

ATTACHMENT E
CONDITIONAL USE FINDINGS
COMMERCIAL CORNER DEVELOPMENT
VENTURA/TYRONE REDEVELOPMENT PROJECT
14311 Ventura Boulevard
Sherman Oaks, CA 91423

PROJECT OVERVIEW/REQUEST

The Applicant, 14311 Ventura Development, LLC, proposes the construction, use, and maintenance of an approximately 52,433-square foot specialty grocery store over two levels of parking (ground level and one subterranean level) containing 240 parking spaces (the “proposed Project”), within the C2-1VL Zone and the Ventura/Cahuenga Boulevard Corridor Specific Plan (the “Specific Plan”) area, on the property located at 14311 Ventura Boulevard on the northeast corner of Ventura Boulevard and Tyrone Avenue (the “Subject Property”).

With regards to the instant request, the Applicant is seeking a **CONDITIONAL USE PERMIT**, pursuant to Los Angeles Municipal Code (“LAMC”) Section 12.24.W.27, for a Commercial Corner Development not otherwise subject to conditional use approval to operate between the hours of 11 p.m. and 7 a.m. daily for 24-hour operation.

CONDITIONAL USE FINDINGS

The following information has been developed pursuant to the City of Los Angeles Special Instructions for Conditional Use Permit (CUZ) Commercial Corner Developments and Mini-Shopping Center, and LAMC Sections 12.22.A.23 and 12.24.W.27.

- a. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The proposed Project is the construction, use, and maintenance of an approximately 52,433-square foot specialty grocery store (including an ancillary restaurant) over two levels of parking, with one ground level and one subterranean level, which will enhance the built environment in the surrounding neighborhood and will perform a function or provide a service that is essential or beneficial to the community. The Subject Property is irregular shaped and is currently comprised of multiple lots within the C2-1VL and [Q]P-1VL Zone, which are proposed to be consolidated into one lot under a unified C2-1VL zoning. The Subject Property was most recently improved with structures occupied with automotive (collision/auto body and car wash) uses, a fast-food restaurant and specialty retail, and associated surface parking. These structures are in the process of being demolished proposed Project will replace these previously existing uses with a new neighborhood-serving use that will benefit the community and immediate

vicinity by revitalizing this corner of Ventura Boulevard and Tyrone Avenue, offering a variety of organic produce and health and household products and a restaurant to users of the area, and additional employment opportunities.

As further detailed in Finding 2 below, the proposed Project will enhance the built environment in the surrounding neighborhood with an attractive, podium-style building design and associated landscaping that is sensitive to surrounding properties. As for the function it will perform and service it will provide to the community and city, the proposed specialty grocery store will fulfill a substantial demand for organic, natural, and health food products in which the grocery store operator specializes, and will feature meat and deli departments, an in-store bakery and kitchen, and an ancillary bona fide restaurant. The specialty grocery store will also help boost the local economy with greater job opportunities (both during building construction and operation) and increased tax revenues. A wide range of employment positions, from entry level to managerial, will be necessary to staff the grocery store. The grocery store expects to employ up to approximately 200 people to staff the numerous departments and provide customer service to patrons. As such, the new grocery store will add viable employment opportunities to the Community.

New development of the Subject Property to provide a high-end, full service specialty grocery store will be a benefit to the community and will revitalize the northeast corner of Ventura Boulevard and Tyrone Avenue by providing uses that are beneficial to the neighborhood. The overall product offering will provide a range of goods and services to the local community. The retail grocery store is requesting to be open for 24 hours, daily to meet the needs of the surrounding community and ensure that local customers have convenient access to their neighborhood grocery store as needed.

b. That the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The proposed Project location, height, operations and other significant features will be compatible with and will not adversely affect the surrounding neighborhood or the public health, welfare, and safety. The proposed Project is located along a major commercial corridor, Ventura Boulevard, which is zoned and designated for uses such as the proposed grocery store. The Subject Property located at the northeast corner of Ventura Boulevard and Tyrone Avenue is designated for Neighborhood and General commercial uses to service the commercial needs of the surrounding communities. The proposed Project will be consistent with the Neighborhood and General commercial designation and provides a high-end specialty grocery store unlike any other in the immediate vicinity and incorporates the needs of the surrounding community.

