

# ATTACHMENT G

## SPECIFIC PLAN EXCEPTION FINDINGS

### 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 respect to the instant request, the Applicant is seeking the following **SPECIFIC PLAN EXCEPTIONS**, pursuant to Los Angeles Municipal Code (“LAMC”) Section 11.5.7.F, from the following requirements of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance 174,052):

- a. From Section 7.B.2, to permit a lot coverage of approximately 68.2% in lieu of the 60% maximum lot coverage permitted;
- b. From Section 7.E.1.b.1, to permit a maximum height of approximately 38 feet-10 inches in lieu of the 30-foot maximum height permitted; and
- c. From Section 7.E.1.f, for relief from the 10-foot setback requirement from the roof perimeter for the portion of the building above 25 feet in height.

#### SPECIFIC PLAN EXCEPTION FINDINGS

The following information has been developed pursuant to LAMC Section 11.5.7 F, *CP-7777 Special Instructions for Exception from Geographically Specific Plan as Prescribed by the City Planning Commission*, and the filing instructions for the Ventura/Cahuenga Boulevard Corridor Specific Plan, established by Ordinance No. 174,052:

#### ADDITIONAL INFORMATION

- a. Date property was acquired November 4, 2015 (Month/Day/Year)
- b. Applicant requests an exception from the provisions of the Ventura/Cahuenga Boulevard Corridor Specific Plan. (State name of geographically specific plan).

c. From Section 7.B.2, to permit a lot coverage of approximately 68.2% in lieu of the maximum 60% lot coverage otherwise permitted; from Section 7.E.1.b.1, to permit a maximum height of approximately 38 feet -10 inches in lieu of the 30-foot maximum height otherwise permitted; and from Section 7.E.1.f, for relief from the 10-foot setback requirement from the roof perimeter for the portion of the building above 25 feet in height. (State the provision of the geographically specific plan from which the exception is being requested).

**1. That the strict application of the policies, standards and regulations of the geographically specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of such specific plan.**

As it pertains to lot coverage, height and setback limits, the strict application of the Ventura/Cahuenga Boulevard Corridor Specific Plan (“the Specific Plan”) would result in practical difficulties and unnecessary hardships that are inconsistent with the general purpose and intent of the Specific Plan. Other than the few provision exceptions being requested, the proposed Project (its use and development type) is substantially consistent with the purposes and intents of the Specific Plan. This proposed Project, however, would not be feasible and, therefore, could not meet the Specific Plan’s intents and purposes without the granting of the requested exceptions.

The Subject Property is designated for General Commercial land uses under the applicable Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan (the “Community Plan”). This designation corresponds to the C2 Zone, and is located within the Neighborhood and General Commercial Plan Designation area of the Specific Plan. Consequently, the Subject Property is predominantly zoned C2-1VL and the Project requires an associated Vesting Zone Change on a smaller portion of the Subject Property from the [Q]P-1VL to the C2-1VL Zone. This minor change for a small portion of the Subject property is consistent and in harmony with the General Commercial land use designation because, among other reasons, that designation promotes uses permitted in the C2 Zone, specifically grocery stores.

Furthermore, the Specific Plan defines the Neighborhood and General Commercial Plan designation as “a focal point for surrounding residential neighborhoods and containing a diversity of land uses, such as restaurants, retail outlets, grocery stores, child care facilities, small professional offices, community meeting rooms, pharmacies, religious facilities, and other similar services”<sup>1</sup>. Consistent with these intended uses, the proposed Project is a neighborhood-serving specialty grocery store that will provide goods and services for the surrounding multi-family and single-family residential neighborhoods as well as nearby businesses. The proposed Project will also replace the collision/auto body center and car wash which were most recently improved on the Subject Property and which are uses that are not desired within the Specific Plan area. As such, the proposed 52,433-square foot specialty grocery store significantly complies with the intent for the use of the Subject Property in the context of the General Plan and significantly complies with the intent of the Specific Plan.

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<sup>1</sup> Page 6, Section 4: Definitions, Ventura/Cahuenga Boulevard Corridor Specific Plan.

