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February 4, 2021

Michelle Bennett (A)
In-N-Out Burgers, Inc.
13502 Hamburger Lane
Baldwin Park, CA 91706

VW Land Investment, LLC (O)
Bhuphinder S. Mac
5951 Variel Avenue
Woodland Hills, CA 91367

Dana Sayles / Sara Houghton (R)
Three6ixty
11287 W. Washington Boulevard
Culver City, CA 90230

CASE NO. ZA-2019-5326-CU-SPP-SPR
CONDITIONAL USE/PROJECT
PERMIT COMPLIANCE/SITE PLAN
REVIEW

22503 - 22527 W. Ventura Boulevard
Canoga Park-Winnetka-West Hills-
Woodland Hills Community Plan
Zone : C4-1VLD

D. M. : 171B097, 171B101

C. D. : 3

CEQA : ENV-2019-5327-CE

Legal Description: Lots 8 – 12 & 13
(Arb 1); Block E; Tract 9764

Pursuant to CEQA Guidelines Section 15601, I hereby DETERMINE:

based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.17, I hereby DENY:

a Conditional Use authorizing a fast-food establishment with a drive-thru window and with indoor and outdoor seating in the C4-1VLD Zone, abutting a residential zone;

Pursuant to LAMC Section 12.24 W.27, I hereby DENY:

a Conditional Use for Commercial Corner development with hours of operation of 10:30 a.m. to 1:00 a.m., Sunday through Thursday, and from 10:30 a.m. to 1:30 a.m., Friday and Saturday, in lieu of 7:00 a.m. to 11:00 p.m.; and

a Conditional Use to for a Commercial Corner development with 14 percent transparent windows for the building frontage facing Capistrano Avenue in lieu of 50 percent otherwise required;

Pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7, I hereby APPROVE:

a Director's Determination for a Project Permit Compliance with the Ventura/Cahuenga Boulevard/Corridor Specific Plan.

Pursuant to Los Angeles Municipal Code (LAMC) Section 16.05, I hereby APPROVE:

a Site Plan Review for a project which results in a net increase of 1,000 or more average daily trips.

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied within the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked "Exhibit A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Prior to the issuance of any permits relative to this matter, a covenant acknowledging the contents and limitations of the Ventura/Cahuenga Boulevard Corridor Specific Plan, and agreeing to comply with all the terms and conditions established herein 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. The agreement with the conditions attached must be submitted to the Development Services Center for approval before

being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

7. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein 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. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
8. Ventura/Cahuenga Boulevard Corridor Specific Plan Conditions of Approval:
 - a. Site Development. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled "Exhibit A" and "Exhibit B (sign plan)", attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC, the project conditions, or the project permit authorization.
 - b. Floor Area. The project shall be limited to a 3,885 square-foot fast-food restaurant building with a drive-thru porte cochere, and an approximate 730 square foot outdoor patio structure. In any event, the project shall not exceed a floor area ratio (FAR) of 1.0:1.
 - c. Lot Coverage. The project shall not exceed a lot coverage of 60 percent.
 - d. Height. The building will have a varied roof line height with a maximum height of 26 feet, 6-inches, including rooftop equipment, as shown on the project plans, Exhibit "A", attached to the case file.
 - e. Mechanical and Rooftop Equipment Screening. No mechanical or rooftop equipment shall be visible from Ventura Boulevard or Capistrano Street, and shall be screened behind architectural elements on all sides.
 - f. Parking. Vehicle and bicycle parking shall be provided in conformance to the LAMC.
 - g. Pedestrian Access. Direct access shall be provided to the business entrance from the sidewalk, without crossing a parking lot or driveway.

- h. Wall Signs. A maximum of two (2) wall signs shall be permitted for the business tenant identification, comprised of one (1) sign facing Ventura Boulevard, approximately 56 square feet, and one sign facing Capistrano Street, approximately 56 square feet, as shown on the Sign Plan per Exhibit "B."
- i. Wall Sign Depth. No wall sign may project from a building face more than 12 inches, or above the lowest elevation of the roof eave visible from the street.
- j. Window Signs. All Window Signs shall not exceed 10% of the window they occupy and should be limited to the store name, store hours, security signs, or logos, and holiday paintings only. Holiday paintings shall not be placed in the window more than 30 business days before a holiday and shall be removed within ten business days after the holiday.
- k. Projecting Sign. Only one projecting sign is permitted for the building by the Specific Plan. Should the applicant wish to add one projecting sign, such sign shall measure no more than 16 square feet, and shall be no more than four feet from the building face, provided no other projecting sign is present on the building. Prior to Planning clearance, the applicant shall document that there are no other projecting signs on the building.
- l. Projecting Sign Location. Any new projecting sign shall be located by a front pedestrian entrance. Prior to Planning clearance, the applicant shall document that the proposed projecting sign is located by the pedestrian entrance.
- m. Directional Signs. The project includes four directional signs per Exhibit "B". Directional signs are permitted however no business name or logo is permitted on the directional signs and no pole signs are permitted. *Revised* plans shall be submitted for review and approval by the Plan Implementation Division prior to the clearance of this condition.
- n. Landscaping. The landscaping shall be in substantial conformance with the planting plan (Sheet LPP.1 and LCP.1) per Exhibit A, and shall be revised to conform to the following:
 - 1. A minimum 18-inch landscaped setback shall be provided along the east and partial south property line along the exterior of the proposed patio wall fronting Capistrano Street and extending around the corner fronting Ventura Boulevard. Plans shall be *revised* reflecting the above requirement.
 - 2. A minimum 6,823 square feet of area of the lot shall be landscaped as shown.
 - 3. A minimum of fourteen (14) 24-inch box shade trees shall be planted in landscape areas dispersed throughout the site as shown on Exhibit "A" Planting Plan.

4. A minimum 10-foot wide landscape buffer shall be located along the north and south property line next to the surface parking lot area.
 5. A minimum 30-inch landscape buffer shall be located along the west property line.
 6. The landscaping shall be maintained in healthy condition by performing daily maintenance, removing trash, and replacing any dead plant materials, broken irrigation sprinklers and watering devices.
 7. No invasive plant species shall be used (e.g. pampas grass).
 8. Certification of Landscape Installation. Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.
- o. Woodland Hills Streetscape Plan. The project shall be in substantial conformance with the Woodland Hills Streetscape Plan (Historic District – from Shoup to Woodlake Avenue) and shall include a minimum of the following streetscape elements to the satisfaction of Department of Public Works (Bureau of Engineering, Bureau of Street Services, and the Urban Forestry Division):
1. Street Trees. A minimum of seven (7) new street trees shall be planted along the Ventura Boulevard and Capistrano Street frontages, as shown on the landscape plan (four on Ventura Boulevard, three on Capistrano Street). The street trees shall consist “Tulip Trees” (*Liriodendron Tulipifera*) per Section 2.1 and shall be 36-inch box in size and planted approximately every 40 feet per Section 4.1.2.
 2. Maintenance Plan. A maintenance plan shall be included to ensure the new trees are properly maintained and watered for the first three years after the trees are planted.
 3. Tree Wells. Tree wells shall be 5 feet wide and 5 feet long per Section 2.1 and shall include an adequate permeable surface for the tree to grow/survive such as mulch or a suitable alternative cover.
- p. Lighting. Lighting shall be directed onto the site and be adequately aimed and shielded so as to not spill over onto adjacent properties, especially into areas planned and zoned for residential uses. (may need to reduce the proposed light pole height of 25 feet around the site)

- q. Project Impact Assessment Fee (PIA). Prior to Planning clearance, the applicant shall meet with the Department of Transportation (DOT) for assessment of this project. A PIA fee may be required and paid to the satisfaction of DOT for the purpose of funding the Specific Plan improvements and services, as well as pedestrian improvements which are intended to mitigate the cumulative impacts of new developments within the Specific Plan area. Note: PIA fees to be paid are subject to change due to increases to the Annual Indexing as determined by DOT.
9. Walls and Trash/Recycling Storage.
 - a. A solid masonry wall, eight to nine feet in height shall be erected along the lot north property line adjacent to the alley and across from any residential zone or use, except for that portion of the lot line where access to the trash enclosure is proposed.
 - b. Trash storage bins, recycling bins, and trash compactors, shall be located within solid masonry walls and with a solid roof and constructed of materials identical to the exterior wall and roof materials of the proposed building. The trash enclosure area shall be locked at all times when not in use to prevent odors and scavenging.
 - c. Patio Wall. Any patio wall along the perimeter of the property line and facing the public right-of-way shall be decorative and/or include landscaping or planters in front of such wall. Taller portions of the wall, especially near the higher portion of the sidewalk, shall include taller landscaping in front of the wall.
 - d. The property shall be kept free of weeds, rubbish, and all types of litter and combustible materials on a daily basis. The applicant shall install trash receptacles to serve customers using the drive-through window and around the patio area.
 - e. Parking lot cleaning and sweeping, trash collection, and deliveries to the site shall occur no earlier than 7 a.m., nor later than 8 p.m., Monday through Friday, and no earlier than 10 a.m., nor later than 4 p.m., on Saturdays and Sundays.
 - f. Every Mini-Shopping Center or Commercial Corner Development shall conform to the requirements of Section 12.21 A.19(c) of this Code with regard to providing a recycling area or room.
 10. Utilities. All new utility lines which directly serve the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service.