Surrounding properties are improved with uses compatible with the proposed Project, including commercial, retail and multifamily residential uses. The property opposite the Subject Property to the west on Tyrone Avenue is located within the C2-1L Zone, and is designated as Community Commercial by the Specific Plan. It is currently improved with a one to two-story building occupied by a car sales and service center, known as Casa de Cadillac, and an associated surface parking lot. The properties opposite the Subject Property to the south on

Ventura Boulevard are located within the C2-1VL Zone, and are designated as Neighborhood and General Commercial by the Specific Plan. The properties are currently improved with a two-story commercial shopping center occupied by restaurant, professional services, and general retail uses, a two-story office building, and a one-story commercial space occupied by commercial service uses. The properties adjoining the Subject Property on the east and across the public alley to the south are located within the C2-1VL and [Q]P-1VL Zones, and are designated Neighborhood and General Commercial by the Specific Plan. They are currently improved with one to two-story commercial structures, occupied by specialty retail and service uses, and surface parking. The properties opposite the Subject Property to the north on Moorpark Street are located within the RD1.5-1-RIO Zone, and are not located within the Specific Plan area. Across the street to the north is a one to two-story building occupied by the Los Angeles Public Library, Sherman Oaks Branch, and an associated surface parking lot. Across the street to the northwest (caddy corner to the Subject Property) is a 3-story multifamily residential building.

The proposed Project is a podium-style building that will reach a maximum height of approximately 38 feet-10 inches. The primary entrance to the grocery store building will be situated facing Ventura Boulevard and will provide convenient pedestrian access from the street, surface parking and below grade lot. Through this main entrance, patrons will be able to utilize escalators and shopping cart conveyors to access the grocery store on the second floor above. The main entrance will be distinguished by the glass facade along its entire length, and will be easily accessible to pedestrians from Ventura Boulevard and patrons that have parked within both levels of the connected parking structure. In addition, there will be a secondary pedestrian access point to the east of the main entrance area, along Ventura Boulevard.

The proposed Project is designed to meet the guidelines described in the Specific Plan (see *Attachment H – Project Permit Compliance Review Findings*). The proposed Project will include various design elements that would promote pedestrian circulation and connectivity to the surrounding area, including the street entrances located along Ventura Boulevard and an open restaurant deck on the second story, consistent with the design elements addressed in the Community Plan, Walkability Checklist, and the Citywide Commercial Design Guidelines.

The proposed Project will provide 240 automobile parking spaces and 26 long-term bicycle spaces and 26 short-term bicycle spaces. Vehicular ingress and egress to the Subject Property is provided by a 30-foot wide driveway along Ventura Boulevard frontage, and by a 30-foot wide driveway along Moorpark Street. As the proposed Project request the merger of portions of an existing public alley that bisects the Subject Property, secondary access will be provided via an on-site private alley/easement for public access that provides continued connection between the portion of the existing alley to remain and Moorpark Street to the north. The new private alley with will continue to provide the same ingress and egress functions as the portion of the public alley that will be merged with the Subject Property. On-site circulation will be continuous, with all access drives on the ground floor connected throughout, as well as connected to the circular subterranean ramp that provides access to subterranean level parking. Additionally, there will be a 30-foot wide driveway that provides access for trucks to the loading dock, which is fully enclosed within the ground floor of the northernmost portion of the building.

As shown on the enclosed Ground Floor Plan (Sheet A1.2), all truck maneuvers will occur within the Subject Property boundaries, and will not disrupt the flow of circulation since there is a separate driveway for loading, unloading, and delivery activities.

The operational characteristics will be compatible with the surrounding neighborhood. The Grocery Store will operate 24 hours, daily, while the ancillary restaurant will operate from 7 AM to 11 PM daily. Delivery activities will only occur between the hours of 7:00 AM and 8:00 PM, Monday through Friday, and between 10:00 AM and 4:00 PM on Saturday and Sundays. There will be one security guard on-site during the store business hours.

As detailed above, the proposed building and its activities will be compatible with the surrounding properties and uses. The proposed Project is consistent with the pattern of commercial uses in the immediate vicinity. The operational characteristics of the grocery store will not be detrimental to the properties in the immediate vicinity and the store will operate with due regard for the adjacent uses. As such, the proposed Project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties and the surrounding neighborhood.

c. That the project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Subject Property is located within the adopted Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan (the “Community Plan”), which designates the Subject Property for General Commercial land uses corresponding to the C1.5, C2, C4, CR, RAS3, RAS4 and P Zones. The proposed Project is located within the Ventura/Cahuenga Boulevard Corridor Specific Plan, which designated the Subject Property for Neighborhood and General Commercial land uses. The proposed Project is consistent with the Community Plan and Specific Plan land use designation.