The strict application of the lot coverage limitations of the Specific Plan would create unnecessary hardships for a proposed use that is consistent with the intent of the Specific Plan, and would create practical difficulties due to the unique physical constraints of the Subject Property and the operational and functional needs of the proposed use. The Subject Property is an irregular-shaped parcel of land with a lot area of approximately 82,514 square feet, pre-dedication and including the 3,699-square foot area of the alley proposed to be merged with the Subject Property. The Subject Property has approximately 383 feet of frontage along Ventura Boulevard, and approximately 644 feet of frontage along the combined northwestern and northern property lines (approximately 369 feet of frontage along Tyrone Avenue and approximately 275 feet of frontage along Moorpark Street, east of the public alley). Portions of the Subject Property are bisected by a public alley, which runs from north to south and from east to west, requested to be merged with the Subject Property as part of the associated Vesting Tentative Tract Map No. 74577.<sup>2</sup> The Specific Plan limits lot coverage of the Subject Property to 60% and limits FAR to 1:1. While the proposed Project exceeds the permitted 60% lot coverage, it is well below the maximum permitted Floor Area Ratio (FAR) of 1:1, with a proposed FAR of approximately 0.66:1. The instant request for a Specific Plan Exception for 68.2% lot coverage in lieu of the 60% lot coverage permitted is necessary due to the substantial physical constraints of the Subject Property caused by its unusual shape and high water table. As opposed to being a regular shape which is typical of other properties, the Subject Property is irregular and unusually shaped with a curved frontage along Tyrone Avenue and a portion that extends further on the east-west axis along Moorpark Street, creating practical difficulties in accommodating the layout of the proposed grocery store and associated uses, including parking, ingress and egress points, and adequate loading areas. A high water table exists underneath the Subject Property which prevents the grocery store from physically going underground more than one level for parking beyond the approximate 14 feet proposed in the subterranean level and necessitates the additional required parking to be provided on the ground level.<sup>3</sup> Due to these conditions, there is no viable alternative option but to provide the grocery store on the podium level and encompass slightly more lot coverage than the 60% permitted.

The irregular and unusual shape of the Subject Property creates site-specific circumstances that present substantial practical difficulties for the proposed Project to adequately accommodate the grocery store and its ancillary areas for parking circulation and an enclosed loading dock that are essential to its normal functions. The building footprint for the proposed grocery store must be of an adequate size to permit its normal functions and operations, creating further physical constraints. The proposed Project's lot coverage is comprised of approximately

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<sup>2</sup> As part of the Vesting Tentative Tract Map No. 74577 and pursuant to LAMC Section 17.15, modifications/waivers of the dedication and widening requirements are requested along Ventura Boulevard and Tyrone Avenue. Per Section 10.C.2. of the Specific Plan, "(t)he procedures in LAMC Section 12.37 shall be followed" and "(t)he appeal procedure described in LAMC Section 12.37 I may...be used for review of improvements on the basis of claims that the requirements pose an unreasonable hardship". LAMC Section 12.37 H states, "All major and secondary highways and all collector streets shall be constructed and improved in accordance with the standards adopted by the City Planning Commission pursuant to LAMC 17.05-B insofar as such is practical and will not create an undue hardship." As LAMC Section 17.05 is part of the Article 7, Division of Land Regulations, the procedures under the Vesting Tentative Tract Map control for the modification/waiver requests.

<sup>3</sup> According to Geotechnologies, Inc's Report, revised 3/8/16, groundwater was encountered between depths of 22 and 25 feet below ambient site grade.

52,433 square feet of floor area, 3,103 square feet for internal vertical circulation, and 740 square feet for the loading dock area, for a total of 56,276 square feet of building area on an approximately 82,514 square feet of lot area. These areas are essential to the grocery store's functions as they allow for the ingress and egress of patrons to the subterranean parking level, and for the loading and unloading of food and supply deliveries. With only 60% lot coverage permitted, the proposed grocery store would be further limited and would not function as intended because the building footprint for the proposed grocery store must be of adequate size and requires a certain floor layout to permit its normal operations. This is in part because a typical grocery store needs adequate floor area dedicated for the "back of house", where offices are located and preparation, unloading, and storage can take place. The sales portion of the grocery store and ancillary restaurant where patrons will shop and dine only contains approximately 37,915 square feet, which is only approximately 72% of the total floor area of the 52,433-square foot grocery store. The remaining 28% of the floor area contains the back of house. To ensure proper function of the grocery store, it is necessary for the back of us to be located on the same level as the sales floor.

