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**VENTURA/ CAHUENGA BOULEVARD CORRIDOR SPECIFIC PLAN
DIRECTOR'S INTERPRETATION**

August 1, 2016

Applicant/Owner

Masoud Netty
Jornagco LLC
1875 Century Park East, 6th
Floor
Century City, CA 90067

Representative

Gregory Taylor
The Taylor Group
4343 Natoma Avenue
Woodland Hills, CA 91364

Case No. DIR-2016-1896-DI

CEQA: ENV-2016-1897-CE

Location: 13033 Ventura Boulevard

Council District: 2- Krekorian

Neighborhood Council: Studio City

**Community Plan Area: Sherman Oaks- Studio City-
Cahuenga Pass- Toluca Lake**

**Land Use Designation: Neighborhood and General
Commercial**

Zone: C2-1VL-RIO

**Legal Description: Lot: 29 and Arb 2, and 30; Tract:
7457**

Last Day to File an Appeal: August 16, 2016

DETERMINATION

Pursuant to LAMC Section 11.5.7 H, and with respect to the Ventura/Cahuenga Boulevard Corridor Specific Plan, as the designee of the Director of Planning, I hereby:

Interpret that the definition of a Project shall not include a change of use which increases the parking requirement per Section 7.F of the Specific Plan when this requirement can be provided onsite either through automobile parking spaces or through bicycle parking spaces. I furthermore interpret that an increase of parking spaces resulting from a change of use shall be subject to the procedures of the Ventura/Cahuenga Boulevard Corridor Specific Plan for parking alternatives, regardless of whether the strictest requirement for parking is from the Los Angeles Municipal Code (LAMC) or the Specific Plan. I recognize that this will allow for changes of use with an increase in parking to be exempt from Project Permit Compliance case processing, but as the parking requirement will be met onsite, such a case filing is inconsistent with the intent of the Specific Plan.

The project is **Categorically Exempt** from environmental review Pursuant to Section 15300, Article III, Section 5, Class 11, Category 2, of the California Environmental Quality Act.

This Interpretation does not waive compliance with any of the requirements as determined by the Department of Building and Safety or any other City agency.

REQUEST

The applicant requests a Specific Plan Interpretation of the Ventura/Cahuenga Boulevard Corridor Specific Plan, Ordinance Number 174,052, to clarify whether the intent of the Plan was to trigger Project Permit Compliance review when a change of use increases parking requirements which can be met onsite through new or existing auto or bicycle parking. Specifically, the definition of a Project states that an increase in parking requirements per Section 7.F of the Plan for a change of use would trigger Project Permit Compliance.

BACKGROUND

The subject request is submitted in support of a change of use from an office to retail and a yoga studio, where bicycle parking can be provided onsite to provide for the additional parking requirement. As such, the applicant has requested that the Director make the interpretation of whether this change of use with the increased parking requirement met the intent of the Specific Plan without a trigger to Project Permit Compliance review for deficient parking.

DISCUSSION

Context – Relevant Provisions

Section 4 (Definitions) of the Specific Plan states:

PROJECT: *Any grading, construction, erection, addition to, or structural alteration of any building or structure, a use of vacant land, or change of use on a lot located in whole or in part within the Specific Plan area, which requires the issuance of any building permit, demolition permit, excavation permit, foundation permit, grading permit, or sign permit. A Project shall not include interior construction or a change of use unless it (a) increases the floor area; or (b) increases the number of Trips; or (c) increases parking requirements pursuant to Section 7 F of this Specific Plan; or (d) includes a change of use which is not consistent with those permitted by Section 5 A 3 of this Specific Plan.* (underlined emphasis added)

As such, the Plan clearly states when a change of use increases parking pursuant to the Specific Plan, then the definition of a Project comes into effect, triggering the Project Permit Compliance case processing.

Furthermore, per Section 3.A.2 of the Specific Plan states:

Wherever this Specific Plan contains provisions which require different setbacks, restricted yards, lower densities, lower heights, restricted uses, greater parking requirements or other greater restrictions or limitations on development than would be allowed pursuant to the provisions contained in LAMC Chapter I, the Specific Plan shall prevail and supersede the applicable provisions of that Code. (underlined emphasis added)

Therefore, the Plan also notes that when parking requirements are stricter in the Plan than the Plan parking requirements prevail; otherwise the LAMC parking requirements prevail. In this particular application, the Specific Plan Section 7.F is silent with regards to a parking requirement for a yoga studio and retail uses, and only notes the commercial parking requirement for a commercial use of one (1) parking space for every 250 square feet of area in Section 7.F.1.a, and the general office parking requirement of 1 parking space for 300 square feet of area in Section 7.F.1.b.

