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January 17, 2024

Appeal Period Ends: February 1, 2024

Marc Levun (A)  
In-N-OUT Burgers,  
a California Corporation  
13502 Hamburger Lane,  
Baldwin Park, CA 91406

ILM Property Investments, Inc. (O)  
5951 Variel Avenue,  
Woodland Hills, CA 91367

Sara Houghton (R)  
ThreeSixty  
11287 West Washington Boulevard,  
Culver City, CA 90230

CASE NO. ZA-2022-2788-CU-SPP-  
SPPA-SPR-WDI  
CONDITIONAL USE; PROJECT PERMIT  
COMPLIANCE; PROJECT PERMIT  
ADJUSTMENT; SITE PLAN REVIEW;  
WAIVER OF IMPROVEMENT AND  
DEDICATION

22822 Ventura Boulevard  
Canoga Park-Winnetka-Woodland Hills-  
West Hills Community Plan  
Zone : C4-1VLD & P-1VLD  
D. M. : 171B097  
C. D. : 3 - Blumenfield  
CEQA : ENV-2022-2789-CE  
Legal Description: Fr. of Lot 1 (Arb 1),  
Lot Nos. 2 (Arb 1), 3 (Arb 1), 4, 5, and  
Fr. of Lot 39, Tract 7222

Pursuant to California Environmental Quality Act (CEQA), I hereby DETERMINE:

based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15311, Class 11 (On-premise Signs) and Section 15332, Class 32 (In-fill Development), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the CEQA Guidelines regarding cumulative impacts, significant effects or unusual circumstances, scenic highways, hazardous waste sites, or historical resources applies; and,

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

a Conditional Use to permit a drive-through fast-food establishment in a C4 zoned property including the associated drive-through vehicular queuing lanes to be located in the P zone, which adjoins, is across the street from, or separated only by any alley from, any portion of a lot or lots in a residential zone or use; and,

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

a Conditional Use to permit a drive-through fast-food establishment within an Commercial Corner Development with hours of operation exceeding 7:00 a.m. to 11:00 p.m., daily; to permit 20 percent of transparency fronting Ventura Boulevard, 9.5 percent of transparency fronting Rigoletto Street, and 2 percent of transparency fronting Del Valle Street in lieu of the required 50 percent façade transparency fronting adjacent streets pursuant to LAMC Section 12.22A23; and,

Pursuant to LAMC Section 11.5.7 C, I hereby APPROVE:

a Project Permit Compliance Review to permit the construction of a drive-through fast-food establishment that includes two (2) Wall signs, refacing of an existing Pole sign, and directional signs on a 39,876 square-foot lot in the Ventura/Cahuenga Boulevard Corridor Specific Plan area; and,

Pursuant to LAMC Section 11.5.7 E, I hereby APPROVE:

a Project Permit Adjustment to permit an 8.5-foot landscape buffer in lieu of the otherwise required 10-feet by Section 7.D.1.(c) of the Ventura/Cahuenga Boulevard Corridor Specific Plan; and,

Pursuant to LAMC Section 16.05, I hereby APPROVE:

a Site Plan Review for the construction of a building and a change of use that requires a building permit and results in a net increase in average daily vehicle trips as determined by the Los Angeles Department of Transportation (LADOT) ; and,

Pursuant to LAMC Section 12.37 I, I hereby APPROVE:

a Waiver of Dedication and Improvement of 5-foot public sidewalk for the east side of Rigoletto Street, which adjoins the project site,

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 with in 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 and floor 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 Zoning 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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, 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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the change of use of a 39,876 square-foot C4 and P zoned site, and the construction, use, and maintenance of a new 3,426 square-foot drive-through fast-food restaurant with 430 square-foot outdoor dining area located within the C4 zone portion of the site, and associated drive-through vehicular queuing lanes to be located in the P zone.
8. Authorized herein are a minimum of 20-percent of façade transparency fronting Ventura Boulevard, a minimum 9.5-percent of façade transparency fronting Rigoletto Street, and a minimum of 2-percent of façade transparency fronting Del Valle Street; two new wall signs, refacing of an existing pole sign, and directional signs; and an 8.5-foot landscape buffer along easterly abutting residential property, to be located within the Ventura/Cahuenga Boulevard Corridor Specific Plan.
9. The hours of operation shall be limited to 10:00 a.m. to 1:00 a.m. Sunday-Thursday and 10:00 a.m. to 1:30 a.m. on Friday and Saturday. After hour use shall be prohibited, except routine interior clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.

10. Approved herein is a waiver of a five-foot public sidewalk dedication and improvement requirement along the project property's westerly frontage, along the adjoining section of Rigoletto Street. This five-foot strip of land shall be landscaped.
11. Prior to the issuance of the Certificate of Occupancy, street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District. IMPROVEMENT CONDITION: Construct new street lights: two (2) on Ventura Boulevard, two (2) on Rigoletto Street, and one (1) on Del Valle Street.
12. Prior to the issuance of the Certificate of Occupancy, the operator shall coordinate with the Los Angeles Department of Transportation (LADOT) to install a "No Left Turn" sign at the Ventura Boulevard drive-through exit.
13. Vehicular parking spaces shall be provided in conformance with LAMC parking requirement to the satisfaction of Los Angeles Department of Building and Safety (LADBS) with at least 31 on-site parking spaces. Required vehicular parking spaces in excess of 31 spaces may be replaced by long-term and short-term bicycle parking spaces pursuant to LAMC as deemed satisfactory to LADBS.
14. Prior to the issuance of a grading permit or building permit by LADBS, a cash bond shall be posted to the satisfaction of the BOE to guarantee that any damage incurred to roadways (sections of the roadways is to be determined by the City Engineer), which may result from any construction activity on the site, is properly repaired by the applicant. Any damage incurred to the roadways which may result from any construction activity on the site, shall be properly repaired by the applicant to the satisfaction of the Bureau of Engineering. The applicant is hereby advised to obtain all necessary permits to facilitate this construction/repair.
15. Prior to the clearance of the building permit, the applicant shall submit a landscape plan prepared and stamped by a licensed landscape professional in accordance with the City of Los Angeles Landscape Ordinance No. 170,978 to the Development Services Center of the Planning Department for a review and approval. Landscape plan shall also show a minimum of six required Street Trees at 36-inch box size with two trees on Ventura Boulevard and four trees on Rigoletto Street. All landscaping shall be implemented prior to the issuance of the Certificate of Occupancy.
16. All new utility lines which directly service the project property shall be installed underground to the satisfaction of Los Angeles Department of Water and Power (LADWP). If underground service is not currently available, then provisions shall be made for future underground service.

17. A solid masonry wall at least six feet in height shall be constructed along the property lines where abut any residential zone or use, except for that portion of the lot line where an access driveway is required by the City.
18. The operator shall secure the approximately 13-foot-wide of strip of parcel connecting the main restaurant drive-through site to Fallbrook Avenue with a 6-foot-tall gate on either side of entries, and 6-foot-tall wall along the sides of the said strip of parcel. Access and circulation of this strip of parcel shall be limited to emergency or fire safety access use.
19. All public areas of the lot or lots not covered by a building shall have night lighting for safety and security. All other open exterior areas, such as walkways and trash areas, shall have low-level, security-type lighting. All exterior lighting shall be directed onto the lot or lots, and all flood lighting shall be designed to eliminate glare to adjoining properties. All parking areas shall have a minimum of 3/4 foot-candle of flood lighting measured at the pavement.
20. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
21. A camera surveillance system shall be installed and operating at all times to monitor the entrances and exits of interior dining area, outdoor dining area, exterior path, and parking lot areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
22. Operator shall provide a traffic coordinator to facilitate traffic movement, drive-through queuing, and the parking lot circulation during business peak hours and whenever high volume of drive-through patrons occur to prevent queuing overflow to public streets and to ease internal parking lot circulation flow.
23. Employees who take orders from patrons in the drive-through queuing lane via handheld devices shall not do so within 20 feet of abutting residential use.
24. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control.
25. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

26. No deliveries, loading, or unloading shall occur before 7 a.m. or after 8 p.m. daily. All deliveries shall occur entirely on-site and shall not be visible from the adjacent residential development.
27. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
28. Any music, sound or noise, including sound from menu board speakers, which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City inspector may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
29. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering" signs shall be posted outside of the subject facility. The applicant shall be responsible for ensuring persons are dissuaded from loitering on or immediately around the subject restaurant premises.
30. The owner/restaurant operator shall at all times maintain the abutting public access ways free of obstruction as well as maintaining the premises and adjoining sidewalk free of debris or litter.
31. Trash storage bins shall be located within a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building. Trash collection shall take place between the hours of 6:00 a.m. and 9:00 p.m., in compliance with LAMC Section 113.01. Parking lot cleaning and sweeping shall not occur between 7:00 a.m. and 11:00 p.m.
32. Trash receptacles shall be installed to serve customers using the drive-through window, at the outdoor dining patio area, at the restaurant exits, and in parking lot area.
33. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor areas in accordance with Los Angeles Municipal Code Section 41.50 B 1 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption of beverages.
34. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any enclosed place of employment.

35. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the entry and ordering counter visible to the public.
36. Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning.
37. These conditions of approval as well as a copy of any Business permit, insurance information, security and any emergency contact phone numbers shall be maintained in the office at all times and produced immediately upon request of the Police Department, the Zoning Administrator, the Department of Building and Safety or other enforcement agency.
38. A copy of the conditions of this letter of determination shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety, and the Department of City Planning.

#### **Ventura-Cahuenga Corridor Boulevard Specific Plan Conditions**

39. **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", dated August 21, 2023, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning Bureau, 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 Municipal Code, the project conditions, or the project permit authorization.
40. **Floor Area.** The project shall be limited to 3,426 square feet pursuant to Section 6.B.3 of the Specific Plan.
41. **Height.** The height of the building shall be limited to 23 feet in height, pursuant to Section 7.E.1.(e).4.(i)j of the Specific Plan.
42. **Landscaping.** A revised landscape plan consistent with the site plan shall be submitted to ensure that:
  - a. Pursuant to Section 7.A.3.(a).2.(i) of the Specific Plan, a three feet landscaped setback along Ventura Boulevard.
  - b. Pursuant to Section 7.A.3.(b) of the Specific Plan, ten feet landscaped setback along Rigoletto Street.

- c. Pursuant to Section 7.A.3.(c).1 of the Specific Plan, fifteen feet landscaped setback along Del Valle Street.
43. **Parking Lot Landscaping.** A revised landscape plan consistent with the site plan shall be submitted to ensure that:
- a. Pursuant to Section 7.D.1.(a) of the Specific Plan, at least 15 percent of the total area of a surface parking lot shall be landscaped. 9,180 square feet of landscaped area shall be provided within the project site. The rear landscape buffer may count toward this total.
  - b. Pursuant to Section 7.D.1.(b) of the Specific Plan, a total of 24 trees shall be added to the parking area and along the drive-through lane according to the stamped Exhibit A landscape plan. The Woodland Hills Streetscape plan recommends Tulip Trees species along Ventura Boulevard and Tipuanan Tipu Trees on parking lots of the private property, and the trees shall be shade-producing, drought-tolerant species, and a minimum 24-inch box size pursuant to the Landscape Ordinance (Ordinance 170,978). These trees shall be evenly distributed throughout the parking lot so as to shade the surface parking area. The trees are encouraged to be installed with root barriers or to receive infrequent and deep watering sessions in order to encourage deep roots that will not break up the parking lot.
  - c. Pursuant to Section 7.D.1.(c) of the Specific Plan, a ten-foot landscaped buffer shall be provided around any surface parking lots adjacent to any street, alley, residentially zoned lot, existing residential use, or other parking lots. An 8.5 feet landscaped setback along the eastern property line adjacent to the residentially used lot shall be provided compliance with the Project Permit Adjustment authorization.
  - d. Pursuant to Section 7.D.3.(a) of the Specific Plan, at least 60 percent of all Front Yards or front setbacks in excess of 18 inches, shall be landscaped and the remainder shall be finished to City standards for sidewalks, or finished with other paving materials, including concrete pavers, brick masonry pavers.
  - e. Pursuant to Section 7.D.3.(b) of the Specific Plan, an automatic irrigation system shall be provided for all landscaped, planted areas. The system shall be installed and operational prior to the issuance of any certificate of occupancy.
  - f. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.

- g. Street trees shall be provided to the satisfaction of the Urban Forestry Division. Per Exhibit A, six (6) Street trees shall be provided.
  - h. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The subdivider or contractor shall notify the Urban Forestry Division at (213) 847-3077 upon completion of construction for tree planting directions and instructions.
  - i. Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of street trees. Contact Urban Forestry Division at (213) 847-3077 for tree removal permit information.
44. **Mechanical and Rooftop Equipment Screening.** No mechanical or rooftop equipment shall be visible from Ventura Boulevard, Rigoletto Street, and Del Valle Street and shall be screened behind architectural elements.
45. **Signs.** In addition to the requirements set forth in Division 62 of this Code, no person shall erect on the lot or lots the following signs, as defined in Section 91.6203 of this Code without first obtaining a conditional use permit: pole signs; projecting signs; or roof signs. Information signs shall be located only within the landscape-planted areas of the lot or lots. Signs shall be installed requesting that drive-through patrons keep noise levels down as a courtesy to neighboring residents.
46. **Wall Sign.** This approval shall permit the installation of one (1) wall sign facing Ventura Boulevard, and one (1) sign facing the secondary street/parking area, measuring no more than a total of 111.8 square feet combined pursuant to Section 8.B.2.(a) of the Specific Plan. The proposed two (2) wall signs of 55.9 square feet each fit well within the restricted area. The construction plans shall be in substantial conformance with the project plans, Exhibit "A", except as modified herein.
47. **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 pursuant to Section 8.B.2.(a) of the Specific Plan.
48. **Window Signs.** All Window Signs shall not exceed 10 percent of the window they occupy. 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 pursuant to Section 8.A.4 of the Specific Plan.
49. **Legal Non-Conforming Pole Sign.** This approval shall permit the re-facing of one (1) panel in an existing, legal, non-conforming pole sign. The construction plans shall be in substantial conformance with the project plans, Exhibit "A", except as herein modified.

50. **Pole Signs.** The applicant shall provide permits for the existing on-site pole signs. If no permit can be produced, all unpermitted pole signs shall be removed. Under the Specific Plan, only one pole sign would be allowed with a total of 35 feet in area per face, with no more than 20 feet in height. Should existing pole signs be removed, any new pole sign shall follow the Specific Plan regulations.
51. **Illegal Signs.** Prior to the Department of Building and Safety issuance of a final sign-off on any sign approved, any existing exterior signs, temporary banners, window signs, and signs used for advertising products, merchandise and services which are not permitted by the Ventura-Cahuenga Boulevard Corridor Specific Plan shall be removed from the business or multi-tenant storefronts by the respective tenants, property manager, or the property owner.
52. **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.
53. **Project Impact Assessment Fee.** Pursuant to Section 11 of the Specific Plan, prior to Planning clearance, the applicant shall meet with the Department of Transportation (DOT) for assessment of this project. A "Project Impact Assessment" (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 through Section 12 of the Specific Plan.

NOTE: PIA fees to be paid are subject to change due to increases to the Annual Indexing as determined by the DOT.

54. **Lighting.** Lighting should 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.
55. **Streetscape Improvement.** The project shall comply with the Woodland Hills Streetscape plan effectuated through Section 14 of the Specific Plan.
- a. Landscaping
- i. **Planting Materials.** Soil amendments are normally unnecessary, although if used, they should be composed of no more than 25% of the backfill by volume, and should not change the soil texture of the tree pit. Any foreign material in the tree well, such as construction debris, is to be removed; fill soil is to match the site soil in texture.