The Applicant seeks an exception to reach a maximum height of approximately 38 feet-10 inches to accommodate the Subject Property's significant variation in the existing grade, as the Subject Property slopes downward from south to north. There is a variable grade difference on the Subject Property, where grade drops from the south (along Ventura Boulevard) to the north (along Moorpark Street) by approximately 6-7 feet. Given the significant grade differential, the height of the proposed building on Ventura Boulevard would reach approximately 32 feet above grade and the height on Moorpark Street would reach approximately 38 feet-10 inches above grade. This height exception is in lieu of the 30-foot maximum height otherwise permitted, but would allow for a height along Ventura Boulevard that is similar to the maximum existing height of approximately 31 feet-8 inches of the retail building to be demolished along Ventura Boulevard, and that is less than the 42 feet-2 inches height of the existing sign structure to be demolished and the approximately 40-foot high commercial strip mall across the street to the south on Ventura Boulevard. The height limitation for this area of the Specific Plan creates practical difficulties and unnecessary hardships because it does not consider sites which have a significant grade change and share property lines along three major streets. The Zoning Code requires building height to be measured from the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line to the highest point of the roof, structure, or the parapet wall, whichever is highest. The 30-foot height limitation of the Specific Plan does not take sloping grade conditions into consideration.

In addition, part of the intent of the Specific Plan in limiting the height is to protect single-family residences adjacent to Ventura Boulevard from the impacts of large adjacent commercial buildings by limiting the massing of projects. The only residential use that is adjacent to the Subject property is a 3-story multifamily residential apartment building located across the street to the northwest, with no adjacent single-family residences. Review of the Specific Plan Section 2 (Purposes) illustrates that the proposed Project is consistent with the intent of the Specific Plan. Purposes D, E, and F demonstrate the importance of developing commercial property to be compatible with the surrounding area and addressing the needs of

the surrounding community. The Specific Plan contains building and site design standards to promote attractive commercial development and to limit the massing of development. These standards, including building height regulations, however, do not take into account the location and design of a project located on a uniquely-shaped property.

The proposed maximum height of 38 feet-10 inches is achieved on the portion of the Subject Property that fronts Moorpark Street, which varies approximately by 6-7 feet at a lower elevation than Ventura Boulevard to the south. The proposed Project will reach an approximate maximum height of 32 feet along Ventura Boulevard, as measured from the existing grade along the portion of the Subject Property that fronts Ventura Boulevard, and would be consistent with the heights of existing buildings in the surrounding neighborhood. The existing retail building to be demolished along Ventura Boulevard reaches a maximum height of approximately 31 feet-8 inches and the existing sign structure to be demolished reaches a maximum height of approximately 42 feet-2 inches, both exceeding the 30-foot height limitation of the Specific Plan. Thus, the Applicant proposes a comparable, but improved building height of 32 feet along Ventura Boulevard. The height, bulk, and mass of the proposed new building is compatible with the existing buildings within 300 feet of the Subject Property. The existing buildings directly to the east along Ventura Boulevard are approximately 30-32 feet in height while the existing strip mall and office building across Ventura Boulevard to the south are approximately 40 feet and 45 feet respectively, and the existing residential apartment building across the street to the northwest is a 3-story structure with additional roof top equipment/elevator machine room above it.

Furthermore, due to the unique grade differential, size and setback requirements of the Subject Property, any project constructed on the Subject Property would be limited in height, per the Specific Plan, to approximately 23-24 feet along Ventura Boulevard, where this Project has 353 feet of frontage. This substandard height would be inconsistent with the remaining structures in the immediate area, which range from 30 feet to 45 feet, not to mention the oddity of a structure that wide and that short. Therefore, in addition to the impracticality of building a sloped or slightly bi-level building to meet the 30-foot height limit, such a height discrepancy distorts and contravenes the Specific Plan's aesthetic and architectural intent.

The strict application of the Specific Plan's setback requirement for buildings in the Neighborhood and General Commercial Plan Designation Areas which abut a major or secondary highway and exceed 30 feet in height would also result in practical difficulties and unnecessary hardships that are inconsistent with the general purpose and intent of the Specific Plan. The requirement states that buildings in these locations may only exceed 30 feet in height, if for each 15-foot increment (or portion of that increment) above 25 feet, at least a 10-foot setback from the roof perimeter is provided. Because of the proposed height and podium design of the Subject Property, the setback requirement would apply and require a setback of 10 feet on the southern, western, and northern sides of the building, creating a practical difficulty and unnecessary construction hardships for this unique site. For example, having a setback requirement mid-floor of the second level floor is not feasible, as a building setback is not possible with the proposed podium design and limited proposed building height. Furthermore, the setback would present difficulty in meeting the Code parking requirements.

