

ATTACHMENT D

VESTING ZONE CHANGE FINDINGS

VENTURA/TYRONE REDEVELOPMENT PROJECT
14311 Ventura Boulevard
Sherman Oaks, CA 91423

PROJECT OVERVIEW/ REQUEST

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

With respect to the instant request, the Applicant is seeking a **VESTING ZONE CHANGE**, pursuant to Los Angeles Municipal Code (“LAMC”) Section 12.32 F and 12.32 Q, on the [Q]P-1VL-zoned portion of the Subject Property to **C2-1VL**, and an incidental **BUILDING LINE REMOVAL**, pursuant to LAMC Section 12.32 R, of the 15-foot Building Line located along Moorpark Street, established by Ordinance No. 97,921;

FINDINGS

The following information has been developed pursuant to the City of Los Angeles’ *CP-7774: Special Instructions for: Zone Change (ZC), Height District Change (HD), Building Line (BL), Supplemental Use Districts*, and pursuant to LAMC Section 12.32 F, 12.32 Q, and 12.32 R:

ZONE CHANGE FINDINGS

- 1. Why is the Zone Change request beneficial in terms of the public necessity, convenience, general welfare, and good zoning practice?**

The instant request is for a Vesting Zone Change to C2-1VL on the approximately 27,296-square foot portion of the Subject Property, currently zoned [Q]P-1VL and a concurrent Building Line Removal in order to allow the construction and operation of an approximately 52,433-square foot specialty retail grocery store. The Vesting Zone Change would unify the zoning of the Subject Property, consistent with the existing C2-1VL zoning on the majority of the Subject Property encompassing approximately 51,519 square feet of lot area. The requested Vesting Zone Change is beneficial in terms of the public necessity, convenience, general welfare, and good zoning practice for the reasons discussed below.

The proposed grocery store is anticipated to be operated as a specialty grocery store that strives to provide the highest quality natural and organic foods that are responsibly and sustainably sourced, and also aims to provide specialty health food products to meet a wide range of dietary needs. As a leader in the grocery industry with respect to providing organic and

natural foods, the proposed operator will help meet **public necessity** and demand for these specialized types of goods. While there are existing grocery stores located within the Sherman Oaks community, the proposed grocery operator is a unique retailer that carries the widest range of health-food products, dietary supplements, organic foods, and specialty food products that most other grocers do not.

In addition to the extensive line of food products, the proposed Project will include an approximately 5,358-square foot ancillary restaurant, inclusive of an approximately 1,837-square foot covered outdoor dining area on the second floor. This restaurant will be uniquely perched at the southwest corner of the building, overlooking the intersection of Ventura Boulevard and Tyrone Avenue. The associated restaurant use will activate this corner, and foster connectivity with the existing commercial corridor on Ventura Boulevard, as patrons will be able to enjoy, interact with, and observe the community in action. The proposed restaurant will also be beneficial in terms of both public necessity and convenience because it will meet a need for a neighborhood-serving restaurant that is conveniently available to residents of the surrounding neighborhoods, local businesses and patrons of the grocery store for use before, during, or after their shopping activities.

It can also be argued that a sophisticated operator of specialty grocery stores, such as in the instant case, carefully determines the need and demand for a new store in a particular community. The operator has chosen Sherman Oaks and the Subject Property because of their research and confidence in the need and market demand for their particular specialty grocery store. This clearly demonstrates that the proposed use meets the public necessity and thus, the Vesting Zone Change necessary to accommodate this use also meets the public necessity test.

With regards to **public convenience**, the proposed Project will be conveniently located along the Ventura Boulevard commercial corridor, in close proximity to existing commercial and retail uses, multi-family and single-family residential neighborhoods, and several public transportation opportunities. In terms of public transit, the following transportation services are located within a 1,500-foot radius of the Subject Property:

Metro Local Line 155 – To the northwest of the Subject Property on Moorpark Street is a bus stop serviced by Metro Line 155, which provides services to and from Sherman Oaks, Valley Village, Studio City and Burbank.

Metro Local Line 233 – To the northwest of the Subject Property on Moorpark Street and to the west of the Subject Property on Ventura Boulevard are bus stops serviced by Metro Local Line 233, which provides services to and from Lakeview Terrace, Pacoima, Panorama City, Van Nuys and Sherman Oaks.

