any wall mounted fixtures, and shall be downward-facing;
- l. The Fire Department turnaround shall not exceed the minimum requirements of Section 57.09.03-D,7;

- m. Pedestrian access, or mid-block paseo, adjacent to, but not within the landscape buffer, which is accessible during all hours of operation of the building, connecting Ventura Boulevard and Moorpark Street, which includes the following:
 - i. A minimum 5-foot wide sidewalk designed to American with Disabilities Act Standards for Accessible Design, including but not limited to passing space and slopes;
 - ii. Pedestrian-scale lighting;
 - iii. Railings to separate the sidewalk from the delivery and service truck driveway, and
 - iv. A arbor or pedestrian entryway located within 18-inches of the property-line at both Ventura Boulevard and Moorpark Street, and
 - v. Signage indicating that pedestrian access is open to the public and provides a linkage to either Ventura Boulevard or Moorpark Street.
 - vi. Two (2) trash receptacles, one (1) at either end of the pedestrian access, or mid-block paseo, in accordance with Americans with Disabilities Act standards;

26. **Signage.** The site shall be permitted a maximum of three (3) wall signs and one (1) projecting sign, as follows:

- a. One (1) wall sign shall be permitted on the building façade fronting Ventura Boulevard;
- b. One (1) wall sign shall be permitted on the building façade fronting Hazeltine Avenue;
- c. One (1) wall sign shall be permitted on the building façade fronting Moorpark Street;
- d. The wall signs fronting Ventura Boulevard and Hazeltine Avenue shall be limited to 180 square feet each and shall include the following:
 - i. A maximum dimension for each wall sign shall not exceed 20 feet wide, by 9 feet tall, and
 - ii. A transparent backing in order to allow visibility through the signage and into the lobby area;
- e. The wall sign fronting Moorpark Street shall be limited to 180 square feet with a maximum dimension of 20 feet wide, by 9 feet tall;
- f. One (1) projecting sign shall be permitted on the Ventura Boulevard building facade and shall be limited to 160 square feet;
- g. The grant does not permit any other deviation from Section 8 of the Ventura - Cahuenga Boulevard Corridor Specific (sign Regulations), or the LAMC, including prohibited signs which include, but are not limited to the following:
 - i. Portable signs and sandwich signs;
 - ii. Signs on free-standing walls, except directional signs for parking (or pedestrian access) and signs required pursuant to the Americans with Disabilities Act;
 - iii. Off-site commercial signs (*i.e.*, Billboards);

- iv. Window signs, except store names, store hours, security signs, logos, and holiday paintings, (provided they are not placed in the window more than 30 business days before a holiday and are removed within ten business days after the holiday). Identified exceptions may not, in aggregate, occupy more than ten percent of any window in area;
- v. Pole signs;
- vi. Windblown devices, such as pennants, flags, banners (that are not temporary signs) and balloons/inflatables;
- vii. Signs located in the public-right -of-way, except for signs contained on or within bus benches or bus shelters approved by the City Council and the Board of Public Works;
- viii. Stretchers;
- ix. Signs having flashing, mechanical, strobe or blinking lights or moving parts, and
- x. Supergraphic displays.

Project Permit Compliance Adjustment - Ventura/Cahuenga Boulevard Corridor Specific Plan

27. Lot Coverage. The site shall be permitted a maximum lot coverage (building footprint divided by the lot area) of 62%.

Project Permit Compliance - Ventura/Cahuenga Boulevard Corridor Specific Plan

28. Parking Structure. That portion of the building which is used for parking shall be designed in accordance with the following requirements:

- a. Automobiles contained in the garage shall be substantially screen from view by pedestrians and from adjacent buildings, except as may be recommended by the Los Angeles Police Department for purposes of safety. The facade of the parking structure shall be designed so that it is similar in color, material, and architectural detail with the building(s) for which it serves for parking;
- b. The Moorpark Street setback and building façade shall include the following:
 - i. A 15-foot landscape buffer, which includes a double row of trees (including street trees),
 - ii. A raised planter bed of not less than 42 inches in height;
 - iii. 50% of the openings provided for the garage shall be covered with “green screens”, or other architectural screening, at both levels of the parking garage, and
 - iv. Palms shall not be considered when meeting the requirements of tree planting within the setback;
 - v. One (1) bus shelter, in accordance with Americans with Disabilities Act standards, at the northwest corner of the property for the DASH Van Nuys/Studio City bus (the shelter is to be located on the subject property and maintained by the property owner or operator);

- vi. One (1) trash receptacle at the bus shelter, in accordance with Americans with Disabilities Act standards (the shelter is to be located on the subject property and maintained by the property owner or operator);
- c. The Hazeltine Avenue setback and building façade shall include the following:
 - i. A 15-foot landscape buffer, which includes a double row of trees (including street trees),
 - ii. A raised planter bed including the following:
 - 1) Not less than 42 inches in height,
 - 2) A minimum of three (3) trees, and
 - 3) Not less than 15 feet from the western property-line;
 - iii. 50% of the openings provided for the garage shall be covered with “green screens”, or other architectural screening, at both levels of the parking garage, and
 - iv. Palms shall not be considered when meeting the requirements of tree planting within the setback.

29. Underground Utilities. Any new utilities required of the project shall be placed underground.

Site Plan Review

30. Ventura Boulevard and Hazeltine Avenue (southwest corner of property).

- a. The building façade at the corner of Ventura Boulevard and Hazeltine Avenue shall be:
 - i. All glass (with the exception of signage), and
 - ii. The ground level of the lobby shall be set back 5 feet from the second floor above, and
- b. Kiosks, community informational boards and outdoor seating are permitted at the southwest corner of the property, however all signage provisions contain herein, and within the LAMC are applicable.

31. Lobby Interior. The second floor of the lobby shall provide a minimum 10-foot wide interior balcony space along the perimeter wall of the lobby area which includes the following:

- a. A minimum 5-foot area for eating, including chairs, fixed tables and bar seating, and
- b. A minimum 5-foot walkway.

32. Pedestrian Access (Parking Areas). All parking areas shall incorporate dedicated pedestrian pathways to facilitate ease of pedestrian travel from parking areas to business entrances. These pathways shall be distinguished from vehicle parking areas by the use of decorative marking and paving materials;

33. Bicycle Parking. A minimum of fourteen off-street parking spaces for bicycles shall be provided and located no farther than the distance from a main entrance of the building to the

nearest off-street automobile parking space. A minimum of seven (7) of the parking spaces for bicycles shall be located outside of the building.

34. Walkability Checklist.

Sidewalks

- a. All sidewalks, both on-site and within the public right-of-way, shall be designed and constructed to be consistent with the Sherman Oaks Streetscape Plan.
- b. In addition to the condition above, the Project shall include street furnishings along Hazeltine Avenue and Moorpark Street, in addition to those proposed along Ventura Boulevard. Such furnishings may include benches, newspaper racks, pedestrian information kiosks, bicycle racks, bus shelters, and pedestrian lighting.
- c. The Project shall include planted parkways with low-profile, ground coverings that accommodates both pedestrian movement and car doors.
- d. All sidewalks that cross driveways shall be designed for pedestrian safety and comfort incorporating such features as a stop-sign, distinct paving pattern (designed to be consistent with the sidewalk pattern), signage, and lighting so that pedestrians are visible to moving vehicles during the day and night.

Crosswalks/Street Crossings

- e. Crosswalks providing direct access to the Project Site shall install pedestrian enhancements, such as pedestrian crossing signals, visible and accessible push buttons to actuated signals and dual sidewalk ramps that are directed to each crosswalk. (Note: If this condition conflicts with the street improvement requirements of Bureau of Engineering, this condition shall prevail.)

35. Shopping Cart Retrieval. The applicant shall:

- a. Provide a shopping cart containment system around all entrances/exits of the project in order to prohibit shopping carts from leaving the site by locking the wheels;
- b. Coordinate a cart retrieval service which collects the shopping carts from the adjacent community in order to prevent shopping carts from littering the surrounding neighborhood, and
- c. Maintain all parking spaces clear of shopping carts.

FINDINGS

A. General Plan/Charter Findings

General Plan Land Use Designation. The subject property is located within the Sherman Oaks portion of the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan, updated and adopted by the City Council on May 13, 1998. The Community Plan designates the subject property for Neighborhood Commercial uses corresponding to the C1, C1.5, C2, C4, RAS3, RAS4 and P zones. The subject property is currently zoned C2-1VL (Commercial Zone) and P-1VL (Automobile Parking Zone). The applicant is requesting a zone change to C2-1VL (Commercial Zone). Staff's recommended zone of [T][Q]C2-1VL is consistent with the current Community Plan land use designation of Neighborhood Commercial. Staff's recommendation to [T][Q]C2-1VL is within the range of zones permitted in this land use category and therefore IS CONSISTENT with proposed the land use designation IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan.

1. **General Plan Framework.** The General Plan Framework includes the following relevant land use goals, objectives, policies and programs for the Urban Form and Neighborhood Design:

GOAL 5A

A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

Objective 5.1, Policy 2, Program 38

The proposed project implements proactive measures to improve the neighborhood appearance through its contemporary and innovative architectural design. As well, staff recommends the installation of a bus shelter for the DASH Van Nuys/Studio City bus at the corner of Hazeltine Avenue and Moorpark Street to better connect the project with the neighborhood and citywide functions.

Objective 5.2, Policies 1 and 2, Programs 18, 24 and 25

The project revitalizes and improves a commercial center along a corridor that is served by transit and already functions as a center for the surrounding neighborhood. The expanded commercial uses will allow the center to function both in the day and nighttime while maintaining its compatibility with the surrounding neighborhood through low-rise development and incorporation of pedestrian-oriented design elements such as building to the edge of the sidewalk with appropriate continuous storefronts and street trees.

Objective 5.5, Policies 4, 6 and 7, Programs 18, 24 and 25

The project will enhance the liveability of the Sherman Oaks neighborhood by upgrading the a tired supermarket and improving the quality of the public realm through implementation of the Sherman Oaks Streetscape Plan including appropriate sidewalk widths and materials, street lights and trees. The project also minimizes the impact of a structure above the allowable height by stepping the building back at Ventura Boulevard and providing horizontal articulation and other design elements, as well as locating all utilities underground. Moreover, the project has been conditioned to provide a bus shelter and other street furniture along Moorpark Street to further improve the quality of the public realm.

Objective 5.6, Policy 1

The project allows for the improvement of an existing commercial use, while not detracting from the existing urban form and community character of area.

Objective 5.7

The project provides a transition for the surrounding residential neighborhoods through the articulation of the building's roof-line and on-site landscape buffers, as well as the implementation of a mid-block paseo, allowing residences to more easily access the commercial uses from Moorpark via a dedicated pedestrian path within the sideyard.

Objective 5.8, Policies 1, 2 and 4, Programs 4, 18, 24 and 25

The project encourages a strong pedestrian orientation through the use of a building wall more-or-less continuous along the street frontage, ground floor building frontage designed to accommodate commercial uses, including shops with entrances directly accessible from the sidewalk. As well, parking is located within the building and behind the commercial frontage and screened from view; and the proposed signage has been designed to be integrated within the architectural character of the building.

The project has been conditioned to provide additional bicycle parking spaces above code requirements to reduce the need for vehicular use. Conditions relating to the lobby at the ground level are designed to accommodate outdoor dining or other activities at the ground level and adjacent to the sidewalk. Furthermore, in addition to required street trees, the project includes additional trees within the setbacks to provide a continuous canopy along the sidewalk and pedestrian amenities (e.g., benches, pedestrian-scale lighting, special paving, window boxes and planters) which further the project's orientation toward pedestrian use.

Objective 5.9, Policy 1, Program 18

The project has been designed to encourage effective use of the built environment, helping to increase personal safety at all times of the day. This includes the incorporation of commercial uses at the ground level. As well, the conditions relating to the mid-block paseo, including way-finding signage, pedestrian-scale lighting and addition windows along the eastern façade of the building will facilitate observation and natural surveillance.

2. **Community Plan: Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass.** The proposed zone change, as previously described, conforms to the stated goals, objectives and policies of the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass as follows:

GOAL 2

A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district.

Objective 1, Policies 1 and 3

The project expands existing commercial uses within an established commercial area, and has been designed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

Objective 3, Policies 2 and 3

The project will enhance the identity of commercial area by improving the existing pedestrian street activity through new neighborhood-serving retail uses at the ground

level, and ensuring harmony with the best of existing development, including the height of the proposed building.

Objective 4, Policies 2 and 3

To project improves the appearance of the existing commercial area while preserving the existing community character, scale and architectural diversity by implementing elements of the Ventura - Cahuenga Boulevard Corridor Specific Plan, and applicable design standards identified in the Design Guidelines of the Community Plan. The proposed parking structure will be well-lit and will provide dedicated pedestrian pathways to facilitate ease of pedestrian travel. As well, proposed and conditioned landscaping, specifically within the eastern sideyard, will create corridors that stimulate pedestrian activity throughout the site.

B. Entitlement Findings

1. **Zone Change, Sec. 12.32-F of the LAMC.** The recommended zone change is consistent with the General Plan and in conformance with the public necessity, convenience, general welfare or good zoning practice in that:

The existing commercial use has served the local community since the late 1960's, and has been operating without significant, adverse impacts to the community at-large. The location of a neighborhood-serving grocery store provides a much need convenience to nearby residents, business and organizations as the nearest grocery store is approximately 1.8 miles from the subject site. Furthermore, the proposed project will provide expanded services to the community without introducing elements into the area that would detract from the existing character of the neighborhood.

In addition to the benefits toward the public necessity, convenience and general welfare stated above, approving the expanded operation of the commercial use on a commercially zoned property, along a commercially developed boulevard would affirm the practice of separating residential uses from commercial uses in areas not designated for mixed-use.

Consistency with the General Plan is discussed above.