The proposed Project has been thoughtfully designed to incorporate elements of the Sherman Oaks Streetscape Design Guidelines, including lighting, landscaping materials, on-site circulation and access, and the location of a covered loading dock and trash area. With the exception of the areas where deviations are requested under the Specific Plan Exceptions herein, the proposed Project substantially complies with all other applicable regulations of the Specific Plan, and is substantially consistent with its purposes and vision for development in this community.

Given the non-rectilinear shape of the Subject Property, high water table, required physical areas for the grocery store's operations to be functional, and the podium-level design, the strict application of the lot coverage, height and setback restrictions of the Specific Plan would make the proposed Project practically infeasible and this would be in direct conflict with the stated purposes and intents of the Specific Plan for this type of beneficial commercial use. As a whole, the proposed Project is in substantial conformance with the intent of the Specific Plan for a high-quality, neighborhood-serving grocery store that provides essential goods and services to the surrounding residential communities. As such, the increase in lot coverage from 60% to 68.2%, the increase in height from 30 feet to 38 feet-10 inches, and the deviation from the setback requirement are necessary to accommodate the essential areas that allow the grocery store to operate.

**2. That 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.**

The unique and irregular shape and configuration of the Subject Property in combination with the practical physical requirements for the operations and functions of the proposed use are exceptional circumstances and conditions applicable to the Subject Property involved and the intended use of the Subject Property that do not apply generally to other property in the Specific Plan area. Finding No. 1 above details the physical configuration and constraints on the Subject Property with respect to the irregular shape, high water table that restricts additional parking underground, and needs of the proposed grocery store to provide all uses on one floor, which similarly present the Subject Property with exceptional conditions that do not generally apply to other property in the Specific Plan area.

There are exceptional circumstances applicable to the Subject Property that do not generally apply to other property in the Specific Plan area. The Subject Property is an irregular-shaped, approximately 1.89-acre area of land with frontage along three streets and is considered a through lot with front yards on Ventura Boulevard and Moorpark Street. Other adjacent commercial properties to the immediate east are not constrained by the physical limitations in terms of a unique shape and of being bounded by three streets. These exceptional circumstances and conditions make it infeasible to develop the Subject Property in conformance with the numerous regulations and restrictions imposed by the Specific Plan.

The Subject Property slopes downward from south to north, with an approximate 6-7 foot difference in elevation between Ventura Boulevard and Moorpark Street. Indeed, the proposed height of the Project is approximately 32 feet fronting on Ventura Boulevard, rising

to approximately 38 feet-10 inches where it fronts Moorpark Street. Due to the unique grade differential, any project constructed on the Subject Property would be limited in height per the Specific Plan to approximately 23-24 feet along Ventura Boulevard given that the 30-foot height limit must be measured from lowest adjacent grade which is located on Moorpark Street. This creates an exceptional circumstance since this substandard height is inconsistent with the remaining structures in the immediate area. An exception from the height limit of Specific Plan would permit a feasible commercial development, consistent with the design standards of the Specific Plan, while respecting the need to control the visual impacts of scale and massing from outside the site. As noted in Finding No. 1 above, the project's proposed height of 32 feet on Ventura Boulevard and 38 feet-10 inches on Moorpark Street would be compatible with other surrounding commercial and residential developments.

**3. That the exception from the geographically specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan 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.**

The instant requested exceptions for a lot coverage of 68.2% in lieu of the 60% permitted (a 13.6% increase), for a maximum height of 38 feet-10 inches in lieu of 30 feet, and for relief from the setback requirement at a building height of 25 feet are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically Specific Plan 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.

Due to the unusual non-rectilinear shape of the Subject Property, the necessary physical components of the proposed use, and the sloping land elevation of the Subject Property, there are practical difficulties in conforming to the maximum 60% lot coverage and 30-foot height limit permitted and the 10-foot building setback requirement at a building height of 25 feet. The substantial property right to develop a commercially designated property with a permitted use would be denied to the Subject Property without the granting the Specific Plan Exceptions. As previously discussed in Finding No. 1 above, the Subject Property's land use designation of General Commercial, zoning designation of C2-1VL, and Specific Plan land use designation of Neighborhood and General Commercial all permit and encourage neighborhood-serving commercial uses such as a grocery store on the Subject Property.