Metro Rapid Line 750 – To the west of the Subject Property on Ventura Boulevard are bus stops serviced by Metro Rapid Line 750, which provides services to and from Warner Center, Tarzana, Sherman Oaks and Studio City.

Metro Rapid Line 744 – To the west of the Subject Property on Ventura Boulevard is a

bus stop serviced by Metro Rapid Line 744, which provides service to and from Pacoima, Panorama City, Van Nuys, Tarzana, Reseda and Northridge.

Metro Local Line 150/240 – At the southeast corner of the intersection of Ventura Boulevard and Beverly Glen Boulevard to the south of the Subject Property is a bus stop serviced by Metro Line 150/240, which provides services to and from Canoga Park, Woodland Hills, Northridge, Reseda, Tarzana, Encino, Sherman Oaks and Studio City.

Metro Local Line 158 – At the northeast corner of the intersection of Hazeltine Avenue and Ventura Boulevard to the east of the Subject Property is a bus stop serviced by Metro Line 158, which provides services to and from Chatsworth, Northridge, Granada Hills, Arleta, Panorama City, Valley Glen and Sherman Oaks.

Van Nuys/Studio City DASH Bus Line – To the northeast of the Subject Property on both sides of the intersection of Hazeltine Avenue and Milbank Street, is a bus stop serviced by the Van Nuys/Studio City DASH Line, which provides services to Studio City, Sherman Oaks, Valley Village and Van Nuys, and with connections to the Metro Orange Line Van Nuys Station.

In addition to these public transportation services, the Subject Property is located in close proximity to the 101 Ventura Freeway and 405 Freeway, as well as major surface street thoroughfares, including Ventura Boulevard, Van Nuys Boulevard and Sepulveda Boulevard. Moreover, within approximately 1,500 feet of the Subject Property are substantial multi-family and single-family residential communities, as well as professional office centers and commercial uses, all of which will make this use convenient for the numerous people that already pass through and patronize the area. The proposed Project will be a convenient pass-by stop for employees, shoppers, and residents within the context of their daily routine, and will no doubt become an indispensable amenity for community. Additionally, the proposed Project has been designed to be easily accessible to pedestrians and bicyclists, with a welcoming main lobby on Ventura Boulevard and a total of 52 long-term and short-term bicycle parking spaces. These features make the use more accessible and convenient for those utilizing alternative modes of transportation. The Subject Property is centrally located within the Ventura Boulevard urbanized commercial corridor and will be readily accessible to the plethora of motorists, employees and residents of this vibrant and active community..

The proposed Project will also be beneficial with respect to the **general welfare** because it will increase the economic viability of the community in which it is located. The proposed grocery store and ancillary restaurant use will create a significant number of on-site jobs, including but not limited to: cooks, janitors, waiters, cashiers, managers, stockroom workers, security guards, customer service representatives, and workers within the produce, seafood, deli, and bakery departments. In addition to local jobs, the proposed Project will increase demand for goods delivery and transportation services, grocery brokers, and food product vendors, which will in turn stimulate the wider regional and state economy. Since the proposed grocery operator specializes in natural and organic foods and locally sourced produce and foods, the proposed Project will also create a more robust market demand for these types of goods that will benefit

local organic farmers and natural and health food vendors. The proposed Project will also provide a benefit in the form of additional tax revenues for the City, both through the grocery store and restaurant uses, and through the revitalized local commercial environment as a by-product of the development of a quality new structure and business.

Moreover, the proposed Project will benefit the general welfare of the public, and in particular the local community, because it will provide greater access to a wide array of healthy, affordable, fresh foods with many organic, natural, and specialty options. In addition to their regular full line of grocery products, the proposed grocery operator also provides an in-house brand of organic food products, which is competitively and affordably priced. This product line still meets the operator's high quality standards, with no artificial flavorings, colorings, sweeteners, preservatives and hydrogenated fats. As such, affordable, healthy foods will be more available and accessible to those who live and work nearby the proposed Project, as well as to visitors and patrons of the existing commercial corridor where it is located. The availability of these healthier, high quality, and affordable foods will improve the general welfare of these populations, with potentially greater health outcomes in the long term.