11. Capistrano Building Wall. The Capistrano building wall with reduced transparent windows, shall include a decorative feature/mural to avoid a blank wall and to add visual interest as viewed from the patio area and public right of way. (NC recommendation)
12. Queuing. All queuing shall be conducted on-site. "No Idling" signage shall be provided to indicate that queuing along the public right-of-way, including the sidewalk, is prohibited.
13. Pedestrian Crossing. The following site plan improvements shall be provided at the juncture of the pedestrian crossing and the drive through exit queue, to heighten awareness and alert both drivers and pedestrians approaching this area such as: signage, reflectors, flashing lights, pavement texture, and potentially overhead warning signs notifying both drivers and pedestrians, to the satisfaction of LADOT and LADBS. (it's on the plans but just in case more is required)
14. Security. The operator shall install video surveillance cameras on the public areas of the property including the parking area, patio area, and alley, to maintain a minimum of a two-week DVR library. All managers shall be familiar with the security system and have the ability to make a copy of the security footage if requested by the Police Department.
15. Complaints. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be: 1) posted at the entry; 2) mailed to abutting property owners and tenants; and 3) provided to the Neighborhood Council. The operator shall keep a log of complaints received, the date and time received and the disposition of the response.
16. Plan Approval. At any time during the effective period of this grant, should documented evidence be submitted showing continued violation of any condition of this grant, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these Conditions. The applicant shall prepare a radius map and cause a notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, and the Los Angeles Police Department corresponding Division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained.
17. Public Right of Way Dedication and Improvement.

Ventura Boulevard is classified as a Boulevard II (Major Highway Class II) according to the Mobility Plan 2035. The standard for such a street is a 55-foot half right-of-way and a 40-foot half roadway with a 15-foot wide sidewalk. Ventura Boulevard currently

has a 50-foot half right-of-way and a 40-foot half roadway with a 10-foot wide sidewalk. Therefore, a 5-foot dedication and improvement for a 15-foot wide sidewalk is required. No street widening is required.

Revised plans shall be submitted showing the 5-foot dedication as the new property line along the Ventura Boulevard street frontage as well a 15-foot wide sidewalk.

Capistrano Street is classified as a Local Street according to the Mobility Plan 2035. The standard for such a street is a 30-foot half right-of-way and an 18-foot half roadway with a 12-foot wide sidewalk. Capistrano Street currently has a 30-foot half right-of-way and an 18-foot half roadway with a 12-foot wide sidewalk. Therefore, no dedication or widening is required to bring the street up to the current standards.

The street dedication shall be completed to the satisfaction of the Department of Public Works, Bureau of Engineering, Land Development Group, (213) 202-3488, before the issuance of any building permit for this project. Since the dedication procedure may be lengthy, the process should be commenced as soon as possible. Additional street improvements may be required. The applicant should contact the Bureau of Engineering, Department of Public Works to determine any other requirements.

The above transportation improvements shall be guaranteed through the B-permit of the Bureau of Engineering, Department of Public Works. Any improvements shall be constructed and completed before the issuance of the final certificate of occupancy, to the satisfaction of DOT and the Bureau of Engineering. Prior to setting the bond amount, the Bureau of Engineering shall require the developer's engineer or contractor to contact DOT's B-permit Coordinator at (213) 928-5322, to arrange a pre-design meeting to finalize the design for the required transportation improvements.

Additional street improvements may be required. The applicant should contact the Bureau of Engineering, Department of Public Works to determine any other requirements.

18. **Driveway Access.** Vehicular access and internal circulation shall be approved by the Department of Transportation prior to issuance of a building permit.
19. **Building Materials.** A note shall be added to the project elevations to indicate that any building materials consisting of metal shall be of a non-reflective material.
20. **Litter.** The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
21. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

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. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **FEBRUARY 19, 2021**, unless an appeal therefrom 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 the Zoning Administrator's action, 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://planning.lacity.org>**. Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on October 5, 2020, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject property is a level, slightly downslope, rectangular-shaped, through corner parcel of land, comprised of six lots with a combined 40,705 gross square feet. The site is approximately 300 feet wide and 150 feet deep and is bound by Ventura Boulevard to the south, Capistrano Street to the east, and an east/west through alley to the north. The site is developed with a car wash and auto detailing business and includes approximately seven one-story accessory structures including the car wash tunnel as well as two pole signs. The site has multiple driveways for vehicle access (three driveways on Ventura Boulevard, two on Capistrano Street, and vehicle access gates that open from the alley. More than half the site is covered with asphalt. A small landscaped setback is located along the Ventura Boulevard frontage and includes approximately seven palm trees. All structures and trees are proposed to be removed. There are vacated street wells with no street trees along both street frontages.

The site is located with the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area and is zoned C4-1VLD with a land use designation of General Commercial. The site is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan with a Plan Designation of Neighborhood and General Commercial and is within the Woodland Hills Streetscape Plan Area.

The site is also located approximately 500 feet north of the 101 Freeway, and is within a Special Grading Area, Liquefaction area, and 11.4 kilometers from the Malibu Coast Fault.

The surrounding area is zoned C4-1VLD along both sides of Ventura Boulevard, R1-1 north of the subject alley, C1-1VLD northeast of the site, and R3-1 on the south side of Ventura Boulevard behind the commercial zone. The surrounding area is developed with commercial uses on the north and south side of Ventura Boulevard, and includes an east abutting gas station, south abutting paint store, kitchen cabinet store, box store and furniture store, and an east adjoining two-story commercial an office building. The north abutting properties are zoned for single family residential and are developed with single family dwellings that front Clarendon Street most with dual vehicle access from Clarendon Street as well as to the rear yard garage access from the north adjoining alley. And lastly, the northeast abutting property, behind the gas station and across the alley, is zoned C4 and C1, is developed with a preschool (Child's World School).

The C4 zone permits most of the commercial uses also permitted in the C2 zone, including restaurants and drive-through establishments. Drive-thru establishments which are adjacent to residential uses are permitted with a Conditional Use permit. Likewise, the municipal code includes by-right development standards and operations for commercial corner properties; otherwise, a conditional use is required. In this case, the project includes a request to exceed the hours of operation beyond 11 p.m. and to have less than 50 percent transparent windows along the Capistrano Avenue building frontage. The site is not located within a restricted area of the Specific Plan, such as a Pedestrian Oriented Area, where drive-through establishments are prohibited.

A request for Waiver of Dedication and Improvement was submitted to the Planning Department in May 2020, however it was not included in the Hearing Notice thus is not a part of the request. The 5-foot dedication is required to bring the sidewalk standard width up to 15 feet as per the Mobility Plan 2035. The applicant was advised that a WDI for a reduced sidewalk width is generally not approved by the department as the required finding would be difficult to make. The applicant chose not to postpone the hearing for the WDI request, therefore revised plans are required to show the dedication and 15-foot wide sidewalk.

The project has been revised multiple times, having largely to do with issues related to site access, circulation, and queuing, as well as orienting the restaurant and patio area at the front corner of Ventura Boulevard and Capistrano Street. The Department of Transportation has reviewed the most recent plans, dated March 9, 2020, and has confirmed the proposed plan, with access only from Ventura Boulevard and a separate drive-thru access with a double lane for queuing up to 24 cars is acceptable.

The applicant has met with the Woodland Hills-Warner Center Neighborhood Council multiple times as well (see detail under Public Correspondence) which is requesting enhanced design features be incorporated into the project to promote a more lively and activated setting.

Ventura Boulevard is a Boulevard II per the Mobility 2035 Plan, with a designated right of way width of 110 feet, and roadway width of 80 feet. The street is fully improved except has a 10-foot wide sidewalk instead of 15-foot sidewalk otherwise required. Two-hour metered street parking is provided along the Ventura Boulevard frontage with exception of red curb locations. There is no existing bike lane in this area.

Capistrano Street is a Local Street, with a designated right of way width of 60 feet, and roadway width of 36 feet. The street is fully improved with a 12-foot wide sidewalk, curb and gutter. Currently, due to the two existing driveway aprons, there is limited street parking along the subject frontage.

Public Alley extending from Capistrano Street to Sale Avenue north of the subject site, is 20 feet wide and improved with concrete.

Previous zoning related actions on the site/in the area include:

Subject Property –

Case No. ZA-2002-2616-PAD – On November 14, 2002, the Zoning Administrator approved plans to permit the relocation of an existing detail (polish) shop to a new 1,500 square shop building on a 44,395 square-foot site developed with a car wash and associated buildings, located at 22517 W. Ventura Boulevard.

Certificate of Occupancy – Issued May 16, 1967, for a one-story, 54' x 160' carwash, polish canopy with 11 required parking spaces located at 22517 Ventura Boulevard.

Certificate of Occupancy – Issued July 15, 1998, for a one-story, 46' x 67' carport with 26 required and provided parking spaces located at 22517 Ventura Boulevard.

Surrounding Properties –

Case No. ZA-1991-1058-PAD – On February 7, 1992, the Zoning Administrator approved a conditional use status and approval of plans for an existing fast-food restaurant and drive-thru (then McDonald's, currently Wendy's) located at 22611 W. Ventura Boulevard.

Public Correspondence

The following correspondence has been received (in summary below):

- Woodland Hills Neighborhood Council PLUM Committee/ Lauren Coffman – Email received September 25, 2020 with design attachments recommending: (1) an upgraded building design that is more playful and that will activate the corner; (2) increase outdoor seating to wrap around the front of the building on Ventura Boulevard and provide access from sidewalk directly in front of entry door, (3) create a sun shade or roof element to wrap over entire patio, (4) create a mural that captures some fun history of In-N-Out along the large blank wall facing the patio, (5) to address grade change on Capistrano, recommend no wall and create an elevated patio with plantings along the edge. The Neighborhood Council has requested of the Department of City Planning that the file remain open until November 13, 2020, which is a few days after the November meeting of the WHWCNC Board, so that they have the opportunity to review a more developed and site specific designed project for its community.
- Dean Griffith and Priyanka Mac – 6016 Fallbrook – Email received August 5, 2020 in support of the project, as it will be a family friendly venue and that they appreciate In-N-Out's outreach efforts with the Neighborhood Council and nearby businesses, expressing confidence that In-N-Out's long-standing operational experience and success will result in a premium commercial investment at this location, and will ensure that this project is both an asset and welcome addition to the community.
- Corey Morgan – 22301 Hartland Avenue- Email received August 5, 2020 in support of the project for same reasons as stated above.
- Rajan Mac – 4535 Canoga Avenue - Email received July 24, 2020 in support of the project. Believes it will provide a synergetic presence to the local community.
- Moti Baylan – 22736 Victory – Email received July 13, 2020 in support of the project. Commenter is a local business owner and long-standing member of the community and expressed that the Project/Applicant will provide jobs, improve the site, will increase family friendly venues, and is experienced at mitigating operational concerns.
- Poonham Gahlawat - 22736 Victory – Email received July 13, 2020 in support of the project for same reasons as above.