2. **Conditional Use, Sec. 12.24-W,1 of the LAMC: Alcoholic Beverage.** In approving the conditional use for the sale or dispensing of alcoholic beverages for consumption off-site of the premises, the City Planning Commission findings that:
 - a. ***That the proposed location will be desirable to the public convenience or welfare.***

The existing grocery store, which currently sells alcoholic beverages for off-site consumption, has served the community for over 40 years and has been desirable to the public convenience and welfare since its establishment.

The proposed new grocery store will be a full-service market that caters to the local community. The existing and proposed grocery store has been and will be the primary supermarket serving the Sherman Oaks community. The objective of the proposed project is to upgrade the existing store with a new one that creates an inviting, pedestrian-friendly feel, consistent with the goals of the Community and Specific Plans. The availability of alcoholic beverages is an essential part of this project, as patrons of supermarkets in general expect these goods to be available. Such activities are a natural and vital extension of the use and function to create a

pedestrian-friendly commercial environment, which is contemplated by the applicable Specific Plan to contribute to the overall vitality of the commercial corridor of Ventura Boulevard in Sherman Oaks.

The location of the food market is desirable to the public convenience and welfare, because such a commercial outlet is appropriate for the commercial, retail and mixed-use, urban character of the area. The population density of the area requires that needed goods and services be conveniently located and accessible to community members. The location of proposed grocery store serves the public convenience and welfare because it is the primary supermarket to serve the local community. The closest food market of a similar caliber is 1.8 miles from the project location.

b. That the proposed use is proper in relation to adjacent uses or the development of the community.

The proposed project is proper in relation to adjacent uses because surrounding land uses include other commercial retail developments and other uses which support the Project's aim to create a more vibrant commercial corridor. Currently, the area is dominated by retail, restaurant and office uses.

The proposed project is designed to minimize the visual impact of the building and to downplay its scale and intensity through architectural design elements. Accordingly, the building, while one of the larger buildings in the area, remains compatible with the smaller surrounding buildings. The façade of the project will be designed with windows, architectural design features and building articulations, including landscaping that will be visually appealing. The new building will be oriented to the main commercial street of Ventura Boulevard, consistent with the design guidelines of the Community Plan. The project incorporates applicable design elements associated with "walkability" such as building orientation, scale, materials, pedestrian orientation, access and sidewalk treatment. The storefronts and sidewalks will prove inviting to pedestrians. The proposed new construction will create an aesthetically pleasing commercial project that will be constructed to an appropriate size and mass to correspond to several other existing and future commercial and mixed-use projects in the neighborhood.

The grocery store will also contribute to, and is proper in relation to, the development of the community because it retains and upgrades a high-quality, neighborhood-serving use that is already in the area. Providing services, such as a food market, makes the project attractive to individuals who live and work in the area and need such amenities nearby. The proposed supermarket will offer specialty food items, including "Fresh Fare," with a wide range of unique, high-quality products. The grocery store will carry the types of specialty items that most major supermarkets and liquor stores do not carry, including imported and organic items. The sale of alcoholic beverages for off-site consumption is a typical function of a supermarket.

The primary commercial component of the project is an expanded grocery store which will operate 24 hours per day and will offer a full range of goods and services essential to the operation of a supermarket. The food market will offer a wide variety of ready-made and restaurant-quality "to go" food items. The sale of beer, wine and distilled spirits will be for off-site consumption only. The project will also include a 4,000-square foot ground floor neighborhood-serving retail space. The food market, and the project in general, help to create a sense of community and bring to it the type of neighborhood-serving retail use that is essential as well as proper in relation to the adjacent uses or the development of the community.

A stated purpose of the Ventura-Cahuenga Boulevard Corridor Specific Plan is 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.” The existing grocery store has served the needs of the surrounding community for the past four decades. Within the immediate vicinity, there is no alternative supermarket of similar caliber to serve the needs of residents. The project will provide an improved supermarket with a full line of alcoholic beverages that will be proper in relation to the adjacent uses and the development of the community.

c. That the proposed use will not be materially detrimental to the character of development in the immediate neighborhood.

The proposed use will not be materially detrimental to the character of development in the immediate neighborhood because the proposed uses, just like the existing uses, are in keeping with the surrounding uses. The project is a commercial development on a highly developed commercial corridor, on a property designated for General Commercial uses by the Community Plan. The site is an ideal location for this type of project, which offers a wide range of goods and services to the local community, including the sale of a full line of alcoholic beverages for off-site consumption. Considering the longtime presence of the existing grocery store at this location, the proposed new store will not be detrimental to the neighborhood character.

The proposed project is designed to minimize the visual impact of the building and to downplay its scale and intensity through architectural design elements. The proposed new building will create an aesthetically pleasing commercial project that will be constructed to an appropriate size and mass to correspond to several other existing and future commercial and mixed-use projects in the neighborhoods.

The project will enhance the character of development in the immediate neighborhood by also creating an off-street parking system that replaces the current outmoded and inefficient system where the surface parking is located in the front of the existing grocery store. The project will minimize disruption to local traffic circulation by providing singular ingress and egress points on Ventura Boulevard, Hazeltine Avenue and Moorpark Street. The project is designed to accommodate and comply with the Ventura-Cahuenga Boulevard Corridor Specific Plan parking standards. Nevertheless, the project is also designed to be compatible with the pedestrian-oriented environment of Ventura Boulevard and the close proximity to transit. The project, as designed, will not be materially detrimental to the character of development in the immediate neighborhood.

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

The proposed project and project location will be in harmony with the various elements and objective of the General Plan through its support of the goals of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan. The project will help facilitate the Plan’s goal of developing a strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district. The project will provide an improved and enhanced supermarket with the modern amenities that are appealing and more desirable to consumers. Oriented to the main commercial street, the project will enhance the pedestrian street activity on the commercial corridor of Ventura Boulevard.

The project will enhance the appearance of its commercial district by adhering to the design principles and requirements of the Community and Specific Plans. Other commercial properties in the immediate vicinity are oriented toward the main commercial street of Ventura Boulevard. The project will be developed in keeping with the community character and scale of the adjoining commercial properties. Moreover, with a well-designed project incorporating attractive architectural features, the project will enhance the community's architectural diversity while adhering to design policies of the Community Plan. The project also proposes to provide landscaping features that currently do not exist.

The proposed location is ideal for this type of project, which offers a wide range of goods and services to the local community. The project is consistent with, and will not adversely impact, any aspect of the General Plan and, conversely, meets many of the goals, objectives and policies for development that are specified in the General Plan.

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

The Conditional Use Permit ("CUB") for the proposed use will not adversely affect the welfare of the pertinent community because the supermarket, with its specialty food offerings, is a service in the area that would not otherwise be provided by any other outlet of a similar scope or caliber. The project will enhance the welfare of the community and create incentives for economic vitality in the community. The project will replace an outdated grocery store with a new, expanded supermarket offering specialty food items, including "Fresh Fare," with a wide range of unique, high-quality products. The grocery store will carry the types of specialty items that most major supermarkets and liquor stores do not carry, including imported and organic items. The approval of the CUB for the sale of beer, wine and distilled spirits for off-site consumption in conjunction with the operation of a grocery store with up to 65,500 square feet of floor area will enhance rather than adversely affect the economic welfare of the community. Patrons of supermarkets increasingly expect a wide selection of goods and services, including a variety of alcoholic beverages. The project will provide customers of the supermarket with an extensive choice of alcoholic beverages, which often complement the specialty food items that are sold at a "Fresh Fare."

In addition, Conditions of Approval, as proposed by the Applicant and consistent with state and local regulations, were developed to ensure the safety of customers, the community and the operation of the use in compliance with established guidelines and requirements. The CUB approval will contribute to the enhancement of the level of services available to the surrounding community inherent in providing a quality full-service supermarket, and will not affect the physical appearance of the property. The project's food market, open 24 hours per day, will offer desirable goods and services to the community, thereby not adversely affecting the welfare of the community.

f. *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.

Given the applicable State laws and the California Department of Alcoholic Beverage Control's guidelines for undue concentration of alcohol-serving establishments, and given the number and proximity of these types of establishments within a 1,000-foot radius of the project site and whether revocation or nuisance proceedings have been initiated for these uses, the granting of the CUB application will not result in an undue concentration of premises that sell or dispense alcoholic beverages, including beer and wine, in this area of the City. The subject property is surrounded by the commercial corridor of Ventura Boulevard to the east and to the west. Though another grocery store is not located nearby, there are a number of restaurants in the vicinity. As a result, there are alcohol uses in the immediate area. However, it is not uncommon to have concentrations of this nature in certain pedestrian-oriented areas of the City. The Community Plan encourages the development of commercial properties that are pedestrian-oriented. Conversely, restaurants and bars sell their alcoholic beverages only for on-site consumption. The proposed project will sell alcoholic beverages for off-site consumption only. This means that there will not be an undue concentration of establishments selling alcohol for off-site consumption, as a result of the proposed CUB, as this area lacks this type of use associated with a grocery store. There are no major markets or grocery stores with alcohol sales within either a 600-foot or a 1,000-foot radius of the site. However, located within the 600 to 1,000-foot radius of the site, there are two stores (convenience and liquor) that sell alcoholic beverages for off-site consumption only. Cheers Liquor at 14230 Ventura Boulevard sells a full-line of alcoholic beverages for off-site consumption, and the 7-Eleven convenience store at 13901 Ventura Boulevard sells beer and/or wine only for off-site consumption.

Within the 600-foot radius, the following establishments sell alcoholic beverages for on-site consumption only:

Mandarin Best Chinese Cuisine, 14120 Ventura Boulevard (beer and/or wine only)

Rive Gauche Café, 14106 Ventura Boulevard (full-line of alcohol)

Cozy's Bar and Grill, 14058 Ventura Boulevard (full-line of alcohol)

Café Bizou, 14016 Ventura Boulevard (full-line of alcohol)

Cordiale Café, 14015 Ventura Boulevard (full-line of alcohol)

Bamboo Inn, 14010 Ventura Boulevard (full-line of alcohol)

Within the 600 to 1,000-foot radius, the following establishments sell alcoholic beverages for on-site consumption only:

Hagop Restaurant, 14228 Ventura Boulevard (full-line of alcohol)

Taste of India, 13903 Ventura Boulevard (beer and/or wine only)

Midori Sushi, 13905 Ventura Boulevard (beer and/or wine only)

Poquito Mas, 13924 Ventura Boulevard (beer and/or wine only)

Proposed to include approximately 65,500 square feet of floor area for the supermarket, the project will utilize the vast majority of its space for a wide range of traditional produce and food goods, in addition to specialty items. Thus, only a small portion of the project will be used for the sale of alcoholic beverages. The sale of alcoholic beverages, however, is of critical importance to the Applicant in order to

attract and cater to a sophisticated clientele, particularly those who seek fine wines and spirits to complement specialty foods. Since the sale of alcoholic beverages will be incidental to the grocery store's primary operations, the establishment will not take on the negative characteristics of a liquor store, nor attract undesirable elements to the neighborhood. Issuance of the CUB permit will be a matter of public convenience and necessity to the neighborhood. There is no undue concentration of similar grocery stores offering a wide range of goods and services, including the sale of alcoholic beverages.

Furthermore, the granting of the CUB application will not result in an undue concentration of alcohol-serving establishments in this area of the City, giving consideration to 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.) According to the crime statistics located on the Official Website of the Los Angeles Police Department, the Van Nuys station, which covers the area in which the project site is located, experienced a total decrease of 12% and 4% in violent and property crimes, respectively, within the past year, with a reported total violent crime decrease of 32% during the period of 8/1/10 to 8/28/10 as compared to the month before (Source: <http://www.lapdonline.org/assets/pdf/vnyprof.pdf>.) More specifically, the LAPD Crime Map shows that within a 1-mile radius of the project site, a very low number of crimes have occurred during the week 8/24/10-8/31/10, most of which were grand theft auto crimes.

- g. 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 proposed project and approval of the CUB will not detrimentally affect nearby residentially-zoned communities in the area nor any sensitive uses in the area, given the fact that there are no churches, schools, hospitals, recreational areas, or other sensitive uses within 1,000 feet of the project site. The closest residential buildings to the project site are located to the north, across Moorpark Street; however, the approval of the CUB will not detrimentally affect these residentially-zoned properties located to the north across Moorpark Street, nor the properties to the east and west along Moorpark Street, where multi-family residential buildings are located beyond the commercially-zoned uses situated along Ventura Boulevard.

The proposed food market and its related uses fit appropriately within nearby properties in terms of scale and character and complement the goods and services offered in the area. As previously mentioned, there are no existing supermarkets within close proximity that offer similar amenities to those proposed in this project. As such, the approval of the CUB and the food market will supply much needed amenities for those who live and work in the surrounding community and will not detrimentally affect the residential area after giving consideration to other alcohol-serving establishments. In this way, the proposed use will enhance public convenience and contribute positively to the commercial environment and to the livability of the adjacent residential area.

Considering that the new grocery store will provide even greater shopping convenience to the vicinity, residential neighbors of the project will indeed benefit from the new, upgraded, high-quality supermarket, which will include the sale of

alcohol for off-site consumption only in addition to a wide range of produce and food goods. The grocery store will be the primary supermarket serving the Sherman Oaks community. The objective of the project is to create a new and inviting, pedestrian-friendly commercial development which will attract nearby residents, consistent with the goals of the Community Plan. This will aid in further activating the streets where residents and patrons can enjoy the commercial corridor of Ventura Boulevard where a variety of retail spaces and restaurants creates an appealing environment. The availability of alcoholic beverages for off-site consumption is an essential part of this project, as supermarkets are expected to provide this service to their patrons, and the preponderance of the project's customers will be residents of the local community. As such, approval of the Conditional Use to sell alcoholic beverages at this location (for off-site consumption only) will not detrimentally affect nearby residentially-zoned properties.