Pursuant to Section 12.21 A.4 (c)(5) a retail use requires 1 parking space for every 250 square feet, and the Specific Plan is equivalent, however, the Specific Plan would prevail for parking requirements. Also pursuant to Section 12.21 A.4 (c)(2), parking for a fitness use such as a yoga studio requires 1 parking space for every 100 square feet of area; for this use the LAMC would prevail.

There are other instances where the LAMC parking requirements are stricter than the Specific Plan and therefore prevail. Below is a table that shows examples of the prevailing parking requirements:

| Use | Specific Plan Parking Requirement | LAMC Parking Requirement | Prevailing Parking Requirement |
|--|---|---|--------------------------------|
| Restaurant, of any size | 1 per 100 | 1 per 100 for restaurant 1 per 200 for small restaurant/café | Specific Plan |
| Commercial Use, including retail | 1 per 250 (Commercial parking default value) | 1 per 250 | Specific Plan |
| Beauty Salon, Massage Parlor (non-medical), Health Spa | Commercial default at 1 per 250 | 1 per 500 | Specific Plan |
| Health Club/Fitness use | Commercial default at 1 per 250 | 1 per 100 | LAMC |
| Professional Office | 1 per 300 | 1 per 500 | Specific Plan |
| Professional Office for insurance or real estate | 1 per 200 | 1 per 500 | Specific Plan |
| Medical Office, Medical Service Facility | Professional office default 1 per 300, or Commercial default at 1 per 250 | 1 per 200 | LAMC |

In recent years, the most common “changes of use” have been from retail to: restaurants, beauty salons, massage parlors, health club/fitness use, and medical offices. These changes of use are prevalent along the Corridor. As a result of an increasing amount of online retail sales, retail spaces are becoming less common throughout the Corridor in lieu of more face-to-face service business models.

However, as page 1 of the Specific Plan also states:

WHEREAS, the Ventura-Cahuenga Boulevard Corridor is still experiencing serious traffic, transportation and density problems, which in a number of locations are classified as unacceptable, and after the slow pace of development during the recent recession, new development in the Corridor once again is developing beyond the capacity of the transportation infrastructure; and (underlined emphasis added)

WHEREAS, historical approaches to building and financing transportation capital improvements no longer appear sufficient to meet the needs of the corridor. As a result new approaches, including restrictions on future developments, must be devised to ensure that

Ventura Boulevard remains viable as the San Fernando Valley's premier commercial corridor... [The Specific Plan was established].

The adoption of the Plan recognized that there were transportation infrastructure deficiencies such as parking shortages along Ventura and Cahuenga Boulevards, and the Specific Plan calls for solutions to meet the needs of the Corridor. Consequently, the Specific Plan identifies measures to address parking deficiencies: purchasing parking spaces at an available City garage, paying a monthly in-lieu parking deficiency fee for up to ten (10) parking spaces, off-site parking with a covenant, and shared-parking agreements approved through a Director's (in lieu of a Zoning Administrator's) review. Any Project that has deficient parking is able to utilize these relief options, whereas a property outside of the Specific Plan would need to seek a Variance for such relief. However, the Plan's deficiency options, to purchase available parking spaces in a City garage and to pay an in-lieu parking deficiency fee, were intended to address the parking shortage. The parking deficiency fees are paid into the Ventura Cahuenga Trust Fund, which are collected to provide Community-wide or Corridor-wide improvements or services such as: local public transit, off-street parking facilities, intersection improvements, and a 10% administration fee to oversee the fund collection and expenditure.

As such, while the definition of a "Project" includes language about an increase in parking pursuant to Section 7.F of the Specific Plan, the intent of the Plan was to address *all* parking deficiencies, whether the stricter parking was technically determined by Section 7.F of the Plan or the LAMC. Notably, the LAMC parking requirements have changed through updates, while the Specific Plan requirements have remained static. As such, the determination on which parking requirement prevails has changed and will likely continue to evolve. For years, the Director has processed cases where parking deficiencies triggered by the LAMC are subject to the processes and relief options made available by the Specific Plan. The Director interprets that the LAMC parking increases are equally subject to the definition of Project as parking increases pursuant to Section 7.F of the Plan, because the parking deficiency options available through the Specific Plan meets the intent to solve the identified Specific Plan parking deficiency.

The Specific Plan relief options are available to address to the identified parking deficiencies on a site. However, upon closer inspection of the Specific Plan, including review of the previous versions of the Specific Plan prior to the adoption of the current Plan, it is evident that the intent of the Plan did not account for properties that were built with excessive automobile parking that provided more parking than what was required on site. As noted above, the infrastructure deficiencies and relief options provided in the Plan were clearly intended to address situations where a change of use with an increased parking requirement were unable to be provided onsite.

The Director finds that as a result of a known parking deficiency throughout the Ventura/Cahuenga Corridor, some more recent developments have provided additional parking beyond the minimal amount required in anticipation of an increased need. While these situations are a rarity among the Boulevard, it should be noted that these circumstances do exist.