- ii. Landscaping in the public right-of-way primarily consists of trees because of their low maintenance and visual impact.
  - iii. Trees. General Standard for planting street trees is to space them 40 feet apart. The minimum size is a 36-inch box unless specified on the stamped Exhibit A landscape plan. The trees are to be planted unstaked and are to be self-supporting. Size standards are listed in the Valley Crest Nursery catalog. The trees are to be untopped. The street tree wells are to be a minimum of 5 feet long parallel to the roadway and 5 feet wide. Each well is to be lined with a continuous 12-inch deep root or equalinear root barrier. Irrigation is to be by means of bubblers in perforated pipes, supplied from the adjacent development. A gate valve is to be provided on the non-pressure line from the site development, to isolate the bubbler in case of equipment breakage. A ground cover of decomposed granite, a minimum of 1 inch deep, is to be provided in the tree well.
  - iv. Tree Wells. The tree wells are to be a minimum of 10 feet long parallel to the roadway and 5 feet wide. Each well is to be lined with a continuous 12-inch deep "Deep Root" or equalinear root barrier. Irrigation is to be by means of bubblers in perforated pipes, supplied from the adjacent site development. A gate valve is to be provided on the non-pressure line from the site development, to isolate the bubblers in case of equipment breakage. A ground cover of decomposed granite, a minimum of 1 inch deep, is to be provided in the tree well. Soil amendments are normally unnecessary. Although if used, they should comprise no more than 25 percent of the backfill by volume, and should not change the soil texture of the tree pit. Any foreign material in the tree well, such as construction debris, to be removed by the installer. Fill soil is to match the site soil in texture. Alternate surfaces for the tree wells can be proposed. They should be pre-approved by City's Street Maintenance Division, and should have only permeable surfaces with a coefficient of runoff less than or equal to 0.6.
- b. Streetscape Application to Private Projects
- i. Buffers. Buffers between vehicular areas and residential areas, and between site developments and the Freeway, are to be arranged such that the following guidelines are observed:
    - 1. An opaque barrier, such as a concrete block wall or similar, 8 feet high, and finished to match the building architecture, should be provided.

2. A landscaped area with appropriate planting, is to be provided along the wall facing the site development. The landscaping is to provide further effective screening. Examples of appropriate plants are: Calocedrus decurrens, Umbellularia californica, Cupressus glauca, Prunus ilicifolia, Prunus lyonii, Lavatera assurgentifolia, Rhus ovata, Rhus integrifolia, Heteromeles arbutifolia, Punica granatum 'Wonderful', Ceanothus 'Blue Jeans,' 'Concha.' Examples of plants are Cupressus sempervirens, palms.
3. Buffers are needed between outdoor uses with potentially negative effects, such as some eating areas, outdoor storage areas, satellite dishes, solar panels, equipment, mechanical equipment, etc. Such uses should be buffered from lots with residential zoning or sensitive uses (e.g., child care, etc.) New on-site uses that are incompatible with adjacent uses (i.e. service station, outdoor recreation area, or a commercial or industrial use expansion) should be adequately buffered and screened with trees and landscaping and/or architectural elements such as walls, fences and screens. Staff approval of landscape plans will take this into consideration.
  - ii. Flatwork Materials. Other flatwork in the streetscape may be proposed by the applicant. For instance, enhanced paving at building entrances can effectively relate the streetscape to site development.
  - iii. Landscaping Street Trees. Tulip Trees and Major Intersection trees are to be continued into the site landscaping, wherever there is sufficient setback, so as to interrelate streetscape and site landscape. However, site landscape should not feature only Tulip Trees or Primary Corner Trees.
  - iv. Lighting. Lighting should 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. Lighting in parking structures should be sited and designed to reduce glare and be shielded from the direct view of any vehicles and from pedestrians outside of the parking structure.
  - v. Parking Lots. Parking Lots are to have as their general theme tree the Tulip Tree (*Liriodendron tulipifera*) or the Tipuana Tipu Tree. Other trees will be considered on a case by case basis. When planting in parking lots, the applicant should ensure that trees, lighting, utility vaults, and building signage are coordinated. Conflicts such as lighting poles directly next to trees or trees that block all views of building signage are strictly prohibited. Trees do not have to

be pruned to keep them away from light poles or to avoid blocking building signage. Trees will grow above the building signage if they are properly maintained, and never should be topped to allow views of the signage.

To reduce potential conflicts between trees and lighting in parking lots, the maximum height for lighting poles should be 14 feet. Planting areas with trees shall have no dimension less than 5 feet. Where parking stalls abut landscaped areas, no bumper stop shall be within 3 feet of the nominal center of a tree and all trees should have a minimum of 25 square feet of unpaved ground surrounding them, thus providing a minimum of ground area for water infiltration and gas exchange. Trees may be grouped for aesthetic effect or spread evenly throughout a parking lot. Lawns shall be kept at least 3 feet away from trees. This prevents one plant from interfering with the growth of another plant. For triangular gores at the end of parking rows, or islands between parking spaces, only that planting within 4 feet of the head of the stall, measured along the length of the stall can be counted toward the 15 percent landscaping requirement.

Parking lot design is to be arranged such that the following guidelines are observed:

1. Parking areas should be adequately buffered/screened from adjacent right-of-way and less intense uses.
2. Landscape in parking lots must follow these standards to be counted toward the 15 percent quota. Areas not meeting these standards are not prohibited, but will not be counted toward the 15%.
3. Parking areas should be adequately shaded by the placement of trees in the surface parking area.
4. Handicapped parking should be clearly shown and easy access should be provided to building entrances.
5. Small trees are to be used that are guaranteed to stay small and do not have to be pruned to stay clear of utility lines. All of the trees listed in this document as street or intersection trees for Woodland Hills may be used as parking lot trees, space permitting. In addition, trees may be selected from the following table: designated as suitable for parking lots presumes that the trees will never be topped.

6. In parking lots with more than 50 spaces, a phone for emergencies should be made available.
  7. Foliage should maintain "eye-level" visibility and utility clearance in parking lots behind the stores.
- c. **Bicycle Racks.** Bicycle Racks shall be Brandir Ribbon Rack model as required for the project. As an alternative, Quick Crete Bicycle Stand, P/N Q-BR-P, may be selected. For more detail, see section 4.3.3 of the Woodland Hills Streetscape Plan.
56. **Specific Plan Covenant and Agreement.** Pursuant to Section 17 of the Specific Plan, a Covenant and Agreement shall be recorded with the Los Angeles County Recorder acknowledging the contents and limitations of the Ventura/Cahuenga Boulevard Corridor Specific Plan, as well as the conditions of approval established herein. The Covenant and Agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns and shall be submitted to the Department of City Planning for approval prior to being recorded. After recording, a copy bearing the County Recorder's number and date shall be provided to the Department of City Planning for attachment to the administrative file.
57. **Modifications.** Any modifications, change of use, or increase in floor area of the property shall be cause for separate discretionary review pursuant to the definition of a Project per the Specific Plan, and Section 11.5.7 of the LAMC and other applicable statutory requirements.
58. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i). 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.
- (ii). 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.

- (iii). 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 \$50,000. 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 (ii).
- (iv). 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 in paragraph (ii).
- (v). If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of 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.

### NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. 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 3, 2023, 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, a Project Permit, a Project Permit Adjustment, a Site Plan Review, and a Waiver of Dedication and Improvement under LAMC Sections 11.5.7, 12.24 W, 12.37, and 16.05 have been established by the following facts:

### BACKGROUND

The project site consists of 10 contiguous double-bit axe-shaped lots and parcels with a total lot size of 39,876 square feet. The main portion of the project site is located on the south side of Ventura Boulevard with approximately 137 feet of frontage, on the east side of Rigoletto Street with approximately 274 feet of frontage, on the north side of Del Valle Street with approximately 160 feet of frontage, and an unused and closed access driveway as the axe-handle portion of the site having an approximately 25 feet frontage on the west side of Fallbrook Avenue. The project site is zoned C4-1VLD and P-1VLD and designated for General Commercial land uses by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. The property is also subject to the Ventura/Cahuenga Boulevard Corridor Specific Plan. The subject site is located within the Bureau of Engineering Special Grading Area, an Urban Agriculture Incentive Zone, a Liquefaction Area, and is within 11.09 kilometers from the Malibu Coast Fault Zone. The site is not within a designated Hillside, airport hazard, coastal zone, farmland, fire hazard severity zone, hazardous waste site, Alquist-Priolo Fault zone, landslide, Methane Hazard Site, fault rupture, or tsunami inundation zone.

The site was improved with an existing 6,739 square-foot, single-story commercial structure previously used as a bank and surface parking lot built in 1961. The proposed project includes the demolition of the said 6,739 square-foot, single-story commercial structure which was formally a Bank of America, and the construction, use, and maintenance of a 3,426 square foot, one-story drive-through fast-food restaurant

containing a maximum FAR of 0.09:1 and 23 feet height, as measured from grade to the top of the roof structure, and a 584 square foot ancillary trash enclosure. The applicant proposes 38 indoor seats and 26 outdoor seats with proposed hours of operation from 10:00 AM to 1:00 AM Sunday through Thursday, and 10:00 AM to 1:30 AM Friday and Saturday for the restaurant.

The project will provide 31 automobile parking spaces, 4 short-term bicycle parking stalls, and 2 long-term bicycle parking stalls in the surface parking lot, and 12 short-term bicycle parking spaces on the public right-of-way along Ventura Boulevard. The project proposes a 9,180 square foot of landscaped area. The project proposes the removal of 3 on-site non-protected trees and 6 street trees in the public right-of-way. Additionally, the applicant proposes to plant 24 trees of which 15 are 36-inch box trees. The project proposes grading and exporting up to 2,000 cubic yards of earth.

The Ventura/Cahuenga Boulevard Corridor Specific Plan designates the subject property for Neighborhood and General Commercial land uses, which are a “focal point for surrounding residential neighborhoods and containing a diversity of land uses, such as restaurants, retail outlets, grocery stores, childcare facilities, small professional offices, community meeting rooms, pharmacies, religious facilities and other similar services.” The proposed project, a restaurant, substantially complies with the site’s Community Plan land use designation. As enumerated below, the proposed project has been conditioned to comply with all applicable regulations, findings, standards and provisions of the Ventura/Cahuenga Boulevard Corridor Specific Plan.

The surrounding properties are developed with commercial and residential urban uses. Properties to the north, across Ventura Boulevard, are zoned C4-1VLD, designated for General Commercial, and improved with United State Postal Service office and a single-story commercial store. Properties to the west, across Rigoletto Street, are zoned C4-1VLD and R3-1, designated for General Commercial and Medium Residential, and improved with single-story commercial and multi-story multi-family structures. Properties to the south, across Del Valle Street, are zoned PF-1XL, designated for Public Facilities-Freeway, and improved with Interstate 101. Properties to the east are zoned C4-1VLD, [Q]R3-1VL, and R1-1, designated for General Commercial and improved with single-story commercial and multi-story multi-family structures.

### Streets and Circulation

Ventura Boulevard, adjoining the property to the north, is a Boulevard II, designated for a right-of-way width of 110 feet and roadway width of 80 feet by the Mobility Plan 2035 and improved with an approximately 90-foot paved roadway, 30-foot landscaped sidewalks, concrete curb, and gutter.

Fallbrook Avenue, adjoining the property to the north, is a Boulevard II, designated for a right-of-way width of 110 feet and roadway width of 80 feet by the Mobility Plan 2035 and improved with an approximately 53-foot paved roadway, 17-foot sidewalks, concrete curb, and gutter.

Rigoletto Street, adjoining the property to the west, is a Local Street-Standard, designated for a right-of-way width of 60 feet and roadway width of 36 feet by the Mobility Plan 2035 and is improved with an approximately 30-foot paved roadway, 20-foot landscaped sidewalks, concrete curb, and gutter.

Del Valle Street, adjoining the property to the south, is a Local Street-Standard, designated for a right-of-way width of 60 feet and roadway width of 36 feet by the Mobility Plan 2035 and is improved with sidewalks, concrete curb, and gutter.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

DIR-2007-4192-SPP – On October 17, 2007, the Director of Planning approved with conditions a Specific Plan Project Permit Compliance for the installation of two (2) new wall signs and re-facing of an existing pole sign to serve as identification for the current business tenant.

Ordinance Nos. 171,240 and 174,052 – On September 25, 1996, and on August 18, 2001, ordinances amended the Ventura/Cahuenga Boulevard Corridor Specific Plan, for portions of the Sherman Oaks-Studio City/Cahuenga Pass -Toluca Lake Community Plan, the Encino-Tarzana Community Plan, and the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan.

Ordinance No. 166,560 – On January 4, 1991, an ordinance established a specific plan, known as the Ventura/Cahuenga Boulevard Corridor Specific Plan, for portions of the Sherman Oaks-Studio City/Cahuenga Pass -Toluca Lake Community Plan, the Encino-Tarzana Community Plan, and the Canoga Park- Winnetka-Woodland Hills-West Hills Community Plan.

**Previous Cases on Surrounding Properties**

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations. The following cases were identified to be within 600 feet of the subject property and filed within the last five years:

No applicable case found.

**PUBLIC HEARING**

A Notice of Public Hearing was sent to abutting property owners of the subject site for which an application as detailed below was filed with the Department of City Planning. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The hearing was held on Tuesday, October 3, 2023, at approximately 10:00 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically.

Applicant's representative provided the following comments:

- The applicant proposes to construct a new In-N-Out restaurant. The project is generally located at 22822 Ventura Boulevard in Woodland Hill.
- The application was originally filed in 2022, so we have some extensive community outreach.
- The project site is located at the intersection of Rigoletto Avenue and Ventura Boulevard with Del Valle Street is to the South, so there are three street frontages.
- The property and the existing building were a former Bank of America site. The applicant proposes to demolish the vacant Bank of America building.
- The project site occupies just under an acre.
- The project site is situated along Ventura Boulevard commercial corridor to the north and the 101 freeway to the South.
- Surrounding properties are primarily commercial along Ventura Boulevard and developed with a variety of neighborhoods serving uses and limited residential uses.
- Hours of operation of some nearby restaurants open until 2:00 AM with a handful of 24-hour services.
- The site is designated for General Commercial land uses by the Canoga Park - Woodland Hills - West Hills Community Plan and it is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan as well.
- The property is zoned C4 and P with a split zoning with no building allowed in the P zone. The project is an ideal use for this site as restaurant uses and commercial uses are by right. This is a kind of unique zoning along the portion of the site which faces the freeway.
- There are limited residential uses. Multifamily along Del Valle Street actually still have an underlying General Plan Land Use of General Commercial.
- The proposed project consists of the demolition of the existing vacant bank building and the construction of a new drive through fast food restaurant.
- The proposed restaurant is approximately 3426 square feet and a 430 square foot corner covered patio dining area. The proposed building will be single story approximately 23 feet in height.
- The proposed hours of operation are Sunday through Thursday 10:30 AM to 1:00 AM, Friday and Saturday 10:30 AM to 1:30 AM. These are typical hours of operation for In-N-Out which is one of the conditional use requests.
- We are also requesting an additional deviation from commercial corner development regarding façade transparency.
- We have a very minor adjustment request for a landscape buffer to be 8 1/2 feet and move the 10 feet required by the Specific Plan.
- We are also requesting a site plan review and a waiver of street dedication and improvement along Rigoletto Street.
- The project qualifies for the Class 32 Exemption.

- This project was heavily scrutinized by a variety of groups. We took the initiative of reaching out to meet with the Council District and DOT because the site is located in Reimagined Ventura Vision Plan for the area as this is a critical part of Ventura Boulevard.
- Although density is low and commercial services are sparse on this west end of the Ventura Boulevard, the Reimagined Ventura Vision Plan seeks to support a neighborhood scaled main street for Woodland Hill neighborhoods and businesses. The effort aims to creating a better sense of place for nearby residents by providing street safety, enhanced landscape, and pedestrian improvements, all of which we outlined at the origin of the project.
- Since no red flags were identified by the Council Office and the DOT, we had encouraging feedback, this we moved ahead with conceptual design and the application in April of 2022.
- We had a zoom webinar for adjacent residents of the property to discuss any concerns. We had a few attendees, and we had typical questions about operations traffic and noise.
- Then the project was presented to the Woodland Hills Warner Center Neighborhood Council on a number of occasions as early as December 2022. We did receive initial support from the Planning Land Use Management Committee as well as the full board, however we were asked to return to address additional design comments.
- It was at this time that In-N-Out also initiated a charette with a select group of stakeholders to review Neighborhood Council comments and obtain further feedback, so that we could generate preferred options on behalf of the community to respond to concerns.
- These were primarily designed comments, but the applicant was eager to oblige and come up with solutions where possible especially with In-N-Out as a nationwide brand.
- This design and redesign process involved internal discussions with upper-level members of the In-N-Out team as well as subsequent circulation of options with stakeholder residents. Eventually in June of 2023 In-N-Out was able to return to the Neighborhood Council with updated response and design for support.
- The site plan activation along Ventura Boulevard addressing blank white walls with material and awnings, and landscaping concerns between the dining area as well as the parking area.
- There are entrances to the north end Rigoletto Street and from the south Del Valle Street. There is an exit only from the drive through lane along Ventura Boulevard.
- We think this is an ideal layout and use for this corner especially given Reimagined Ventura Vision Plan coming along.
- This project complies with Specific Plan's signage regulations, so there are two signs. No signs on the rear of the building or the other interior property line.
- The pedestrian entry would be from the parking area and also oriented to Ventura Boulevard.