3. **Conditional Use, Sec. 12.22-A,23 of the LAMC: Commercial Corner.** In approving a Conditional Use for an exception from Commercial Corner Development requirements under Sections 12.22-A,23(a)(1) of the LAMC (Height), 12.22-A,23(a)(3) of the LAMC (Windows), 12.22-A,23(a)(6) of the LAMC (Signs) and 12.22-A,23(b)(3) of the LAMC (Hours), the City Planning Commission findings that:

a. **Specific Plan Compliance, Section 12.22-A,23(e) of the LAMC.**

Pursuant to Section 12.22-A,23(e) of the LAMC, the City Planning Commission finds that the provisions of Section 12.22-A,23(a)(1) of the LAMC (Height), 12.22-A,23(a)(3) of the LAMC (Windows), 12.22-A,23(a)(6) of the LAMC (Signs) conflict with those provisions of the Ventura - Cahuenga Boulevard Corridor Specific Plan and that the provisions of the Specific Plan, specifically those relating to height, parking structures and signage, and the exceptions granted herein, would prevail.

b. ***That the proposed location will be desirable to the public convenience and welfare.***

- i. **Hours of Operation.** The subject property is currently occupied by a 40,611 square-foot grocery store which has operated at the site since the late 1960's. The existing grocery store operates 24-hour a day, seven days a week, with certain holidays excepted. As such, the request to permit the grocery store to operation 24 hours a day would not expand the existing hours of operation. Furthermore, based on evidence in the record, and testimony provided at the public hearing, the hours of operation of the site has not been a public nuisance to the neighborhood. Instead, the operation has provided the surrounding community with a grocery store conveniently located to nearby residences, businesses and organizations. Therefore, approval of a 24 hour operation for the grocery store would be desirable to the public convenience and welfare.
- ii. **Deliveries.** Similarly, the current operation of the grocery store has accepted deliveries beyond the hours permitted under Section 12.22-A,23(b)(3) of the LAMC, which limit the hours for deliveries to no earlier than 7 a.m., nor later than 8 p.m., Monday through Friday, and no earlier than 10 a.m., nor later than 4 p.m., on Saturdays and Sundays. However, while this is an existing condition, testimony provided at the public hearing indicated that the operation has shown itself to be a nuisance to the abutting residential apartment building in that the deliveries have been poorly regulated and conducted at all hours of the night. Therefore, in order to ensure that the operation of deliveries protects the best

interests of the surrounding property or neighborhood, to ensure that the development is compatible with the surrounding properties or neighborhood, to lessen any detrimental effect on the surrounding property or neighborhood and to secure appropriate development in harmony with the objectives of the General Plan, staff recommends the truck staging area be covered with a 70-foot long roof structure (as measured from the loading dock) and include a dock seal to reduce the emission of sound from delivery activities. As well, deliveries would be restricted to no earlier than 7 a.m., nor later than 10 p.m., seven days a week. With the conditions imposed, the hours of deliveries would be desirable to the public convenience and welfare.

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

- i. **Hours of Operation.** As discussed above, the existing 24-hour operation has not shown itself to be a public nuisance. Instead, it allows the grocery store to operate in manner that supports the nearby residences, businesses and organizations. Therefore, continued use of the grocery store to operation 24-hour a day would be in proper relation to adjacent uses and the development of the community.
- ii. **Deliveries.** Similarly, and as discussed above, the existing operation of deliveries has shown itself to be a nuisance to the adjacent apartment building. However, and in light of the commercial use and the conditions imposed, including the truck staging area be covered with a 70-foot long roof structure (as measured from the loading dock), a dock seal to reduce the emission of sound from delivery activities, as well, deliveries restricted to no earlier than 7 a.m., nor later than 10 p.m., seven days a week, the delivery hours would be in proper in relation to adjacent uses and the development of the community.

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

- i. **Hours of Operation and Deliveries.** The project site is located on a C2-1VL and P-1VL and designated as Neighborhood & General Commercial land use within the Ventura - Cahuenga Boulevard Corridor Specific Plan. As such, the hours of operation and of delivery, which are incidental to the existing and proposed commercial use, would not materially detrimental to the character of development in the immediate neighborhood. Moreover, the conditions imposed, including the truck staging area be covered with a 70-foot long roof structure (as measured from the loading dock), a dock seal to reduce the emission of sound from delivery activities, as well, deliveries restricted to no earlier than 7 a.m., nor later than 10 p.m., seven days a week would further diminish any adverse affect of the adjacent residential properties.

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

- i. **Hours of Operation and Deliveries.** See discussion under Finding A of the zone change request as it relates to consistency with various elements and objectives of the General Plan.

f. The Mini-Shopping Center or Commercial Corner Development use is

consistent with the public welfare and safety.

- i. **Hours of Operation and Deliveries.** See discussion under Finding b above as it relates to public convenience and welfare.
- g. ***The 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.***

- i. **Hours of Operation and Deliveries.** The project would include the installation of 3 new traffic signals at the adjoining intersections. Specifically, the project would implement a protected-permissive left-turn phasing for Ventura Boulevard eastbound left-turn movements at the intersection Ventura Boulevard and Hazeltine Avenue (east jog), and a protected-permissive left-turn phasing for Moorpark eastbound left-turn movement at the intersection Ventura Boulevard and Hazeltine Avenue.

Given the improvement to traffic flow resulting from the implementation of the conditions discussed above, the project would reduce traffic congestion and improve vehicle and pedestrian safety, as determined by the City Department of Transportation (Traffic Control Reports dated 10-15-09 and 12-30-09).

Furthermore, all driveways would be limited to 30 feet in width, the 2 driveways for the service and delivery trucks would be limited to 20 feet in width and limited to one-way traffic flow and the driveway at the T-intersection of Hazeltine Avenue and Ventura Boulevard would be centered within one-foot of the prolongation of the terminating street center line as recommended in the Department of Transportation's Manual of Policies and Procedures. As well, left-turns exiting the project site from the Hazeltine Avenue driveway would be prohibited.

Therefore, the proposed Commercial Corner Development would not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.

- h. ***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.***

- i. **Hours of Operation and Deliveries.** Section 12.03 of the LAMC defines Mini-Shopping Centers as "a building or group of buildings located on a lot or lots, having all of the following characteristics:
 - (1) Size - comprised of less than 65,000 square feet of lot area before any dedications required in connection with the building permit or other permits for the Mini-Shopping Center;
 - (2) Use - used for more than one retail establishment, such as a store, shop, business, service or facility;
 - (3) Zoning - located in the C or M1, M2 or M3 Zones; and

- (4) Improvements - improved with a structure or structures that do not exceed a height of three stories.

... The definition of Mini-Shopping Center shall not include the following:

An automobile service station, including service bay areas, where accessory food sales do not exceed 600 square feet of floor area and other accessory uses do not exceed 500 square feet of floor area; or

Commercial buildings composed of general business or professional offices, including those of a real estate or stock broker, or an insurance or building and loan company, with 30% or less of the total square footage containing related commercial/retail uses that are located on the first and second floors, so long as parking is provided for the commercial/retail uses as required by Section 12.21-A,4."

Section 12.03 of the LAMC defines Mini-Shopping Centers as "Commercial Corner Developments as "any commercially used corner lot located in a C or M zone in Height District Nos. 1, 1-L, 1-VL or 1-XL, the lot line of which adjoins, is separated only by an alley adjacent to, or is located across the street from, any portion of a lot zoned A or R, or improved with any residential use (except in an M zone)."

As such, properties located across Moorpark Street are residential buildings and would not constitute either a Mini-Shopping Center or Commercial Corner Development. Properties located along the north side of Ventura Boulevard are primarily office buildings, but also include a drive-thru restaurant and an auto service station to the west of the subject property. Properties located across Ventura Boulevard are primarily office buildings or retail buildings with not more than one retail establishment. At the southeast corner of Ventura Boulevard and Stansbury Avenue, approximately 225 feet away from the subject property, is an existing Commercial Corner Development.

Therefore, there is not a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed Commercial Corner Development.

- i. 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.***

- i. Hours of Operation and Deliveries.*** The subject property is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district, area or zone.

- 4. Specific Plan Exception, Sec. 11.5.7-F of the LAMC: Ventura - Cahuenga Boulevard Corridor Specific Plan.** In approving a Specific Plan Exception from the Ventura - Chaunega Boulevard Corridor Specific Plan requirements under Sections 7-A,3(b) (Sideyard), 7-E,1(b)(1) (Height) and 8-B,2(a)(b) (Signs), the City Planning Commission findings that:

a. The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.

- i. **Sideyard.** The proposed project includes the construction of a 65,000 square-foot grocery store, with an associated loading dock. Furthermore, the subject site includes 3 street frontages along Ventura Boulevard, Hazeltine Avenue and Moorpark Street. Therefore, in order to comply with Section 7-A,3(a) of the Specific Plan, which prohibits any parking area or driveway (including a loading dock) to be located directly in front of a building, the project has placed the load dock along the eastern property-line and within the property's sideyard. This results in a sideyard width greater than the 10 feet permitted by the Specific Plan. In addition, pursuant to Section 57.09.03 of the LAMC (Fire Department Access) the project is required to provide a fire access along the eastern façade of the building.

Accordingly, due to the prohibition on any parking area or driveway (including a loading dock) to be located directly in front of a building and the requirements for Fire Department Access, strict application of the maximum 10-foot sideyard would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the specific plan.

- ii. **Height.** The subject site includes an approximately 12-foot grade difference from Ventura Boulevard down to Moorpark Street and is currently developed with a 31,444 square-foot, 46-foot in-height grocery store, with a surface parking lot. The proposed project includes the construction of a 65,000 square-foot grocery store above 2 levels of parking, all within a 48-foot tall structure. Furthermore, the proposed project has a building footprint of approximately 62% of the lot area, with the exterior building walls located 15 feet from the front yard property line (at Ventura Boulevard) and 15 feet from the rear yard property line (at Moorpark Street). This is consistent with the general purpose and intent of the specific plan in that it provides a building and site design that encourages pedestrian activity, maximizing the use of the property at the ground level and establishing a strong street wall.

In addition, pursuant to Section 12.03 of the LAMC, the height of structures is measured using the lowest point of grade within 5 feet of the exterior building wall. Therefore, in determining the building height, any proposed structure on the subject property which maximizes the use of the property at the ground level would necessarily have an additional 12 feet added to the building height.

As it relates to the proposed project, the new grocery store, with a ceiling height of 22 feet, 6 inches, over two levels of parking, with ceiling heights of approximately 11 feet, would result in a 44-foot, 6-inch structure. Including the 12-foot grade difference would result in a building height of 56 feet, 6 inches, or 8 feet, 6 inches above the 48-foot tall proposed project.

Consequently, as the project has been designed to meet the general purpose and intent of the specific plan in that it provides a building and site design that encourages pedestrian activity, maximizing the use of the property at the ground level and establishing a strong street wall, and that the site contains a 12-foot grade difference, strict application of the 30-foot height limit would result in

practical difficulties inconsistent with the general purpose and intent of the specific plan.

Furthermore, the building façade along Ventura Boulevard has been stepped so as to reduce the overall massing at the street front, creating a more pedestrian-scale environment.

- iii. **Signs.** The proposed project includes a 160 square-foot projecting sign and three (3) wall signs. These exceeds the 16 square feet allowed for a projecting sign and the two (2) wall signs permit by Section 8-B,2(a) and (b), the purposes of which is to preserve and enhance community aesthetics by establishing coordinated and comprehensive standards for signage in the Specific Plan.

The proposed projecting sign is located along the southern façade of the building, providing visibility from either east or westbound traffic along Ventura Boulevard. The three (3) wall signs are located on the three (3) street frontages, providing visibility from the north, west and south of the project site. Furthermore, the signs have been integrated into the design of the building architecture using similar materials and are of a size and dimension that serves to identify the building to both pedestrians along Ventura Boulevard and to vehicular traffic passing by. In addition, the project seeks to remove an existing pole sign which, while prohibited by the Specific Plan, pursuant to Section 8-A,b(5), would remain, as permitted pursuant to Section 8-E,4 of the Specific Plan, if granting of the Exception were denied.

Therefore, strict application of a 16 square-foot projecting sign limit and two (2) wall signs would result in unnecessary hardships inconsistent with the general purpose and intent of the specific plan in that it would limit project's visibility along three (3) street frontages and may require continued use and maintenance of a prohibited pole sign, instead of permitting signage that has been designed to preserve and enhance community aesthetics through the integration into the design of the building architecture.

b. There are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.

- i. **Sideward.** See discussion under Finding a above as it relates to strict application of the regulations of the specific plan.
- ii. **Height.** The lot is a sloping site with an approximately 12-foot grade difference from Ventura Boulevard down to Moorpark Street. (This condition does not generally apply to other properties within the specific plan area.) Pursuant to Section 12.03 of the LAMC, the height of structures is measured using the lowest point of grade within 5 feet of the exterior building wall. Therefore, in determining the building height, any proposed structure on the subject property which maximizes the lot coverage would necessarily have an additional 12 feet added to the building height.

Therefore, if a building were designed to the maximum allowable height of 30 feet, as viewed from Ventura Boulevard, pursuant to Section 12.03 to the LAMC, the building would be considered a 42-foot tall structure, including the 12-foot grade difference. For that reason, there are exceptional circumstances

applicable to the subject property that do not apply generally to other properties in the specific plan area which would permit the granting on the Exception to approve a height which exceeds the allowable height of 30 feet.

Signs. The subject property includes three street frontages, including an approximately 410-foot long frontage with Ventura Boulevard, designated a Major Highway - Class II. Most properties along Ventura Boulevard have one (1) street frontage on a 40- to 50-foot wide lot. As such, the subject property two (2) additional street frontages and approximately 10 times the length of most other properties along Ventura Boulevard. Therefore, there are exceptional circumstances applicable to the subject property that do not apply generally to other properties in the specific plan area which would permit the granting on the Exception to approve a three (3) wall signs and one (1) projecting sign of 160 square feet, or 10 times the permitted size of 16 square feet.

c. 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.