Similar height exceptions from the Ventura/Cahuenga Boulevard Corridor Specific Plan have been granted to other developments for very logical and practical reasons. In City Planning Case No. CPC-2003-6205-ZC-SPE-ZAA-SPR-SPP, an exception was granted for the development now existing near the northeast corner of Ventura Boulevard and Calhoun Avenue, one block to the east of the Subject Property, to permit a 54-foot in height building, including an architectural roof element of 58 feet, in lieu of the maximum 30-feet allowed. While the case referenced is for a mixed-use project with a substantially taller maximum height and a stepped design, that particular property is similar to the Subject Property in several ways – Both properties are similar in size (that property is approximately 1.9 acres in

size while the Subject Property is approximately 1.89 acres in size), both sites are through lots with front yards on both Ventura Boulevard and Moorpark Street, and both sites have sloping terrain that slopes downward from the south (Ventura Boulevard) to north (Moorpark Street). The City Planning Commission noted in its findings for the case that the property had an approximate 8.5-foot difference in elevation between Ventura Boulevard and Moorpark Street. In Case No. CPC-2003-6205-ZC-SPE-ZAA-SPR-SPP, the City Planning Commission made the following finding: "Due to the elevation change and size of the parcel, modifications to height, lot coverage and floor area ratio requirements would permit a feasible mixed use development while respecting the need to control the visual impacts of scale and massing from outside the site." More recently in 2010, Ralph's located on the northeast corner of Ventura Boulevard and Hazeltine, under City Planning Case No. CPC-2009-3462-ZC-CUB-SPE-SPP-SPR, was granted an exception to build a 48-foot building that was 1-foot taller than the pre-existing building they replaced, in lieu of the 30-foot maximum height permitted. Similarly, the Ralph's project also has three street frontages, is through lot, and has an elevation difference of over 8 feet.

The requested height exception is necessary for the preservation and enjoyment of a use generally possessed by other properties in the same zone. As demonstrated in the City Planning Cases cited above, other projects within the same Specific Plan jurisdiction have been granted exceptions to exceed the permitted height limits for essentially the same reasons set forth in the subject application. Replacing the current buildings (collision/auto body and car wash) with a modern and architecturally appealing grocery store requires an exception from the Specific Plan in order to preserve a substantial property right. As stated previously, there are existing developments along Ventura Boulevard, within the very same vicinity of the Subject Property, with greater height than is proposed for the Project.

While other properties in the same zone, vicinity and Specific Plan area have recently enjoyed the property right to construct and maintain a grocery store without complying with each and every requirement of the Specific Plan, the practical physical constraints associated with the Subject Property would not permit this property right to be enjoyed by the Applicant without the requested increase in lot coverage and height and the requested relief from the setback provision. The Subject Property's irregular shape and site conditions, the physical needs of a typical grocery store, the need for additional height to accommodate sloping conditions on the Subject Property, and the thoughtful design of the proposed Project are the special circumstances necessitating the subject requests. Additionally, as previously stated, while the proposed Project will provide one level of subterranean parking, the soils analysis does not allow for an additional level of subterranean parking due to the high water table level. Without these site-specific circumstances that present practical difficulties and unnecessary hardships, the proposed grocery store would otherwise be easily accommodated physically on the Subject Property.

There are also properties within the same zone and vicinity that have received approvals to exceed the maximum permitted 60% lot coverage, including the Ralph' at Ventura and Hazeltine which was granted an adjustment, since conformance to this Specific Plan regulation has been acknowledged as a practical difficulty for several types of uses and site-specific conditions within the immediate area. As a result, this request is germane to the substantial property right enjoyed by those properties. Thus, due to the shape of the Subject Property

necessitating additional lot coverage and the need for additional height, the physical needs of a typical grocery store, and the inability to provide fully subterranean parking, the Subject Property has special circumstances that limit the property right to construct a use permitted by the zoning and intents of the Specific Plan.

**4. That the granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the same vicinity of the subject property.**

The granting of the exceptions for a lot coverage of 68.2% in lieu of the 60% permitted, for a building height of 38 feet-10 inches in lieu of the 30 feet permitted, and for relief from the 10-foot setback requirement at the building's height of 25 feet will not be detrimental to the public welfare or injurious to the property adjacent to or in the same vicinity of the Subject Property because the proposed use of a high-quality, neighborhood-serving grocery store is consistent with the intents of the Specific Plan, and the proposed Project has been designed to be compatible with the adjacent mix of retail, commercial, and professional uses.