- We have an extensive landscape plan including 17 new on-site trees and 6 new street trees that wraps the site capturing both entrances and the patio dining where you have a strip of dining table umbrellas along the Ventura Boulevard frontage in front of a covered patio dining area. The project will bring substantial landscaping improvements to the site as opposed to what is there today.
- The scale the massing of the building is similar in scale to the Bank of America building, but the new restaurant building is set off the corner to create a more inviting pedestrian-scale Plaza.
- In-N-Out is also oriented toward that circulation with a welcoming frontage as opposed to the existing Bank of America building that was there for four facades.
- There are 31 vehicular parking space with additional bicycle parking spaces to replace 3 vehicular parking spaces.
- 85% of restaurants throughout Southern California had a maximum 23 vehicles queuing demand, so based on queuing area provided at this site, the vehicular queuing capacity is up to 24 vehicles. So there is a fairly high confidence interval.
- I would like to highlight that the older facilities do not have the same sort of planning in advance, people did not expect to have the level of queuing that we are seeing now, so 24 vehicles are the target, and it is should be able to accommodate most of the survey facilities that we looked at throughout Southern California.
- Another thing to point out with this location is that we have more grills inside the kitchen, so they are able to quickly turn over people.
- Exiting the drive through lane was considered as part of our traffic study. Anyone that coming off from the drive through lane want to heading westbound on Ventura Boulevard have to make a right on Fallbrook Avenue and then drive a little bit further down, and then approaching Ventura Boulevard. and the Fallbrook intersection and then make a right make a left hand turn there and then hitting the heading on westbound on Ventura Blvd.
- The design team proposes to landscape the dedication area as a landscape buffer along Rigoletto Street per the Specific Plan requirements for parking where parking is facing the street. This results a more aesthetic pleasant design, and it is more pedestrian friendly.
- There does not seem the need to widen Rigoletto Street further but instead be able to provide additional landscape because the site is more rectangular, and it will be narrower with the dedication and make it difficult for the site to accommodate circulation.
- The required 5-foot dedication is for the widening of the sidewalk from 10-feet to 15-feet, not for the roadway widening. Rigoletto Street is already improved at 30-foot roadway width.
- The project will be bringing substantial landscape that will beautify the site. In-N-Out is an established operator and a national chain, it has expertise in drive through establishments in a deep understanding of their operations, so they are able to quickly modify service habits use and patterns at a site to work with the community.

Alexie, a community stakeholder:

- I am a resident and a stakeholder in Sherman Oaks.
- This is just a question regarding landscape plans and that little dead space between those two buildings on Fallbrook Street.
- I was looking at the plans beforehand, and I was hoping that I would see some sort of transformation of that dead space into a pedestrian walkway, so people living on Fallbrook Street can walk to In-N-Out.

Jeff Bornstein, a community stakeholder:

- I am a homeowner and a business owner in Woodland Hills.
- The renderings are obsolete. The pictures of Ventura Boulevard with two lanes is not there anymore. Ventura Boulevard is only one lane east and one lane west as they have changed the streets with improvements in the last month. So those pictures are irrelevant because they are not there anymore. There is only one lane going east and one lane going West as you exit the drive through lane.
- Please deny the CEQA exemption for this project. Please deny the conditional use. Please deny establishing a fast-food restaurant in a residential zone as well. Please deny hours of operation going beyond 11:00 PM. Please reject project permit for two large signs. Please deny project permit adjustment that decreases landscape buffer size. Please deny waiver of dedication and improvements of the east side of Rigoletto Street.
- The size of this space is too small for this In-N-Out, the parking lot has a major design flaw.
- Go out there on a peak Friday or Saturday night, there would be 35 or 36 cars in lines.
- I went out to Simi Valley which is the closest thing to this proposed project, and I studied in that, literally there are 34, 35, or 36 cars in the queuing at peak times, and what they will do is they will block the spaces for the people parking there, so you have a line that is not going to go out.
- The line is going to come from Rigoletto Street, and it is going to snake through the parking lot blocking people from getting in and out of the parking spaces.
- Go to In-N-Out in Simi Valley and see what that is like, it is a major flaw, and it has to be redesigned.
- Canoga Park, Woodland Hills, Van Nuys, and Northridge do not have cars block cars in the queue for the drive through, blocking parking spaces, this facility does that.
- Adding extra traffic is more problematic to Ventura Boulevard that has only one lane east and one lane west all the way from Fallbrook Avenue to Woodlake Avenue, that whole 3/4 of a mile, there is only one lane east and one lane west.
- That has to be taken into consideration especially with DOT saying that there will be many more cars with the traffic.

- It is a no brainer the building design is not appropriate for the area.
- The parking lot design is flawed.
- Late night noise has no mitigation for the neighbors directly across the street on Rigoletto Street. There is an apartment building. There should be a sound wall. It makes absolutely no sense whatsoever.
- I am glad to hear that they have a bike (bicycle parking spaces) because I did not see that, so I guess that is one thing positive.
- My big concern or another big concern is the security of the drive through tunnel (porte cochere). There can be four or five cars underneath the tunnel where nobody can see. I am very concerned about the security inside that tunnel especially during the evening hours.
- There are so many things that are wrong with this project, so many inadequacies, security, building design, parking lot design, noise for the neighbors, this must be redesigned, so it is more friendly to the neighborhood, and not a traffic hazard waiting to happen.
- You might want to even have a traffic officer in the parking lot to make sure especially during peak hours to make sure that that the traffic goes smoothly through the parking lot.
- There is a lot of flaws in this that needs to be redesigned, so it is a better and safer facility for the community and for the people who work there.

Rusty K., a nearby property owner:

- Whether or not the study was done on the entrances, and exits from 101 Freeway, because it is accessing the residential area into one lane, that particular exit has at least one accident every two months just because of the number of cars.
- It is suspecting that this location of In-N-Out will increase number of cars trying to access at that location which will dramatically increase the number of accidents.
- They basically should not be able to access the residential area.

Ms. Pam, a resident on Rigoletto Street:

- I am a resident at that apartment building on Rigoletto Street.
- I am gravely concerned about just exiting and entering the property.
- There is a lack of parking problem in the area.
- I am so concerned about the late-night noise that we are going to be getting from the property. My apartment building is extremely quiet despite the freeways being so close by.
- There needs to be some sort of sound barrier to protect the residents in the building.
- Ventura Boulevard and Fallbrook Avenue intersection is very congested already, adding more traffic is going to be difficult for anybody traveling.

- I cannot even ask a guest to my home because they will not be able to find a place to park.
- Having a traffic officer be in the parking lot at all times I think that would go a long way to help the situation.

Scott Silverstein, a community stakeholder:

- I was former member of the Woodland Hills Warner Center Neighborhood Council for 13 years, and the chairman for five years.
- I was a member of the Warner Center Specific Plan Committee for eight years.
- My neighbor and the former vice chair of the Neighborhood Council and I are the community members that initiated the Reimagined Ventura Vision Plan.
- As a longtime resident of the area, I was keenly aware of the blight and neglect of the West Ventura Boulevard stretch.
- I am also very much aware of the traffic problems caused by other In-N-Out restaurants as mentioned earlier.
- This issue was addressed by the inclusion of 3 grills and an extended on-site queuing.
- The other local In-N-Out stores on Ventura Boulevard and Topanga Boulevard only have one and two grills respectively.
- The comments that Ventura Boulevard has one lane in each direction is just incorrect, and it is an outright lie.
- The location on Ventura Boulevard warrants the use. Ventura Boulevard is the most important commerce street in the San Fernando Valley.
- The Reimagined Ventura Vision Plan was created to revitalize the area currently overrun by vacant retail stores.
- The adjacent Del Valle Street is overrun by decrepit RV's and rampant drug use.
- This is also the only area where the overhead wires were never buried.
- This project will create jobs and will provide significant boost to pedestrian traffic, and most importantly, it will be an anchor tenant.
- In-N-Out will hopefully start a new wave of growth and significant acquisition of this neglected stretch the community.
- I was very much involved with In-N-Out in their planning and design, and although we the community and the applicant both made concessions during that discussions, good faith effort was made by both parties to make this an important and successful project.
- I hope you look favorably on this project, and we look forward to having it in Woodland Hills.

Dean Griffith, property owner of the project site:

- I work for the landlord at this property.

- We have been working with In-N-Out for the last couple of years on a number of different projects.
- We love people coming into the area, and we really think about bringing economic growth.
- We have reached out to all the neighbors and landowners, and we live in the area as well.
- We would never want to bring anything to our community that is going to hurt us.
- We are thinking about the economic growth for Ventura Boulevard.
- We are thinking about bringing jobs to the community.
- We are thinking about clean up the old Bank of America site.
- If any neighbors want to talk to me, I am willing to give my e-mail and my telephone number out.
- In-N-Out is probably the best a fast-food business work in the area as stated in the presentation that really showed vision in improving this neighborhood.

Applicant's final comments:

- We want to stress is that this is activating a failing corner and a vacant site which is suffering from a lack of activity, a lack of eyes on the street, which is a security concern.
- Having a tenant that is very visible and very engaged such as In-N-Out on site with the use that is a family friendly and engages the public and pedestrians, will help alleviate some of these nuisance issues that have occurred.
- The first question was regarding that skinny strip of land that is an odd fragment to the project site. We appreciate the vision about a pedestrian linkage, but at this point in time, that strip of land is going to just be secured and not used for access due to being at the backside of the property and on the side of the residential buildings.
- The full traffic analysis we have done for this project, the DOT determined that the project qualifies for an urban infill and a CEQA Exemption which is where air quality greenhouse gas emissions, noise, and traffic studies, are prepared and submitted to the City for review. The studies have to show less than significant or no or negligible impacts on the site, so those are in the case file available for public review.
- Regarding the noise, In-N-Out has an auto-adjusting speaker based on the background noise, so that if it is very quiet out the speaker automatically calibrates to the ambient level of sound for order taking, so there is not a fixed sound volume always set at a high level.
- There are no speakers or menu boards or things located adjacent to the neighboring properties, two menu boards are located on the island in the drive through lane.
- There will be a 6-foot-high masonry wall that is between the project site and the adjacent R3 zone site which wrap the east, southeast, and south property line.

- There is a hefty landscape buffer along that wall as required by the Specific Plan, so vegetation does assist with reducing sound and sound transmission, so you will have 8 1/2 to 10 feet landscape buffer including three trees along that property line along that wall. All those things will assist in buffering the sound and of note per the noise study. There was less than a three decimal increase from the ambient sound to the activity sound. The noise report is available for public review.
- The traffic study did have Reimagined Ventura Vision Plan in mind. Those street diagrams were available to us, and thus were incorporated in our analysis.
- There was reference to a tunnel which is not really applicable to this site.
- There was a question about some of the restricted parking on Del Valle Street. We are not required to do any off-street improvements on Del Valle Street, but we can assist with that.
- There was a question whether or not traffic coming from the off ramps was considered in the traffic study. The traffic report was prepared in compliance with the City's study guidelines, so it was in terms of the study area identification scoping parameters, all of that was reviewed and approved by the City, as well as the final analysis. That letter will approval to the Independent Record the volume setting freeway ramps the intersection at Woodlake Avenue which was also the on and off ramps. We measured the existing traffic volumes. The project also counted for other developments in the area. We do not expect a whole lot of traffic exiting the freeway just to access the site.

At the end of the public hearing, the Zoning Administrator stated that he will take the case under advisement for 4 weeks to further review the traffic study and the noise study. The Zoning Administrator further stated that he understands drive through projects are typically not very popular in the City especially in urbanized area because of the traffic generation, but he indicated that this project is a infill and has gained the support from the Neighborhood Council. The City's main function is to review and determine whether there is a significant problem that cannot be resolved. If the issue can be mitigated with appropriate operational and design conditions, the project should not cause any impact to the neighborhood. The Zoning Administrator took the case under advisement and welcome any additional public comments from any interested parties.

### **CORRESPONDENCE**

Correspondence was received from the Planning, Land Use, and Mobility Committee of the Woodland Hills-Warner Center Neighborhood Council, that on December 12, 2023, recommended supporting the proposed project with conditions at 22822 West Ventura Boulevard, Woodland Hills.

Correspondence conditioning the subject case was received from the Bureau of Engineering of the Department of Public Works, the Urban Forestry Division of the Bureau of Street Services, and the Bureau of Street Lighting.

## **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval 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.17 & and 12.24 W.27 of the Los Angeles Municipal Code. In order for the drive-through restaurant to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

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

The project site is in a Commercial Corner Development site, consists of 10 contiguous double-bit axe-shaped lots and parcels with a total lot size of 39,876 square feet. The main portion of the project site is located on the south side of Ventura Boulevard with approximately 137 feet of frontage, on the east side of Rigoletto Street with approximately 274 feet of frontage, on the north side of Del Valle Street with approximately 160 feet of frontage, and an unused and closed access driveway as the axe-handle portion of the site having an approximately 25 feet frontage on the west side of Fallbrook Avenue. The project site is zoned C4-1VLD and P-1VLD and designated for General Commercial land uses by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. The property is also subject to the Ventura/Cahuenga Boulevard Corridor Specific Plan.

The site was improved with an existing 6,739 square-foot, single-story commercial structure which was previously constructed in 1961 and last used as a Bank of America branch location and its associated surface parking lot. The proposed project includes the demolition of the said 6,739 square-foot, single-story commercial structure which was formally a Bank of America, and the construction, use, and maintenance of a 3,426 square foot, one-story drive-through fast-food restaurant with 38 indoor seats containing a maximum FAR of 0.09:1 and 23 feet height, as measured from grade to the top of the roof structure. The site also includes an outdoor dining area with 26 outdoor seats under a trellis and seating umbrellas along Ventura Boulevard, and a 584 square foot trash enclosure.

The project will provide 31 automobile parking spaces, 4 short-term bicycle parking stalls, and 2 long-term bicycle parking stalls in the surface parking lot, and 12 short-term bicycle parking spaces on the public right-of-way along Ventura Boulevard. The project includes a 9,180 square foot of landscaped area. Three on-site non-protected trees and six street trees in the public right-of-way will be removed and replaced by six new street trees and 24 on-site new trees of which 15 are 36-inch box trees throughout the parking lot, landscape buffer, and along the drive-through lane. The project proposes grading and exporting up to 2,000 cubic yards of earth. The requested hours of operation are from 10:00 AM to 1:00 AM Sunday through Thursday, and 10:00 AM to 1:30 AM Friday and Saturday.

The surrounding properties are developed with commercial and residential urban uses. Properties to the north, across Ventura Boulevard, are zoned C4-1VLD, designated for General Commercial, and improved with United State Postal Service office and a single-story commercial store. Properties to the west, across Rigoletto Street, are zoned C4-1VLD and R3-1, designated for General Commercial and Medium Residential, and improved with single-story commercial and multi-story multi-family structures. Properties to the south, across Del Valle Street, are zoned PF-1XL, designated for Public Facilities-Freeway, and improved with Interstate 101. Properties to the east are zoned C4-1VLD, [Q]R3-1VL, and R1-1, designated for General Commercial and improved with single-story commercial and multi-story multi-family structures.