- i. **Sideyard.** See discussion under Finding a above as it relates to strict application of the regulations of the specific plan.
- ii. **Height.** See discussion under Finding b above as it relates to exceptional circumstances or conditions applicable to the subject property.
- iii. **Signs.** See discussion under Finding b above as it relates to exceptional circumstances or conditions applicable to the subject property.

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

- i. **Sideyard.** As discussed in under Finding a, the proposed project includes a loading dock within the eastern sideyard, adjacent to an existing residential condominium building. Not only does this allow the project to conform to provisions of the Specific Plan regulating vehicular use areas along street frontages (Section Section 7-A,3(a)), it also allows for required Fire Department access required under Section 57.09.03 of the LAMC. Furthermore, the existing site currently utilizes northeastern portion of the property for loading dock purposes.

Nevertheless, testimony at the public hearing by the residents of the condominium building to the east of the property relayed concerns over the proposed and existing use of the loading dock which includes deliveries beyond the permitted hours, as well as raucous noise from employees not directly associated with the delivery of goods.

As such, in an effort to diminish the increase in noise levels resulting from the expanded supermarket, and better limit the noise of employees, the applicant has proposed to enclose the loading dock area (approximately 2,000 sf) with a roof structure and dock seal. This would allow for all delivery activities, including

the unloading of trucks and trash collection, to be located within an enclosed structure, reducing the noise levels below the existing operation.

- ii. **Height.** As shown in the Initial Study and Proposed Mitigated Negative Declaration (ENV-2009-3463-MND-REC-REC), a building height of 48 feet would not result in any significant, adverse environmental impacts as it relates to shade and shadow, or consistency and compatibility with the surrounding properties. Therefore, the granting of an exception to the 30-foot height limit 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.
 - iii. **Signs.** As shown in the Initial Study and Proposed Mitigated Negative Declaration (ENV-2009-3463-MND-REC), the three (3) wall signs and one (1) projecting sign of 160 square feet would not result in any significant, adverse environmental impacts as it relates to light and glare on the surrounding properties. Therefore, the granting of an exception to allow three (3) wall signs and one (1) 160 square-foot projecting sign 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. 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.***
- i. **Sidewayd.** See discussion under Finding a above as it relates to strict application of the regulations of the specific plan.

In addition, staff recommends additional conditions to further implement the general purpose and intent of the Specific Plan, which is to preserve and enhance community aesthetics through buffering and landscaping, as well as to promote an attractive pedestrian environment, which will encourage pedestrian activity and reduce traffic congestion. Specifically, staff recommends the implementation of a mid-block paseo along the eastern property-line and landscaping above the minimum requirements of the Specific Plan and the LAMC.

- ii. **Height.** See discussion under Finding a above as it relates to strict application of the regulations of the specific plan.
 - iii. **Signs.** See discussion under Finding a above as it relates to strict application of the regulations of the specific plan.
- 5. Specific Plan Adjustment, Sec. 11.5.7-E: Ventura - Cahuenga Boulevard Corridor Specific Plan.** In approving a Specific Plan Adjustment from the Ventura - Cahuenga Boulevard Corridor Specific Plan requirements under Section 7-B,2 (Lot Coverage), the City Planning Commission findings that:
- a. There are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical.***

The proposed project includes the construction of a 65,000 square-foot grocery store above 2 levels of parking and 4,000 square feet of retail space and a 2,000 square-foot lobby at the ground level (along Ventura Boulevard). In addition, during the public review process, concerns regarding the location and operation of the loading

dock along the eastern portion of the property were expressed by the residents of the residential condominium building to the east. In response, the applicant has included in the project a 2,000 square-foot roof structure to cover the loading dock in order to reduce the increased noise levels. As such, the proposed project has a building footprint of approximately 74,000 square feet on a 120,201 square-foot lot, resulting in a lot coverage of approximately 62%.

Therefore, in order to accommodate the project, including the added roof structure for the loading dock, the granting of an Adjustment to the maximum allowable 60% Lot Coverage is appropriate.

- b. In granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable specific plan regulations.***

Included in the purposes of the Specific Plan is to promote an attractive pedestrian environment which will encourage pedestrian activity. These purposes are achieved through the implementation of the regulations established by the Specific Plan which include Floor Area Ratio Limitations, Yards and Setbacks, Lot Coverage, Landscaping Requirements, Height Limits and Signs. Notably, the limitation on Lot Coverage would result in development that does not use the entire site, but instead preserves a substantial proportion of the ground level for design elements that would promote an attractive pedestrian environment. Therefore, staff recommends addition conditions to further implement the purposes of the Specific Plan. Specifically, staff recommends that the ground floor level of the lobby be set back from the second floor by a minimum of 5 feet in order to provide an area that could be used for covered outdoor seating/dining and would encourage greater pedestrian activity at the sidewalk. As well, staff recommends the construction of a mid-block paseo along the eastern property-line and landscaping above the minimum requirements of the Specific Plan and the LAMC.

- c. In granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way.***

As shown in the Initial Study and Proposed Mitigated Negative Declaration (ENV-2009-3463-MND-REC), a 62% Lot Coverage would not result in any significant, adverse environmental impacts. Therefore, the granting of an Adjustment to allow a 62% Lot Coverage would have no detrimental effects on surrounding properties and public rights-of-way.

- d. The project incorporates mitigation measures, monitoring of 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.***

Based on the Initial Study and Proposed Mitigated Negative Declaration (ENV-2009-3463-MND-REC) the project will incorporate mitigation measures and monitoring of measures, found in the "Q" Conditions, which would mitigate the negative environmental effects of the project.

6. Project Permit Compliance, Sec. 11.5.7-C: Ventura - Cahuenga Boulevard Corridor Specific Plan. In approving a Project Permit Compliance for the Ventura - Cahuenga Boulevard Corridor Specific Plan, the City Planning Commission findings that:

- a. The project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan.***

The Specific Plan includes provisions regulating Floor Area Ratio Limitations, Yards and Setbacks, Lot Coverage, Driveways, Landscaping Requirements, Height Limits, Parking and Signs. The project conforms to the Floor Area Ratio Limitations, Yards and Setbacks, Driveways, Landscaping Requirements and Parking. Therefore, with the exception of the Exceptions and Adjustments to the Specific Plan granting herein, the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan.

- 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.***

Based on the Initial Study and Proposed Mitigated Negative Declaration (ENV-2009-3463-MND-REC) the project will incorporate mitigation measures and monitoring of measures, found in the "Q" Conditions, which would mitigate the negative environmental effects of the project.

7. Site Plan Review, Sec. 16.05. In approving a Site Plan Review, the City Planning Commission findings that:

- a. That the project complies with all applicable provisions of this Code and any applicable Specific Plan.***

The proposed project has been designed to meet all applicable provisions of both the LAMC and the Ventura - Cahuenga Boulevard Corridor Specific Plan. However, due to special circumstances relating to the location of the site and its topography, the applicant has requested deviations from both the Code and the Specific Plan. Therefore, in granting the requested Conditional Use Permit for Commercial Corner, and the Exceptions and Adjustments from the Specific Plan, the project would comply with all applicable provisions of this Code and the Specific Plan.

- b. That the project is consistent with the General Plan.***

See discussion under General Plan/Charter Findings above.

- c. That the project is consistent with any applicable adopted Redevelopment Plan.***

The project is not located with a Redevelopment Plan.

- d. That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, which is or will be compatible with existing and future development on neighboring properties.***

See discussion under General Plan/Charter Findings, Conditional Use for Commercial Corner and Project Permit Compliance for the Ventura - Cahuenga Boulevard Corridor Specific Plan above.

- e. That the project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA.***

Based on the Initial Study and Proposed Mitigated Negative Declaration (ENV-2009-3463-MND-REC) the project will incorporate mitigation measures and monitoring of measures, found in the "Q" Conditions, which would mitigate the negative environmental effects of the project.

- f. That any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.***

The project does not contain any residential uses.

C. CEQA Findings

Environmental. 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 and listed as Environmental Conditions in this report, there is no substantial evidence that the proposed project will have a significant effect on the environment. The Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. Other identified potential impacts not specifically mitigated by these conditions are already subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Landscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

PUBLIC HEARING AND COMMUNICATIONS

Public Hearing

The public hearing was held at the Marvin Braude Constituent Service Center in Van Nuys, California, on Monday, July 19, 2010. The hearing was attended by approximately 65 - 70 persons including the applicant representatives (Kendra Doyle, Jeff Guth, and Angelo DeVito), the applicant's land use consultants (Alex Irvine and Craig Lawson of Craig Lawson Company), the applicant's architect (Mitra Esfandiari of Perkowitz + Ruth Architects), the applicant's environmental consultant (Shane Parker of Parker Environmental Consultants), the applicant's traffic consultant (Jerry Overland of Overland Traffic Consultants), and the applicant's public outreach consultant (Maria Camacho of Concensus Inc.). Additionally, there were several members of the public which attended both in support and in opposition to the proposed project with the supporters outweighing those in opposition. The hearing lasted approximately 3 hours with approximately 30 persons testifying before the hearing officer.

Communications Received (Internal)

The following letters were received by City agencies including:

- 1) Bureau of Engineering, dated March 3, 2010.
- 2) Department of Transportation, dated September 22, 2009.

Communications Received (External)

The Notice of Public Hearing was mailed to the public on or about June 21, 2010. Upon receipt of that Notice, many communications were received by the hearing officer. Most correspondences were by email with a few letters and phone calls. In all, approximately 80 persons either emailed, mailed, or phoned the hearing officer. The majority of the correspondences were in support of the project and the expansion of the supermarket.

Some examples of supporters' correspondences include:

- 1) **Roy Glickman, Sherman Oaks.** "I am a resident of Sherman Oaks and I support the application for the new Ralphs store at 14049 Ventura Blvd. I think that the proposed upgrade would be an asset for the neighborhood. I am a member of the Sherman Oaks Homeowners Association, but I do not support the objections offered by the Association. Many of the same objections were made to the Best Buy store on Van Nuys next to Gelsons, yet that store is actually a major improvement over the ugly parking lot and dilapidated movie theater that was at the Best Buy location previously."
- 2) **Darrin Kohavi, Sherman Oaks.** "My name is Darrin Kohavi and I live at 5714 Halbrent Ave. Sherman Oaks, CA. I want my Ralphs in Sherman Oaks upgraded to a Ralphs Fresh Fare! A new Ralphs Fresh Fare would bring an improved shopping experience, easier access for cars and people, and an inviting street front along Ventura Blvd., Moorpark St. and Hazeltine Ave. Please recommend approval of this project. I look forward to being at the hearing on the 19th, and as a young member of the community I think it would be great to have a new Ralphs design to increase development and beautification of the wonderful city of Sherman Oaks. It is a prominent street corner and will be great for the area!"

3) **Marci Tenhundfeld, Sherman Oaks.** I am writing you regarding the proposed Sherman Oaks Ralphs Fresh Fare. I completely support this proposed renovation/upgrade of the Ralphs. I would have loved to attend the first hearing meeting, to demonstrate my support, but unfortunately I have to work during the week. So I hope this letter will suffice. I own a condo that is across the way from Ralphs at 14115 Moorpark Street, Sherman Oaks, CA. I am pretty much at the Ralphs every other day! I am extremely excited about the idea of updating the Ralphs. I find that the current store has a lot to offer but I think that it could look a lot nicer including the parking lot, storefront and inside. And as a homeowner I can further appreciate having a nice look to the buildings that surround my condo. A few years ago when I moved to Sherman Oaks that was certainly something that I considered when deciding where to live. I think that when a community up keeps its buildings and store fronts it says a lot about the people and businesses that are in the area. I have also read that the update will possibly include a new pedestrian entrance where currently the back of the Ralphs is located. Since I live at the corner of Moorpark and Hazeltine and always walk over there this would be ideal for me. I am also excited to hear that they will be having more fresh food offering and a wider selection. I have been involved with economic development projects through my career and I know that there can be opposition at these types of meetings. If that happens to be the case for the Ralphs I hope you will take in to consideration that there are likely other working professionals that would really appreciate the proposed update and take advantage of the fresh fare options but that are unable to attend the hearing. If you have any questions about my support or if I can help in other way please do not hesitate to contact me. I appreciate you taking the time to read my email. I look forward to hearing more about this future (hopefully!) update to the Ralphs.

Some examples of those in opposition include:

1) **Gary Monroe, Sherman Oaks.** "I am writing this letter to contest the transformation project changing the Ralphs market to a Ralphs Fresh Fair. This issue is a double edge sword for me. I appreciate the convenience of having a Ralphs next to my apartment, but that convenience is not worth the excessive noise caused by the Ralphs employees and the delivery trucks we must endure early in the mornings and more painfully through late into the night. My apartment building is located directly behind the Ralphs at 14014 Moorpark Street. We are separated by an ally just large enough for the enormous semi-trucks to past through for their deliveries. I understand they have to do business and when I rented my apartment, I knew there would be noise during the day and into the early evening. When I found they continue to load nightly till 11:00 PM I spoke to the manager at Ralphs and he said that they try their best to finish up by 10:00. I have spoken to Ralph's managers on 10 or more occasions regarding the noise and they say they will look into it never to any success. I spoke to the Van Nuys Police Department regarding Ralphs disturbing the peace and they said that all they can do is send an officer and request they quiet the loading dock. By the time they are able to get an officer to the Ralphs location, the noise has stopped. Although cooperative as they can possibly be I have called the Van Nuys police department they have suggested I may want to look into moving my residence to another location. Other than the noise this location in Sherman Oaks is perfect for my personal and business life nevertheless I would move down the street tomorrow if I had the \$7500.00 it would take to do this. Please understand I am not looking for financial compensation just trying to lay out the facts of my situation and how Ralph's has placed me between a rock and a hard place with their lack of consideration for their neighbors. Here is the heart of the problem, I will live with 11:00 PM loading dock but inevitably during the week they will be working more towards 12:00 AM and it is not uncommon for them to come out at 2:00 AM or 3:00 AM using their electric mobile hoist and start moving product around, stacking wooden pallets or talking. Often when the Semi-trucks arrive they blow their horn (at any hour) to advise they have arrived, their airbrakes are excessively loud as they are backing up. Unfortunately, the Ralphs is a noise issue for their surrounding neighbors and I believe Ralphs is inconsiderate

and, more importantly, breaking the law multiple times a week without any respect for their neighbors. When I call the store their first response is always the same, "Not our loading dock; they are not allowed to work this late". After I share I am a neighbor and have had this problem before they will say, "I will have them stop immediately and we are very sorry". Normally the loading dock noise will stop within a half hour (normally... not always) and I will have to call again only to hear the same pleasant, "We're sorry." and "We will check into it now." My night is still turned upside down and once again I must attempt to get back to sleep. I appreciate the fact that they are sorry, but the apology is always too late, the damage is done and it's even more irritating to know that it will happen again and again. When I have called down to the workers from my window and say, "Hey guys it is 2:00 in the morning", they yell back, "We will be through in a few minutes." and continue to work. I strongly believe adding to the size of this Ralphs location is a VERY BAD IDEA, it will add additional truck and loading noise. I am asking the city Planning Department to Not Approve Ralphs request to change this location to a Ralphs Fresh Fair. I will attend the hearing on July 19th and ask the other members of my apartment building who are also being affected by this problem to join."

