

In N Out Burger Motion - November 5, 2020

**Case No. ZA 2019-5326-CU-SPP-SPR and ENV-2019-5327-CE**

22503 – 22527 Ventura Boulevard - corner of Capistrano

- New In-N-Out Burger Drive - thru
- 3,885 SF
- 74 seats indoors, 44 seats outdoors
- 40 on-site automobile parking spaces - 8 bicycle spaces



**MOTION:**

**Whereas, the applicant has requested a Change of Use:** Applicant has applied for LA MC section 12.24-W17, conditional use permit to allow a drive - thru fast food restaurant be located in the C4 Zone within 500 feet of an Residential Zone where it is from lots in zone.

**Whereas, the Applicant has requested a Deviation from Municipal Code / Commercial Corner Development:** Pursuant to LAMC section 12.24-W27, the applicant requests a conditional use to allow deviations from LAMC section 12.22-A23 commercial corner development to:

**Deviation -** Applicant requests to be allowed 14% window transparency on the exterior walls and doors fronting Capistrano Avenue instead of the LAMC Code required of at least 50%

Code 12.22.A 23 (a) (3) Windows. The exterior walls and doors of a ground floor containing non-residential uses that front adjacent streets shall consist of **at least fifty percent transparent windows unless otherwise prohibited by law.**

**Whereas, the Applicant has Requested a Deviation** - to allow hours of operation to exceed the maximum permitted operating hours for a Drive through Fast Food Establishment at this corner location:

**Current permitted hours of operation: No operations allowed past 11:00pm**

Requested hours of operation:

Sunday through Thursday from 10:30AM to 1:00 AM

Friday through Saturday from 10:30 AM to 1:30 AM

**Whereas, the applicant has requested the following deviation and Entitlement :** 11.5.7C, Specific Plan compliance with the Ventura-Cahuenga Boulevard Corridor Specific Plan pursuant to LAMC Section 16.05

The change of use to drive-through fast food establishment which will result in more than 1,000 daily trips as determined by the department of transportation

**Whereas, The Project must be in Compliance** - LAMC Section 11.5.7 C, for compliance with the Ventura -Cahuenga Corridor Specific Plan; and the property is located within the Historic District of the Streetscape Guidelines which has it's own distinct street tree, planting and design recommendations. and the proposed project must be in compliance with the Specific Plan and Streetscape Plan, and **the Applicant has not provided a Streetscape Plan** to the PLUM Committee and a Signage Plan to the PLUM Committee

**THEREFORE,** The PLUM Committee recommends the Board of the Woodland Hills - Warner Center Neighborhood Council not approve the project based on the following:

WHEREAS, There are two other In-N-Out locations within 2.5 miles of this location and In-N-Out is not purchasing, but planning to lease the land, the Committee recommends that the applicant look for a more suitable location that will not have the same impacts on a neighborhood that is located in the C4 Zone within 500 feet of an Residential Zone, with only an alley separation from lots in a residential zone that does not have sidewalks or street lighting.

WHEREAS- the variance request for a 14% window transparency on the exterior wall and doors fronting the Capistrano Avenue pursuant to LAMC section 11.5.7c the Ventura-Cahuenga Boulevard Corridor Specific Plan and LAMC section 12.22-A23 commercial corner development which requires at least 50% transparency is greatly in violation of these City codes

WHEREAS, the change of use to drive-through fast food establishment which will result in more than 1,000 daily trips as determined by the department of transportation which will greatly impact traffic in both Ventura Blvd and the adjacent neighborhood streets

WHEREAS, The In N Out Traffic Study, suggests that Westbound cars could make a U-turn at the intersection of Sale Avenue and Ventura Blvd to go Eastbound. An intersection that has a traffic accident rate 650% above neighboring intersections. It does not adequately address the alternate routes that east bound traffic from Calabasas, Valley Circle and the Northeast may take to avoid an additional left hand turn from Ventura Blvd into the site that does not provide a left turn lane.

WHEREAS, The Noise Study was done on a at 2:30pm and not at peak hours during the evening and weekend. The applicant has not adequately addressed noise at the site that will occur late at night from car

stereos, people talking and people ordering food and trash caused on the neighboring streets by throwing trash out of cars

WHEREAS, Cars going to In-N-Out could line up on Ventura Blvd and residential street Capistrano Street

WHEREAS, Cars could use residential neighborhood streets to get to and from In-N-Out. The neighborhood streets are not lit and have no sidewalks. A Cut-Through Analysis should be done for the project.

WHEREAS, The corner is not activated as required in the Cahuenga -Ventura Blvd Corridor Specific Plan and Los Angeles Municipal Code.

WHEREAS. The applicant has not addressed the landscape set back requirement per 12.22.A23 (10) (i) (10) (i) Landscaping - Setback. A landscaped planted area having a minimum inside width of five feet shall be required along the street frontages of the lot and on the perimeters of all parking areas of the lot or lots which have a residential zone or use.

WHEREAS, after discussion with the Council Office of Bob Blumenfield and the PLUM Committee the Applicant has made no effort to activate the commercial corner by providing a better/improved patio design; more outdoor seating and shade covering and redesign of the blank walls, to make the design more attractive and more welcoming space to Woodland Hills

WHEREAS, the applicant has not addressed lighting on the building that should be downward facing to provide greater safety measures

WHEREAS, The CD 3 Council office expressed that Councilmember Blumenfield has expressed concerns about the traffic study and neighborhood impacts.

WHEREAS, the neighbors have presented a petition with over 500 signatures opposing the project  
See attached petition

WHEREAS, The ZA agreed to keep the case file open to until after the Neighborhood Council November 11th Board meeting and expressed great interest in hearing from the WHWCNC.

**THEREFORE, IT IS HEREBY RESOLVED** that the Planning, Land Use and Mobility Committee, for the findings and conditions stated herein, finds that the submitted application and plans for the proposed project at 22503 – 22527 Ventura Blvd, Woodland Hills, CA 91364, and recommends that the Board of the Woodland Hills - Warner Center Neighborhood Council NOT SUPPORT this Project and report its vote of non-support to City Planning and the Office of Councilmember Bob Blumenfield (CD3)

**FURTHERMORE**, should the project be approved by City Planning the PLUM Committee requests the following conditions be applied to the project:

**Conditions:**

1.) Prior to the issuance of any building permits relative to the development on the Project Site, a covenant acknowledging and agreeing to develop the Project Site in Substantial Conformance with all Project Plans, as approved by the Department of City Planning and consistent with the requirements of the Ventura-Cahuenga Specific Plan shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns.

5.) Applicant shall add a landscape plan that meets the requirements of the LAMC Codes meeting the Ventura-Cahuenga Specific Plan.

6.) Prior to the issuance of a building permit, vehicular ingress/egress and internal circulation shall be reviewed and approved by the Department of Transportation (LADOT) and the CD 3 Council office. The LADOT approval shall be on a site plan that is in substantial conformance with the plan submitted to the Woodland Hills - Warner Center Neighborhood Council.

7. The applicant will post a project sign

8. The applicant's operation plan will include counter-clockwise on-site vehicular traffic circulation in the parking lot during peak periods using staff and cones to improve traffic flow.

The PLUM Committee recommends that the City of Los Angeles Planning Department and Council District 3 Councilmember Bob Blumenfield be notified by the Woodland Hills - Warner Center Neighborhood Council Board of its recommendation to NOT SUPPORT this application and its subsequent conditions.