To facilitate the proposed drive-through fast-food restaurant project, the applicant, In-N-Out Burger is requesting a Conditional Use to permit the drive-through use when the establishment is located next to residential zone or use. a Conditional Use to deviate from Commercial Corner Development standards to permit for the hours of operation exceeding hours of 7 AM to 11:00 PM, less than 50 percent street facing façade transparency to permit a 20 percent of transparency fronting Ventura Boulevard Street, 9.5 percent of transparency fronting Rigoletto Street, and 2 percent fronting Del Valle Street. The applicant further requested a Project Permit and a Project Permit Adjustment to permit the construction of a drive-through fast-food establishment that includes two wall signs, refacing of an existing Pole sign, and directional signs, and an 8.5 feet landscape buffer next to a residential property in lieu of the otherwise required 10 feet within the Ventura/Cahuenga Boulevard Corridor Specific Plan area; a Site Plan Review for a new drive-through establishment results in a net increase in average daily vehicle trips; and a Waiver of Dedication and Improvement of 5-foot public sidewalk for the east side of Rigoletto Street.

The Zoning Administrator conducted a site visit on December 14, 2023, at around 2:30 PM. The Zoning Administrator made clockwise loop around the site on Ventura Boulevard, Fallbrook Avenue, Del Valle Street, and Rigoletto Street at least three time to survey the larger block. It was observed that the commercial and on-street activities are much less bustling than the mid and east stretch of Ventura Boulevard in Encino, Sherman Oaks and Studio City. The vacancy of the Bank of America building on the proposed project property provides a prominent declining character. There are many cars parked on Del Valle Street showing a parking shortage generated from the surrounding multiple family buildings, but the street has an adequate width for two-way traffic with on-street parking on both sides of the street. LADOT only allows on-street parking on the west side of Rigoletto Street while the east side of the street curb has been painted red as no parking zone, thus the street also yield an adequate width for two-way traffic. Since the on-site chain-link fence gate was open, the Zoning Administrator proceed to drive inside of the property. The Zoning Administrator found the size of the property is much larger than appeared on paper, and left a final impression that the location, size, zone, nearby street patten and access, and surrounding development pattern of the site are a good fit for the proposed drive-through use.

The Zoning Administrator also found existing Bank of America building has been vacant since 2020 during COVID pandemic period. Graffiti on the building, vagrancy in the parking lot, and trash on the premise, have plagued the property until the property owner install a 6-foot-tall chain-link fence around the property sometime in 2022. The façade of the building facing Ventura Boulevard was also installed with sheets of plywood to cover up the large opening resulted by the removal of the automatic teller machine. The entire site has ceased to contribute any economic use, employment opportunity, aesthetic value, on-street pedestrian activity, and a sense of safety to the community. It has become a vista blight, a site attract unlawful act, and may further a broken window effect to the local community and the west end of Ventura Boulevard attracting more commercial tenant space vacancies and nuisance activities. It is crucial for the property to be redeveloped and be reused to generate commerce and people activities to reverse the current negative environment. The redevelopment of the property with its enhanced landscaping, improved public sidewalk, and pedestrian activities would also support the implementation of the "Reimaging Ventura" Boulevard vision plan near the Ventura Boulevard and Fallbrook Avenue junction to creates a better sense of place for nearby residents.

The drive-through restaurant reflects the corporate architectural and color scheme branding of In-N-Out Burger with the proposed building located away from the inter section of Ventura Boulevard and Rigoletto Street intersection allowing an improved and inviting visual open space at the said intersection unlike what that the current building lack. The proposed restaurant structure faces the streets, a varying roofline with a cornice, and recessed doors and other elements that articulate all four building facades. The increased landscaped buffer areas with trees and shrubs adjacent to the public right-of-way will improve the pedestrian environment by providing shade as well as a buffer between the sidewalk and vehicle circulation routes on the site. The project proposes to plant a total of 24 new on-site shade trees and other plant materials within the on-site parking lot, drive-through lanes, and a landscape buffer next to adjacent residential property which will help reduce noise and light level, and urban parking lot ambient heat from the project property. Six new street trees in the public right-of-way will also be planted along Ventura Boulevard and Rigoletto Street to create an inviting walkable space and further the vision of the Reimage Ventura plan. Therefore, as proposed the project will enhance the built environment in the surrounding neighborhood by providing dining options and services that are beneficial to the community and the surrounding region.

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

The subject site is located on Ventura Boulevard, a major commercial boulevard in Woodland Hills-Warner Center that is designated for Community Commercial land uses by the Canoga Park-Winnetka-Woodland Hills-West Hills Community

Plan. Although the proposed restaurant will be the first drive-through on this segment of Ventura Boulevard, there are several existing fast-food restaurants in the vicinity. In terms of building and site design, the project is compatible with the existing commercial development on Ventura Boulevard, which consists largely of one- to three-story commercial buildings, many of which have parking lots abutting the boulevard. The proposed site plan will improve on the existing development pattern with landscaping abutting the public right-of-way as well as throughout the site. These trees will increase the amount of shade for pedestrians on Ventura Boulevard, reduce urban parking ambient heat at this location, and will act as project noise and lighting buffer and shield to the surrounding residential uses.

The project has received the support from the Woodland Hills-Warner Center Neighborhood Council and many community stakeholders. However, a few local residents voiced their concerns of the project at the October 3, 2023, public hearing regarding the site design, noise, use of the residential streets, and that the Ventura Boulevard with a one travel lane is not adequate to handle the subject drive-through project. Noise and traffic studies were prepared for the project and both the Planning and LADOT did not find any significant noise and traffic impact generated by the project. The project site is a large piece of parcel able to accommodate on queuing of 24 vehicles and 31 parked vehicles. The applicant further indicated in the public hearing that the restaurant will have additional grill to expedite food production and the drive-through transaction.

The project is also located within the "Reimage Ventura" (Boulevard Vision Plan) area. The Plan is to create a better sense of place for nearby residents by providing additional parking, enhanced landscaping, and improvements for those who walk, even if just from a parking space to a local store or restaurant. The Plan further shows a preferred cross-section of Ventura Boulevard east and west of Fallbrook Avenue, with east section of Ventura Boulevard having two west bound vehicular travel lanes and two east bound vehicular travel lanes, and west section of Ventura Boulevard having two west bound vehicular travel lanes and one east bound vehicular travel lane. The Plan includes either traditional parallel parking spaces or newly proposed reverse angle parking spaces and bike lanes on both side of Ventura Boulevard. City has already implemented the Reimage Ventura plan by re-striping the Ventura Boulevard roadway in accordance with the cross-section plan. To claim Ventura Boulevard is only one lane is inaccurate as only east bound direction has one lane and it starts from Rigoletto Street as opposed from Fallbrook Avenue. The roadway cross section design of the Ventura Boulevard in the Reimage Ventura is quite similar to many old town main thoroughfares with ample of street parking and reduced number of lanes to reduce vehicular speed and promote pedestrian safety and activity. This design can even be seen in Downtown Los Angeles along the main stretch of Broadway between Third Street and Eleventh Street. No evidence the design of the drive-through project flawed and would conflict with the intent of the existing street design pattern established by the Reimage Ventura plan and further harm the traffic pattern of the area.

Further, based on the LADOT Transportation Impact Assessment dated December 8, 2021, the Department found project access and circulation design does not obstruct or conflict with City's development policies and standards for the transportation system; the Impact Assessment analysis concluded that the project would not result in a significant Vehicle Miles Traveled (VMT); and the project does not involve any design features that are unusual for the area or any incompatible use. The CEQA Transportation Analysis further concluded that the implementation of the proposed project will not result in a significant VMT impact. The LADOT report also analyzed access and circulation to and from the site, existing and cumulative traffic conditions, and the residential street cut-through analysis, all which the Department did not find significant impact. The grant has conditioned the project to prohibit left turns onto Ventura Boulevard from the drive-through lane exit and require that the applicant consults with the LADOT regarding the installation of left-turn restriction signage and the designation of a no parking zone (red curb) along the subject property frontage to increase visibility for drivers exiting from the site.

The proposed project is subject to operating conditions that will minimize disruptions or nuisances for adjacent properties. Hours of operation will be limited to 10:00 AM to 1:00 AM Sunday through Thursday, and 10:00 AM to 1:30 AM Friday and Saturday. All trash and recyclable materials generated by operations must be contained within the covered trash enclosure with six (6)-foot tall solid masonry walls and trash collection will be limited to those hours permitted by the LAMC. The applicant is required to construct a six (6)-foot-high solid masonry wall along the property lines that abut residential uses. All lighting will be shielded and oriented downward and toward the interior of the site and the red LED lighting on the south and west-facing facade of the building will be recessed in a cove so that the LED bulbs are not directly visible from surrounding properties. Illuminated signage is confined to two wall signs on the northern and western elevations facing commercial uses; the menu board; and instruction signs with a maximum height of six (6) feet. Digital, flashing, animated, blinking, or scrolling signs, or signs that appear to have any movement, are prohibited. The project will comply with City's Noise Ordinance No. 144,331, and any operational noise is conditioned to a level inaudible beyond the property line. The two on-site menu board with speakers are located within the drive-through lanes away from residential property with auto-adjusting volume. There is a 10-foot landscape buffer with a row of trees, and a 6-foot block wall separating the nearest residential use on the east side of the restaurant property.

Aside from numerous design feature conditions such as parking, egress and ingress, landscaping and building massing and scale, the grant has also imposed conditions relating to security, responsible management, no-smoking, no-loitering, noise, nuisance prevention, complaint resolution, and Plan Approval for nuisance abatement. As conditioned, the project location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

The General Plan sets forth goals, objectives, and programs that serve as the foundation for all land use decisions. The City of Los Angeles' General Plan consists of the Framework Element, seven State-mandated Elements including, Land Use, Mobility, Housing, Conservation, Noise Safety, and Open Space, with optional elements including Air Quality, Healthy, Infrastructure, and Service Systems.

The 3,426 new drive-through restaurant is on a site with General Commercial land use that is suited for commercial. The project connects to the existing commercial corridor on Ventura Boulevard while at the same time respecting the scale of the existing adjacent commercial and multi-family residential neighborhoods. The proposed project is well-positioned near a major intersection in proximity to sufficient transportation infrastructure and services to meet the project's demand. As such, the project is in conformance with the purpose of the Framework Element, Mobility Element, Land Use Element, Conservation Element, and the Healthy Los Angeles Element with the following General Plan Goals, Objectives, and Policies:

Framework Element

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The primary objectives of the policies in the Framework Element are to support the viability of the City's residential neighborhoods, and when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards, and industrial districts particularly in proximity to transportation corridors and transit stations.

***Goal 3A – Distribution of Land Use.*** *A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.*

**Objective 3.2** *Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.*

**Objective 3.4** *Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

**GOAL 7C – Economic Development.** *A City with thriving and expanding businesses.*

**Objective 7.3** *Maintain and enhance the existing businesses in the City.*

**Policy 7.3.2** *Retain existing neighborhood commercial activities within walking distance of residential areas.*

#### Mobility Element

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles.

In the Mobility Plan 2035, Chapter 3 entitled "Access for All Angelinos" includes the discussion topic "A transportation system is only useful insofar as it accessible and convenient."

**Policy 3.3** *Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

**Policy 3.4** *Transit Services: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.*

**Policy 3.8** *Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

In the Mobility Plan 2035, Chapter 5 entitled "Clean Environments & Healthy Communities" includes the discussion topic "Transportation is deeply implicated in the health of both human beings and natural systems. Mobility directly impacts human health and wellness, both physical and mental. Active transportation modes such as bicycling and walking can significantly improve personal fitness and create new opportunities for social interaction, while lessening impacts on the environment."

***Policy 5.1 Sustainable Transportation: Encourage the development of a sustainable transportation system that promotes environmental and public health.***

***Policy 5.2 Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.***

The proposed fast-food drive-through building is pedestrian-oriented and within walking distance of the Metro Rapid 161 and 162 and Commuter Express 423 stops. The transit services located adjacent to the project site will provide access to employment centers and jobs, local and regional destinations, and other neighborhood services for project residents.

The proposed project will allow for the reduction of vehicle trips by providing a restaurant within proximity to public transit. The availability of transit options within walking distance creates a lesser need for the use of personal vehicles. The project will provide 31 vehicular parking spaces. Additionally, the project will provide a total of two (2) long-term and four (4) short-term bicycle parking spaces on site, and 12 short-term bicycle parking spaces on the public right-of-way along Ventura Boulevard where they are easily accessible. As such, the project conforms to the purpose of the Mobility Element of the General Plan.

#### Land Use Element

The Land Use Element is comprised of 35 community plans that establish parameters for land use decisions within those subareas of the City. The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designates the property for General Commercial land uses corresponding to the C1.5, C2, C4, RAS3, and RAS4 Zones. The property is zoned C4-1VLD, and P-1VLD which the City intends to phase out. The subject property is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan Area which the Specific Plan addresses the unique development problems associated with commercial and residential development within the Canoga Park-Winnetka-Woodland Hills-West Hills plan area. The goals of the Ventura/Cahuenga Boulevard Corridor Specific Plan are to assure an equilibrium between the transportation infrastructure and land use development.

Both the Community Plan and the Specific Plan text allows a variety of commercial uses but is silent with regard to the drive-through fast-food establishments and Corner Development standards in this area. The Los Angeles Municipal Code regulates the drive-through use through the Conditional Use process leaving interpreting the intent of the Plan and approval to the Zoning Administrator subject to certain findings. The project is consistent with the following components of the Community Plan:

**Goal 2** *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.*

**Policies 2-1.1** *Locate new commercial development in areas currently designated for such development.*

**Objective.2-2** *Enhance the appearance of commercial districts.*

**Policies 2-2.1** *Require that any proposed development be designed to enhance and be compatible with adjacent development.*

**Policies 2-2.3** *Preserve community character, scale and architectural diversity.*

**Policies 2-2.4** *Improve safety and aesthetics of parking areas in commercial areas.*

The proposed project supports the Community Plan's Land Use objectives by providing a neighborhood-serving drive-through restaurant, meeting the need of the Plan Area. It also improves the economic vitality of the Ventura Boulevard commercial corridor.

#### Conservation Element

The Conservation Element was adopted in 2001 and primarily addresses the conservation aspects of open spaces.

The Vision contained in this plan calls for "ample green and open space, including a robust tree canopy in all neighborhoods and opportunities for urban agriculture." The Action Plan calls for, among other directives, "energy efficiencies, weatherization, proper positioning of trees to shade buildings, alternative energy and solar generation systems, explore the feasibility of building designs that incorporate facile systems to charge electric vehicles, and use of rainwater, storm water, gray water and recycled water."

#### Plan for a Healthy Los Angeles

The Plan for Healthy Los Angeles was adopted in 2015 and includes goals, objectives, policies, and programs that relate to the health of the city.

***Policy 5.6 Resilience:*** *In collaboration with public, private, and nonprofit partners, increase the city's resilience to risks (increasing temperatures and heat related effects, wildfires, reduced water supply, poor air quality, and sea level rise) resulting from climate change, and target resilience in the most vulnerable communities.*

Therefore, as proposed the construction of a new drive-through fast-food restaurant located within walking distance of residences and businesses can be deemed to substantially conform to the purpose, intent and provisions of the General Plan, the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, and the Ventura/Cahuenga Boulevard Corridor Specific Plan.

#### **DRIVE-THROUGH FAST-FOOD RESTAURANTS FINDINGS**

**4. Residential uses in the vicinity will be adequately protected from any significant noise resulting from outdoor speakers, autos, or other sources of noise associated with the lot.**

The subject site adjoins residential uses to the west and east (indications of residential use observed, but certificates of occupancy for the property refer only to commercial uses). A noise impact analysis prepared by the Ganddini Group, Inc. (dated February 2, 2022) concluded that noise from operations, even at peak hours, would not significantly increase ambient noise levels. The site plan also contains several design features aimed at reducing noise impacts from the proposed use on adjoining residential uses. These include:

- A six (6)-foot-tall solid masonry wall located along the east lot lines where the subject property abuts residential uses.
- An 8.5-foot wide landscape buffer between the queuing lane and the property line where it adjoins residential uses to the east, and a 10-foot wide landscape buffer along the property lines to the west and south, including three (3) trees to be planted along the west property line, four (4) trees to be planted along the south property line, 10 trees along the west property line of which four (4) are street trees on the public right-of-way.
- The D1 menu board (with speaker) is located approximately 36 feet and D2 menu board (with speaker) is located approximately 20 feet from residential uses to the east of the property. The D1 menu board (with speaker) is located approximately 185 feet and D2 menu board (with speaker) is located approximately 195 feet from residential uses to the west of the property.
- The trash enclosure is located approximately 70 feet from the nearest residential use and the applicant will be required to comply with LAMC Section 113.01 which states that trash collection within 200 feet of any residential building is permitted between 6:00 a.m. and 9:00 p.m.
- The outdoor dining areas are located along the west elevations of the proposed restaurant, facing other commercial uses and the public right-of-way.