2) **Ellen Vukovich, Sherman Oaks.** "I am writing to you personally as opposed to my official role as a Sherman Oaks Homeowners Association Board Member. Forgive me for not including all of the pertinent file info; I think you know the project sufficiently by now! My concerns about this project center on one salient point - the need for the City of Los Angeles to start upholding the Ventura Cahuenga Specific Plan (obviously abbreviated and hereinafter referred to as the "Specific Plan"). I can't stress to you sufficiently the need for the Specific Plan's building requirements be met - which means, in my mind, that a developer must show he will suffer an economic hardship if requested Exceptions aren't granted. In the file before you, height (and signage) exemptions are requested. It has come to my attention that Council Member Paul Koretz is in receipt from the developer (or was told he would be) of alternative designs showing/proving that the project could be built within the height restrictions under the Specific Plan. (Or close to it - am not certain since I am not in the information loop between SOHA and the Council Office). And that leads to me to this - that the design Ralph's selected was arbitrary as opposed to being the only one they could consider. Therefore, why does Ralph's then have to set a dangerous land use precedent by being allowed to violate the Plan? (Presuming that the City will rubber stamp its approval as has been the policy in the past). While I am pleased that Kroger's is willing to invest in our community, the bottom line is this. It is incumbent upon the City of Los Angeles to ensure that this project is a good fit not just for its economic interests, but for the laws which were established such as our Specific Plan. I am hopeful that you will consider what I have to say. Thank you for your consideration."

3) **Marshall Long, Sherman Oaks (Sherman Oaks Homeowners).** "I am writing just to summarize our concerns on the Ralph's project. As you recall, at the hearing you said you would keep the case open for ten days for public input, which is the reason I am writing. Also, the structure of the hearing was such that the developer was allowed to rebut our arguments, but we were not allowed to rebut his. Thus, this is an opportunity to restate our concerns. 1. The size of the project is massive in that it covers virtually all of the subject property. It would be larger than other grocery stores in the Sherman Oaks neighborhood, and seems to be more than the applicant needs. He has argued that they had done in-depth studies on the necessity for this scale of a project, which included taking customer surveys. It is unclear what the surveys consisted of, and no marketing or economic analysis has been submitted to substantiate this claim. 2. The height of the project has not changed from the initial submittal. It does not meet the Ventura Boulevard Specific Plan either on the front, where it is 37 feet above local grade, or in the rear, where it is 48 feet above local grade. Although the front entry shops have been lowered, which we view as an improvement, there has not been any change in the noncompliance with the plan. 3. Shawn Bayliss, the deputy for Councilman Koretz, stated that the latest proposed design met the Ventura Boulevard Specific Plan on the Ventura side, citing

the lowering of the front structures. This is simply a misstatement of the facts. The Specific Plan does not address the height of lower structures. Rather, it addresses the overall height of the building at its highest point compared to local grade. 4. The applicant stated that the Ventura Boulevard Specific Plan need not be followed since everyone ignored certain restrictions in the plan. He cited what he described as a requirement that a building shall be built 18 inches from the front lot line. The Ventura Boulevard Specific Plan contains no such requirement. On page 18 under Section 7, Subsection A, Yards and Setbacks, paragraph 2, Regional, Commercial, and Community Commercial Plan Designation Areas states that "No project shall be built within 18 inches of the front lot line. This 18-inch setback shall be landscaped to the satisfaction of the Director of Planning." Thus, the 18-inch setback is a minimum, not a maximum. Additional setbacks are allowed. Thus, in this particular development, at least so far as setback is concerned, the Ventura Boulevard Specific Plan is being complied with, not ignored. 5. Clearly an improved Ralph's is in the interest of the community, but it must comply with the law. We request that you require the applicant to resubmit a plan that complies with the Ventura Boulevard Specific Plan. There are several ways of doing this. One is to reduce the size of the store in order to reduce the parking. The store could then be located at grade level on Ventura with underground parking, which daylight to Moorpark. This would allow both underground parking beneath the store as well on-grade parking on the Moorpark side. This would also address the truck noise problem, which is a great concern, by allowing delivery trucks to offload well away from the neighbors to the east. Compliance with the height requirements in the plan can be addressed in this manner or by developing a plan where the average height above local grade complies with the 30 feet requirement."

Additionally, several letters were received via US Postal Service with similar ideas and issues expressed in the emails listed above.

The applicant also presented a letter from the Sherman Oaks Neighborhood Council recommending conditional approval of the proposed project.

Summary of Public Hearing Testimony

The applicant and representatives described the proposed project and how it will relate to the surrounding neighborhood. They described their extensive public outreach over the past two years and showed a video with testimonials from members of the public supporting the proposed project. The applicant described the originally proposed project and several alterations resulting from the public outreach. The applicant stated that the architecture of the existing building to be demolished is outdated in terms of modern supermarkets and is inconsistent with the development standards and design guidelines promulgated by the Ventura/Cahuenga Boulevard Corridor Specific Plan and the Sherman Oaks Streetscape Plan and Design Guidelines. The proposed project design includes articulated features and design elements, including significant amounts of landscaping. Instead of the massive blank wall that now looms over Moorpark Street at the rear of the site, the proposed Project will be designed with windows, architectural design features and building articulations, with landscaping that will be visually appealing. The Project will also be designed with an attractive sidewalk design to activate pedestrian travel. The applicant stated that they propose a walkable concept for a commercial area in transition from exclusively office and retail properties to an emerging number of mixed use projects that are considered increasingly desirable for the Ventura Boulevard corridor. The project's proposed grocery store will be considered an attractive feature to serve the needs of a residential and working population that can easily walk to the site. The Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan states one of its purposes is to "promote an attractive pedestrian environment which will encourage pedestrian activity and reduce traffic congestion." The Ventura-Cahuenga Boulevard Corridor Specific Plan cites as one of its "commercial opportunities" is the desire to "create pedestrian/friendly

shopping areas by incorporating street trees, benches, convenient parking/access, and maintaining retail frontage at ground level.” By providing much needed goods and services, the project will appeal to people living and working in the area to walk to this neighborhood-serving use. The project will also hold appeal to pedestrian traffic by creating attractive architecture. The storefronts and sidewalks will prove to be inviting and will help activate the streets, thereby helping to achieve the goal of a “walkable” city.

Several members of the public stated they supported the project because it would provide a much needed economic boost to the area and provide a much needed updated, modern supermarket market.

Several members of the public stated they opposed the project because of the following main issues:

1. The massive size of the proposed project. It covers virtually all of the current store and its parking lot area.
2. The excessive height of the building. It towers 37 feet above Ventura Blvd. and 48 feet above Moorpark.
3. It does not comply with the City's Ventura Boulevard Specific Plan.
4. It worsens the overcrowded traffic by routing trailer trucks directly onto Ventura Boulevard.
5. It provides no effective control for truck noise for the neighborhood, especially for the residential apartment complex adjacent to the eastern end of the site and abutting the loading dock.

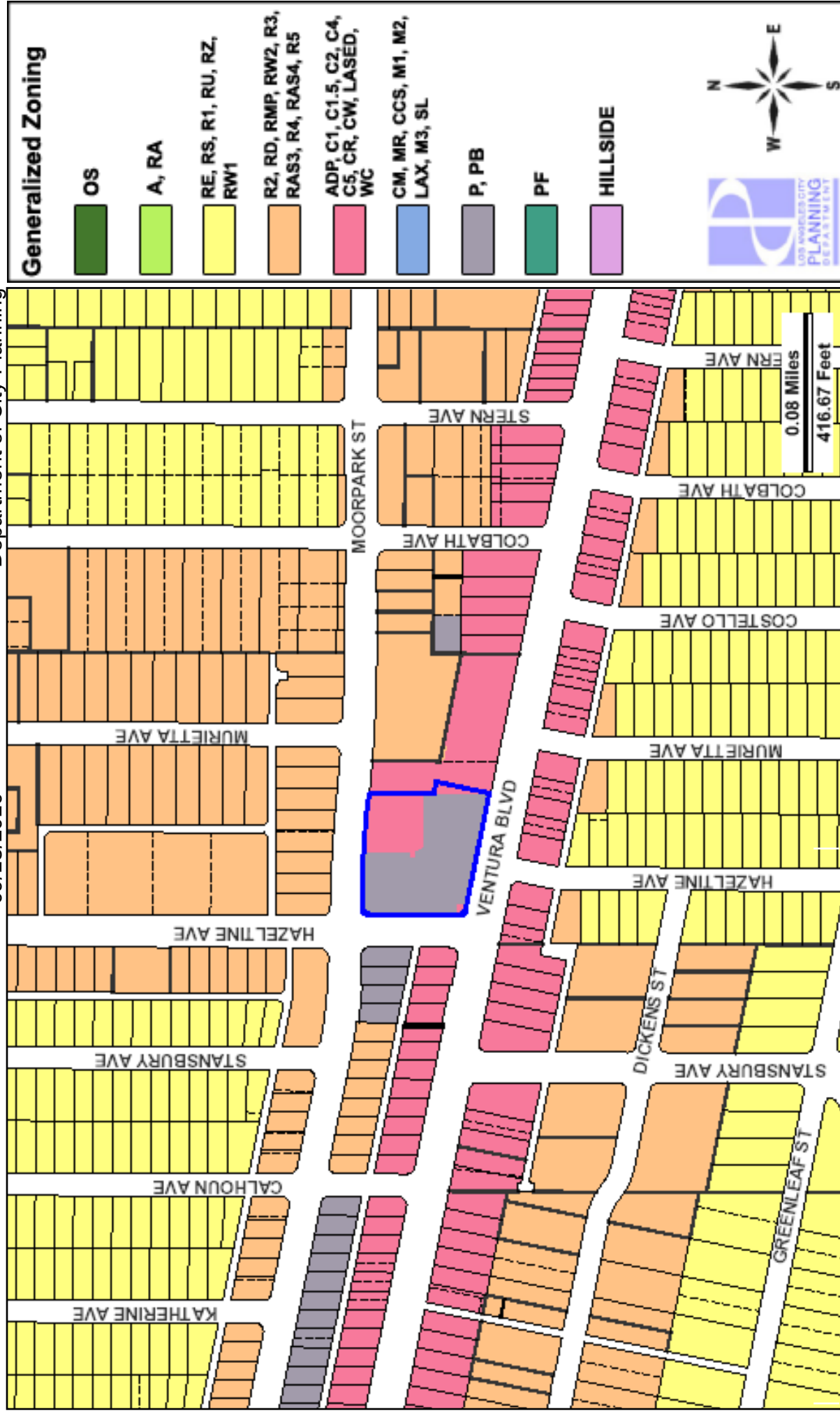
As stated above, several residents of the apartment building adjacent to the project site to the east testified concerning several operational issues related to the supermarket including and especially the noise impacts of the existing market and the proposed project from the truck loading dock. Mr. Monroe's email above details all the concerns of many who live in this apartment complex. Mr. Monroe and another resident of the apartment complex, Mr. Faramarz Nabavi, both testified at the hearing regarding the impacts of the existing and proposed development on their residences.

Finally, CD 5 representative Shawn Bayliss testified in support of the proposed project with a stipulation that the applicant must address the issues related to the loading dock noise on the adjacent apartment development. The Council Office expressed that they supported the applicant's superior public outreach efforts.