With further respect to both convenience and general welfare, the proposed Project has also been designed to accommodate and encourage alternative modes of transportation. The proposed Project will provide a combined total of 52 short-term and long-term bicycle parking spaces for the uses contained on-site, which will enable residents living nearby and visitors to utilize alternative forms of transportation that reduce air pollution. The Subject Property is located within walking distance – approximately 1,500 feet – of several multi-family and single-family residential neighborhoods, as well as commercial and office uses, making it a convenient location for the nature of the use. The proposed Project will also include various design elements that promote pedestrian circulation and connectivity to the surrounding area, including the pedestrian entrances located along Ventura Boulevard and an open restaurant deck on the second story, consistent with the design elements addressed in the Community Plan, Sherman Oaks Streetscape Plan and Design Guidelines, Walkability Checklist, and the Citywide Commercial Design Guidelines.

With respect to **good zoning practice**, the proposed Project's use and design is substantially consistent with the purposes of the General Plan, Community Plan, and Specific Plan. With the exception of the deviations requested pursuant to the LAMC and the Specific Plan in conjunction with the instant application, the Project has been designed in substantial conformance with applicable zoning and development limitations. Additionally, the proposed Project is consistent with the land use designation of the Subject Property and sound zoning practices, as it will provide a desirable and beneficial commercial use on commercially zoned property that does not encroach upon or impact residentially zoned properties or neighborhoods.

As part of the instant request, the Applicant is seeking a Vesting Zone Change on a portion of the Subject Property from the [Q]P-1VL to the C2-1VL Zone, consistent with the zoning designation of the entire Subject Property. Concurrent with this Vesting Zone Change, the Applicant is seeking to remove the 15-foot Building Line located along Moorpark Street. The Subject Property is designated for General Commercial Land Uses, which corresponds to the proposed C2-1VL Zone, and is located within the Neighborhood and General Commercial Plan

Designation area of the Specific Plan. The proposed Vesting Zone Change will eliminate the antiquated P Zone on the Subject Property and permit the C2 Zone across the entire site. The Vesting Zone Change is requested on only a fraction of the Subject Property, an approximately 27,296-square foot portion that is currently zoned [Q]P-1VL. The Vesting Zone Change would unify the zoning of the Subject Property, consistent with the existing C2-1VL zoning on the majority of the Subject Property encompassing approximately 51,519 square feet of lot area. This is good zoning practice in consideration of the location of the Subject Property along a commercial corridor where adjoining commercial properties are within the same zone and land use designation. Moreover, the proposed Project will replace an underutilized surface parking lot that is a visual blight to the neighborhood, with a much more beneficial and attractively designed community oriented use which house all required parking within the development.

With regards to use, the Specific Plan only limits and regulates certain uses that are not desirable for a community/neighborhood land-use designated area; thus automotive uses and drive-through establishments are prohibited on the Subject Property. Other than these certain uses, the Specific Plan defers to the uses permitted by the underlying zone and land use designation set forth in the regulations of the LAMC. The proposed approximately 52,433-square foot grocery store and ancillary restaurant are in harmony with the Subject Property’s land use designation of General Commercial, which “applies to a diversity of retail sales and services, and auto-oriented uses comparable to those currently allowed in the ‘C2’ zone”¹. Since the General Commercial land use designation promotes uses permitted in the C2 Zone, and the C2 Zone allows grocery stores, the proposed Project is in harmony with the intended land uses for the Subject Property. The proposed Project will also replace previous improvements on site, including a collision/auto body center and car wash, uses that are generally not considered desirable within this Specific Plan area. While the P Zone is only intended to permit parking, the proposed Vesting Zone Change will still allow for a parking use, and will provide sufficient parking to meet Specific Plan requirements.

Additionally, the Specific Plan defines the Neighborhood and General Commercial Plan designation as “a focal point for surrounding residential neighborhoods and containing a diversity of land uses, such as restaurants, retail outlets, grocery stores, child care facilities, small professional offices, community meeting rooms, pharmacies, religious facilities, and other similar services”². Consistent with these intents, the proposed Project is a neighborhood-serving grocery store that will provide goods and services for the surrounding multi-family, single-family residential and commercial neighborhoods. The C2 Zone encourages this type of use, and the proposed Project will further revitalize and strengthen the viability of this commercial corridor. As such, the proposed Project is in conformance with the zoning and land use designations on the Subject Property, and makes good zoning sense.