The proposed 68.2% lot coverage represents an increase of only approximately 13% over what is otherwise permitted, and the additional requested height and requested relief from the setback requirement triggered by an increase in height to accommodate sloping conditions is minute, and as such, will not create adverse impacts to the public welfare or surrounding improvements. The proposed Project has been designed to be compatible with the surrounding uses and built environment, which include one to three story structures occupied with car sales, car services, public library, restaurant, fitness, professional services, general retail, and parking uses. The abutting surrounding uses do not include sensitive uses, which might be negatively impacted by an increase in lot coverage. The existing built environment includes lot coverages that are consistent with the proposed lot coverage of the grocery store, and there are improvements within the immediate vicinity that have received approvals to exceed the permitted 60% lot coverage. Additionally, the proposed grocery store structure has been designed to be oriented towards the westernmost portion of the Subject Property at the corner of Ventura Boulevard and Tyrone Avenue, orienting the structure towards the established commercial boulevard. While the 10-foot setback provision will not be met at the 25-foot building height point of the proposed Project, landscaped setbacks and buffers will be provided at ground level in satisfaction of the Specific Plan.

Moreover, the Specific Plan Exceptions will not have any materially detrimental effects with regards to the massing of the building, aesthetics, or incompatibility with these surrounding uses. While the proposed Project exceeds the permitted 60% lot coverage, it is well below the maximum permitted Floor Area Ratio (FAR) of 1:1, with a proposed FAR of approximately 0.66:1. The proposed Project has also been thoughtfully designed to incorporate elements of the Sherman Oaks Streetscape Design Guidelines, including lighting, landscaping materials, on-site circulation and access, and the location of enclosed loading docks and trash. In fact, the instant request for increased lot coverage is precipitated by design choices that will also proactively mitigate any potential detrimental effects on the public welfare or existing improvements.

While it is not a requirement of the LAMC or Specific Plan to enclose the 740-square foot loading dock, the proposed Project has chosen to do so in order to mitigate the potentially adverse impacts associated with loading, unloading, and delivery activities. As shown on the enclosed Ground Level Plan (Sheet A1.2), all truck maneuvers will occur within the Subject Property's boundaries, and the loading dock will be fully enclosed in order to diminish the potentially adverse impacts associated with these activities, such as sound and aesthetics. Additionally, the proposed Project will comply with permitted delivery hours, from 7:00 AM to 8:00 PM Monday through Friday, and 10:00 AM to 4:00 PM on Saturday and Sunday, and will include landscape screening around the parking structure to further reduce impacts to adjacent properties. This design is in harmony with the Sherman Oaks Streetscape Plan and Design Guidelines, and will ensure that the proposed Project will not have adverse impacts on the public welfare or improvements in the immediate vicinity.

Similarly, while it is not required to provide subterranean parking, and the Specific Plan allows surface parking lots, the proposed Project will provide an aesthetically pleasing parking configuration within one level of ground floor parking and one level of subterranean parking. Rather than providing open surface parking that does not contribute to the aesthetic character and built environment, the proposed Project will provide a ground floor parking area that will be adequately buffered and screened from adjacent rights-of-way and less intensive uses with sufficient planting material, including shrubs and trees within the setbacks that are incorporated with the landscaped design. In addition, the greater number of ingress and egress points that exist near the corners of Ventura Boulevard and Tyrone Avenue and Tyrone Avenue and Moorpark Street have been eliminated.

As shown on the enclosed Landscape Plan (Sheet LP1.0), the proposed Project will screen the parking structure from view with a variety of plants and trees. In total, the proposed Project will include 38 trees including on-site trees and trees in the public right-of-way, and will locate trees around the surface perimeter of the parking structure with minimal spacing between in order to adequately buffer it from adjacent uses. This landscaping will improve the overall aesthetics and functionality of the adjacent public right-of-way and improvements, as these trees will provide more shade and beautification and will foster and encourage more pedestrian activity. Additionally, the proposed parking and circulation plan will allow for safe ingress, egress, and traffic circulation within the parking areas of the Subject Property. The proposed Project and landscaped plan will be aesthetic improvements to the previous uses on the Subject Property, and as such, will not cause adverse impacts to the public welfare or existing improvements.

The additional lot coverage and height requested to accommodate the grocery store footprint and sloping conditions, as well as the requested relief from the setback provision, will not be materially detrimental to the public welfare or improvements in the same vicinity because the proposed Project has been designed to mitigate any potential negative impacts with the proposed site layout, building orientation and landscaping. Granting the exceptions for increased building height will vastly improve the architectural design of this commercial property. The proposed contemporary architecture with carefully selected façade elements, large windows, colors and materials creates beautiful aesthetics and softens the mass. The proposed podium style exposed parking elevations are articulated and softened with planters

and plush landscaping while still allowing daylight into the space. As a result of these design features, the proposed Project will not be detrimental to the public welfare or injurious to the adjacent property or improvements, but will, in fact, enhance the appeal and value of the neighborhood as compared to the older buildings this proposed Project replaces.