A1 - Vicinity Map

09/13/2010

ZIMAS INTRANET

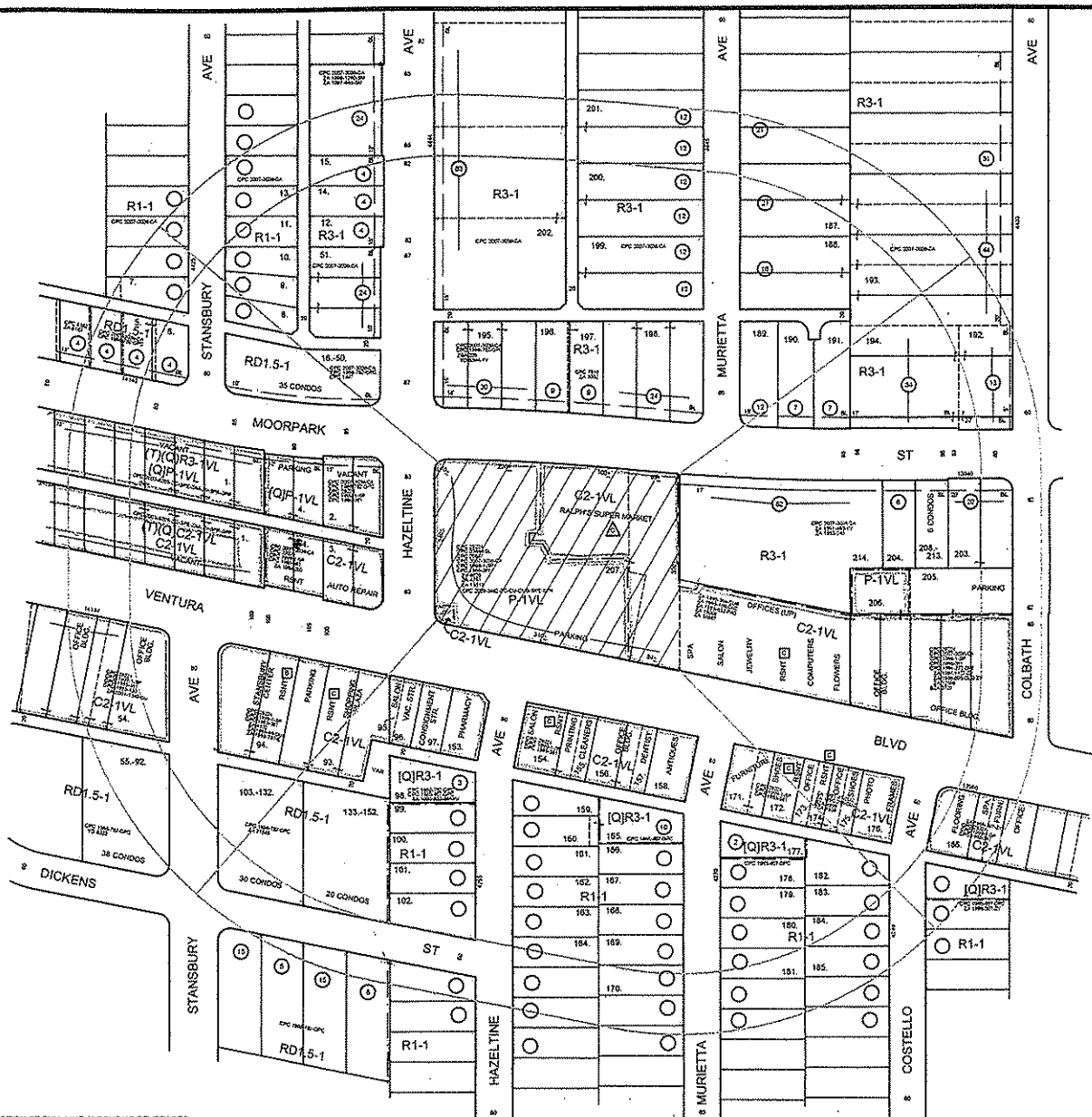


Zoning: C2-1VL, P-1VL
General Plan: General Commercial

Tract: TR 1000
Block: None
Lot: PT 202
Arb: 9

Address: 14049 W VENTURA BLVD
APN: 2271014014
PIN #: 165B153 351

A2 - Radius Map



LEGEND:

- ON-SITE CONSUMPTION OF FULL LINE ALCOHOLIC BEVERAGES
- ON-SITE CONSUMPTION OF BEER AND OR WINE
- △ OFF-SITE CONSUMPTION OF FULL LINE ALCOHOLIC BEVERAGES
- △ OFF-SITE CONSUMPTION OF BEER AND OR WINE

LEGAL: PORTION OF LOT 202, TRACT NO. 1000. (SEE APPLICATION)



C2-1VL & P-1VL TO C2-1VL

C.D. 2, 5
C.T. 1412.00
P.A. SHERMAN OAKS-STUDIO CITY-
TOLUCA LAKE-CAHUENGA PASS

UPDATED 06-02-2010

GC MAPPING SERVICE, INC.

3055 WEST VALLEY BOULEVARD
ALHAMBRA CA 91803
(626) 441-1080 FAX (626) 441-8850
gcmapping@radiusmaps.com

**ZONE CHANGE
SPECIFIC PLAN EXCEPTION
CONDITIONAL USE PERMIT FOR A COMMERCIAL CORNER
CONDITIONAL USE PERMIT A.B.
PROJECT PERMIT COMPLIANCE REVIEW
SITE PLAN REVIEW**

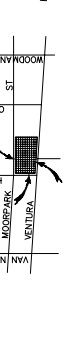
2.68 NET AC.

CASE NO.
DATE: 40-40-2009-
SCALE: 1" = 100'
USES FIELD
D.M. 165 B 153

T.B. PAGE: 562 GRID: B-4,5

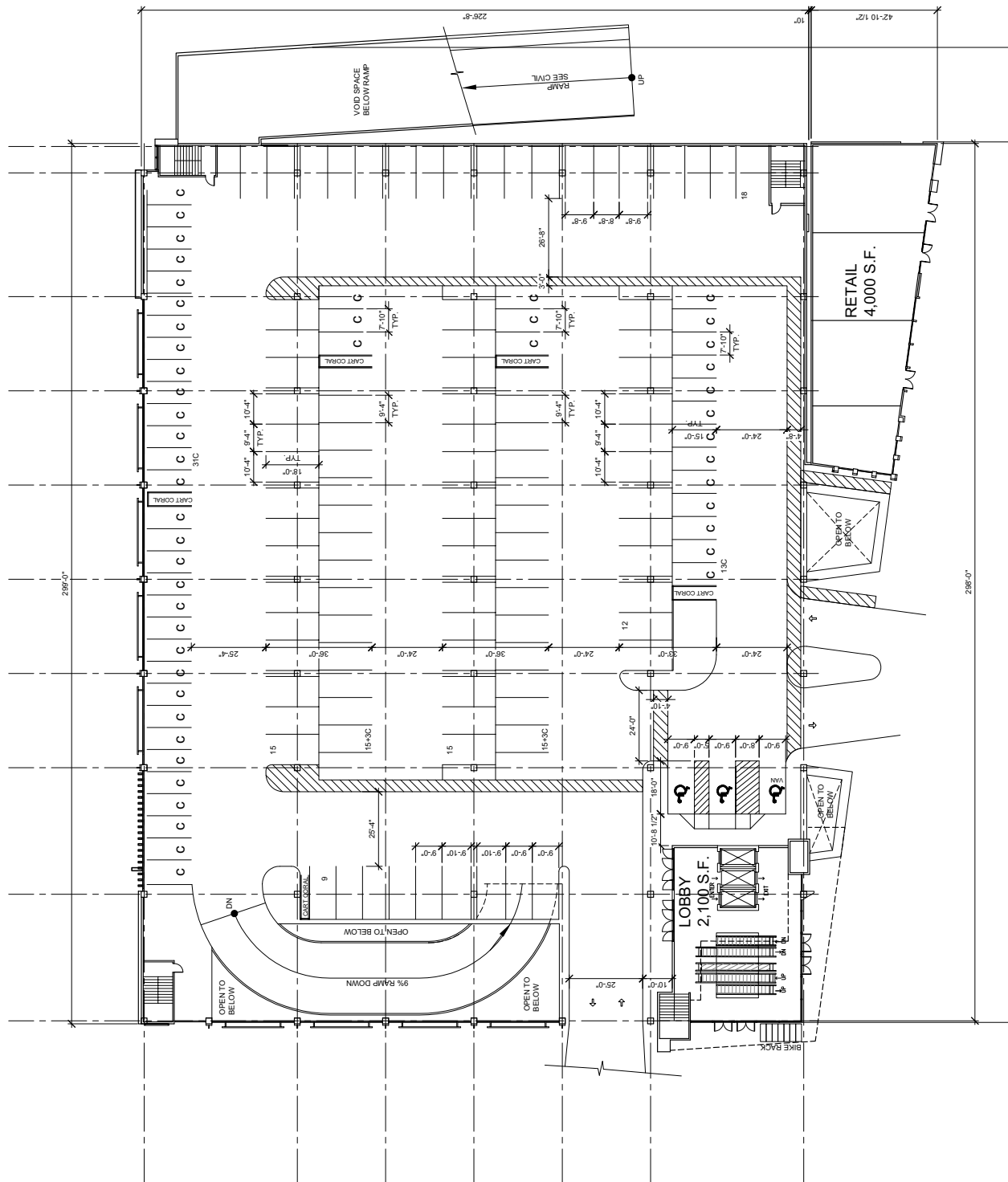
B - Project Plans

SCALE: 1"=300.0'



—

FLOOR PLAN - LEVEL 2 - VENTURA BLVD. LEVEL
SCALE: 1/16"=1'0"





FLOOR PLAN - LEVEL 3
SCALE: 1/16"=1'0"

•

[illegible]



A	EXTERIOR GROUTED PLASTER STEEL TROWEL FINISH
B	EXTERIOR GROUTED PLASTER "0030 SAND FINISH"
C	METAL CLADDING
D	HARDY BOARD CLADDING
E	METAL
F	ALUMINUM
G	GLASS
H	WOOD LOUVERS
J	MANUFACTURED STONE VENEER
K	THIN STONE VENEER
L	THIN BRICK VENEER
M	CONCRETE
N	PRECAST CONCRETE
O	WALL SOUNCE
P	GREEN SCREEN
R	C.M.U.
S	T.Y.P.E OF MATERIAL, HERE TYPE OF MATERIAL HERE
T	TYPE OF MATERIAL HERE
U	TYPE OF MATERIAL HERE
V	TYPE OF MATERIAL HERE

Finishes

1	PAINT TO MATCH SW 7007 CITY SCAPE
2	PAINT TO MATCH SW 7070 GOLDEN GATE
3	PAINT TO MATCH SW 6075 REALIST BEIGE
4	PAINT TO MATCH SW 7013 VANT LACE
5	PAINT TO MATCH SW 6075 REALIST BEIGE
6	PAINT TO MATCH SW 7070 GOLDEN GATE
7	PAINT TO MATCH SW 6015 TAFELTAN
8	PAINT TO MATCH SW 6096 JADE BROWN
9	PAINT TO MATCH SW 6096 BILET FLY BROWN
10	PAINT TO MATCH H 10-30 CHEMIST BROWN
11	PAINT TO MATCH SW 7070 GOLDEN GATE
12	PAINT TO MATCH CLEAR ANODIZED ALUMINUM
13	ARDEXIA CLASS C CLEAR AC-2
14	CORONADO - HONEY LECORE COLOR ANTIQUE CREAM
15	AMERICAN SLATE - 1212" COLOR WALNUT
16	OLYMPIC STAR COLOR VINTAGE TAUPÉ
17	OLYMPIC STAR COLOR VINTAGE TAUPÉ
18	ANGELUS - PRECISION FACE COLOR COOL GRAY
19	NATURAL CONCRETE GRAY, SAND BLASTED FINISH
20	CORONADO - OVERSIZED BRICK DAUNTMOON
21	WHINKLE BACK CLEAR

1	PAINT TO MATCH SW 7057 CITY SCAPE
2	PAINT TO MATCH SW 7075 GOLDEN GATE
3	PAINT TO MATCH SW 7070 REALIST BEIGE
4	PAINT TO MATCH SW 7074 TRIMMAGE
5	PAINT TO MATCH SW 7048 STUDIO TAUPÉ
6	PAINT TO MATCH SW 7072 EAGLE BEIGE
7	PAINT TO MATCH SW 6115 TRAM TAN
8	PAINT TO MATCH SW 6096 AUSTE BROWN
9	PAINT TO MATCH SW 6030 SURE FIT BROWN
10	PAINT TO MATCH JH 9030 CHEMIST BROWN
11	PAINT TO MATCH CLEAR ANODIZED ALUMINUM
12	ARCADE CLASS C CLEAR AC-2
13	CONCORD - HONEY LEDGE COLOR ANTIQUE CREAM
14	AMERICAN SLATE - 1212' COLOR WALNUT
15	SW 7048 STUDIO TAUPÉ COLOR CROWN
16	SD SAND BLASTED FINISH COLOR WC
17	ANGELUS - PRECISION PAINT COLOR COOL GRAY
18	NATURAL CONCRETE GRAY, SAND BLASTED FINISH
19	CONCORD - OVERSIZED BROOK DARTMOUTH
20	WHINKE BLACK
21	GLASS

Project No.: 08-206.

A2.0



RALPHS GROCERY CO.
1100 WEST ARTESA BOULEVARD
COMPTON, CALIFORNIA 90220

Perkowitz+Ruth
ARCHITECTS

RALPHS GROCERY #31
NEC VENTURA BLVD. & HAZELTINE AVE.
SHERMAN OAKS, CALIFORNIA

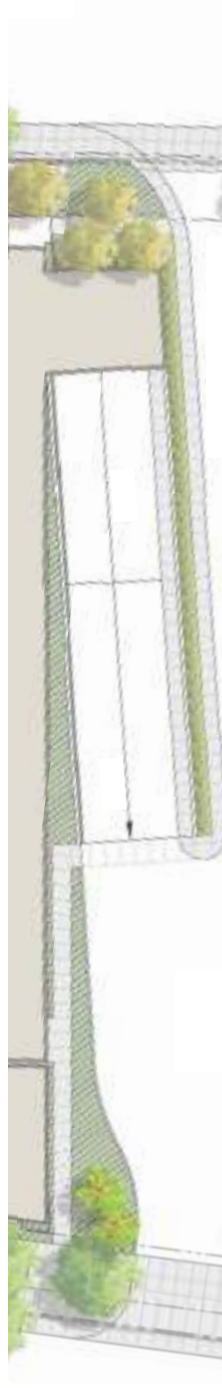
Date: 10/14/2009

Revisions

Project No.: 08-206.