The proposed Vesting Zone Change and Building Line Removal that allows the grocery store use is also consistent the Land Use Element of the General Plan (please refer to *Attachment C – Vesting Tentative Tract Map Findings*, for a discussion of General Plan consistency in

¹ Chapter 3 – Land Use, General Commercial Areas: <http://cityplanning.lacity.org/cwd/framwk/chapters/03/03207.htm>

² Page 6, Section 4: Definitions, Ventura/Cahuenga Boulevard Corridor Specific Plan.

greater detail), meeting several purposes of the applicable Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan, as follows:

GOAL 2: *A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district.*

Objective 2-1: *To conserve and strengthen viable commercial development.*

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

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

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

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

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

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

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

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

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

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

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

The proposed Vesting Zone Change and Building Line Removal are in harmony with the goal to create a strong and competitive commercial sector, as the proposed specialty grocery store is a commercial use that will further revitalize this portion of the Ventura Boulevard commercial corridor and serve the members of the community. The proposed Project is also consistent with the intent to locate a neighborhood-serving commercial use on an infill parcel of land located within an existing commercial corridor, rather than encroaching on residentially zoned land. As a result, the proposed Project will help to preserve the character of the district, and will be an aesthetic and economic improvement for this portion of the commercial corridor. The proposed specialty grocery store will meet the demand for organic, natural, and health foods,

and will provide healthy market competition for existing grocery stores in the vicinity, strengthening the viability of the local economy. The P-zoned portion of the Subject Property, that this Vesting Zone Change request proposes to change to C2-1VL, would not have permitted the proposed specialty grocery store, in direct contrast to the stated goals and objectives of the Community Plan.

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

The proposed Project will incorporate sufficient off-street parking facilities providing 240 parking spaces, 12 spaces in excess of the 228 parking spaces required. The proposed Project will also provide safe and convenient vehicular ingress and egress, with vehicular entrances on Ventura Boulevard and Moorpark Street, and will provide a fully enclosed loading dock area in order to mitigate any potential negative impacts associated with those activities. As part of the instant request, the Project will merge a portion of the bisecting public alley with the Subject Property, but will maintain the existing function and circulation of the public alley by providing a private alley/easement for public use and access.

The proposed grocery store will revitalize this sub-area of the Ventura Boulevard commercial corridor by attracting new customers and patrons, and will be conveniently located for those that work, live, and patronize in the community. The requested Vesting Zone Change will allow for the smaller portion of the Subject Property currently zoned [Q]P-1VL to be rezoned to C2-1VL consistent with the current zoning of the majority of the Subject Property. The proposed Vesting Zone Change and Building Line Removal would permit for a community beneficial use on the Subject Property consistent with the above intents of the Community Plan. In light of the details stated herein, the instant request is beneficial in terms of the public necessity, convenience, general welfare, and good zoning practice.

ADDITIONAL BUILDING LINE FINDINGS

a. Provide a brief statement concerning: (a) the setback of any buildings currently on the property involved; and (b) the setbacks of buildings on properties abutting that portion of the street on which the building line is to be removed, changed, or established; and

Approved on April 3, 1951, Ordinance No. 97,921 established a 15-foot building line on both sides of Moorpark Street, from Moorpark Way to Tyrone Avenue, which includes the portion of the Subject Property known as Lots 268 to FR 273 inclusive of Tract 9275. Regarding

the setback of any buildings currently on the property involved, the portion of the Subject Property on which the building line exists is currently located within the [Q]P-1VL Zone and is improved with a surface parking lot. As a result, there are no buildings on the property involved, and no associated building setbacks. Regarding the setbacks of buildings on properties abutting that portion of the street on which the building line is to be removed, the abutting property to the east is also located within the [Q]P-1VL Zone and is improved with a surface parking lot, with no buildings or building setbacks. The abutting property to the west is a public alley, which will be merged with the Subject Property, and to which the building line does not apply.

b. Provide a statement explaining what original deed restrictions concerning the location of buildings and setbacks, if any, were placed on the property involved and the date these restrictions expire.

It appears there are no original deed restrictions concerning the location of buildings and setbacks on the property involved, and as such, this is not applicable to the Subject Property or the instant request.

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