- Bhupinder Mac – 5951 Variel - Email received July 13, 2020 in support of the project for same reasons as above.
- Dean Priyanka and Dean Griffith – Email received August 5, 2020 in support of the project for investment into the community, compatibility with surrounding restaurants and businesses.
- Bhupinder Mac – Email received July 13, 2020, in support of the project because it will bring employment opportunities to the local area, maintains the project site so that it is clean and safe for patrons as well as surrounding neighborhood, increase landscape and provides an updated building structure, and they know the product type and is experienced at mitigating any operational concerns that may arise. The project will increase family-friendly venues in the neighborhood while maintaining compatibility with surrounding restaurants and businesses.

Correspondence After the Public Hearing

The public record was kept open for a period of one week (Oct 5 to Oct 12, 2020) after the public hearing. During that time, 38 letters/emails were received. Emails were received from the following people (last name provided):

Bahn stated a 5 pm close at the site, the project within the Ventura Cahuenga Boulevard Corridor Specific Plan is beyond transportation infrastructure, the project will increase conflicts with 1,000 cars lining up on Ventura and Capistrano and Leonora. Reduction in window area from 50% of the Commercial Corner site to 14% would be dangerous as a right-hand turn onto Ventura would see cars going up a rise with an already difficult view to the east. Cutting the view to the west would be dangerous for pedestrians and bikes. This would make drivers in the path of patrons coming from the west and making a left turn from the center divider into the only driveway. The DOT report is flawed and does not consider car cutting through neighborhoods. The project would conflict with Reimagine Ventura Blvd as cars will cut through the neighborhood at Sale to avoid street modifications. The addition of cars from the project will be dangerous. The project would increase noise, trash, deliveries and exhaust issues. The neighborhood was inadequately noticed.

Barclay stated concerns of traffic and the neighborhoods lack of streetlights. Traffic would extend to the freeway Shoup off-ramp, which is regularly backed up at the exit.

Curtis stated traffic concerns and issues with the traffic study. He witnessed five accidents on Capistrano, one at Clarendon, two at the Burbank intersection, and two on Dolorosa.

Lena-Dent stated the site is inappropriate for the project, there would be an increase in accidents, and the plan does not prioritize traffic flow or community safety.

Dye-Hauswirth stated she did not receive a hearing notice. She states the noise study does not account for changes in the design made over the past several months, the refraction of sound due to temperature inversions and the elevated outdoor patio. She also was

concerned of where employees would park. The neighborhood already has ADU units and conversion of single-family homes to duplexes. Many lots lack adequate parking for residents. She stated lack of food diversity. She also stated Reimagine Ventura was to improve walkability between Royer and Sale, and the project does not align with those goals.

Finn expressed concerns of the access to In-n-Out will affect side streets. There are concerns of late-night hours, crime, noise and light pollution.

Gary expressed concern for traffic the project would bring, recommends trash bins be sealed, and an 8-ft sound wall be installed along the north border of the project to screen and provide a sound barrier to the residential neighborhood.

Gerase opposed the project, stating the value of the area will not be improved.

Green states the site is inappropriate for this project because of traffic, cut-through traffic, lack of parking, hours of the restaurant, construction of a wall between the alley and site would create a homeless encampment, trash, and safety of children at a nearby school.

Haase stated this high-volume project is wrong for the site. LADOT Livable Streets shows Ventura Blvd to be a High Injury Network. The applicant has not considered Vision Zero and Mobility 2035. U turn plan is geometrically unrealistic and unsafe because it is unprotected. The Traffic Analysis Addendum is inaccurate for this restaurant.

Hauswirth stated concern of the traffic and noise analysis and lack of comprehensive EIR. The noise analysis is based on limited sampling. The project will have impacts to the residential neighborhood and the studies provided are faulty. This project would impede future projects.

Hindin stated the location is a poor fit for the project. Entrance to the drive thru at In-N-Out locations have cars down the street. The project will have this congestion and the exit lane is right turn only, which would funnel cars into the middle of congestion.

Kovar stated she witnessed accidents in her neighborhood, and cars speed down Sale. She expressed concern of additional traffic and cut through traffic in her neighborhood. She stated more drivers will be coming through her neighborhood and there are no streetlights. Other concerns include trash and litter, criminal activity, noise and air pollution, traffic congestion and its impact on other businesses included Child's World. She said there is a petition to oppose the project with over 546 signatures.

Levi (2) provided information of the Child's World School on Capistrano and Clarendon, stating hours of operation are from 7 am to 6 pm. Half-day program has parents picking up their children from 12 pm to 12:30 pm, and many pick up their kids from 3 pm to pm. The owners stated concern of increased traffic especially with parents walking their children. There is also concern of the long line of cars that could arise on Capistrano that would affect parents exiting the childcare.

Marisco stated concerns for excessive noise, traffic, speeding down streets, and garbage that could be caused by the project.

McLean expressed concerns of the traffic report for its failure to acknowledge the increased use of the alley, to discuss increased cut through traffic and to address safety concerns due to poorly lit, narrow streets with no sidewalks. She also stated inadequate noticing for the hearing.

Moser stated the site cannot accommodate 1000 cars per day. Reimagine Ventura is only one block west and with reverse diagonal parking, bike lanes and one lane for driving. The project will have traffic backed up.

Ordever opposed the project because of concerns of traffic plans entering and exiting the facility. There is no protected left-hand turn upon exiting and directing traffic down the through streets is dangerous. There are no sidewalks and lighting.

Panemno stated the project would attract homeless people near her home and that the project should be relocated.

Pennes stated impact of 100 to 200 cars intruding into his community, the business compromising the neighborhood, and a plan should be considered to address homeless problems in Woodland Hills.

Rosen stated a packet was submitted that also includes a video in a flash drive. He stated CEQA SB743 updates the way transportation impacts are measured and allowing 1,000 cars abutting a neighborhood to be idle would counterbalance CEQA's intent with Vision Zero. He also stated concerns of cut-through traffic into his neighborhood by showing three cases that demonstrate recommended paths via Waze and Google Map Navigation.

Ross opposed the project and stated the traffic study is flawed. He stated 250 to 400 cars making a U turn on Ventura at Sale is dangerous. He also stated 600 to 750 cards using side streets where there are no sidewalks is dangerous.

Saccoccio opposed the project because the restaurant would back up to a residential neighborhood and bring drivers into his neighborhood and bring hazards to those who walk in the residential neighborhood.

Schlesinger opposed the project because the previous car wash operation was required to close by 5 p.m. and this proposal would close by 1 a.m. and 1:30 a.m., 2) there would be impacts to the neighborhood through noise, trash and lighting, and 3) the project conflicting with the Reimagine Ventura Blvd campaign.

Star opposed the project because of it being too close to an established neighborhood and there are safety, noise and traffic concerns. She also stated there are other location that are better suited for this operation.

Tachakalian- Opposed the project and expressed the project and traffic safety concerns.

Gary W. – Opposed the project and spoke of 1) employees of surrounding businesses parking in his neighborhood, 2) there being no parking plan for In-N-Out, 3) his neighborhood not having sidewalks and residents walking on the streets, and 4) the project increasing dangers through accidents.

Weizimer expressed concern project patrons encroaching into residential neighborhoods, noise, the 101 off-ramp and stopped vehicles waiting to exit and how cars would get on to the 101 when stopped vehicles are blocking them, and an increase in the number of accidents.

Woodland Hills - Warner Center Neighborhood Council stated they did not support the project in a vote of 17-2-1 (not support-support-abstain). The letter stated vehicular ingress/egress and internal circulation reviewed by DOT will create internal cross-traffic conflicts without unidirectional flow. Also stated was the adjacent neighborhood has responded emphatically against the drive-thru due to traffic impacts caused by existing, increase in noise coming across the alley, and extended late night hours. The applicant has not provided upgrades to the blank wall along Capistrano such as a shaded patio or art installation in lieu of the 50% transparency of doors and windows on Ventura and Capistrano. The applicant has not provided an 18" landscape buffer at street level along Ventura and Capistrano as required by the Specific Plan. The applicant has made minimal attempts to address PLUM requests for better designed outdoor dining patio and site development, better access for pedestrians from Ventura Blvd., safer access for pedestrians walking from the parking lot and crossing the driveway, and more landscaping at the public sidewalk. The neighborhood council would reconsider support if the drive through operation were deleted and the project served customers from the inside.

On November 13, 2020, Councilmember Bob Blumenfeld submitted a letter expressing opposition to the proposed project. He stated concerns for traffic and safety for residents, and the project not being analyzed as part of the City's High Injury Network, which spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths. He stated people do cut through neighborhoods and these issues need to be addressed.

Public Hearing

The public hearing was held telephonically on Tuesday, October 5, 2020 at 2:00 p.m. in conformance with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

The public hearing was attended by the applicant's representative, Sara Houghton, and members of the applicant's team, Dana Sayles (representative), Michelle Bennet (owner), and John Gandini (Traffic Consultant), and approximately 85 members from the public.

Ms. Houghton made the following statements:

- The project involves the demolition of an existing car wash and the construction of a new 3,885 s.f. In-N-Out Burger restaurant. The restaurant will have 74 indoor seats and 44 outdoor seats.
- The site is zoned C4-1VLD and is within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, and within the Ventura-Cahuenga Specific Plan. The applicant is requesting Conditional Use Permit (CUP) for a drive-thru fast-food establishment to close 1:00 AM, Thurs-Sun; 1:30 AM, Fri & Sat and reduced transparency Capistrano elevation; a Site Plan Review, and a Project Permit Compliance
- There will be 40 parking spaces and eight short term and two long term bike parking spaces.
- The restaurant is proposed to operate from 10:30 a.m. to 1 a.m., Sunday through Thursday, and 10:30 a.m. to 1:30 a.m., Friday and Saturday.
- Ingress and egress of the site would be from Ventura Boulevard.