- In the area of the service window area there is a permanent porte cochere-like covering over the drive-through lane that will dampen noise and light impacts.

The applicant has requested hours of operation from 10:00 AM to 1:00 AM Sunday through Thursday, and 10:00 AM to 1:30 AM Friday and Saturday. The grant includes conditions that require the operator to constantly monitor the premises preventing any nuisance and noisy activities, and the employees who take orders from patrons in the queuing lane via handheld devices will not do so within 20 feet of the east property line to further control potential noise impacts on the adjacent residential properties. This condition, in addition to the noise-mitigating features of the design, will adequately protect residential uses in the vicinity.

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

The project will have a variety of light sources, including light emanating from the interior of the restaurant; illuminated signs, including instruction signs, wall signs, and a menu board; nine (9) 25-foot-tall lighting poles; and a strip of red LED lighting under the building cornice (this will be covered on the southwest façade). The project is designed to minimize the impacts of stationary lighting on adjoining residential uses, which are located to the west and east (possibly east of the site where residential use has not been verified). The west facade has one (1) window and one (1) door. The east façade has five (5) windows. However, four (4) of the windows are below the portico covering the drive-through lane where it adjoins the restaurant, reducing the emanation of light. The one (1) other window on the west elevation is located toward the front of the building adjoining the 7-Eleven convenience store and associated parking lot.

The south elevation of the proposed restaurant facing multifamily uses has one (1) window that is located under the drive-through porte-cochere, which along with the required 6-foot-tall solid masonry wall on the property line, will reduce the amount of glare from that source. The doors and windows are recessed and covered with a portico or metal awnings, which will attenuate the light and/or partially shield light emanating from the windows. Moreover, the structure is located towards the front of the lot, whereas the residential uses to the east and west are located towards the rear of the site.

Exterior lighting for the proposed project is subject to the requirements of the LAMC and the project is further subject to conditions of approval aimed at reducing lighting impacts on surrounding properties. The project is required to shield all lighting and direct it onto the site, away from all adjoining uses including residential uses. The project proposes to install nine (9) 25-foot-high light poles that are positioned to ensure the safety of patrons in the patio and parking lot. Despite the proximity of residential uses to the proposed restaurant, the conditions imposed on the proposed project will ensure that lighting impacts on those uses is not significant.

6. **Trash storage, trash pick-up 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.**

The project proposes to construct a 584 square-foot new trash receptacle in an 11-foot 9-inch walled enclosure. The trash enclosure is within approximately 75 feet of the nearest corner of the neighboring residential building to the east and 140 feet from the apartment building across Rigoletto Street, which will help to minimize the amount of noise generated by employees bringing the trash to the enclosure. Furthermore, the applicant will be required to comply with LAMC Section 113.01 which states that trash collection within 200 feet of any residential building is permitted between 6:00 a.m. and 9:00 p.m.

There are three (3) driveways proposed locating on Ventura Boulevard, Rigoletto Street, and on Del Valle Street. The parking lot is buffered from residential uses to the east and west by the drive-through queuing lanes and Rigoletto Street. The queuing lane winds around the perimeter of the site and comes to within approximately 15 feet of the nearest residential building, which is the residential building to the east, and approximately 120 feet from the residential building on the property to the west.

The project proposes several features aimed at preventing potential disturbances to nearby residents, including a six (6)-foot-high solid masonry wall around the perimeter of the subject site where it abuts residential uses, an 8.5-foot-wide landscape buffer between the queuing lane and the easterly residential property, and a 10-foot-wide landscape buffer between the queuing lane along the west and south property lines, with three (3) trees to be planted along the west property line, four (4) trees along the south property line, and 11 trees along the west property line of which four (4) are located on the public right-of-way. As a condition of approval, the applicant will be required to install signs requesting that drive-through patrons keep noise levels down as a courtesy to neighboring residents. All of these design features and operational measures will reduce disturbances to occupants of nearby residential uses and enhance their privacy.

### **COMMERCIAL CORNER DEVELOPMENT FINDINGS**

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

Vehicular access to the subject property will be provided via the three (3) new driveways along Ventura Boulevard, Rigoletto, and Del Valle Streets. LADOT reviewed and approved the parking lot design, including the number and placement of driveways for street access prior to issuance of any building permit on March 13, 2023.

Per the LADOT response to the updated Transportation Impact Assessment received on December 8, 2021, based on the VMT thresholds established in LADOT's Transportation Assessment Guidelines, the proposed project would not result in a significant transportation impact on VMT. LADOT finds that the transportation assessment adequately evaluated potential project-related delays and level of service at the studied intersections. Based on the HCM methodology, the results for the Existing (2021), Existing (2021) With Project, Future (2024) Without Project, and Future (2024) With Project Conditions delay and LOS for the study intersections. Per LADOT email communication dated May 4, 2023, there are not any conflicts between the project's egress on Ventura Boulevard and Re-Imagine Ventura project.

8. **That project approval as modified 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 construction of a 3,426 square-foot drive-through restaurant will not create or add to a detrimental concentration of mini-shopping centers or commercial corner developments in the vicinity of the project. The subject drive-through restaurant use is a permitted by-right use within the C4 Zone and General Commercial land use designation. The project site is presently improved with a commercial bank building and associated parking lot. The subject property is bounded by Ventura Boulevard to the north, Rigoletto Street to the west, Del Valle Street to the south, and Fallbrook Avenue to the east, which is an existing commercial corridor in the Canoga Park-Winnetka-Woodland Hills-West Hills community that includes several existing commercial corner developments.

It is common that drive-through fast-food restaurants are expected to operate starting in the morning until late evening hours as an industry standard to meet early morning and late evening demand before and after the start and end of the standard workday. The proposed drive-through restaurant will be located wholly within the property boundaries of the project site and no request for encroachment into the public right-of-way is anticipated or requested. Thus, the City can find that the project will not create or add to a detrimental concentration of mini-shopping centers or commercial corner developments in the vicinity of the project.

### **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 drive-through fast-food restaurant is not restricted in this area of the Specific Plan, and thus is allowed.

- b. **Section 6B: Floor Area Ratio (FAR).** The FAR limitation for this site is 1.0:1. The project proposes a 0.09:1 ratio, in compliance with the Specific Plan.
- c. **Section 7A: Yards.** No projects may be built within 18 inches of the front lot line and each lot shall have a maximum front yard of 20 feet for a minimum of 33 percent of the length of the front lot line. The balance of the lot frontage may have a maximum Front Yard of 60 feet, or a Front Yard equal to the average of all existing structures on the block in which the lot is located, whichever is less. For corner lots, the side of the lot facing the side street intersecting with Ventura or Cahuenga Boulevard shall require a minimum 18 inch and maximum 15-foot landscaped setback. The required rear yard setback is 15 feet for lots adjacent to a street.

The project proposes a variable front yard setback of approximately 9.6 feet to 23.1 feet and maintains a front yard depth of 39.4 percent. (54 feet of the 137 feet lot line length) with a three (3) foot-landscaped area. The project proposes a side yard setback of approximately 67 feet from the property line along Rigoletto Street to the main structure with 10.5 feet landscaped area. The project proposes more than 100 feet rear yard setback from Del Valle Street to the trash enclosure. 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 10 percent of the site, therefore this project complies with the lot coverage restrictions.
- e. **Section 7C: Driveways.** The project proposes the removal of the existing 23 feet driveway and replacing it with an 11 feet driveway on Ventura Boulevard. The project proposes the removal of one of the existing driveways and replacing an existing 18 feet driveway with a 28 feet driveway on Rigoletto Street. The project proposes a 28 feet new driveway on Del Valle Street.
- f. **Section 7D: Landscaping.** The Project will provide 24 trees to be planted on the project site and 6 street trees along public sidewalk. A 10-foot landscaped buffer will be provided around the surface parking lots adjacent to any street, residentially zoned lot and existing residential use except for the requested Project Permit Adjustment. The project provides 23 percent of the lot as landscaped and therefore also meets the 15 percent minimum for landscaping. At least 60 percent of all Front Yards or front setbacks in excess of 18 inches, will be landscaped and the remainder will be finished to City standards for sidewalks, or finished with other paving materials, including concrete pavers, brick masonry pavers. The project proposes 8.5 feet landscaped buffer along the east property line which is less than the 10-foot requirement set forth by the Plan. Therefore, the project seeks a

Project Permit Adjustment to permit a 1.5-foot decrease in landscape buffer to allow 8.5 feet in lieu of otherwise permitted 10 feet by Section 7.D.1.(c) of the Ventura/Cahuenga Boulevard Corridor Specific Plan. As such, the project complies with the landscaping requirements.

- g. Section 7E: Height.** The project's proposed height is 23 feet, which is under the 45-foot limit set forth by the Plan. Therefore, the project complies 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 require at least one (1) parking space for each 100 square feet of floor area. The new fast-food restaurant building with 3,426 square-feet of floor area requires 34 parking spaces per the Ventura/Cahuenga Specific Plan. The project will further utilize the LAMC Ordinance No. 182,386 (Bicycle Parking Ordinance) to reduce three (3) of the required automobile parking spaces and replace them with 12 short-term bicycle parking spaces.
- 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 Section 8 of the Plan, as it relates to the sign regulations.

*Wall Signs:* Per section 8.B.1.a of the Ventura/Cahuenga Boulevard Corridor Specific Plan, a maximum of one (1) wall sign per tenant on a building's street frontage and a second sign facing a parking lot, secondary street, or alley is permitted. The total sign area permitted is two square feet per one lineal foot of lot frontage. The site has a frontage of approximately 137 feet on Ventura Boulevard and 280 feet on Rigoletto Street; therefore, a maximum signage area of 274 square feet or 560 feet would be permitted for the site. The proposed two (2) 56 square-foot wall signs will not exceed the maximum signage area, and thus complies with the Specific Plan regulations.

*Existing Non-Conforming Pole Signs:* The Ventura/Cahuenga Boulevard Corridor Specific Plan permits pole signs on the subject lot, but they cannot be taller than 20 feet or more than 35 square feet in area. While the pole sign on the subject property is approximately 216 square feet in area and is 42 feet tall, the sign has legal, non-conforming rights as the sign was installed on the existing poles with permit 1972 VN 90367 in 1972. The existing legal, non-conforming sign is not changing in height or area; therefore, the proposed re-facing of the pole sign complies with the regulations of the plan.

10. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

The Zoning Administrator has determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Categorically Exempt under Article 19, Section 15311, Class 11 (On-premise Signs), and 15332, Class 32 (In-fill Development), for on-site sign and construction of a fast-food drive-through restaurant, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as 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; and
- (e) The site can be adequately served by all required utilities and public services.

The project is for the demolition of an existing 6,739 square feet commercial building and the construction, use, and maintenance of a 3,426 square-foot In-N-Out Burger drive-through, fast-food restaurant with two (2) wall signs and a 31-space parking lot and a queuing lane for 23 cars and two (2) long term and four (4) short term bike parking spaces on the site and 12 short-term bike parking spaces on the public right-of-way. The proposed hours of operation are from 10:30 a.m. to 1:00 a.m. Sunday through Thursday, and from 10:30 am to 1:30 am on Friday and Saturday. The project proposes the removal of three (3) non-protected on-site trees and six (6) street trees from the public right-of-way subject to approval from the Board of Public Works. The project proposes grading and export of up to 2,000 cubic yards of earth. As the construction of a drive-through, fast-food restaurant, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

The site is zoned C4-1VLD and P-1VLD and has a General Plan Land Use Designation of General Commercial. 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 applicable zoning designations

and regulations. The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.89 acres. Lots adjacent to the subject site are developed with the following urban uses: commercial, residential, and highway. The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species.

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the Noise Impact Study prepared by Ganddini Group, Inc., dated February 2, 2022, concluded the project will not result in impacts with the best management practices implemented. The transportation study, prepared by Ganddini Group, Inc., dated November 18, 2021, and reviewed by the Department of Transportation concluded the project will not result in a significant transportation impact on VMT. Therefore, the project will not have any significant impacts to traffic or transportation. The Air Quality, Global Climate Change, and Energy Impact Analysis Study prepared by Ganddini Group, Ince, dated February 8, 2022, and memorandum, dated June 7, 2023, concluded the project will not result in impacts to air quality. The project site will be adequately served by all public utilities and services given that the construction of a drive-through, fast-food restaurant will be on a site which has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

There are six (6) Exceptions which the City is required to consider before finding a project exempt under Class 15303 and 15332: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

While the subject site is located within an Urban Agriculture Incentive Zone, Special Grading Area (BOE basic Grid Map A-13372), and Liquefaction Area, specific RCMs in the City of Los Angeles regulate the grading and construction of projects in these particular types of "sensitive" locations and will reduce any potential impacts to less than significant. These RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment the project is located. Thus, the location of the project will not result in a significant impact based on its location.

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes the construction of a drive-through, fast-food restaurant in an area zoned and designated for such development. All adjacent lots are developed with residential and commercial uses. The Property's immediate neighbors to the east are a single-story retail structure and a two-story multi-family condominium building. Properties located across Rigoletto Street are improved with single-story retail structures and a two-

story multi-family apartment building. Properties located on the north side of Ventura Boulevard (nearest to the Property) are improved with either single-story retail and restaurant structures or multi-story office structures. Properties to the south are improved with 101-Ventura Freeway, and the subject site is of a similar size and slope to nearby properties.

The project proposes a Floor Area Ratio (FAR) of 0.09:1 on a site that is permitted to have a maximum FAR of 1.0:1. The project proposes a height of X feet and lot coverage of X percent on a site that is permitted to have a maximum height of 45 feet and lot coverage of 60 percent. The proposed development is not unusual for the vicinity of the subject site, and is similar in scope to other existing General Commercial in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

Additionally, the only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located approximately one (1) mile east of the subject property. Therefore, the subject site will not create any impacts within a designated as a state scenic highway.

Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. The project site has not 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; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

### **PROJECT PERMIT ADJUSTMENT FINDINGS**

11. **There are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical.**

The applicant proposes the construction of a one-story, drive-through, fast-food, restaurant in the proposed C4-1VL zone. The applicant is seeking a Project Permit Adjustment from Section 7.D.1.(c) of the Ventura/Cahuenga Boulevard Corridor Specific Plan, which requires a minimum 10-foot landscape buffer around any surface parking lots adjacent to any street, alley, residentially zoned lot, existing residential use, or other parking lots. The proposed landscape buffer along the drive-through aisles adjacent to the residential used/zoned lot to the east is 8.5

feet at the narrowest point. The Project requests a Specific Plan Adjustment to permit a landscape buffer of 8.5 feet in lieu of 10 feet, which falls within the 20 percent limitation of the Project Permit Adjustment.

The strict application of the Specific Plan would result in practical difficulties and would render the proposed project infeasible. The Specific Plan's 10-foot landscape buffer requirement is impractical as it would not permit parking spaces and drive-through aisles with sufficient width and space to accommodate 31 vehicle parking spaces, back up of the car flow, and two (2) drive-through aisles. According to the applicant, the decrease in the landscape buffer is necessary to allow safe car movement and the required infrastructure in the parking lot.

The request is not seeking deviation from the intent of the plan, as the intent is to provide for an effective local circulation system of streets and alleys and promote a high level of pedestrian activity in the Pedestrian Oriented Areas by regulating the placement of buildings and structures to accommodate ground level retail activity with attractive landscaping. The applicant, in fact, proposes to develop a commercial building that encourages pedestrian activity through pedestrian-scale design, connectivity, massing and height, all which increase overall walkability.