EXTERIOR ELEVATION

A2.1



C - Site Photographs

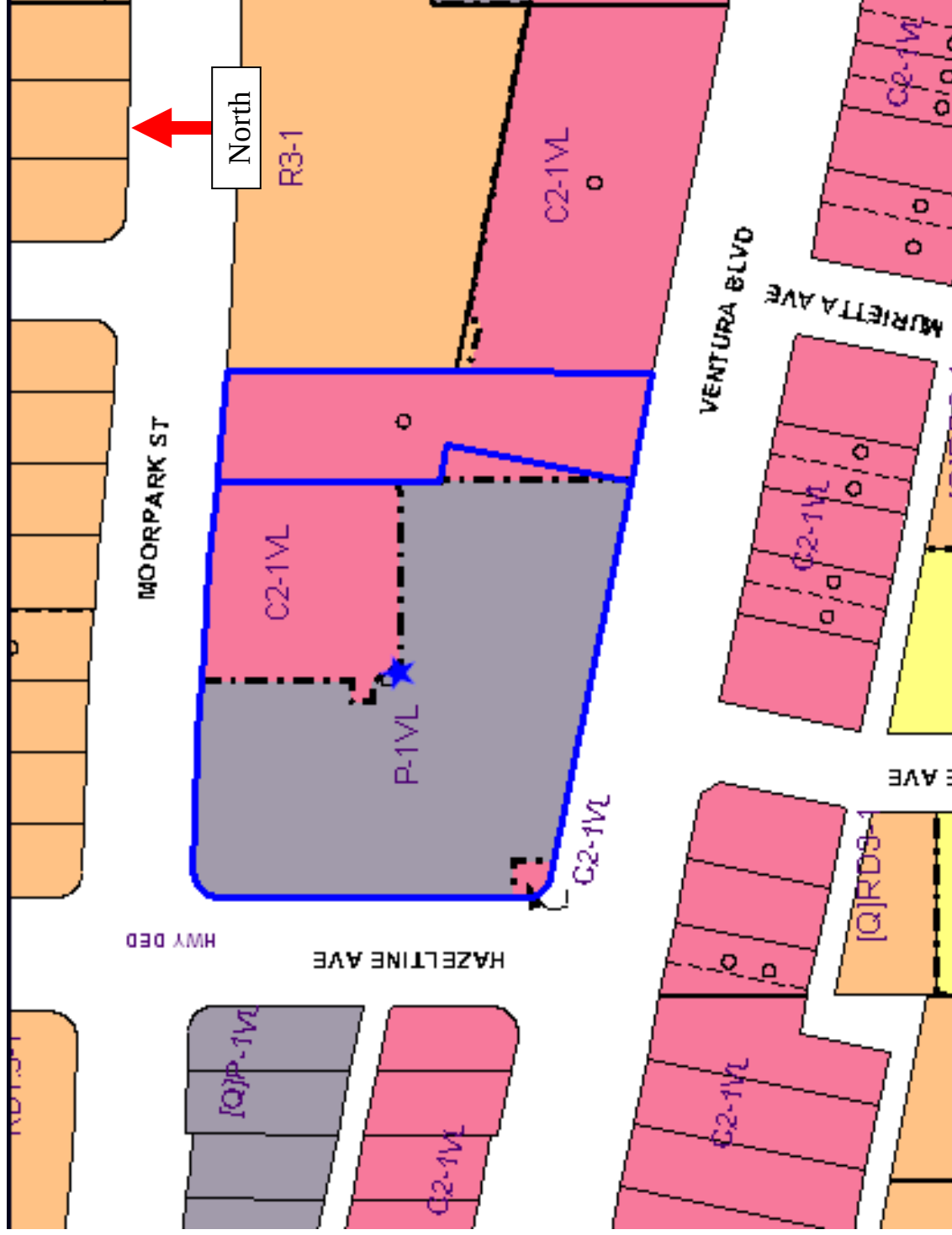
SITE PHOTO EXHIBIT
Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423
Applicant: Ralphs Grocery Company



SITE PHOTO EXHIBIT

Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423

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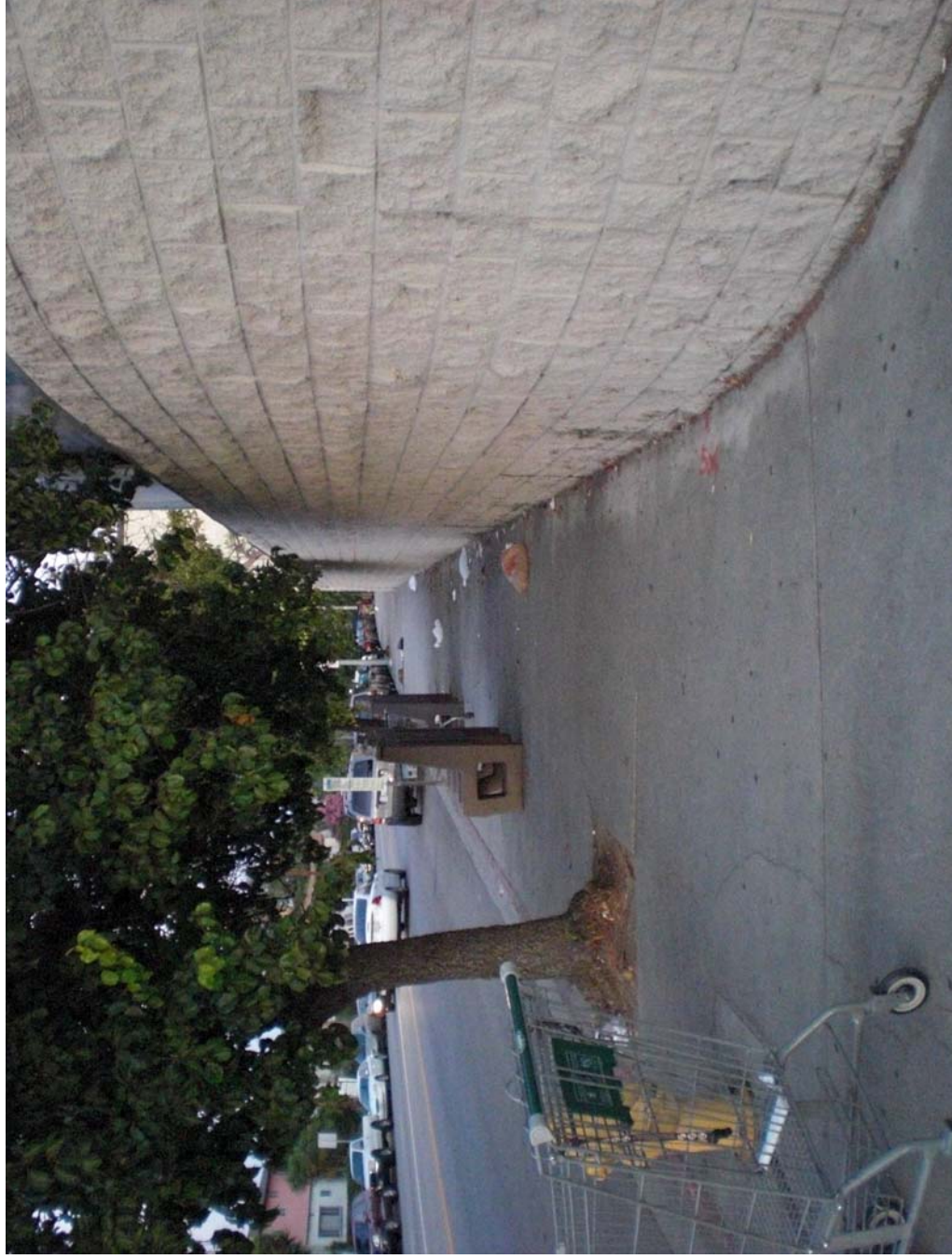
1. Southwesterly view of the northern lot line of the project site along Moorpark Street.

SITE PHOTO EXHIBIT
Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423
Applicant: Ralphs Grocery Company



2. Southwesterly view of northern lot line of the project site, from the corner of the structure to the parking lot and intersection of Moorpark Street and Hazeltine Avenue

SITE PHOTO EXHIBIT
Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423
Applicant: Ralphs Grocery Company



3. Easterly view down the sidewalk along Moorpark Street.

SITE PHOTO EXHIBIT
Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423
Applicant: Ralphs Grocery Company



4. Southeasterly view of Ralphs from the northwest corner of Moorpark Street and Hazeltine Avenue.

SITE PHOTO EXHIBIT
Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423
Applicant: Ralphs Grocery Company



5. Southeasterly view down Hazeltime from the northeast corner of Moorpark Street and Hazeltime Avenue.

SITE PHOTO EXHIBIT

Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423

Applicant: Ralphs Grocery Company



6. Easterly entrance into the Ralphs parking lot off of Hazeline Avenue.

SITE PHOTO EXHIBIT

Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423

Applicant: Ralphs Grocery Company

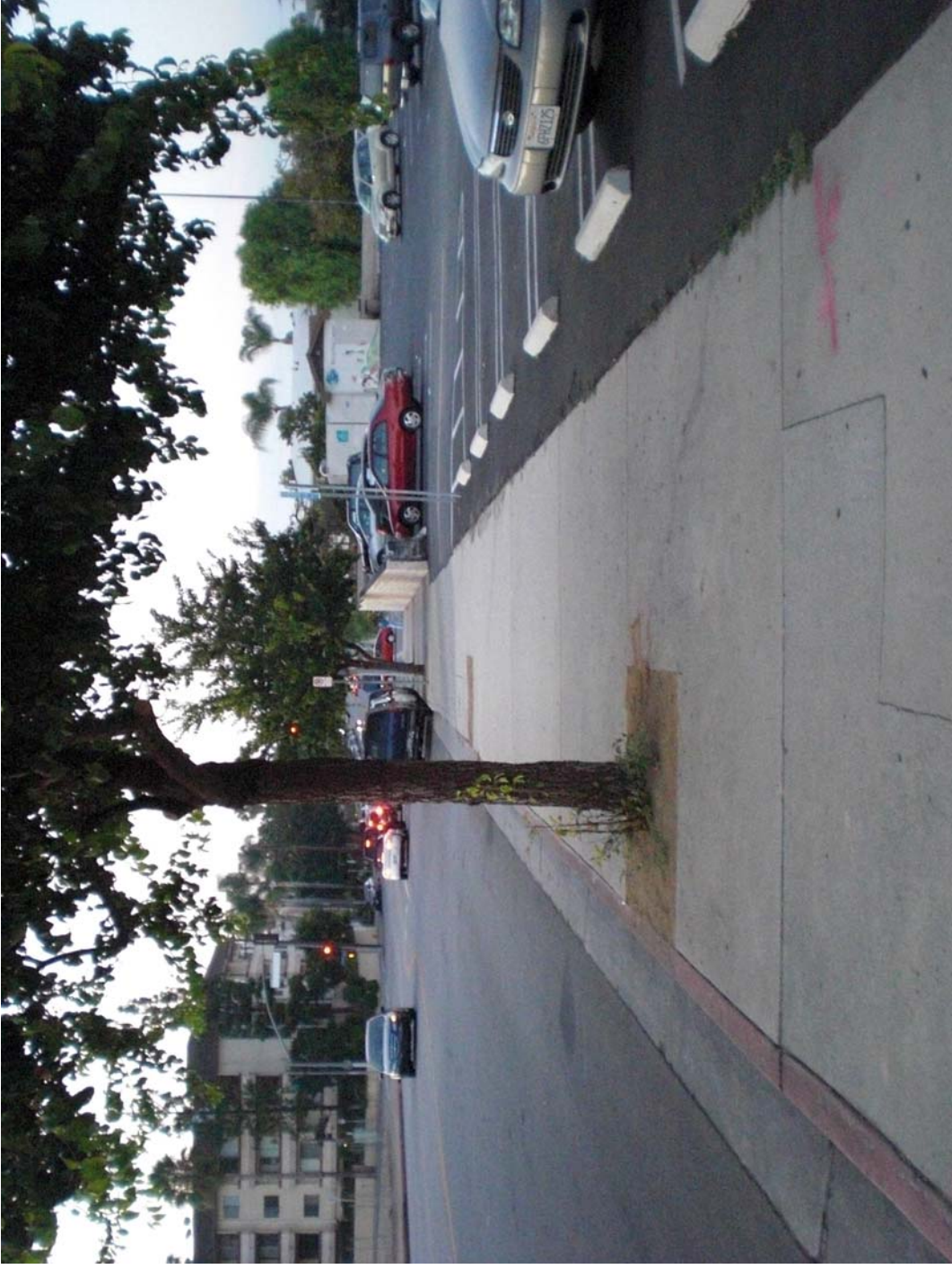


7. Easterly view of the Ralphs parking lot from Hazeltine Avenue.

SITE PHOTO EXHIBIT

Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423

Applicant: Ralphs Grocery Company



8. Northwesterly view down the sidewalk along Hazeltime Avenue.

SITE PHOTO EXHIBIT
Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423
Applicant: Ralphs Grocery Company



9. Southerly view down the sidewalk along Hazeltime Avenue.

SITE PHOTO EXHIBIT

Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423

Applicant: Ralphs Grocery Company



10. Northeast view of Ralphs from across Hazeltrine Avenue.

14049 Ventura Boulevard
Ralphs Grocery Company

Prepared by Craig Lawson & Co., LLC
October 16, 2009

SITE PHOTO EXHIBIT
Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423
Applicant: Ralphs Grocery Company