During the public comment portion of the public hearing, 31 people provided public testimony.

Speaker 1, Penny Bahn, representing the Walnut Association, stated the neighborhood near the site is one of the few remaining low-density neighborhoods remaining. She inquired if there was adequate notification of the hearing because the neighborhood was not aware of the public hearing. There are kids on the street. Ventura has many mom and pop stores and no business is high traffic. Height limits are by Code. The neighborhood has deep properties. Uses allow operations until p.m. There is an issue with transparency of the building as there are concerns of the site being at a dangerous corner.

Speaker 2, Kathy Siegal, lives northwest of Sale and Dolorosa, stated there have been many accidents and speeding. The neighborhoods have no sidewalks.

Speaker 3, Brian Robbins, echoes Ms. Siegal's comments. She walks the neighborhood every night. We have to be safe on Dolorosa.

Speaker 4, Nancy McClain, the residential representative of Area 3 for the neighborhood council, stated people are upset at the notice. There is an over-abundance of drive-thru restaurants. Congestion has increased. There are small lot houses in the neighborhood. Cut-through traffic would be terrible and a detriment to the community. The project does not fit with Ventura Boulevard.

Speaker 5, Lucie Lena, a resident of Dolorosa, stated this is not the right business. She echoes Ms. Bahn and Ms. McClain's comments. The neighborhood abutting the site has no sidewalks and no streetlights. There have been accidents in the area.

Speaker 6, Eric Haase, a resident on Clarendon, stated the project would bring an increase in cut-through traffic. The project has one exit and one way out. Everyone will exit westbound and make dangerous U-turns at Sale and Ventura. This will lead to more cut-

through traffic in our neighborhoods where we have no sidewalks, and will create more traffic impacts. Plus, there are no mitigation measures proposed.

Speaker 7, Ginny Haase, stated she has lived in the area for 15 years, and was not notified of this hearing. She has seen several accidents and near misses in the neighborhood.

Speaker 8, Jeffrey Fineberg, a resident on Dolorosa, stated he lives behind the site. This site is not large. Everyone is going westbound with many coming from Capistrano. Near Sale and Ventura, there have been five times the accident rates. People will be making U-turns on Sale. A traffic study needs to be done.

Speaker 9, John Christenson, a resident on Capistrano and 20 houses from the site, stated he found out about the hearing yesterday. There will be more crime. There is a freeway on-ramp, and a stop sign that is hard to see. There is a school built on Capistrano that backs on Capistrano. The school has over 300 students. With new cars in the area, the system will be overloaded.

Speaker 10, Jeff Wright, stated he is in agreement with previous comments in regard to traffic and hours of operation. This project is not the same as Wendy's or the local pub across the street. These are small places not abutting small neighborhoods. Traffic and crime already exist and trash will become more of an issue.

Speaker 11, John Clair, lives less than one block away from the project site, stated there is a preschool across the site, and stated there is a Wendy's and a pub near the site and they are no realistic comparisons to In-N-Out. There are parking issues in the area and employees are already parking in front of our homes.

Speaker 12, Dean Griffith, stated support for the project. He has worked on reviewing this project for the past year. They have an excellent reputation. The project will bring new life on Ventura Boulevard, and will bring jobs and improve business in the area. This is a better location for a drive thru. The landlord is a member of the community.

Speaker 13, Gary Weinzimer, stated parking will be an issue.

Speaker 14, Scott Saccocio, a resident on Dolorosa, stated the site abuts a small neighborhood. There will be traffic and accidents are just waiting to happen.

Speaker 15, Collette Kramer, stated she is a resident two blocks north of the site. She has been a resident of the area for 25 years. The project will change the makeup of the neighborhood and affect the safety of the area.

Speaker 16, Peter Fletcher, stated he is the case manager for the Woodland Hills Neighborhood Council PLUM Committee. He asked that the case be sent back to PLUM.

Speaker 17, Amanda Dye, a resident on Clarendon, stated she did not receive a hearing notice. She stated a traffic study is needed. There are so many errors and the noise report

from the May 2019 report to the 2020 report. Full traffic has not been considered. There are 40 new cars, and a percentage of those will make right turns onto Sale. Ambient noise levels were taken on November 27 from 2:30 to 2:45 p.m. There were 15 measurements but no nighttime measurements.

Speaker 18, Shannon Curtis, a 16-year resident of the area, stated a traffic study is needed. The area of Dolorosa and Capistrano has had five accidents. Two accidents were not reported. She expressed concerns of garbage and food leading to roaches and rats in the neighborhood, and recommended the Bank of America site because it is the same size.

Speaker 19, Gretchen Weinzimer, a resident near the site, stated she has lived on Capistrano and Dolorosa for 19 years, three houses from the site. She expressed concern the hazards in the area.

Speaker 20, Dawn Kovar, says she is a resident near Sale and Berdon. This area has a mix of young families and is multi-generational. There has been an increase of outside traffic. Other restaurants are not as popular as this one. There will be trash in the area and the quality of life will be reduced.

Speaker 21, Evan Levi, stated he owns a preschool behind the gas station on Cupertino and Ventura. This project will cause traffic on Shoup. Parents of the preschool park in the area where there will be traffic. He expressed concern for their safety.

Speaker 22, Mia Levi, stated people feel this will not be a safe environment. She received the notice on September 30. There will be traffic on the alley, and this will be used as a thoroughfare.

Speaker 23, Priyanca Mac, stated the project would have a positive effect and this is a positive brand coming into the community.

Speaker 24, Avner Gat, a resident of Dolorosa, stated there was no notice. This project is five times bigger than the North Hollywood In-N-Out and that one is not pressed against a residential zone. This is the only one against a residential neighborhood. This is between two side streets with a 10 minute cars per hour. Waiting will occur on the side street and affect Ventura as well.

Speaker 25, Brenda Panamero, a resident on Capistrano, expressed concern for noise construction, honking, and stated the site has a declining elevation.

Speaker 26, Marissa Levi, stated she is the other owner of Child World School. She expressed concerns of the alley. Parents drop off their child as young as six weeks old from out of the car. There is no stop sign, no speed bumps and no proposed mitigation measures.

Speaker 27, Barbara Star, a resident on Mariano, stated objection to the location. The project should be separated from the established neighborhood.

Speaker 28, Tracey Rosen, stated there have been many accidents and close accidents. LA City records show many accidents have (13 total) have occurred on Sale and Ventura and Sale and Berdon. Two have occurred on Shoop and Ventura. There are RVs on Sale and Ventura, which have led to more accidents. U-turns have caused some of the accidents on Sale and Ventura.

Speaker 29, Tony, stated he is pro-growth. Over the past 30 years, growth on Ventura has been minimal. Nothing has redeveloped since Starbucks. The alley, most of the time, is cluttered with homeless. In-N-Out can help. Houses that back up to the alley have large setbacks and have P zoning. There are no problems on Ventura. The site is a great location and will be an asset to the community.

Speaker 30, Trevor Hinden, stated the comparison to other restaurants in the area is false. There are two In-N-Outs within a four-mile radius.

Speaker 31, Andrew Rosen, stated he submitted a flash drive and hard copies of information to the Planning staff. He stated LAMC 12.24,W-17 addresses parking disturbing occupants. The quality of life will be affected with this project. Noise is a concern as sounds travels further at night. Trash on the alley will occur more frequently. The previous car wash closed at 4:45 p.m. This commercial corner development only allowed operations up to 5 p.m. There will be impacts to the neighborhood as vehicles will turn into our neighborhoods. All vehicles leaving the site will be forced to make a right. There was no discussion of cut-through traffic study for this project. We need transparency on the building to allow for safety for vehicles. This will be the largest In-n-Out and this is not the right location. Our safety is important.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for a drive-through restaurant with Commercial Corner Deviations to be authorized, certain designated findings have to be made.

MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

CONDITIONAL USE FINDINGS (Drive-Thru, Commercial Corner Hours and Glazing)

1. **The project will not 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 project proposes to replace a car wash and auto dealing business that has been at the location since 1967. The project would involve the construction use and maintenance of a new 3,867 square-foot fast food restaurant with a drive-thru lane with 40 on-site parking spaces. As part of the project, the applicant has requested a conditional use for the fast-food sit-down restaurant with a drive-through, which is located across an alley from a residential zone. Also requested are conditional uses to deviate from the commercial corner regulations for hours of operation to go to 1 a.m., Sunday through Thursday, and to 1:30 a.m., Friday and Saturday, in lieu of 11 p.m., and to allow 14 percent transparent windows for the building frontage facing Capistrano Avenue in lieu of the 50 percent required.

The subject site is located along Ventura Boulevard, a Boulevard II per the Mobility 2035 Plan, with a designated right of way width of 110 feet, and roadway width of 80 feet. There is a 20-foot alley north of the subject site, where R1 zoned properties are located across the alley.

The project would improve the subject site by bringing in a neighborhood-serving fast-food establishment that offers food and beverages that is popular with all age groups. The project would enhance the site by providing street lights in conformance with the Bureau of Street Lighting requirements, provide dedication as required by the Bureau of Engineering, and provide street trees along Capistrano Avenue and Ventura Boulevard in conformance with the Urban Forestry standards. In addition, the project would provide landscaping to enhance the site.

The project offers a convenience by offering patrons the option to purchase food by walking into the restaurant or utilizing the drive-thru feature. Since the site is located along Ventura Boulevard, patrons would be able to get back onto the major highway.

The project would offer another convenient dining option to the community from lunch time through the early morning hours of 1 a.m., Sunday through Thursday) and 1:30 a.m., Friday and Saturday.