Furthermore, the adoption of the Citywide Bicycle Parking Ordinance has opened a much more readily available option for onsite parking to be provided than was originally considered when the current Specific Plan was adopted in 2001. Ordinance No. 182,386, adopted on January 16, 2013, allows for bicycle parking to replace a percentage of required automobile parking. As the Specific Plan was adopted prior to the Citywide Bicycle Parking Ordinance, it is silent with respect to bicycle parking. The Bicycle Parking Ordinance stated the intent in the Ordinance preamble:

...to extend bicycle parking requirements to some multi-family residential developments; to increase the levels of bicycle parking required under the current code for new developments and additions to commercial, institutional, and industrial uses; to expand

bicycle parking requirements to include commercial, industrial, and manufacturing uses of less than 10,000 sq. ft.... (underlined emphasis added)

Additionally the Ordinance amended Section 12.21 A.4 of the LAMC to read:

New or existing automobile parking spaces required by the Code for all uses may be replaced by bicycle parking at a ratio of one automobile parking space for every four bicycle parking spaces provided. Notwithstanding the foregoing, no more than 20 percent of the required automobile parking spaces for nonresidential uses shall be replaced at a site. Automobile parking spaces for nonresidential projects or buildings located within 1,500 feet of a portal of a fixed rail transit station, bus station, or other similar transit facility, as defined by Section 12.24.Y, may replace up to 30 percent of the required automobile parking spaces with bicycle parking. For buildings with less than 20 required automobile parking spaces, up to 4 parking spaces may be replaced... (underlined emphasis added)

Bicycle parking installed pursuant to this Section may be installed in existing automobile parking spaces and shall not be considered to violate the maintenance of existing parking as defined by Section 12.21.A.4(m). The ratio of short- to long-term bicycle parking provided for pursuant to this Section shall be provided in accordance with the requirements set forth for each use as defined by Section 12.21.A.16(a). If additional bicycle parking is provided beyond what is required by Section 12.21.A 16, the ratio of short-term to long-term bicycle parking provided may be determined by the business or property owner. (underlined emphasis added)

LAMC Section 12.21 A.4 (c) states:

For Commercial and Industrial Buildings... A specific plan may impose less restrictive parking requirements, if it expressly states that the specific plan's parking provisions are intended to supersede the standards set forth in this paragraph. (underlined emphasis added)

As stated above, the Specific Plan is silent with regards to bicycle parking, and as such the LAMC bicycle parking provisions are available to properties within the Ventura/Cahuenga Boulevard Corridor Specific Plan area.

It should be noted that all associated Streetscape Plans of the Specific Plan provide guidelines for bicycle racks, and the Woodland Hills and Tarzana Streetscape plans note that bicycle racks may give an applicant credit under Transportation Demand Management (TDM) plans within the Specific Plan. The Streetscape Plans were adopted in conjunction with the Specific Plan update in 2001. Clearly, bicycle parking was considered, but not for onsite placement at that time.

In the subject case, as the applicant is seeking to provide bicycle parking onsite to meet an additional increased parking space requirement triggered by a change of use from office to retail and a yoga studio, the question then becomes whether this "project" requires Project Permit Compliance review.

Given the above information, it is the Director's interpretation that the Specific Plan was adopted with the assumption that a Project with a change of use that triggers a parking increase subject to Section 7.F of the Specific Plan did not intend that the parking increase would be able to be accommodated onsite. Yet, through mechanisms such as bicycle parking that allow for wider availability of parking requirement increases to be accommodated onsite, the Director finds that the definition of a Project should not apply to projects where an increase in parking can be accommodated onsite.

Context – Mobility Trends

Just as the retail portion of the Corridor is in transition with an increase in online sales, so too are other factors related to mobility. In 2011, the City adopted the 2010 Bicycle Plan which recognized: *a move away from the auto-centric approach of the past, and toward a sustainable transportation system—a system which supports motor vehicle use, but also enables the use of streets by other modes, such as bicycling, walking, and transit, and acknowledges the use of streets for other purposes, such as recreation, retail and public gatherings.*¹

This shift in City policy led to the adoption of the Bicycle Parking Ordinance, and later, the adoption of the Los Angeles Mobility Plan 2035², which was originally adopted by City Council on November 25, 2015 and amended and re-adopted on January 20, 2016. With the 2010 Bicycle Plan, Bicycle Parking Ordinance, and Mobility Plan 2035, the City anticipates an increase in more multi-modal transportation that includes bicycle ridership.