The design requirements and proposed use characteristics of a drive-through, fast-food building cannot be accommodated within the parameters of the Specific Plan regulations without the requested adjustment. Therefore, the project requires flexibility as allowed by the Specific Plan Adjustment process to decrease the landscape buffer along the east property line in order to accommodate 31 vehicle parking spaces, back up of the car flow, and two (2) drive-through aisles.

The development standards are limited by the Specific Plan. The proposed site design encompasses a three (3)-foot landscape buffer along Ventura Boulevard, a 10.5 landscape buffer along the west and south property lines, an 8.5 feet landscape buffer along the east property line (between the residential use and drive-through aisles). While appropriate for maintaining a reasonable amount of landscape buffer in a parking lot adjacent to residential use, it also precludes any safe movement of the vehicles. The specific plan requirement of 10 feet landscape buffer is utilized to minimize the impacts of commercial development on nearby residential uses.

Ventura Boulevard, north of the site, is a high-volume street and is one of the main corridors in Los Angeles utilized for the transportation of people and encourages pedestrian activity and flow. This is the reason the site has been designed to promote pedestrian activity and access from Ventura Boulevard and the adjacent streets, as most pedestrians will access the project site via these streets. However, the 10-foot landscape buffer requirement affects the safety and design of the parking lot circulation and required parking spaces. As such, the applicant is requesting a decrease in landscape buffer along the east property line adjacent to the residentially used/zoned lot.

The requested decrease in landscape buffer is appropriate for such a use and does not in and of itself result in any impact on local circulation or pedestrian activities. The requested adjustment is necessary to provide an economically viable commercial building in this community. Therefore, the landscape buffer adjustment along the east property line is necessary to allow the proposed 8.5-foot landscape buffer on a commercial lot along Ventura Boulevard, without diminishing the quality of the development.

12. **In granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable specific plan regulations.**

Per Finding Number 11 as proposed and conditioned, the project substantially complies with all other provisions of the Specific Plan regulations. The unique design requirements and proposed use characteristics of a drive-through commercial building cannot be accommodated within the parameters of the Specific Plan regulations, specifically the site's landscape buffer requirements without the adjustment, it is impractical and infeasible to build such a building with proposed uses on the subject property. Therefore, the applicant seeks flexibility as allowed by the Specific Plan Adjustment process to reduce the landscape buffer and accommodate the proposed commercial building with associated parking spaces and drive-through aisles.

The development standards are limited by the Specific Plan. The Specific Plan requirement of 10 feet landscaped buffer, measured from the property line to the east to the drive-through aisles, is utilized to minimize the impacts of commercial development on nearby residential uses. The proposed height and bulk of the project and landscape are consistent with the existing commercial development patterns along Ventura Boulevard. Therefore, since the project proposes to redevelop an underutilized infill site with a new drive-through fast-food restaurant in close proximity to other similar uses, the Specific Plan Adjustment that would allow the development of the Project will substantially comply with the applicable Specific Plan regulations.

13. **In granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way.**

The commercial building will be consistent with the existing commercial development patterns along Ventura Boulevard, and in the general vicinity of the Site and will be buffered from nearby single-family residential uses by a landscaped surface parking lot. The project setbacks will comply with the Specific Plan's setback requirements. The project will provide vehicular parking spaces within a surface parking lot accessible from the adjacent streets and bicycle parking spaces in lieu of the required car parking spaces. This complies with the

parking requirements of the LAMC. Pedestrian access within the Site will be enhanced via sidewalk improvements and the development of short-term bike parking infrastructure. Public pedestrian access to the building would be provided from an entrance on Ventura Boulevard in addition to a second entrance at the west of the building. Landscaping would be provided at the parking lot and yard setbacks. The new commercial building will improve the Ventura corridor by providing a sustainable and design-forward building. The property currently contains a variable height (between five and seven feet) CMU wall along the property line to the east between the residential use and the project's southern portion. The applicant will both maintain his wall and construct a new CMU wall along the lot line. These walls will minimize the potential noise impact on the residential uses to the east. Operations associated with a commercial building including maintenance activity or noise emitted from the site are not expected to expose surrounding residential uses to severe, ongoing noise or nuisances. All services are located within the internal envelope of the building and will thus be buffered from surrounding uses.

The site has been thoughtfully designed with a building that has façade articulations with a variety of planes and landscaping. The articulation will break up the massing of the building's envelope and 9,180 square feet of landscaped area containing robust landscaping and trees on the project site and in the public right-of-way will provide a pleasant experience for pedestrians and road-users. Therefore, the proposed commercial building is designed to be compatible with existing and future development on neighboring properties. The provided landscape buffers on the project site, a three (3)-foot landscape buffer along the north property line, 10 feet landscape buffer along the west and south property lines, and an 8.5 landscape buffer along the east property, are appropriate for a project on a commercial corridor. Therefore, the Specific Plan Adjustment authorization will have no detrimental effects on surrounding properties or public rights-of-way.

14. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

See Finding No. 10.

#### **SITE PLAN REVIEW FINDINGS**

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

See Finding No. 3.

16. **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 project site consists of 10 contiguous irregular-shaped lots with a total lot size of 39,876 square feet. The project site is located on the south side of Ventura Boulevard with approximately 137 feet of frontage, on the east side of Rigoletto Street with approximately 274 feet of frontage, on the north side of Del Valle Street with approximately 160 feet of frontage, and west side of Fallbrook Avenue with approximately 25 feet frontage. The project site is zoned C4-1VLD and P-1VLD and designated for General Commercial land uses by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. The property is also subject to the Ventura/Cahuenga Boulevard Corridor Specific Plan. The site was improved with a 6,739-square-foot, single-story commercial structure previously used as a bank and surface parking lot.

The surrounding properties are developed with commercial and residential urban uses. Properties to the north, across Ventura Boulevard, are zoned C4-1VLD, designated for General Commercial, and improved with United State Postal Service office and a single-story commercial store. Properties to the west, across Rigoletto Street, are zoned C4-1VLD and R3-1, designated for General Commercial and Medium Residential, and improved with single-story commercial and multi-story multi-family structures. Properties to the south, across Del Valle Street, are zoned PF-1XL, designated for Public Facilities-Freeway, and improved with Interstate 101. Properties to the east are zoned C4-1VLD, [Q]R3-1VL, and R1-1, designated for General Commercial and improved with single-story commercial and multi-story multi-family structures.

The proposed project includes the demolition of a 6,739 square foot, single-story commercial structure and the construction, use, and maintenance of a 3,426 square foot, one-story commercial building containing a maximum FAR of 0.09:1 and 23 feet height, as measured from grade to the top of the roof structure and a 584 square foot ancillary trash enclosure. The project proposes 38 indoor seats and 26 outdoor seats with proposed hours of operation from 10:00 AM to 1:00 AM Sunday through Thursday, and 10:00 AM to 1:30 AM Friday and Saturday. The project will provide 31 automobile parking spaces, four (4) short-term bicycle parking stalls, and two (2) long-term bicycle parking stalls on site, and 12 short-term bicycle parking spaces on the public right-of way along Ventura Boulevard. The project proposes a 9,180 square foot of landscaped area. The project proposes the removal of three (3) on-site non-protected trees and six (6) street trees in the public right-of-way. Additionally, the applicant proposes to plant 27 trees of which six (6) are 24-inch box trees on the public right-of-way. The project proposes grading and exporting up to 2,000 cubic yards of earth.

### Height

The site is within Height District No. 1VL, which allows for 45 feet of height and three (3) stories for developments within commercially zoned properties. The Specific Plan also limits the height of any development to 45 feet. The proposed building reaches a maximum height of 23 feet in height measured from the lowest grade point to the top of the roof structure. Therefore, the project is within the allowable maximum height for the subject zones.

### Bulk/Massing

The project site is zoned C4-1VLD, which allows a maximum FAR of 1.5:1. The Specific Plan further reduces the FAR to 1.0:1. The project proposes 3,426 square feet of floor area with a FAR of 0.09:1, which is below the maximum permitted of 3,987 square feet.

The project has been designed as an integrated single structure with articulation and variation consistent with applicable City design guidance. Overall variation in building appearance is created with the use of various materials, changes in building planes, recesses, and awnings to add architectural interest to the building and creates distinct breaks in the building plane along all facades. These breaks are further differentiated with a variety of building materials that include white fine sand finish stucco, pro-ledge white stone wainscoting stone veneer, metal awning, and aluminum windows and doors. Together, these elements are applied to create sufficient breaks in-plane and articulation.

A variety of building materials, finishes, and design features/breaks in the facade, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood and as shown on the stamped "Exhibit A" is consistent with the Citywide Design Guidelines. The restaurant will provide a direct interface with the street frontage along Ventura Boulevard activating the street with pedestrian activity.

### Setbacks

The proposed building is subject to 18-inch minimum and 20-foot maximum front yard setback for a minimum of 33 percent of the length of the front lot line., zero-foot side yard setbacks, and a minimum of 15-foot rear yard setback. For corner lots, the side of the lot facing the side street intersecting with Ventura or Cahuenga Boulevard shall require a minimum 18-inch and maximum 15-foot landscaped setback. The required rear yard setback is 15 feet for lots adjacent to a street. The existing patterns of setbacks of surrounding buildings vary. The proposed project complies with the Specific Plan and LAMC setback requirements, therefore compatible with the existing surrounding developments.

### Parking/Loading

The surface parking lot will be accessible via ingress and egress driveways located along the westerly and southerly property lines on Rigoletto Street and Del Valle Avenue and an exit-only lane from the drive-through queue along Ventura Boulevard. The surface parking lot will be landscaped and screened with 42 inches high fence, which reduces the visibility of parking spaces and automobile lights from the public right-of-way. Per the Specific Plan, the project will provide 31 parking spaces. In accordance with LAMC Sections 12.21 A.16, the project is required to provide a minimum of two (2) short-term and two (2) long-term bicycle parking spaces. The project will provide four (4) short-term and two (2) long-term bicycle parking spaces and 12 short-term bicycle parking spaces on the public right-of-way along Ventura Boulevard, which meet the minimum required bicycle parking spaces. The project does not propose any delivery dock or designated delivery parking bay as deliveries are made only by In-N-Out owned and operated vehicles, after the restaurant is closed to the public, between the hours of 2 AM and 9 AM.

### Lighting

The project is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

### Landscaping

The project will provide a 9,180 square foot area consisting of ground covers and 16 (30)-inch-box, nine (9) 24-inch box trees, and two (2) 20-inch box trees on the site and public right-of-way. The project is conditioned to landscape all open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways will be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center.

### Trash Collection

Trash bins will be housed within a 584 square foot trash enclosure that is located near the midpoint of the site, as far from the residential uses as possible but still maintaining sufficient distance from the restaurant's outdoor eating areas so as not to present a nuisance to patrons; therefore, not visible from the drive aisle or public view. Trash collection can only be accessed from the Rigoletto and Del Valle Streets, and will not interfere with traffic on any public street, as conditioned. Therefore, service providers will be required to access the trash area from the driveway, to avoid effects on circulation along the drive aisle.

### Building Materials

The building facades consist of white fine sand finish stucco, Stone veneer, metal awning, and aluminum windows and doors. The variety of building materials and articulation as shown on the stamped "Exhibit A" is consistent with the Citywide Design Guidelines.

### Electric Vehicle Charging Stations

The project is required to provide electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) per the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.

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

The project consists solely of a drive-through fast-food restaurant and does not include any residential uses, so this finding is not applicable.

### WAIVER OF DEDICATION AND IMPROVEMENT FINDINGS

Pursuant to LAMC Section 12.37 I, the Director may waive, reduce, or modify the required dedication or improvement as appropriate after making any of the following findings, in writing, based on substantial evidence in the record.

18. **The dedication or improvement requirement does not bear a reasonable relationship to any project impact.**

The proposed project is the construction, use, and maintenance of a new 3,426-square-foot drive-through restaurant on a 39,876-square-foot subject property comprised of ten lots. The subject property is bounded by Ventura Boulevard to the north, Rigoletto Street to the west, Del Valle Street to the south, and Fallbrook Avenue to the east. The subject property is a through lot with approximately 137 feet of frontage along the southerly side of Ventura Boulevard, 280 feet of frontage along the easterly side of Rigoletto Street, 160 feet of frontage along Del Valle Street, and 25 feet of frontage along the westerly side of Fallbrook Avenue. Vehicular access to the subject property will be provided via the three (3) new driveways along Ventura Boulevard, Rigoletto and Del Valle Streets.

Ventura Boulevard, adjoining the property to the north, is a Boulevard II, designated for a right-of-way width of 110 feet and roadway width of 80 feet by the Mobility Plan 2035 and improved with an approximately 90-foot paved roadway, 30-foot landscaped sidewalks, concrete curb, and gutter. Rigoletto Street, adjoining the property to the west, is a Local Street-Standard, designated for a right-of-way width of 60 feet and roadway width of 36 feet by the Mobility Plan

2035 and is improved with an approximately 30-foot paved roadway, 20-foot landscaped sidewalks, concrete curb, and gutter. Del Valle Street, adjoining the property to the south, is a Local Street-Standard, designated for a right-of-way width of 60 feet and roadway width of 36 feet by the Mobility Plan 2035 and is improved with sidewalks, concrete curb, and gutter.

Further, as shown in the Complete Streets Design Guide, Complete Streets Diagram, a typical Local Street Standard will include one (1) 18-foot lane of traffic in each direction and 12-foot-wide sidewalks. The segment of Rigoletto Street fronting the subject property currently includes one (1) 15-foot travel lane in each direction and 10-foot-wide sidewalks for the full length of frontage adjacent to the subject property. Therefore, the capacity identified by both the Mobility 2035 Plan and the Complete Streets Design Guide, Complete Streets Diagram, are not met by the existing road and sidewalk widths.

Per the LADOT response to the updated Transportation Impact Assessment received on December 8, 2021, based on the VMT thresholds established in LADOT's Transportation Assessment Guidelines, the proposed project would not result in a significant transportation impact on VMT. LADOT finds that the transportation assessment adequately evaluated potential project-related delays and level of service at the studied intersections. Based on the HCM methodology, the results for the Existing (2021), Existing (2021) With Project, Future (2024) Without Project, and Future (2024) With Project Conditions delay and LOS for the study intersections. The applicant should consult with the LADOT East Valley District Office for the evaluation of additional traffic control measures adjacent to the Project location.

Along Rigoletto and Del Valle Streets, a five (5)-foot dedication and improvement to widen the Roadways are necessary to complete a 60-foot half-width Right-of-Way. However, the existing street lane and roadway capacity would not materially be changed with the five (5)-foot dedication. The 5-foot dedicated area would be reserved to increase the width of the sidewalk. Per LAMC 12.37 A.3, no additional improvement will be required on such a lot where complete roadway, curb, gutter, and sidewalk improvements exist within the present dedication. Additionally, a dedication along Rigoletto Street will necessitate the removal and reconstruction of a power pole, which based upon initial cost estimates, will call into question the nexus of proportionality in terms of the cost of development of the proposed project and the cost of off-site improvements. Therefore, the dedication or improvement requirement does not bear a reasonable relationship to any project impact.

## **ADDITIONAL MANDATORY FINDINGS**

19. 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. 186,952, have been reviewed and it has been determined that this project is located in Zone C, areas outside of Flood Zone.

**APPEAL PERIOD - EFFECTIVE DATE**

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

**Online Application System (OAS):** The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

**Drop off at DSC.** Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC  
(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012  
[planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org)

Van Nuys DSC  
(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401  
[planning.mbc2@lacity.org](mailto:planning.mbc2@lacity.org)

West Los Angeles DSC  
(CURRENTLY CLOSED)  
(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025  
[planning.westla@lacity.org](mailto:planning.westla@lacity.org)

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal ([appointments.lacity.org](https://appointments.lacity.org)). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to  
Online Appeal Filing



QR Code to Forms for In-  
Person Appeal Filing



QR Code to BuildLA  
Appointment Portal for  
Condition Clearance

Inquiries regarding this matter shall be directed to Adrineh Melkonian, Project Planner at [adrineh.melkonian@lacity.org](mailto:adrineh.melkonian@lacity.org) or (213) 978-1301.