Hours of Operation (Findings in the Affirmative)

Hours of operation would offer late diners and others a viable and convenient dining option. Ventura Boulevard is well-traveled thoroughfare that offers a vast array of commercial uses. Included are two fast food drive-thru operations that operate beyond the 11 p.m. These are Wendy's, open until 2 a.m., located at 22611 Ventura Boulevard, and Jack-In-The-Box, open 24 hours, and located at 22664 Ventura Boulevard. The Wendy's is more comparable to the subject project in that it also is located across the alley from a residential zone, though the siting, driveway locations, popularity, and distance of the building from the alley is arguably different from the subject project. The late operating hours would offer a convenience to residents and visitors of the area as other establishments that offer late night dining.

Transparency (Findings in the Affirmative)

Though the project will provide a significant reduction from the 50 percent glazing requirement for a commercial corner development along Capistrano Avenue, the 14 percent provided will be offset with the project's easterly setback. The project proposes outdoor dining, and provides a shade structure within an area that offers patrons the opportunity to dine in an outdoor environment. The project provides landscape along the edge of the outdoor dining area to continue enhancing the site.

The portion of this east façade where glazing is not provided is dedicated to the operation's back of house function and not the dining area. Glazing is not proposed because it that portion is where employees would change clothes for work purposes. Meanwhile, glazing provided on the east façade is provided for the dining area, that enables for energy efficiency, aesthetics that glazing offers, and viewing into and out of the restaurant. While the applicant has submitted plans to provide glazing in front of the dining area, and has opened up the setback, the unarticulated and untreated portion of the façade would still be in need of enhancement. As such, a condition has been imposed to enhance the rear portion of the east façade with a mural or something to that effect, to the satisfaction of the Council Office and the Zoning Administrator.

Project Impacts Outweigh Benefits (Finding Cannot Be Made)

As discussed in the subsequent finding, the project will allow for all vehicles to exit westbound off of Ventura Boulevard. The traffic analysis associated with this project indicates vehicles will make a U-turn at Sale Avenue to head eastbound on Ventura Boulevard. The analysis also acknowledges some project trips may utilize Sale and Capistrano Avenue, but a majority would utilize major arterials of Ventura Boulevard, Fallbrook Avenue and Shoup Avenue. Public testimony has indicated that there is already cut-through traffic in the neighborhood north of the project site. With the addition of vehicle trips from the project, and this occurring through the evening, not to mention during the day, the residential neighborhood will be introduced to more vehicles.

Some streets especially those closer to the project site lack street lighting and sidewalks for pedestrians to walk. The project application did not include a residential local street cut-through analysis because it did not meet the LADOT-established criteria for such. Although Sale Avenue is classified as a Collector Street in the 2035 City of Los Angeles Mobility Plan, and cut through analysis does not apply, it is necessary to consider the context of the neighborhood, and look further into the tendencies and behaviors of motorist looking to find to fastest and most efficient ways to get back onto main arterials to reach their destinations. The project would bring great likelihoods of hazards to residents of the area who wish to walk utilizing the streets. Lacking sidewalks and streetlights are already hazardous, and the increase of motorists as a result of the project would create greater hazards in these conditions.

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

The subject site is located along a major commercial boulevard in the San Fernando Valley and Woodland Hills community at the northwest corner of Ventura Boulevard and Capistrano Avenue. The site is zoned for commercial uses and has a width and depth of approximately 300 feet and 150 feet, respectively. The site is one of the larger commercial properties in the immediate area and, as such, is better suited for the subject fast-food restaurant and drive-through operation.

The project would involve the construction, use, and maintenance of a new 3,885 square-foot, one-story restaurant with 74 indoor seats and 44 outdoor seats. There will be 40 on-site automobile parking spaces, and eight short-term and two long-term bicycle parking spaces provided. The hours of operation, as requested under LAMC Section 12.24 W-17, are proposed to be from 10:30 a.m. to 1:00 a.m., Sunday through Thursday, and 10:30 a.m. to 1:30 a.m., Friday and Saturday.

As noted, vehicle access (and egress) to the site will only be from Ventura Boulevard via a two-way driveway to the central parking lot area and via a separate dedicated one-way driveway for the drive-thru feature. The parking lot will include 40 parking spaces. Also included within the parking lot is a drive-thru lane designed to accommodate up to 24 cars. It will wrap around the perimeter and include a partial two-lane queueing area. The drive-through lane will terminate into the southerly parking lot drive aisle, closest to Ventura Boulevard, where there are no parking spaces on the southernmost side. All vehicles will exit the two-way driveway to Ventura Boulevard and will be required to make a right-turn only, thus moving with the flow of traffic heading west.

According to the submitted In-N-Out Statement of Operations, as a standard policy, additional associates are provided in the parking area to direct traffic and assist new customers in parking and entering and vacating the site. During the peak periods (Lunch 12:00 pm to 2:00 pm and Dinner 5:00 pm to 7:00 pm), associates will monitor the parking lot to assure that the traffic is flowing smoothly and the customers are not blocking parking spaces and/or the drive-thru lane. Ingress and egress drive aisles will be clear at all times. Additionally, a wireless handheld order system is used when the drive-thru queue is lined back to the menu board and ordering speaker (which is at the 8th car back from the pay window) to reduce order time and ensure drive-thru speed of service. As such, the drive-through operation will be closely monitored.

The site activity will be buffered from the residential neighborhood to the north with the inclusion of an 8- to 9-foot tall solid masonry wall along the alley/subject north property line. There will be a 10-foot landscape buffer along the interior of the wall along the drive-through lane. The order board will be facing south, towards the

boulevard. Noise and light will be aimed away from the residential and adjacent properties.

In review of the application and in consideration of public testimony and public correspondence, the project may not be compatible with the abutting residential neighborhood. There is Wendy's restaurant (22611 Ventura Boulevard), located at the northwest corner of Ventura Boulevard and Sale Avenue, corresponding to the same position as the project. It also has a drive-thru feature and operates until 2:00 a.m., daily, that has been compatible with the surrounding area.

Public comments did raise concern the project having issues such as noise, trash from people eating their foods inside their cars while parked in residential neighborhoods, and honking from frustration in the drive-thru line. However, no such complaints were made specifically at the Wendy's operation. A 24-hour complaint line hotline and a plan approval conditions are included should the restaurant operate as part of the site plan review conditions (Condition Nos. 15 and 16) of this grant. These conditions, assuming the applicant operates only utilize the project permit compliance and site plan review, enable the public to report complaints and submit or present evidence for the Zoning Administrator to consider to call up the applicant for Plan Approval to review the operation's compliance with these conditions.

While Wendy's may have similarities, there are also differences in regard to ingress and egress from one street versus two, orientation, site location, and surrounding area. Patrons may exit onto Sale Avenue where they may make a right or left turn onto Ventura Boulevard. Since the project only includes one driveway to leave the site, all patrons will be forced to exit the site going westbound on Ventura Boulevard. Those who wish to go eastbound, can make a U-turn at Sale Avenue or make a right turn where eventually, they may make a right turn into Clarendon Street or possibly at the alley located between Ventura Boulevard and Clarendon Street.

The Traffic Memorandum 18-0081, dated November 6, 2020, prepared by Gandinni Group, indicates 74 daily trips are forecasted on Sale Avenue and 25 daily trips on Capistrano Avenue. Over a 14-hour period, this would equate to one trip every 11 minutes on Sale and one trip every 33 minutes on Capistrano Avenue. The analysis also acknowledges some project trips may utilize Sale and Capistrano Avenue, but a majority would utilize major arterials of Ventura Boulevard, Fallbrook Avenue and Shoup Avenue.

While it was stated this would not result in substantial impacts to roadway operations or safety of residential streets, it is anticipated that there will especially be an increase during lunch and dinner hours.

Public testimony and submitted public correspondence indicated there is already cut-through traffic in the neighborhood north of the project site and there has been a high frequency of accidents along Ventura Boulevard. It is noted that the project site is located within a segment of Ventura Boulevard identified as a High Injury Network as

part of the City of Los Angeles' goal to achieve Vision Zero. The High Injury Network spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths with an emphasis on those involving people walking and bicycling. This High Injury Network segment stretches from the intersection of Ventura Boulevard and Canoga Avenue (east of the site) to Ventura Boulevard Fallbrook Avenue with it continuing north on Fallbrook to Clarendon Street. Though the project did not trigger cut through traffic analysis from LADOT, public testimony and correspondence have indicated there is a high frequency of accidents and the hazards of vehicles from the site onto Ventura Boulevard either making a U-turn on Sale Avenue or turning right on Sale Avenue, in an effort to find a shortcut to head eastbound, brings hazards into a neighborhood where families walking and biking is prevalent. There are some streets in the north abutting residential area that lack both sidewalks and streetlights. Streets closer to the project site that do not have sidewalks include Capistrano Avenue, Clarendon Street going eastbound from Capistrano Avenue), and Dolorosa Avenue. The area is already hazardous as pedestrians and families who wish to walk in their own neighborhoods face inadequate conditions for safe walking and bicycling.

The project did not include a residential local street cut-through analysis because it did not meet the LADOT-established criteria for such. Although Sale Avenue is classified as a Collector Street in the 2035 City of Los Angeles Mobility Plan, and cut through analysis does not apply, it is necessary to consider the context of the neighborhood, and look further into the tendencies and behaviors of motorist looking to find to fastest and most efficient ways to get back onto main arterials to reach their destinations. The subject neighborhood already faces great constraints and the project would add to the hazards this neighborhood already faces. Residents of the area who wish to walk through their own neighborhoods must be cautious when walking through their own streets. Lacking sidewalks and streetlights already bring great hazards, and the increase of motorists as a result of the project would create greater hazards in these conditions. The project with the hours of operation as requested would add to the hazards of the neighborhood. The requested glazing deviation from the commercial corridor standards would be compatible with surrounding uses as the project provides outdoor dining and shade structure and meets the Bureau of Engineering dedication requirement at the corner of Ventura Boulevard and Capistrano Avenue to allow for safe viewing of pedestrian onto Ventura Boulevard.