**5. That the granting of the exception will be consistent with the principles, intent and goals of the geographically specific plan and any applicable element of the General Plan.**

The granting of the instant requests for exceptions from lot coverage, height limitation, and setback provisions would allow the construction of a neighborhood-serving specialty grocery store use that is in conformance with several elements of the General Plan, Community Plan, and Specific Plan. The Community Plan and Specific Plan are part of the Land Use Element of the General Plan, for which the proposed Project is also consistent (Please refer to *Attachment C – Vesting Tentative Tract Map Findings*, for a discussion of General Plan consistency in greater detail).

The proposed Specific Plan Exceptions that would allow for the construction of the grocery store are also consistent the Land Use Element of the General Plan, meeting several purposes of the applicable Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan, 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 2-1:** *To conserve and strengthen viable commercial development.*

**Policy 2-1.1:** *New commercial uses shall be located in existing established commercial areas or existing shopping centers.*

**Policy 2-1.3:** *Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.*

**Policy 2-3.2:** *New development needs to add to and enhance the existing pedestrian street activity.*

**Policy 2-3.3:** *Ensure that commercial infill projects achieve harmony with the best of existing development.*

**Objective 2-4:** *To enhance the appearance of commercial districts.*

**Policy 2-4.1:** *Require that any proposed development be designed to enhance and be compatible with adjacent development.*

**Policy 2-4.2:** *Preserve community character, scale, and architectural diversity.*

**Policy 2-4.3:** *Improve safety and aesthetics of parking areas in commercial areas.*

**GOAL 15:** *A sufficient system of well designed and convenient on-street parking and off-street parking facilities throughout the plan area.*

**Objective 15-1:** *To provide parking in appropriate locations in accord with Citywide standards and community needs.*

**Policy 15-1.3:** *New parking lots and new parking garages shall be developed in accordance with design standards.*

The Specific Plan Exceptions that would permit the proposed Project are in harmony with the goal to create a strong and competitive commercial sector, as the proposed specialty grocery store is a commercial use that will revitalize this portion of the Ventura Boulevard commercial corridor and serve the members of the community. The proposed Project is also consistent with the intent to locate a neighborhood-serving commercial use on an infill parcel of land located within an existing commercial corridor, rather than encroaching on residentially zoned land. As a result, the proposed Project will help to preserve the character of the district, and will be an aesthetic and economic improvement for this portion of the commercial corridor. The proposed specialty grocery store will meet the demand for organic, natural, and health foods, and will provide healthy market competition for existing grocery stores in the vicinity, strengthening the viability of the local economy. The P Zone that the proposed Project will eliminate would not have permitted the proposed viable commercial development, in direct contrast to the stated goals and objectives of the Community Plan and the Community Plan designation of the Subject Property.

Additionally, the proposed new specialty grocery store has been designed to be compatible with the adjacent properties and mix of commercial, retail, service, and professional uses, and to enhance the existing built environment along this corridor. The proposed Project will substantially improve the aesthetic value of the Subject Property with landscaping, high-quality building materials, and a thoughtful design that encourages the utilization of multi-modal transportation with pedestrian oriented-entrances and a combined total of 52 long-term and short-term bicycle parking spaces. The new, modernized grocery store will screen the ground floor level parking areas with screening materials and extensive landscaping that are consistent with the Specific Plan and Sherman Oaks Streetscape Plan and Design Guidelines. Moreover, the proposed restaurant component of the Project will help activate this corner, with an outdoor eating area located on the corner of Ventura and Tyrone.

The Project will incorporate sufficient off-street parking facilities for the proposed uses on site, with 240 parking spaces proposed. The proposed Project will also provide safe and convenient vehicular ingress and egress, with driveway entrances on Ventura Boulevard and Moorpark Street situated away from the intersections of Ventura Boulevard and Tyrone Avenue and Tyrone Avenue and Moorpark Street, and will provide a fully enclosed loading dock area in order to mitigate any potential negative impacts associated with grocery unloading activities. As part of the instant request, the Project will merge a portion of the adjacent public alley with the Subject Property, but will maintain the existing function and circulation of the public alley by providing a private alley/easement for public use and access.