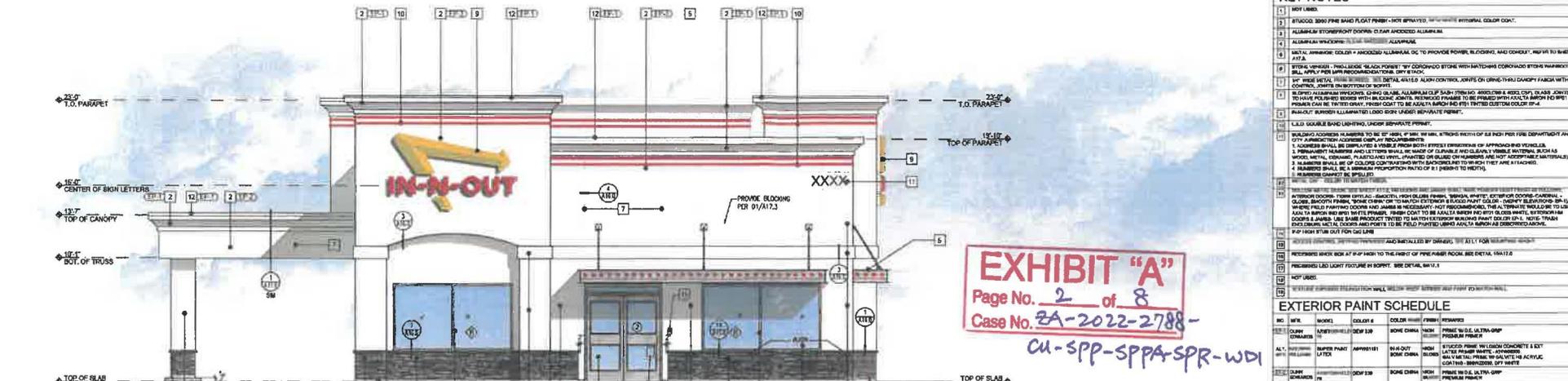
A handwritten signature in blue ink, appearing to read 'Jack Chiang', with a long horizontal stroke extending to the right.

JACK CHIANG  
Associate Zoning Administrator

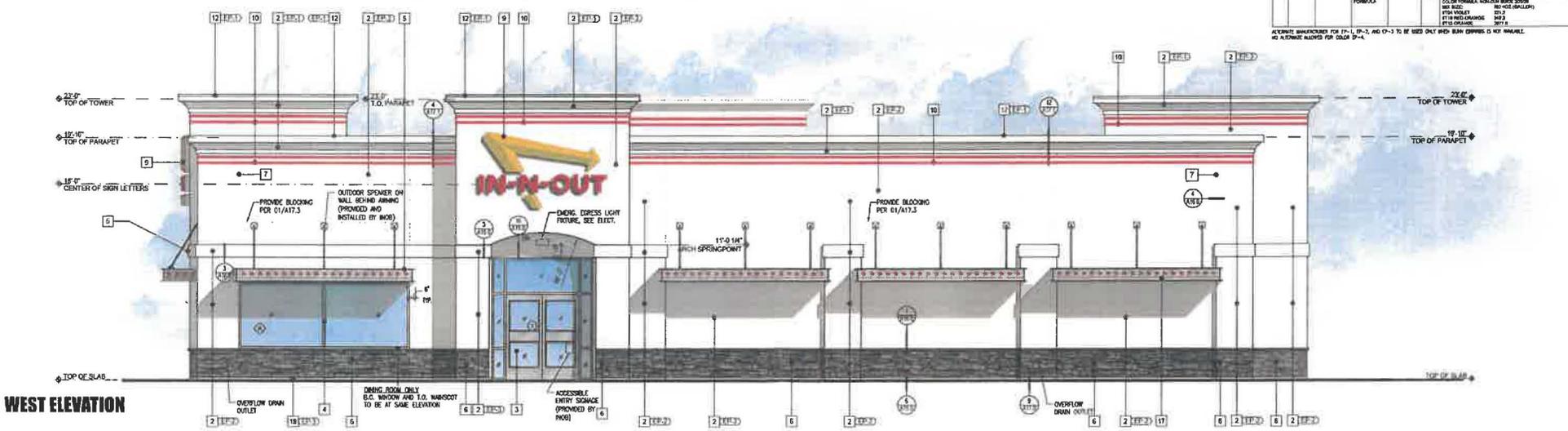
JC:JP:AM:mc

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





**NORTH ELEVATION**



**WEST ELEVATION**

**KEY NOTES**

1. HOT LIGHT
2. STUCCO 2000 FINE SAND FLOAT FINISH- NOT SPRAYED. SEE DETAIL FOR FINISH COLOR CODE.
3. ALUMINUM STONEWICH DOORS & FAN ANODIZED ALUMINUM
4. ALUMINUM WINDOW SILL CASING ALUMINUM
5. METAL JAMBING COLOR 7 ANODIZED ALUMINUM. GC TO PROVIDE POWER, BLOWERS, AND CONCRETE. REFER TO SHEET A17-A.
6. METAL VENEER- THIS LEADS BLACK FINISH. 1/2" COORDINATE STONE WITH VENTILATION COMPANION STONE PARTITIONING SHALL APPLY PER LPM RECOMMENDATION FOR DRIFTWOOD.
7. 1/2" WIDE METAL TRIM FINISH- SEE DETAIL SCHEDULE ADJUST CONTROL JOINTS ON DRIFTWOOD CANOPY FABRIC WITH CONTROL JOINTS ON BOTTOM OF SILL.
8. BLENDED ALUMINUM WINDOW, DOOR OR GLASS ALUMINUM CLIP SHALL BE USED. ANODIZED & BRUSH SILVER. JOINTS TO HAVE TO BE BLENDED WITH ANODIZED ALUMINUM. FINISH COAT TO BE ANODIZED BRUSH SILVER AND WPT- FINISH CAN BE FINISH GRAY. FINISH COAT TO BE ANODIZED BRUSH SILVER. FINISH COAT TO BE ANODIZED BRUSH SILVER.
9. FINISH METAL WINDOW, DOOR OR GLASS ALUMINUM CLIP SHALL BE USED. ANODIZED & BRUSH SILVER. JOINTS TO HAVE TO BE BLENDED WITH ANODIZED ALUMINUM. FINISH COAT TO BE ANODIZED BRUSH SILVER AND WPT- FINISH CAN BE FINISH GRAY. FINISH COAT TO BE ANODIZED BRUSH SILVER. FINISH COAT TO BE ANODIZED BRUSH SILVER.
10. L.E.D. SCALABLE BOND LIGHTING. LIGHTS SERVICE FINISH.
11. BUILDING ADDRESS PLUMBING TO BE 6" DIA. @ 18" MAX. 6" DIA. WITHIN 6" OF EACH PER FIRE DEPARTMENT AND CITY. APPROVED ADDRESS NUMBER AND LOCATION.
12. 1. ADDRESS SHALL BE DISPLAYED A MINIMUM FROM BOTH SIDES OF APPROACH AND VERTICAL. 2. PERMANENT ADDRESS AND LETTER SHALL BE MADE OF DURABLE AND SOLIDLY FINISHED MATERIALS SUCH AS WOOD, METAL, FORMING, PLASTERED WOOD, PAINTED OR BLENDED CONCRETE ARE NOT ACCEPTABLE MATERIALS. 3. ADDRESS SHALL BE OF CONTRAST WITH BACKGROUND. 4. ADDRESS SHALL BE A MINIMUM PROPORTION RATIO OF 1" PER 10' TO 10" MIN. ADDRESS SHALL BE 10" MIN.
13. FINISH METAL WINDOW, DOOR OR GLASS ALUMINUM CLIP SHALL BE USED. ANODIZED & BRUSH SILVER. JOINTS TO HAVE TO BE BLENDED WITH ANODIZED ALUMINUM. FINISH COAT TO BE ANODIZED BRUSH SILVER AND WPT- FINISH CAN BE FINISH GRAY. FINISH COAT TO BE ANODIZED BRUSH SILVER. FINISH COAT TO BE ANODIZED BRUSH SILVER.
14. FINISH METAL WINDOW, DOOR OR GLASS ALUMINUM CLIP SHALL BE USED. ANODIZED & BRUSH SILVER. JOINTS TO HAVE TO BE BLENDED WITH ANODIZED ALUMINUM. FINISH COAT TO BE ANODIZED BRUSH SILVER AND WPT- FINISH CAN BE FINISH GRAY. FINISH COAT TO BE ANODIZED BRUSH SILVER. FINISH COAT TO BE ANODIZED BRUSH SILVER.
15. FINISH METAL WINDOW, DOOR OR GLASS ALUMINUM CLIP SHALL BE USED. ANODIZED & BRUSH SILVER. JOINTS TO HAVE TO BE BLENDED WITH ANODIZED ALUMINUM. FINISH COAT TO BE ANODIZED BRUSH SILVER AND WPT- FINISH CAN BE FINISH GRAY. FINISH COAT TO BE ANODIZED BRUSH SILVER. FINISH COAT TO BE ANODIZED BRUSH SILVER.
16. FINISH METAL WINDOW, DOOR OR GLASS ALUMINUM CLIP SHALL BE USED. ANODIZED & BRUSH SILVER. JOINTS TO HAVE TO BE BLENDED WITH ANODIZED ALUMINUM. FINISH COAT TO BE ANODIZED BRUSH SILVER AND WPT- FINISH CAN BE FINISH GRAY. FINISH COAT TO BE ANODIZED BRUSH SILVER. FINISH COAT TO BE ANODIZED BRUSH SILVER.
17. FINISH METAL WINDOW, DOOR OR GLASS ALUMINUM CLIP SHALL BE USED. ANODIZED & BRUSH SILVER. JOINTS TO HAVE TO BE BLENDED WITH ANODIZED ALUMINUM. FINISH COAT TO BE ANODIZED BRUSH SILVER AND WPT- FINISH CAN BE FINISH GRAY. FINISH COAT TO BE ANODIZED BRUSH SILVER. FINISH COAT TO BE ANODIZED BRUSH SILVER.

**EXTERIOR PAINT SCHEDULE**

NO.	AREA	MODEL	COLOR 8	COLOR 9	FINISH	REMARKS
1	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
2	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
3	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
4	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
5	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
6	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
7	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
8	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
9	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
10	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
11	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
12	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
13	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
14	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
15	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
16	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH
17	STONE	ALUMINUM	DRIFTWOOD	DRIFTWOOD	DRIFTWOOD	FINISH W/D. ULTRA-DRIP PRIMER FINISH

ACCEPTED MANUFACTURER FOR 17-1, 17-2, AND 17-3 TO BE USED ONLY AND BLENDED WITH ANODIZED BRUSH SILVER. NO ALTERNATE FINISH FOR COLOR D-4.