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

As proposed and conditioned, the building's design and patio location will be consistent with the Citywide Design Guidelines. As conditioned, and with the exception of the window transparency along Capistrano Street, and hours of operation, the proposed project will be consistent with the performance standards and operating conditions applicable to Commercial Corner Developments.

The proposed project is consistent with the goals and policies of the City's General Plan and Zoning Code. The site is zoned C4-1VLD and has a General Plan Land Use Designation of General Commercial. The site is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan. The C4 zone permits most all commercial uses permitted in the C2 zone including restaurants and drive-through establishments. Drive-thru establishments which are adjacent to residential uses are permitted with a Conditional Use permit. Likewise, the Municipal Code includes by-right development standards and operations for commercial corner properties otherwise a conditional use is required. In this case, the project includes a request to exceed the hours of operation beyond 11 p.m. and to have less than 50 percent transparent windows along the Capistrano Avenue building frontage. The project design and site orientation is consistent with the Citywide Design Guidelines as well as the Ventura/Cahuenga Specific Plan requirements in that the restaurant building is close to the Ventura Boulevard street frontage and includes the outdoor patio pedestrian friendly amenity at the highly visible commercial corner. The project will provide approximately 6,800 square feet of on-site landscaping, street trees per the Woodland Hills Streetscape Plan, and will provide 40 parking spaces (one space in excess of the 39 required spaces).

During the public hearing, members of the public commented of the project not being consistent with the goal of the proposed Reimagine Ventura initiative. Its goal is to bring an “increase on-street parking, create a safer place to walk, and reduce the freeway-like feel of Ventura Boulevard” in an effort to help businesses between Sale Avenue and Royer Avenue, to the west of the Project Site and within the subject community plan area. The initiative proposes striping for angled-street parking and other street improvements and landscaping. Phase I will include a new full signal at Royer Avenue and an on-demand signal for pedestrians at Ponce Avenue. Reimagine Ventura does not address use, hours or other operational conditions nor does it have any development or design guidelines associated with the proposed plan. Fast food service and drive through establishments, while auto related, do not necessarily equate to fast traffic. The project’s traffic is not likely to impact , and as such could support local businesses by bringing patrons to this area of Ventura Boulevard.

As shown in the case file, the project is consistent with the applicable Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designation and policies and all other provisions of the Ventura/Cahuenga Specific Plan, applicable zoning designations and regulations. Therefore, the proposed project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

DRIVE-THROUGH FAST FOOD ESTABLISHMENT FINDINGS

4. **Residential uses in the vicinity of a proposed drive through fast-food establishment will be adequately protected from any significant noise resulting from outdoor speakers, autos, or other sources of noise associated with the lot.**

The project will include an eight to nine-foot high solid masonry wall along the north property line, which is along the south side of the alley, across from residential zoned properties. On the interior portion of the north wall will be a minimum 10-foot deep landscape buffer, which will also distant the drive-through lane from the new wall. All site activity with respect to vehicle access and the subject drive-through lane will be from Ventura Boulevard only. The Project will comply with the City's Noise Ordinance (Ordinance No. 144331). A single Menu Board/Speaker Box will have an auto-adjusting volume feature. The proposed menu-board will be oriented south, towards the interior of the site and the boulevard and the pick-up drive-thru window will be under the covered drive-through porte cochere. According to the applicant, once there are eight vehicles (counted from the Pick Up Window) in the queue, an associate with access to a handheld wireless device for ordering is deployed to take orders as well as monitor the drive-thru in case there is need for additional associates or assistance.

It is also the case that the north abutting residential properties have exceptionally long lots, ranging from 170 to 270 feet in depth with the dwellings oriented closer to the street frontage of Clarendon Street. The rear yards and detached garages are oriented closer to the subject alley and are enclosed with solid metal and wood fences.

A Noise Study was prepared by Meridian Consultants (dated August 2019) for the project which indicates operational noise from on-site noise sources would not exceed the significance thresholds. As such, potential noise impacts from the site activity, such as the drive-through area, parking area, menu board, and pick up window will be less than significant.

5. **All stationary light generated on the lot is screened to avoid any significant adverse impact on nearby residential uses.**

Lighting will be subject to Code requirements. The project will provide light levels as required by Code throughout the drive thru, parking and patio area, and to reduce glare and spillover light. Lighting includes entry/exit signage and menu boards located at the drive thru; pole lighting at the vehicular parking area at the interior of the site; standard building signage illumination, including decorative neon stripe and architectural canopies; patio lighting is provided at the covered eating area. There will be 10 light poles around the perimeter of the site and within the parking lot area, of which four light poles will be along the drive-through lane to the north of the site, approximately 10 feet in from the alley. The light poles are noted to be 25 feet in height, with the light fixture at 22 feet, 6-inches. The proposed northerly eight- to nine-foot high wall will also block lower level lighting, including vehicle lights, as viewed from the north alley or abutting residential properties. The project has been conditioned to ensure light sources are shielded to prevent light from spilling over into adjacent properties. Additionally, the closest light poles will be approximately 30 feet from the rear yard property lines of the abutting residential properties to the north. As such, and as conditioned herein, on-site lighting will not adversely impact nearby residential properties.

6. **Trash storage, trash pickup hours, driveways, parking locations, screening walls, trees and landscaping are provided for and located so as to minimize disturbance to the occupants of nearby residential uses, and to enhance the privacy of those uses.**

A trash enclosure area will be located at the northeast corner of the property, with access from on-site and to the alley for trash pick-up. The enclosure walls will be comprised of solid masonry and the trash area will be covered, thus not visible from the alley or right of way. The enclosure area will be designed to match the proposed building exterior. Additionally, consistent with provisions of Section 12.22-A,23 of the Municipal Code (Commercial Corner Developments), parking lot cleaning and sweeping, and trash collections and deliveries shall occur no earlier than 7 a.m., nor later than 8 p.m., Monday through Friday, and no earlier than 10 a.m., nor later than 4 p.m., on Saturdays and Sundays. In addition, conditions of the grant also require that the trash storage be fully enclosed and locked when not in use to prevent odors and scavenging.

As noted, an eight- to nine-foot solid masonry wall will be located along the north property line that will effectively providing screening and privacy for the abutting residential properties and all vehicle access to the site will be from Ventura Boulevard.

Therefore, as conditioned, trash storage, trash pickup hours, driveways, parking and drive-through lane, new on-site trees, and landscape buffer area be provided for and located so as to minimize disturbance to the occupants of nearby residential uses, and to enhance the privacy of those uses.

COMMERCIAL CORNER DEVELOPMENT FINDINGS

7. **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 create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

LADOT reviewed the Traffic Impact Analysis (TIA) prepared by the Ganddini Group, dated February 25, 2019, and a traffic study addendum dated August 23, 2019 as well as the most recently revised site plan, dated March 9, 2020 which added a separate or second driveway for the drive-through lane from Ventura Boulevard. After the public hearing, a Traffic Impact Analysis (TIA) dated October 5, 2020 was submitted to the Department of City Planning and the Department of Transportation.

The October 5, 2020 TIA, utilized the trip generation rated from the Institute of Transportation Engineers, Trip Generation Manual, 10th Edition, 2017 for fast food with drive-through (Land Use Code 934) concluded that the proposed 3,885 square-foot fast food restaurant with drive-through would result in a net increase of 1,000 daily trips (inbound and outbound count as two trips for one vehicle) with a net increase of 49 p.m. hour trips, when compared to the existing car wash use and that the project

would not produce a significant transportation impact at any of the seven studied intersections in the existing and/or future scenario. The project does not result in a.m. peak hour trips due to the 10:30 a.m. start of the business. LADOT determined impacts to transportation and circulation would be less than significant. The Department of Transportation recommendations for dedication and improvement, and site access and internal circulation (described above under Correspondence Received) have been included as conditions on the project.

As noted, the project has been revised a number of times. The previous site plan (presented in the February 2019 study) had driveway access to the site from Capistrano Street and Ventura Boulevard. This project, however, did not comply with the Ventura/Cahuenga Boulevard/Corridor Specific Plan as direct pedestrian access from the sidewalk crossed the drive-through lane which is prohibited under the Specific Plan. The Capistrano Street driveway was eliminated, as presented in August 2019 addendum site plan, with one driveway only from Ventura Boulevard. The most recently revised site plan, dated March 2020, added a second driveway for the driveway apron off of Ventura Boulevard.

The project will provide 40 parking spaces on-site. The required parking under the Specific Plan is 39 parking spaces, thus the Project includes one additional space. No bicycle replacement for parking spaces is being proposed. The drive-through lane is shown to be able to accommodate up to 24 vehicles at a time. The most recent site plan was reviewed by Department of Transportation and determined no queuing study was needed given the queuing capacity. Additionally, as submitted by the applicant, per the In-N-Out Statement of Operations, as a standard policy, additional associates are provided in the parking area to direct traffic during peak periods of lunch and dinner, to assure that the traffic is flowing smoothly on-site and the drive-through customers are attended to efficiently and proactively to prevent on-site or off-site back-up. The exit driveway on Ventura Boulevard will be required to have a right turn only exit sign, thus preventing cars from crossing or blocking opposing traffic. As conditioned, any queuing or idling along the public right-of-way (i.e., Capistrano, Ventura Boulevard, or the alley) shall be prohibited.