There are other shifts in place, too—an increase in car-sharing with services such as Uber, Lyft, Zipcar and Car2Go which may lead to a decreased need for future parking.^{3,4,5} More mixed-use projects, new developments with car sharing and bicycle parking onsite, as well as a bus system that supports bicycle transportation, and the future of self-driving and smart cars, etc... All of these changes taking place in 2016 were not anticipated by the Ventura Cahuenga Boulevard Corridor Specific Plan when the most recent version was adopted on August 18, 2001. As such, it is reasonable to assume that Plan was not anticipating the availability of applicants to be able to provide parking onsite through a mechanism such as bicycle parking when the definition of a Project was written.

The Intent or Spirit of the Specific Plan

The Interpretation of this definition will not result in tangible changes to project development throughout the Ventura/Cahuenga Corridor. This Interpretation will not change the way parking is calculated, or how parking could be accommodated onsite. However, the Interpretation does change the procedure through which parking can be reviewed—either parking would be able to be reviewed by the Project Planning Division and cleared, or a Project Permit Compliance case would be filed if parking cannot be provided onsite. Requiring an applicant to go through an unnecessary review of case-filing also appears to be counter-intuitive to the goals of the Plan, where new approaches are intended to keep the Boulevards a premiere commercial Corridor. This Interpretation will clarify the process for both applicants/businesses and staff.

¹ *2010 Bicycle Plan, A Component of the City of Los Angeles Transportation Element*, Council File; 10-2385-S2, adopted March 1, 2011. Referenced July 14, 2016 at :

<http://planning.lacity.org/cwd/gnlpln/transelt/NewBikePlan/Txt/LA%20CITY%20BICYCLE%20PLAN.pdf>

² *Mobility Plan 2035: An Element of the General Plan*, Council file: 15-0719-S15, adopted January 20, 2016. Referenced July 14, 2016 at: <http://planning.lacity.org/documents/policy/mobilityplnmemo.PDF>

³ *Parking Standards Review: Examination of Potential Options and Impacts of Car Share Programs on Parking Standards*, March 2009, Submitted to the City of Toronto by IBI Group. Referenced July 14, 2016 at: https://www1.toronto.ca/city_of_toronto/city_planning/zoning_environment/files/pdf/car_share_2009-04-02.pdf

⁴ *Why Should Local Governments Care About Carsharing?*, Septemeber 2013, by Melissa McMahon, Juliellen Sarver, and Sonali Soneji. Referenced July 14, 2016 at: <http://mobilitylab.org/wp-content/uploads/2013/09/Why-Should-Local-Governments-Care-About-Carsharing-Sept-2013.pdf>

⁵ *The Future of Parking in an Era of Car-Sharing*, April 2015, by William Fulton. Referenced July 14, 2016 at: <http://www.governing.com/columns/urban-notebook/gov-drive-less-park-less.html>

Conclusion

Therefore, as the Director of Planning, I hereby interpret that the definition of a Project shall not include a change of use which increases the parking requirement per Section 7.F of the Specific Plan when this requirement can be provided onsite either through automobile parking spaces or through bicycle parking spaces. I furthermore interpret that an increase of parking spaces resulting from a change of use shall be subject to the procedures of the Ventura/Cahuenga Boulevard Corridor Specific Plan for parking alternatives regardless of whether the strictest requirement for parking is from the Los Angeles Municipal Code (LAMC) or the Specific Plan. I recognize that this will allow for changes of use with an increase in parking to be exempt from Project Permit Compliance case processing, but as the parking requirement will be met onsite, I interpret that requiring such a case filing is inconsistent with the intent of the Specific Plan. All other clauses of the Project description remain and are otherwise not interpreted differently.

IMPORTANT NOTICE

The regulations set forth in the subject Specific Plan are in addition to those set forth in the Los Angeles Municipal Code (LAMC), and do not convey any rights or privileges not otherwise granted under the provisions and procedures contained therein, except as specifically provided herein.

Wherever the Specific Plan contains provisions which require different setbacks, restricted yards, lower densities, lower heights, restricted uses, greater parking requirements or other greater restrictions or limitations on development than would be allowed pursuant to the provisions contained in LAMC Chapter I, the Specific Plan shall prevail and supersede the applicable provisions of that Code.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency.

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://www.planning.lacity.org/forms.htm>.

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(213) 482-7077

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The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial

review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

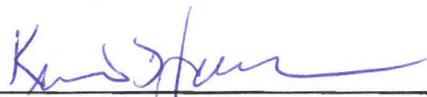
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Director of Planning

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Reviewed by:



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Prepared by:



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cc: Council Offices for Districts 2, 3, 4, and 5
Department of Building and Safety
Department of Transportation
Adjoining Property Owners
Interested parties for the Ventura Cahuenga Specific Plan
Woodland Hills-Warner Center Neighborhood Council, Tarzana Neighborhood Council, Encino Neighborhood Council, Sherman Oaks Neighborhood Council, Studio City Neighborhood Council, Hollywood Hills West Neighborhood Council

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