The General Plan promotes the provision of services throughout the City in locations that are convenient to the public, but that do not negatively impact neighboring properties. Community Plans “...are intended to promote an arrangement of land uses, streets, and services which will encourage and contribute to health, safety, welfare and convenience of the people who live and work in the community. Generally, the Community Plan is also intended to guide development in order to create a healthful and pleasant environment. Further, the Community Plan is intended to coordinate development among the various parts of the City of Los Angeles and adjacent municipalities in a fashion both beneficial and desirable to the residents of the community.”

According to the Community Plan, Sherman Oaks is characterized by “a mix of low level and high rise commercial and office developments along Ventura Boulevard” (Page I-2), and the goals of the Ventura/Cahuenga Boulevard Corridor Specific Plan are “to assure an equilibrium between the transportation infrastructure and land use development...provide for an effective local circulation system; promote attractive and harmonious site design for multifamily and commercial development... promote and encourage the development of pedestrian activity, while reducing traffic congestion; and maintain the distinct character of each of the five Specific Plan communities located within its boundaries” (Page I-2). The proposed Project will meet

several tenets of the Community Plan and Specific Plan, in support of these overarching goals and visions for commercial development in the Sherman Oaks community.

The requested specialty grocery use is in conformance with the objectives of the Community Plan for Commercial Land Uses. Specifically, Goal 2 is “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 establishment of a full service grocery store will serve the needs of the community and will overall provide products in conformance with the Community Plan Goal to provide a strong and competitive commercial sector. The proposed hours of operation of 24 hours a day will ensure that local customers have convenient access in regards to their shopping needs.

With respect to the Specific Plan, the Ventura/Cahuenga Boulevard Corridor Specific Plan was most recently adopted in 2001 to identify and regulate development within the boundaries of the Specific Plan area. The purposes identified in Section 2 of the Specific Plan pertinent to the proposed Project include Purpose D, which is “To assure a balance of commercial land uses in the Specific area that will address the needs of the surrounding communities and greater regional area.” Further consistent with the Specific Plan, the grocery store will activate the street frontage on Ventura Boulevard and enhance the area with its designation as a Pedestrian Development District by creating pedestrian access along Ventura Boulevard. The proposed grocery store is a neighborhood-serving use and will provide customers additional amenities as compared to a standard grocery store with its variety of organic produce and health foods and products in addition to a bona-fide restaurant. The proposed Project includes an attractive development and landscaping, ultimately creating an aesthetically pleasing development that will revitalize this commercial area. The Project proposes 24-hour, daily operation to provide the community with a retail grocery store conveniently located nearby to residences, businesses, and organizations. Therefore, approval of a 24-hour, daily operation for the proposed retail grocery store would be desirable to the public convenience and welfare.

As demonstrated by the references above, the proposed grocery store will be in conformance with the purpose, intent, and provisions of the General Plan, Community Plan and Specific Plan (Please refer to *Attachment C – Vesting Tentative Tract Map Findings*, for a discussion of General Plan consistency in greater detail). Establishment of a full service specialty grocery store and ancillary restaurant at this location will benefit the surrounding residents and nearby business owners, offering products unlike products offered by other grocery stores in the immediate vicinity, and attracting customers to the area for both the proposed grocery store and adjacent commercial businesses.

d. That based on data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.

A traffic impact study, dated January 28, 2016, and a traffic analysis addendum, dated July 19, 2016, conducted and prepared by Linscott, Law, and Greenspan Engineers (“LLG”) for

the proposed Project found that the Project is not expected to create any significant impacts at the studied intersections. On July 25, 2016, the Los Angeles Department of Transportation (“LADOT”) issued a Traffic Assessment for the proposed Project concurring with LLG’s conclusion and finding that the conceptual site plans submitted with the request will be acceptable to LADOT’s standards. Thus, the proposed Project and Project’s ingress and egress access plan (which is described in more detail in the Findings above) will not create a traffic hazard or cause significant disruption or congestion on adjacent streets. A copy of LADOT’s Traffic Assessment is submitted with the instant application and may be referred to for additional details.

e. That project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.

The proposed Project is located within the Ventura/Cahuenga Boulevard Corridor Specific Plan and within the Sherman Oaks community, which is generally developed with commercial buildings containing uses such as restaurants, retail, and general and medical offices. Similar to the Subject Property, the properties along Ventura Boulevard are generally zoned for commercial uses as the Specific Plan encourages commercial land uses along this corridor to address the needs of the local community, and are located to the north or south of properties zoned for or improved with residential uses. As such, it is not uncommon to find a concentration of Mini-Shopping Centers and Commercial Corner Developments on corner properties located on Ventura Boulevard. Nonetheless, the proposed Project will not create or add to a detrimental concentration of such uses in the Subject Property vicinity.