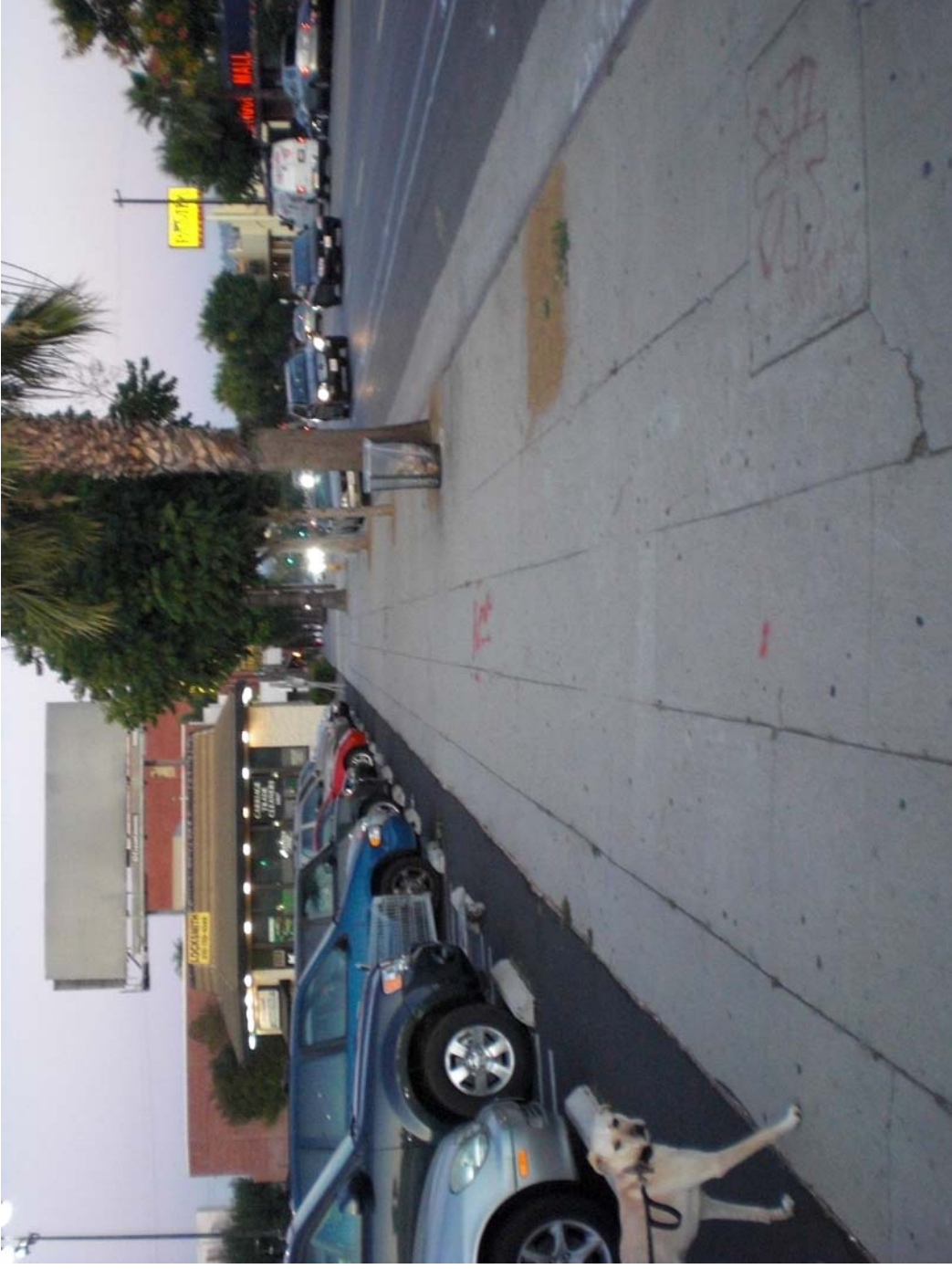


11. Northwesterly view of the Ralphs along Ventura Boulevard from the northwest corner of Ventura Boulevard and Hazeltine Avenue.

SITE PHOTO EXHIBIT

Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423

Applicant: Ralphs Grocery Company



12. Easterly view down the sidewalk along Ventura Boulevard.

SITE PHOTO EXHIBIT

Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423

Applicant: Ralphs Grocery Company



13. Westerly view down the sidewalk along Ventura Boulevard.

SITE PHOTO EXHIBIT
Site Address: 14049 Ventura Boulevard, Los Angeles, CA 91423
Applicant: Ralphs Grocery Company



14. Northerly view of eastern lot line and Ralphs loading area from across Ventura Boulevard.

D - Environmental Clearance

**DEPARTMENT OF
CITY PLANNING**

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

WILLIAM ROSCHEN
PRESIDENT
REGINA M. FREER
VICE-PRESIDENT

SEAN O. BURTON
DIEGO CARDOSO
MATT EPSTEIN
FR. SPENCER T. KEZIOS
YOLANDA OROZCO
BARBARA ROMERO
MICHAEL K. WOO

JAMES WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

**CITY OF LOS ANGELES
CALIFORNIA**



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

VINCENT P. BERTONI, AICP
ACTING DIRECTOR
(213) 978-1274

EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

August 12, 2010

Mr. Alex Irvine (A)
Craig Lawson and Company, LLC
8758 Venice Boulevard, #200
Los Angeles, CA. 90034

Mr. Greg Peters (O)
Ralphs Grocery Company
1100 West Artesia Boulevard
Compton, CA. 90220

RE: Addendum to ENV-2009-3463-MND
14049 West Ventura Boulevard, Sherman Oaks, California
[Master Case No.: CPC-2009-3462-ZC-CU-CUB-SPR-SPE-SPPA-SPP]

Mr. Irvine and Mr. Peters:

On August 9, 2010, you filed a request to the Department of City Planning for reconsideration of the environmental clearance issued on May 27, 2010, under ENV-2009-3463-MND for the project at 14049 West Ventura Boulevard, Sherman Oaks (Master Case No. CPC-2009-3462-ZC-CU-CUB-SPR-SPE-SPPA-SPP). The basis of your request is to provide additional environmental review of the revisions to the project plans which include a covered loading/delivery dock.

Based upon our review of your request and pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, the Department of City Planning is issuing an Addendum to a previously issued Mitigated Negative Declaration (ENV-2009-3463-MND) on May 27, 2010, with the following original project description:

The Proposed Project includes the demolition of the existing Ralph's grocery store and surface parking lot, recycling center, key shop, and dry cleaners, and

construction of approximately 78,270 square feet of new commercial floor area to include an approximately 65,500 square foot Ralph's grocery store on a raised podium above two levels of parking, a 6,270 square foot lobby area serving the market on all three levels, approximately 2,500 square feet of storage space located on the first level of parking, and approximately 4,000 square feet of ground floor retail space (separate from the grocery store) fronting onto Ventura Boulevard. The Project will include a total of 316 parking spaces of which 194 are standard spaces, 114 are compact spaces and 8 spaces are reserved for disabled access parking. A 7 space bicycle rack will also be provided. The grocery store would continue the store hours of 24 hours per day, 7 days a week, and would offer specialty food items, including "Fresh Fare," with a wide range of unique, high quality products and specialty items, including imported and organic items. The proposed use would also maintain the sale of alcoholic beverages, including beer, wine, and distilled spirits for off-site consumption in conjunction with the operation of the grocery store. The Proposed Project will require the adoption of the Initial Study/Mitigated Negative Declaration; the approval of a master land use permit (CPC-2009-3462) to include a zone change (ZC), conditional use permit (CU), a Conditional Use Permit (CUB - Alcohol), a Specific Plan Exception (SPE), a Project Permit Compliance (SPP); a Site Plan Review (SPR); and issuance of demolition, grading, foundation and building permits.

The applicant has revised the project and its entitlement request to address the issues identified at the public hearing to mitigate the impacts of the proposed loading dock. As it currently is proposed by the applicant, the loading dock would be uncovered and located on the eastern end of the project site adjacent to an established 82-unit apartment building. At the public hearing held on July 19, 2010, several members of the public expressed concern with the noise impacts of that uncovered loading dock, especially on the adjacent apartment building.

As a result, the applicant proposes to cover the loading dock as a mitigation to the project's noise impact on an adjacent property. However, the mitigation measure will result in an insignificant physical change to the proposed project site plans because the applicant will be covering a location already designated as a loading dock on the overall footprint of the proposed building. However, this addition will result in a regulatory impact to the Ventura-Cahuenga Boulevard Corridor Specific Plan by bringing the project's lot coverage approximately two (2) percent above the 60 percent limitation of the Specific Plan to 62 percent. This increase is permitted under the procedures established in the Los Angeles Municipal Code (LAMC) pursuant to Section 11.5.7 E which allows an **Adjustment** from Section 7.B.2 of the Ventura-Cahuenga Boulevard Corridor

Specific Plan to permit a project with 62 percent lot coverage instead of the maximum 60 percent lot coverage that is otherwise allowed.

Additionally, there is no addition of floor area that will result and this increase will not be a significant physical change to the proposed project site plan because they will be covering a location already designated as a loading dock on the building's footprint. Covering of a loading dock is not considered floor area under the LAMC.

And finally, the addition of the dock will result in the loss of three (3) parking spaces from 316 total spaces to a revised parking allocation of 313 parking spaces. The 313 parking spaces provided will still be above the LAMC requirement for the proposed uses.

The applicant's refinement to the project description and the additional entitlement requirements makes no changes to the heights, lengths and total square feet to those presented in the applicant's earlier request.

The proposed project description has been amended as follows (~~strikeout~~ and underline):

The Proposed Project includes the demolition of the existing Ralph's grocery store and surface parking lot, recycling center, key shop, and dry cleaners, and construction of approximately 78,270 square feet of new commercial floor area to include an approximately 65,500 square foot Ralph's grocery store on a raised podium above two levels of parking, a 6,270 square foot lobby area serving the market on all three levels, approximately 2,500 square feet of storage space located on the first level of parking, and approximately 4,000 square feet of ground floor retail space (separate from the grocery store) fronting onto Ventura Boulevard and a covered truck loading/delivery dock. The Project will include a total of ~~316~~ 313 parking spaces of which ~~194~~ 192 are standard spaces, ~~114~~ 113 are compact spaces and 8 spaces are reserved for disabled access parking. A 7 space bicycle rack will also be provided. The grocery store would continue the store hours of 24 hours per day, 7 days a week, and would offer specialty food items, including "Fresh Fare," with a wide range of unique, high quality products and specialty items, including imported and organic items. The proposed use would also maintain the sale of alcoholic beverages, including beer, wine, and distilled spirits for off-site consumption in conjunction with the operation of the grocery store. The Proposed Project will require the adoption of the Initial Study/Mitigated Negative Declaration; the approval of a master land use permit (CPC-2009-3462) to include a zone change (ZC), conditional use permit (CU), a Conditional Use Permit (CUB - Alcohol), a Specific Plan Exception (SPE), a Project

Permit Compliance (SPP); a Project Permit Adjustment (SPPA); a Site Plan Review (SPR); and issuance of demolition, grading, foundation and building permits.

The proposed project entitlement requests have been amended as follows (~~strikeout~~ and underline):

1. *Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, Adopt the Mitigated Negative Declaration (MND) for the above referenced project.*
2. *Pursuant to Section 12.32.F of the Municipal Code, a Zone Change from C2-1VL and P-1VL to C2-1VL over the entire site.*
3. *Pursuant to Section 12.24.W 27 of the Municipal Code, a Conditional Use to permit a commercial corner development to:*
 - a. *Operate between the hours of 11:00 p.m. and 7:00 a.m. for 24-hour operation;*
 - b. *Maintain deliveries between the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday;*
 - c. *Permit a projecting sign;*
 - d. *Provide less than 50 percent transparent windows along the ground floor portions of the project which front adjacent streets; and*
 - e. *Exceed a height of 45 feet to permit a maximum height of 48 feet.*
4. *Pursuant to Section 12.24.W 1 of the Municipal Code, a Conditional Use to permit the sale of a full line of alcoholic beverages, including beer and wine, for off-site consumption in conjunction with the operation of a retail grocery store.*
5. *Pursuant to Section 11.5.7 F of the Municipal Code, Specific Plan Exceptions from the following requirements of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 174,052):*
 - a. *Section 7.A.3.b. to permit a variable side yard along the easterly property line which varies from 34-feet along the majority of the easterly property line at the northern end and approximately 80-feet along the southern end;*
 - b. *Section 7.E.1.b. to permit a height of 48 feet in lieu of the*

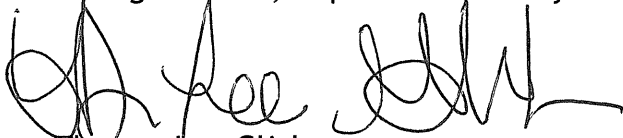
- maximum allowable height of 30 feet;*
 - c. *Section 8.B.1.a.1 to permit three wall signs in lieu of the two signs permitted; and*
 - d. *Section 8.B.1.c.2 to permit a projecting sign of 160 square-feet in lieu of the maximum allowable projecting sign of 16 square-feet.*
- 6. *Pursuant to Section 11.5.7 E of the Municipal Code, an Adjustment from Section 7.B.2 of the Ventura-Cahuenga Boulevard Corridor Specific Plan to permit a project with 62 percent lot coverage instead of the maximum 60 percent lot coverage that is otherwise allowed as a result of covering the proposed truck delivery/loading dock area.*
- 7. *Pursuant to Section 16.05 of the Municipal Code, Site Plan Review for a development projects which creates, or results in an increase of 50,000 gross square feet or more of nonresidential floor area.*
- 8. *Pursuant to Section 11.5.7 C of the Municipal Code, a Project Permit Compliance with the Ventura-Cahuenga Boulevard Corridor Specific Plan.*

The Valley District Office's Environmental Review Section of the Department of City Planning has determined that this is a minor change to the project description of the Mitigated Negative Declaration (ENV-2009-3463-MND) as published on May 27, 2010, and does not create any additional environmental impacts beyond those currently identified nor does it require any additional mitigations beyond those currently presented. Therefore, pursuant to section 15073.5 of the CEQA Guidelines, recirculation of the MND is not required.

Additionally, the applicant has submitted a revised environmental analysis (attached to the administrative file) dated August 9, 2010 stating that the revisions to the project and its entitlements are insignificant and do not require any additional mitigations beyond those currently presented.

However, this Addendum letter is being mailed to all persons who attended the public hearing or sent correspondences to this office AND is being posted with the Los Angeles County's Registrar Office (County Clerk) on the week of August 15th, 2010.

Vincent P. Bertoni, AICP
Acting Director, Department of City Planning

A handwritten signature in black ink, appearing to read 'Thomas Lee Glick', written over a horizontal line.

Thomas Lee Glick
City Planner

cc: Council District No. 5
Mr. Alex Irvine (A)
Ralphs Grocery Company (O)
Interested Parties