It is noted that the project is located within an area designated as a High Injury Network as part of the City of Los Angeles' goal to achieve Vision Zero. The High Injury Network spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths with an emphasis on those involving people walking and bicycling. This High Injury Network segment stretches from the intersection of Ventura Boulevard and Canoga Avenue (east of the site) to Ventura Boulevard Fallbrook Avenue with it continuing north on Fallbrook to Clarendon Street. Though the project did not trigger cut through traffic analysis from LADOT, public testimony and correspondence from the public have indicated there is a high frequency of accidents and the hazards of vehicles from the site onto Ventura Boulevard either making a U-turn on Sale Avenue or turning right on Sale Avenue, in an effort to find a shortcut to head eastbound, brings hazards into a neighborhood where families walking and biking is prevalent. It should be noted that Child's World School is a

preschool located on Capistrano Avenue and Clarendon Street with an alley that runs along the rear of the property, where pick-up and drop-off is located. The alley runs two ways, and may serve as an option for patrons to turn into from Sale Avenue to find their way eastbound. Since the alley meets with Clarendon Street, there are potential conflicts especially during the pick-up times of the preschool (12:00 p.m. to 12:30 p.m. and from 3:00 p.m. to 6:00 p.m.) and with the peak lunch and times of the fast-food restaurant. Therefore, since the project did not analyze the cut through traffic and especially in the context of being within a High Injury Network, and in consideration of the testimony and correspondence, a finding that the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets cannot be made.

8. **The 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 involves the demolition of an older car wash building and accessory structures, originally constructed prior to the Commercial Corner Development standards. The project involves a stand-alone fast-food restaurant in a 3,867 square-foot building that will also incorporate an outdoor seating area. Approval of the project at the site will redevelop the site and not create or add to a detrimental concentration of commercial corner developments in the vicinity.

PROJECT PERMIT COMPLIANCE FINDINGS

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

The proposed project complies with all applicable development requirements of the Ventura/Cahuenga Boulevard Corridor Specific Plan, as follows:

- a. **Section 5.C: Uses.** The proposed use of a fast-food restaurant with drive-through is not restricted in this area of the Specific Plan, and thus is allowed. The site is not located within a Pedestrian Oriented Area of the Specific Plan.
- b. **Section 6B: Floor Area Ratio (FAR).** The FAR limitation for this site is 1.0:1 which would equate to 40,705 square feet of floor area. The project proposes a total floor area of 3,885 square feet, which is a 0.09:1 ratio, which is significantly under the maximum floor area permitted and is thus in compliance with the Specific Plan.
- c. **Section 7A: Yards.** The site is within the Neighborhood and General Commercial plan designation area and has an approximate 300-foot lot width fronting Ventura Boulevard. As such, a maximum front yard setback of 20 feet is permitted for at least 50 percent of the lot width with the balance at a maximum 60 foot or average prevailing setback. In this case, the front of the building has a varied setback from approximately 7 feet to 11 feet, and porte cochere at approximately 20 feet

setback. The first 18-inches of the front yard setback and side yard setback along a secondary street, must have a minimum 18-inch landscaped setback from the property line. In this case, revised plans are required per Condition No. 8.n.1. so that the required 18-inch landscaped setback is in front of the proposed wall that contours the patio area along Capistrano Street and the Ventura Boulevard corner section, as viewed from the sidewalk area, instead of along the interior of the wall as currently shown. The proposed rear yard setback is approximately 36.5 feet where only a minimum 10-foot building setback or 20-foot building setback from the midpoint of an alley would be required. As such, the project complies with the setback requirements.

- d. **Section 7B: Lot Coverage.** The Specific Plan limits lot coverage to 60 percent, and this project proposes lot coverage of approximately 14.8 percent of the site. The site is 40,705 square feet. The existing building coverage is 3,885 square feet, porte cochere is 878.5 square feet, patio cover is 730 square feet, and roof for trash enclosure is 547 square feet, which is approximately 6,040.5 square feet total, or 14.8 percent lot coverage, therefore this project complies with the lot coverage restrictions.
- e. **Section 7C: Driveways.** The project involves the removal of five driveways, two on the Capistrano Street frontage, and three on Ventura Boulevard frontage and will be replaced with just two driveways off of the Ventura Boulevard. One driveway will be designated for the drive-through lane access, located near the southwest corner of the site. The main two-way driveway will be used for the site ingress to the parking lot area and will provide egress for all vehicles on the site. The site plan and driveway locations were also reviewed and accepted by the Department of Transportation.
- f. **Section 7D: Landscaping.** A 10-foot landscaped buffer is required for surface parking lots that are adjacent to a street or alley. The project includes a 10-foot landscaped setback along the property frontage, adjacent to the subject parking lot, as well as along the rear property line adjacent to the drive-through lane and parking area. Additionally, landscaping equivalent to 15 percent of the square footage of the parking area must be provided. The landscape plan indicates a total of 6,823 square feet of landscaping will be provided, which is 16.7 percent of the site. As such, the proposed landscaping exceeds the minimum requirement. A total of 14 on-site shade trees will be provided around the site, distributed mainly around the parking lot area which exceeds the minimum requirement of one (1) tree for every four (4) parking space ratio. Additionally, a total of seven street trees ("Tulip Trees") will be planted along the Capistrano and Ventura Boulevard sidewalk area in front of the site, which conforms to the Woodland Hills Streetscape Plan. As conditioned and proposed, the project is in substantial compliance with the landscaping requirements.
- g. **Section 7E: Height.** The height limit for this area of the Specific Plan is 30 feet. The proposed restaurant building will have a varied roof height from 13 feet 7

inches (porte cochere and covered patio) to 26 feet, 6 inches for the three tower elements, with the main roof height at 19 feet, 8 inches. No rooftop projections are proposed. The project as conditioned will comply with the height restrictions.

- h. **Section 7F: Parking.** Per Section 7.F.1.c of the Ventura/Cahuenga Boulevard Corridor Specific Plan, restaurants and take-out food establishments defined by the Specific Plan, require at least one (1) parking space for each 100 gross square feet of floor area. The project proposes a 3,885 square foot restaurant building which will require 39 parking spaces and is providing 40 parking spaces. As proposed, the project complies with the parking requirement provisions of the Specific Plan.
- i. **Section 8: Signs.** Pursuant to Section 5.A.2 of the Ventura/Cahuenga Boulevard Corridor Specific Plan, the proposed sign project must comply with the applicable development requirements of Sections 8 of the Plan, as it relates to the sign regulations.

The Specific Plan permits a maximum of one (1) wall sign per tenant on a building's street frontage and a second sign facing an associated parking lot, secondary street, or alley and a maximum sign area of two square feet for each lineal foot of street frontage. The site has two street frontages (Capistrano and Ventura Boulevard) totaling approximately 445 feet, thus a maximum of 890 square feet of wall sign area could be permitted for the site, however the project has been approved for a maximum of two wall signs with a total sign area of 112 square feet (56 square feet each), one facing each street frontage.

Directional signs are permitted as long as they do not exceed the maximum sign area for the site, do not include business signage or logo, and in this case, are not considered pole signs which are prohibited on commercial corner lots in the Specific Plan. The sign plan includes four directional signs, approximately 3 square feet each, however, two of the signs include the business logo (i.e. In-N-Out yellow arrow) and all of the signs, even though 3 feet from grade, may be considered pole signs. Per Condition No. 8.m., revised plans are required for review and approval by the Plan Implementation Division for compliance with the Specific Plan, before issuance of a sign permit.

Overall, Conditions No. 8.h. through 8.m. will ensure new signage at the site will be in compliance with the Specific Plan regulations.

SITE PLAN REVIEW FINDINGS

- 10. **That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any application specific plan.**

As stated in Finding No. 3, the project, in general, would be in conformance with the provisions of the General Plan and the Community Plan. The proposed project is consistent with the goals and policies of the City's General Plan and Zoning Code. The site is zoned C4-1VLD and has a General Plan Land Use Designation of General Commercial. The site is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan. The C4 zone permits most all commercial uses permitted in the C2 zone including restaurants and drive-through establishments. Drive-thru establishments which are adjacent to residential uses are permitted with a Conditional Use permit. Likewise, the Municipal Code includes by-right development standards and operations for commercial corner properties otherwise a conditional use is required. In this case, the project includes a request to exceed the hours of operation beyond 11 p.m. and to have less than 50 percent transparent windows along the Capistrano Avenue building frontage. These findings could not be made. The project design and site orientation is consistent with the Citywide Design Guidelines as well as the Ventura/Cahuenga Specific Plan requirements in that the restaurant building is close to the Ventura Boulevard street frontage and includes the outdoor patio pedestrian friendly amenity at the highly visible commercial corner. The project will provide approximately 6,800 square feet of on-site landscaping, street trees per the Woodland Hills Streetscape Plan, and will meet the Code required number of parking spaces (40 parking spaces provided, 39 required spaces).

Though not all required conditional use findings have been made, the project generally is in substantial conformance with the provisions of the General Plan and the Community Plan, as well as the Ventura Boulevard Corridor Specific Plan. A restaurant is a neighborhood serving use on Ventura Boulevard that addresses impacts of operating characteristics such as noise, lighting, trash, litter, and loitering. There is another fast-food operation that abut residential properties and operate during late night/early morning hours. The project would be in substantial conformance with the goals and policies of those plans. The project, including driveway location and internal circulation, was reviewed by the Department of Transportation. The project will meet all other department requirements, including dedication, street tree, lighting, signage, etc. However, the context of the project and its respective location brings challenges and hazards that require further analysis to ensure the abutting residential neighborhood would not be significantly impacted by the project. The project site is located within the City's High Injury Network, which according to the Department of Transportation, "spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths, with an emphasis on those involving people walking and bicycling." Because of the potential hazards and safety concerns for residents, especially those who walk through their own neighborhood, the conditional uses could not be granted.