The proposed Project will consist of a retail grocery store and ancillary restaurant occupied by a single tenant, and therefore does not fall the category of a Mini-Shopping Center or strip mall development. However, as the proposed Project does meet the definition of a Commercial Corner Development, it is subject to the Development Standards and Hours of Operation under LAMC Section 12.22.A.23, which have been established to protect adjacent residential properties. The proposed Project has been designed in full compliance with these provisions to ensure compatibility with and sensitivity to the RD1.5-zoned properties to the north, with the exception of seeking 24/7 operations for the grocery store, and will not be detrimental to surrounding uses. Properties immediately surrounding the Subject Property include a car dealership across the street to the west, a fast-food restaurant across the street to the southwest, a 2-story commercial shopping center across the street to the south and a 3-story office building immediately to the east of that, retail uses and a surface parking lot adjoining to the east, a public library across the street to the north and a 3-story multifamily residential building across the street to the northwest.

Taking into account the location of the Subject Property in an established, urbanized commercial district, the applicable Commercial Corner Development Standards and Conditions of Operation which will be complied with within the proposed project, and the compatibility of the Project with surrounding uses, the proposed Project will not contribute to a detrimental

concentration of Mini-Shopping Centers or Commercial Corner Developments in the immediate vicinity.

f. Are you going to develop any or all of the following? (Yes/No)

- 1) A drive-thru fast food establishment? No
 - 2) A business open any time between 11 p.m. and 7 a.m.? Yes
 - 3) A multi-residential use? No
 - 4) An amusement enterprise as enumerated in Sec. 12.14 A. of the Los Angeles Municipal Code? No
 - 5) An automobile laundry or washrack? No
 - 6) A commercial swimming pool? No
- If yes to any of the above, please explain.**

The proposed specialty grocery store requests operations 24 hours a day, daily.

g. How many parking spaces are being provided? 240 Standard? 240 (including 8 Handicap accessible spaces) Compact? 0

h. What is the Height ± 38'-10" and number of stories 2 of the Project?

i. List all the uses to be included in the development, their hours of operation, square footage and the percentage of the total development to be occupied by each:

Use	Hours of Operation	Square Ft. (SF)	Percentage
Grocery Store	24 hours a day, 7 days a week	47,105 SF	90%
Restaurant	7 AM-11 PM, daily	5,328 SF	10%
Total		52,422 SF	100%

j. Describe any security measures that will be taken to prevent loitering, theft, vandalism, etc.

Security measures will include a security camera system and will nighttime security lighting. Additionally, one security guard will be on-site during store business hours. These security measures will help prevent any loitering, theft, or vandalism to the existing office complex.

k. For drive-through fast food establishments submit plans showing points of ingress and egress, the location of speakers, driveways and queuing lanes.

Not applicable.

a. For drive-through fast food establishments submit plans showing points of ingress and egress, the location of speakers, driveways and queuing lanes.

Not applicable.

b. For all applications the following items shall be delineated on plans in accordance with the applicable Zoning Code Section:

1) Exterior walls.

See Sheets A2.0 and A2.1 (“Exterior Elevations”).

2) Lighting plans.

The proposed Project will be sufficiently lighted on the exterior and perimeter of the building and within the indoor parking areas. All on-site lighting will be shielded down and directed on-site to prevent spillover on adjacent properties. Lighting fixtures are yet to be determined, but typical lighting features include sconces, mounted wall-packs, ambient, bollards, and shielded light poles.

3) Landscaped and irrigated areas in the parking area.

See Sheet LP1.0 (“Conceptual Landscape Plan”) for landscaped and irrigated areas within the parking area.

4) Location of trash storage area(s).

See Sheet A.1.2 (“Ground Level Plan”) for location of trash storage areas.

5) Location of other storage area(s).

See Sheets A.1.1 (“Basement Plan”), A.1.2 (“Ground Level Plan”) and INT 1.0 (“Interior Layout”) for locations of other storage areas.

6) Parking layout indicating striping, landscaping, and driveways.

See Sheets A1.1 (“Basement Plan”) and A1.2 (“Ground Level Plan”) for parking layout including striping, landscaping, and driveways.

3. In addition, specify each and every requirement of Section 12.22 A.23. of the LAMC that you cannot or do not comply with, and explain.

The proposed Project meets all applicable Development Standards and Conditions of Operation under LAMC Section 12.22.A.23. The instant request detailed herein is for a Conditional Use, pursuant to LAMC Section 12.24.W.27, for a Commercial Corner Development not otherwise subject to conditional use approval to allow for the hours of operations between 11 p.m. and 7 a.m. daily for 24-hour operation.

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