The Ventura/Cahuenga Boulevard Corridor Specific Plan also sets forth purposes for the uses and types of development desired for the community. The proposed Project is consistent with the following applicable purposes:

- ***Purpose A:*** *To assure that an equilibrium is maintained between the transportation infrastructure and land use development in the Corridor and within each separate community of the Ventura/Cahuenga Boulevard Corridor Specific Plan area.*
- ***Purpose C:*** *To provide building and site design guidelines to promote attractive and harmonious multi-family and commercial development.*
- ***Purpose D:*** *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.*
- ***Purpose G:*** *To enhance the plan area landscaping by providing guidelines and a process for a coordinated landscaping program of public and private property for the Specific Plan’s communities.*
- ***Purpose H:*** *To promote an attractive pedestrian environment which will encourage pedestrian activity and reduce traffic congestion.*

The Subject Property is Community Plan designated for General Commercial land uses by the Community Plan, which corresponds to the proposed C2-1VL Zone, and is located within the Neighborhood and General Commercial Plan Designation area of the Specific Plan. With regards to use, the Specific Plan only limits, regulates, and prohibits certain uses that are not desired for the type of development and services envisioned for the plan area, such as automotive uses, and drive-through establishments. The Subject Property is located within a Pedestrian Development District of the Specific Plan, which specifically does not permit these types of uses. Other than these identified uses, the Specific Plan defers to the uses permitted by the underlying zone and land use designation set forth in the regulations of the LAMC.

The proposed Project for an approximately 52,433-square foot grocery store on 1.89 acres is in harmony with the Subject Property’s land use designation of General Commercial as well as the C2-1VL Zone. As part of the instant request, the Applicant is seeking a Vesting Zone Change on a portion of the Subject Property from the [Q]P-1VL to the C2-1VL Zone, consistent with the zoning designation of the remainder of the Subject Property and the Community Plan designation. Since the General Commercial land use designation promotes uses permitted in the C2 Zone, and the C2 Zone allows grocery stores, the proposed Project is in harmony with the intended land uses for the Subject Property. The proposed Project will also replace the uses that most recently existed on site and are in the process of being demolished, including a collision/auto body center and car wash, which are uses that are not desired within the Specific Plan area.

The Specific Plan defines the Neighborhood and General Commercial Plan designation as “a focal point for surrounding residential neighborhoods and containing a diversity of land uses, such as restaurants, retail outlets, grocery stores, child care facilities, small professional offices, community meeting rooms, pharmacies, religious facilities, and other similar services”.

Consistent with these intents, the proposed Project is for a neighborhood-serving grocery store that will provide goods and services for the surrounding multi-family and single-family residential neighborhoods within walking distance of the Subject Property. As such, the proposed Project fulfills the intent for the use of the Subject Property in the context of the Specific Plan.

The proposed Project is centrally located along the Ventura Boulevard commercial corridor in close proximity to several public transportation opportunities and major thoroughfares. The proposed Project will be a convenient use for many of the workers, residents, and visitors of the local community, as well as for patrons of the adjacent retail, commercial, and professional uses. The proposed Project will fulfill a substantial demand for organic, natural, and health food products in which the grocery store operator specializes, and will boost the local economy with greater job opportunities and increased tax revenues.

The requested exceptions for additional lot coverage and height and for setback relief would allow for the proposed Project, which in turn will enhance the pedestrian experience and environment along this corridor and will replace underutilized and less desirable uses with a neighborhood-serving use. As shown on the enclosed Landscape Plans (Sheet LP1.0), the Subject Property will include extensive landscaping and screening consistent with the Sherman Oaks Streetscape Plan and Design Guidelines, to ensure that the proposed Project is compatible with adjacent properties and uses. Additionally, the proposed Project is designed to be easily accessible to pedestrians and bicyclists, with a welcoming main lobby entrance on Ventura Boulevard and a combined total of 52 long-term and short-term bicycle parking spaces. The proposed Project is in compliance with the intents of the Specific Plan for the use of the Subject Property, and will revitalize and reinvigorate this key corner of the Sherman Oaks Ventura Boulevard commercial corridor by attracting new customers and patrons.

The granting of the requested exceptions is consistent with the intents of the Specific Plan, as they would allow the proposed neighborhood-serving commercial use to be constructed on the Subject Property. As such, the proposed Project significantly complies with the intent for the use of the Subject Property in the context of both the applicable Community Plan and Specific Plan.

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