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

The restaurant and outdoor patio is oriented to be within close proximity to the property frontage and corner on Ventura Boulevard in an effort to activate the commercial corner in a pedestrian friendly way as well as to keep the commercial activity close to the boulevard. The building is one story with varied roof heights and the patio area is the inviting feature of the subject corner. Both elements fit well within the subject corner. Similarly, vehicle access and egress are only from Ventura Boulevard thereby concentrating vehicle activity along a major commercial boulevard. The middle of the site will have 40 parking spaces and will be surrounded by new landscaping and trees. The drive-through will wrap around the parking area and have a separate access from the boulevard. The drive-through will have a partial double lane and will have sufficient queuing of up to 24 vehicles. As planned, the drive-through activity will not interfere with the parking lot activity. Additionally, during peak business times, additional staff will be assisting with the drive-through and parking lot traffic to reduce congestion and to place orders ahead of time when the drive-through gets busy thereby ensuring the order is ready at the pick-up window. An eight- to nine-foot high solid masonry wall will be located along the rear of the site, adjacent to the alley which is across the residential zoned properties. The wall will effectively provide privacy for the residential properties and significantly reduce potential impacts with respect to noise and light. The trash area will be fully enclosed and covered and located off the alley, this will not be visible from the street. Trash collection times will be limited as conditioned herein. As presented, the project presents an efficient and thoughtful arrangement of the proposed uses at the site and will be compatible with the surrounding area.

The project has also been conditioned to include landscaping along any patio wall facing the public right-of-way. This allows for visual enhancement looking onto the site and eliminates white blank walls.

12. **That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

No residential development is proposed.

ADDITIONAL MANDATORY FINDINGS

13. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, outside of a flood zone area.
14. On October 1, 2020, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2019-5327-CE, for a Categorical Exemption, Class 32, City CEQA Guidelines (Sections 15300-15333, State CEQA guidelines. The Zoning Administrator determined the Class 32 Categorical Exemption was appropriate for the following reasons:

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The General Plan promotes the provision of services throughout the City in locations that are convenient to the public but do not negatively impact neighboring properties. The General Plan functions as a guide for the development of the City of Los Angeles through its purposes policies and program which are implemented through individual Community Plans. The City's Community Plans address each of the elements of the General Plan, and are consistent with the Citywide Elements of the General Plan.

The Project site is located within the C4-1VLD Zone and within the Canoga Park-Winnetka- Woodland Hills-West Hills Community Plan (the "Community Plan") area. The Community Plan states, "The intent of the Community plan is promotion of an arrangement of land uses, streets, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the people who live and work in the community. The plan also guides development to create a healthful and pleasant environment." (page II-2)

The proposed Project is also consistent with and advances the following goals, objectives and policies of the Community Plan:

Goal: An economically vital commercial sector offering a diversity of goods and services to meet the needs of the community plan area. This means that commercial land use policies must support maximum efficiency and accessibility of commercial development while preserving the historic commercial and cultural character of the district.

Objective 2-1: Conserve and strengthen viable commercial development and encourage recycling of obsolete commercial development.

Policy 2-1.1: Locate new commercial development in areas currently designated for such development.

As previously noted, the proposed Project consists of a new In & Out drive-through restaurant located within an established commercial corridor and will complement as well as lend to the diversity of existing commercial uses and available services along Ventura Boulevard.

The site is currently improved with an automotive carwash and detailing business and has been in operation at the subject property since 1965. The proposed Project will be an upgrade to the physical improvements of the site including a new building and landscape improvements built to the City's current codes and standards.

The restaurant use is allowed by-right in the C4 Zone pursuant to the LAMC, and will activate this corner along Ventura Boulevard with outdoor patron and pedestrian activity, and will provide an additional dining option for this area of Ventura Boulevard for dine-in as well as drive-through patrons, and as such will provide a beneficial service to the community.

The Project site is also located within the Ventura-Cahuenga Boulevard Corridor Specific Plan area. See *Project Permit Compliance Findings in Attachment A* for compliance with the Specific Plan.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:

The subject property is located at 22503 – 22527 W. Ventura Boulevard, Los Angeles, CA 91364 (the “Property”). The combined surface land area for the rectangular-shaped property is 40,705 square feet, per ZIMAS. The property is located at the northwest corner of Ventura Boulevard and Capistrano Avenue, and has approximately 295 feet of frontage along the north side of Ventura Boulevard and approximately 118 feet of frontage along the west side of Capistrano Avenue. The Assessor’s Parcel Number is 2040-025-029 and the site is legally described as lots 8, 9, 10, 11, 12 & 13 in Block E of Tract No. 7568, excepting the northerly 30 feet of the easterly 30 feet measured along the easterly and northerly lines of Lot 13.

It is currently developed with the project is situated in an established, fully developed, residential and commercial neighborhood adjacent to several commercial corridors, large boulevards and other large employment centers. The project site has no value as a habitat for endangered, rare or threatened species. an automotive car wash and detailing business. According to a survey completed on July 16, 2018, there are seven one-story buildings on the parcel located at 22502 – 22527 W. Ventura Boulevard, Los Angeles, CA 91364. The survey designates the buildings and their square footages as follows: (1) Covered Detailing Area (2,978 SF), (2) Detailing Bay (780 SF), (3) Main Building (2,648 SF), (4) Automatic Carwash Tunnel (3,344 SF), (5) Covered Hand Drying Area (3,595 SF), (6) Covered Seating Area (115 SF), and (7) Employee Out Building (155 SF).

The Property is located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area. The property is classified in the C4-1VLD zone and designated for General Commercial land uses.

The developments surrounding the project site are characterized primarily by general commercial uses, and limited residential uses. Commercial uses are located on either side of Ventura Boulevard to the east and west of the site and located within the C4-1VLD Zone. The commercial uses are a variety of neighborhood-serving uses that range from full-service and quick-service restaurants, coffee shops, a bank, a grocery stores, as well as a variety of other

retail options. Residential uses are located to the north of the site and are generally zoned R1-1 for low residential land uses. To the south of the project site immediately north of the 101 Freeway is a strip of R3-1 zoning for medium residential land uses. Furthermore, the property is less than a mile from Warner Center.

(c) The project site has no value as habitat for endangered, rare or threatened species:

The project is situated in an established, fully developed, residential and commercial neighborhood adjacent to several commercial corridors, large boulevards and other large employment centers. The project site has no value as a habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:

TRAFFIC

See Traffic Analysis in case file. Additional correspondence from DOT has confirmed that per VMT calculation, does not trigger CEQA analysis or further queuing analysis.

NOISE

The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e. post- construction), as well as any noise impact during construction. As a result of the project being required to comply with said ordinances, it can be found that the project would not result in any significant noise impacts. Noise Study part of the case file.

AIR QUALITY

The proposed project is not expected to result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainable under an applicable federal or state ambient air quality standard. Air Quality study is part of the case file.

WATER

Lastly, the project is not adjacent to any water sources and the construction of said project where it is surrounded by very similar and more dense projects will not create any impact to water quality. No further study is anticipated.

(e) The site can be adequately served by all required utilities and public services:

The site is currently being served adequately by the City's Department of Water and Power, the City's Bureau of Sanitation, the SoCal Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, and many others public services. The utilities and public services have been servicing the neighborhood continuously for over 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc.

The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed above.

CEQA Section 15300.2 – Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

- a. **Cumulative Impacts.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The Property is located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area. The property is classified in the C4-1VLD zone and designated for General Commercial land uses.

The developments surrounding the project site are characterized primarily by general commercial uses, and limited residential uses. Commercial uses are located on either side of Ventura Boulevard to the east and west of the site and located within the C4-1VLD Zone. The commercial uses are a variety of neighborhood-serving uses that range from full-service and quick-service restaurants, coffee shops, a bank, a grocery stores, as well as a variety of other retail options. Residential uses are located to the north of the site and are generally zoned R1-1 for low residential land uses. To the south of the project site immediately north of the 101 Freeway is a strip of R3-1 zoning for medium residential land uses. Furthermore, the property is less than a mile from Warner Center.

The proposed Project will be replacing a similar automotive-related use. Therefore, there is not a succession of known projects of the same type and scale as the proposed Project.

- b. **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

See response to (a) above.

The proposed Project is for the demolition of an existing carwash and the construction, use and maintenance of a drive-through fast food restaurant. The proposed restaurant is approximately 3,885 square feet, with 74 seats indoors and 44 seats outdoors at an approximately 730-square foot covered outdoor eating area, in a one-story building 28 feet in height. Proposed hours of operation are Sunday through Thursday, 10:30 AM to 1:00 AM, and Friday and Saturday, 10:30 AM to 1:30 AM.

There is no evidence in the record that the project will have a significant environmental impact. The project size and height are not unusual for the vicinity of the subject site. The Project Site is located within a developed and urban area, as such, there are no unusual circumstances that would create the reasonable possibility of significant effects.

- c. **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

See response to item (b) above.

The Project Site is located within a developed and urban area, as such, there are no scenic resources, including trees, historic buildings, rock outcroppings or similar resources, and is not located on an officially designated scenic highway per the City's Bureau of Engineering website, NavigateLA.

- d. **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

According to Envirostar, the State of California's database of Hazardous Waste Sites, the subject site is not identified as a hazardous waste site.

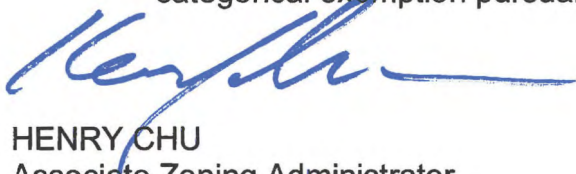
Therefore, the Project Site is not located on a site the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified, pursuant to Government Code section 65962.5, as being affected by hazardous wastes or clean-up problems.

- e. **Historical Resources.** A categorized exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Neither the project site itself nor any of the existing structures on the project site have been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register. Further the project site was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Neither the State nor the City consider the site a historic resource, therefore, the proposed project cannot cause a substantial adverse change in the significance of a historical resource and this exception does not apply.

Additionally, the Project Site is located within a developed and urban area, as such, will not cause a substantial adverse change in the significance of an historical resource.

Therefore, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.



HENRY CHU
Associate Zoning Administrator

HC:AJ:mh

cc: Councilmember Bob Blumenfield
Third District
Adjoining Property Owners
Interested Parties