16775 Addison Road | Suite 350  
Addison, TX 75001 | (469) 960-2322

SCALE: 1/8" = 1'-0"  
0 4 8

Colored Elevations  
Issued Date: 05/31/2023

IN-N-OUT BURGER  
Woodland Hills, CA







**REVISION RECORD**

NO.	DATE	DESCRIPTION

**PROFESSIONAL SEAL**


PROJECT NAME  
**IN-N-OUT BURGER**

WOODLAND HILLS  
 CA  
 22822 VENTURA BLVD  
 WOODLAND HILLS, CA

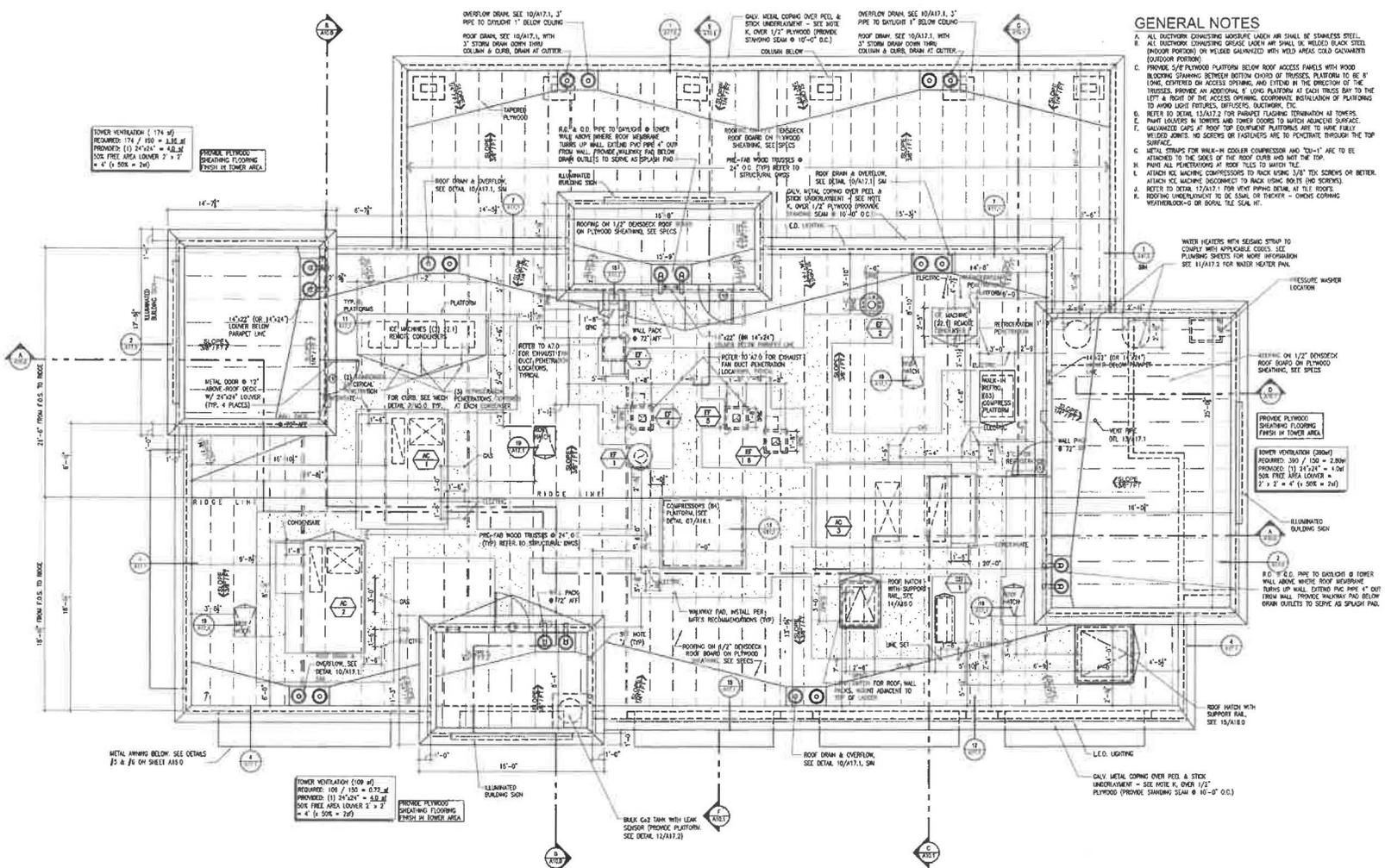


PROJECT NUMBER  
 210272  
 SHEET TITLE  
**ROOF PLAN**

SHEET NUMBER  
**A6.0**

**GENERAL NOTES**

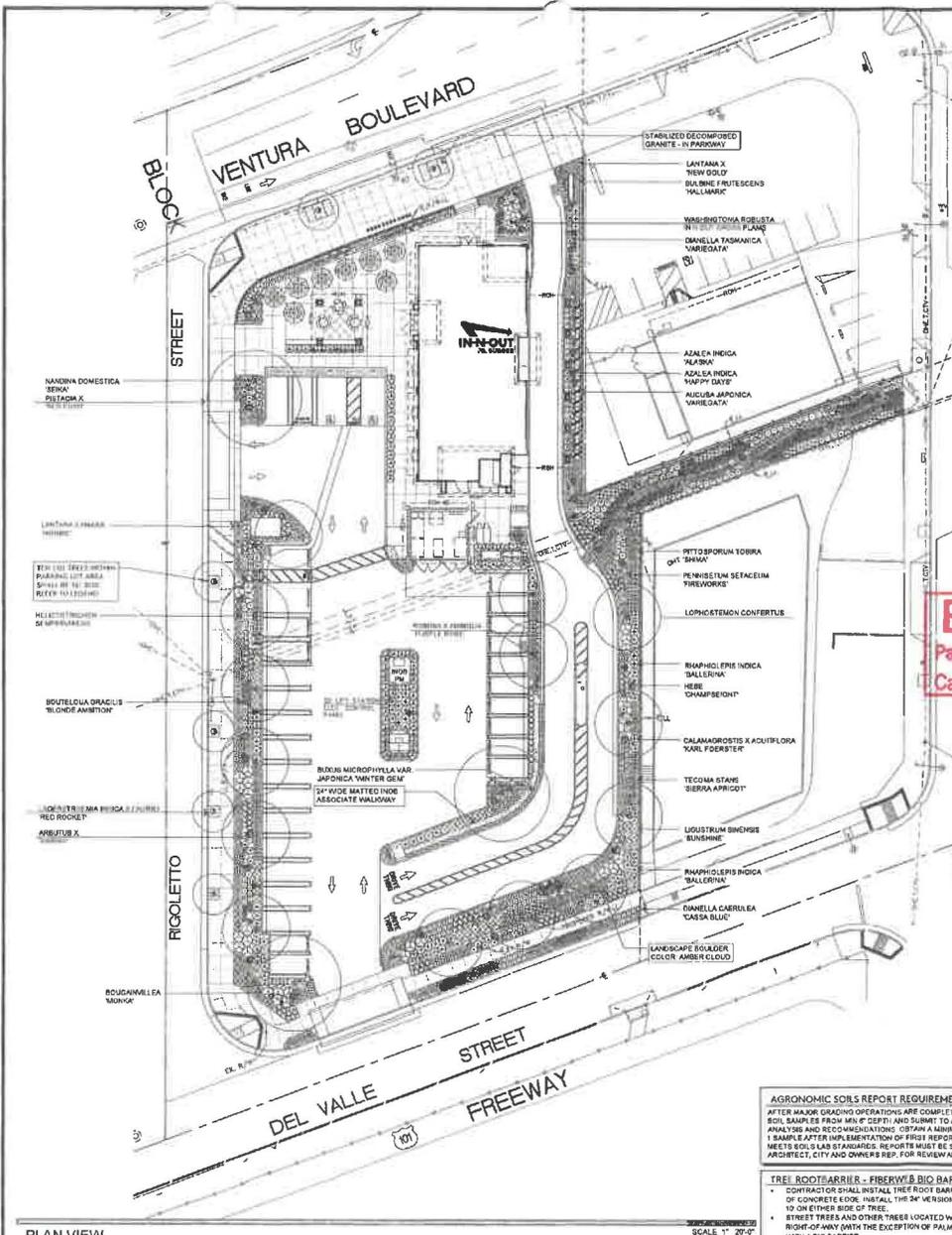
- A. ALL EXISTING EXHAUSTING LOGS/PIPE LADEN AIR SHALL BE STAINLESS STEEL.
- B. ALL EXISTING EXHAUSTING LOGS/PIPE LADEN AIR SHALL BE WELDED BLACK STEEL (INDOOR PORTION) OR WELDED GALVANNEED WITH WELDED BLACK GALVANNEED (OUTDOOR PORTION).
- C. PROVIDE 5/8" PLYWOOD PLATFORM BELOW ROOF ACCESS PANELS WITH WOOD BLOTTING SPACING BETWEEN BOTTOM CHORDS OF TRUSSES. PLATFORM TO BE 8" LONG, EXTENDING ON ACCESS OPENING, AND EXTEND IN THE DIRECTION OF THE TRUSSES. PROVIDE AN ADDITIONAL 4" LONG PLATFORM AT EACH TRUSS BAY TO THE LEFT & RIGHT OF THE ACCESS OPENING. COORDINATE INSTALLATION OF PLATFORMS TO WOOD LOGS, TRUSSES, BRACINGS, ETC.
- D. REFER TO DETAIL 12/A17.2 FOR PARAPET FLASHING TERMINATION AT TOWERS.
- E. FLASH LOGS IN TOWERS AND TOWER DOORS TO MATCH ADJACENT SURFACE.
- F. GALVANNEED CAPS AT ROOF TOP EQUIPMENT PLATFORMS ARE TO HAVE FULLY WELDED SEAMS TO SURFACES OF TOWERS/DOORS TO PENETRATE THROUGH THE TOP SURFACE.
- G. METAL TRUSSES FOR WALK-IN COOLER PLATFORMS AND TOWER ARE TO BE ATTACHED TO THE SIDES OF THE ROOF CURB AND NOT THE TOP.
- H. PAINT ALL PENETRATIONS AT ROOF FLASH TO MATCH THE
- I. ATTACH KE WALKING COMPRESSORS TO ROOF SCANG 1/2" THK SIDINGS OR BETTER. ATTACH KE WALKING COMPRESSOR TO WALK FLASH BOLTS (NO SCREWS).
- J. REFER TO DETAIL 12/A17.1 FOR ROOF FLASHING DETAIL AT ALL ROOFS.
- K. ROOFING UNDERLAYMENT TO BE 30AL OR PAPER - CHECK CORNERING NEIGHBORHOOD OR BUREAU FOR SPEC. SEE 12/A17.1.



1 ROOF PLAN  
 SCALE: 1/4" = 1'-0"

**EXHIBIT "A"**  
 Page No. 5 of 8  
 Case No. 2A-2022-2788-CU-SPP-SPPA-SPR-WD

DESIGNED BY: [Signature]  
 DRAWN BY: [Signature]  
 DATE: 04/11/2022 - 12:29pm



**PLANTING LEGEND**

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QUANTITY	REMARKS	USDA ZONE
⊕	ROBINIA X AMMOUDA PURPLE ROBE	PURPLE ROBE LOCUST	24" BOX	PER PLAN	+2	STANDARDS MATCHED	LOW
⊕	PISTACIA RED PISTACHE	RED PISTACHE	30" BOX	PER PLAN	+3	STANDARDS MATCHED	LOW
⊕	LODNOSTEMON CONFERTUS	BRISBANE BOX	24" BOX	PER PLAN	+5	STANDARDS MATCHED	LOW
⊕	LAMBERTOPIA INDICA X RED ROCKET	RED ROCKET GRAPE MYRTLE	30" BOX	PER PLAN	+5	STANDARDS MATCHED	LOW
⊕	ARIBUTUS MARINA	MARINA STRAWBERRY TREE	30" BOX	PER PLAN	+5	STANDARDS MATCHED	LOW
⊕	WAS-INDICATA ROBERTA IN-N-OUT CROSS PLANE	MEXICAN FAN PALM	20" CST	PER PLAN	+2	SOIN TRUNKS TO INDUSTRY STANDARD DOCUMENT ANSI Z60.1	LOW
<b>SHRUBS</b>							
⊕	AUCUBA JAPONICA VARIEGATA	GOLD DUST AUCUBA	5 GALLON	40" O.C.	+15	TRIANGLE SPACING MED	
⊕	AZALEA INDICA AZALEA	ALASKA AZALEA	5 GALLON	24" O.C.	+15	TRIANGLE SPACING MED	
⊕	AZALEA INDICA "HAPPY DAYS"	HAPPY DAYS AZALEA	8 GALLON	24" O.C.	+24	TRIANGLE SPACING MED	
⊕	COULANVILLE "MORNA"	COULANVILLE	5 GALLON	40" O.C.	+15	TRIANGLE SPACING LOW	
⊕	BUJURNE FRUTESCENS "HALLMARK"	"HALLMARK" BULBINE	1 GALLON	24" O.C.	+37	TRIANGLE SPACING LOW	
⊕	BOUTELOUA GRACILIS "BLONDE AMBITION"	BLONDE AMBITION BLUE GRASS	5 GALLON	24" O.C.	+184	TRIANGLE SPACING LOW	
⊕	CALAMAGROSTIS X ACUTIFLORA "KARL FOERSTER"	FEATHER REED GRASS	5 GALLON	30" O.C.	+38	TRIANGLE SPACING LOW	
⊕	DANIELLA TAMARICATA "VARIEGATA"	VAREGATED FLAX LILY	5 GALLON	24" O.C.	+98	TRIANGLE SPACING LOW	
⊕	DANIELLA CAERULEA "CASSA BLUE"	BLUE FLAX LILY	5 GALLON	24" O.C.	+76	TRIANGLE SPACING LOW	
⊕	HELICTOTRICHON "EMPERVARENS"	BLUE DAT GRASS	5 GALLON	24" O.C.	+125	TRIANGLE SPACING LOW	
⊕	HEBE "CHAMPSEIGN"	CHAMPION HEBE	5 GALLON	24" O.C.	+136	TRIANGLE SPACING LOW	
⊕	LIQUIDSTRUM SINENSES "SUNSHINE"	SUNSHINE LIQUIDSTRUM	5 GALLON	30" O.C.	+38	TRIANGLE SPACING LOW	
⊕	MANDINA SCIBETICA "SEIKO"	OBSESSION MANDINA	5 GALLON	30" O.C.	+96	TRIANGLE SPACING LOW	
⊕	PERNETSETUM SEBACEUM "FIREWORKS"	FIREWORKS FOUNTAIN GRASS	5 GALLON	24" O.C.	+71	TRIANGLE SPACING LOW	
⊕	PITTOSPORIUM TOBIKA "SHAW"	CERISE DE LANT DWARF PITTOSPORIUM	5 GALLON	30" O.C.	+61	TRIANGLE SPACING LOW	
⊕	RHAMNOLIPS INDICA "BALLERINA"	BALLERINA INDIAN HAWTHORN	5 GALLON	30" O.C.	+61	TRIANGLE SPACING MED	
⊕	TECOMA STANS "SIERRA APPROD"	SIERRA APRICOT ESPANADA	5 GALLON	30" O.C.	+48	TRIANGLE SPACING LOW	
<b>TREES</b>							
⊕	BURUS MICROPHYLLA VAR. JAPONICA "WINTER GEM"	WINTER GEM BOXWOOD	5 GALLON	12" O.C.	+87	ROOT BALL TO ROOT LOW PAL DEFENSE ON PLANT SIZE	
⊕	LANTANA X "NEW GOLD"	NEW GOLD LANTANA	1 GALLON	30" O.C.	+158	TRIANGLE SPACING LOW	
⊕	LANTANA CANARIA "MONIE"	TEENIE GENE	1 GALLON	30" O.C.	+103	TRIANGLE SPACING LOW	

**EXHIBIT "A"**  
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 CU-SPP-SPPA-SPR-WLD

**LANDSCAPE BOULDER LEGEND**

SYMBOL	SIZE	MANUFACTURER TYPE/COLOR
⊕	1' X 2' X 2'	SOUTHWEST BOULDER AND STONE TYPE EXPRESSE BROWN ANGULAR PK 577-792-705 OR EQUAL
⊕	2' X 4' X 2'	
⊕	3' X 3' X 2'	

BOULDER PLACEMENT (GROUPINGS) SHALL BE REVIEWED BY THE LANDSCAPE ARCHITECT PRIOR TO PLACEMENT.

**LANDSCAPE CONSTRUCTION LEGEND**

SYMBOL	MATERIAL	50 FT.
⊕	3" THICK MULCH LAYER TO BE INSTALLED IN ALL PLANTERS WITHOUT DRY STREAM BED, GRAVEL OR BIOSVALES.	+ 8,815 S.F.
⊕	STABILIZED DECOMPOSED GRANITE - GREY COLOR - 2" MIN THICKNESS - 5% SLOPE TO ROOSTRAE.	
⊕	24" WIDE MATTED RUB ASSOCIATE WALKWAY CONSISTING OF APPROXIMATELY 370 SQUARE FEET.	

**LANDSCAPE AREA CALCULATION NOTE:**

TOTAL INSTALLED TURF AREA 0 S.F. (0%)  
 TOTAL INSTALLED PLANTING (SHRUBS/ORNAMENTALS) AREA 8,815 S.F. (100%)  
 TOTAL LANDSCAPE AREA PROVIDED WITHIN PROPERTY + 8,815 S.F. (100%)



**AGRONOMIC SOILS REPORT REQUIREMENT**

AFTER MAJOR GRADING OPERATIONS ARE COMPLETED, CONTRACTOR SHALL OBTAIN SOIL SAMPLES FROM MIN. 6" DEPTH AND SUBMIT TO AN APPROVED LABORATORY FOR ANALYSIS AND RECOMMENDATIONS. OBTAIN A MINIMUM OF 1 SAMPLE PER ACRE AND 1 SAMPLE EITHER UPSTREAM OR DOWNSTREAM OF EACH PLANTING LOCATION. SOIL MEETS SOILS LAB STANDARDS. REPORTS MUST BE SUBMITTED TO LANDSCAPE ARCHITECT, CITY AND OWNER'S REP. FOR REVIEW AND APPROVAL.

**TREE ROOT BARRIERS - FIBERWY & BIO BARRIER:**

- CONTRACTOR SHALL INSTALL TREE ROOT BARRIERS FOR ALL TREES WITHIN 6' OF CONCRETE EDGE. INSTALL THE 30" VERSION AND SHALL BE 30" THICK FOR 10' ON EITHER SIDE OF TREE.
- STREET TREES AND OTHER TREES LOCATED WITHIN 10 FEET OF THE PUBLIC RIGHT-OF-WAY (WITH THE EXCEPTION OF PALM TREES) SHALL BE PROVIDED WITH A BIO BARRIER.

**TITLE 25 - WATER EFFICIENT LANDSCAPE COMPLIANCE NOTICE**

I HAVE COMPLIED WITH THE CRITERIA OF THE WATER EFFICIENT LANDSCAPE ORDNANCE BY USE OF CALIFORNIA TITLE 25, DIVISION 2 CHAPTER 2.2 AND APPLIED THEIR RESPONSIBILITY FOR ANALYSIS AND RECOMMENDATIONS FOR THE EFFICIENT USE OF LANDSCAPE DESIGN PLAN.

BRANDON M. PETRILLO, LANDSCAPE ARCHITECT  
 PLAN CA 5894 DATE MAY 08, 2023

**LANDSCAPE IRRIGATION INTENT:**

IT IS THE INTENT TO PROVIDE AN IRRIGATION DESIGN USING DRIP IRRIGATION SYSTEM FOR THE ENTIRE SITE. BUREDA A CONSTANT 4" BELOW FINISH GRADE AND STAPLED DOWN @ 6" INTERVALS FOR CORROSION PROTECTION. THE IRRIGATION SYSTEM SHALL BE CONTROLLED BY A SMART CONTROLLER WITH ONSITE WEATHER SENSOR AND REMOTE OPERATION THROUGH THE INTERNET FROM CENTRAL LOCATION. CONTROLLER SHALL BE A TYPE WHICH AUTOMATICALLY ADJUSTS FLOWRATES AND FREQUENCIES BASED, NOT ONLY ON HISTORICAL ET, BUT ACTUAL ONSITE WEATHER CONDITIONS.

**LANDSCAPE ARCHITECT:**



**BRANDON PETRILLO & ASSOCIATES, INC.**  
 14500 LANTANA AVE SUITE 111  
 DUBLIN, CA 94568  
 TEL: (925) 835-8888 FAX: (925) 835-8889  
 WWW.BRANDONPETRILLO.COM



**MS MEL ENGINEERING, INC.**  
 501 NORTH BARTON AVENUE, SUITE 200  
 SAN ANTONIO, TEXAS 78201  
 TEL: (214) 590-5000 FAX: (214) 590-5001  
 WWW.MSMEL.COM

PROJECT: IN-N-OUT BURGERS RESTAURANT (WOODLAND HILLS, CA)  
 OWNER: IN-N-OUT BURGER  
 CONTACT: MARCO LEON (714) 950-9795

PROJECT NO. 20237  
 APGEE CONSULTING  
 9600 THE COLONY  
 15200 Colony Parkway  
 Houston, Texas 77061  
 TEL: (281) 370-0000  
 WWW.APGEE.COM



REVISIONS  
 <<<<<<

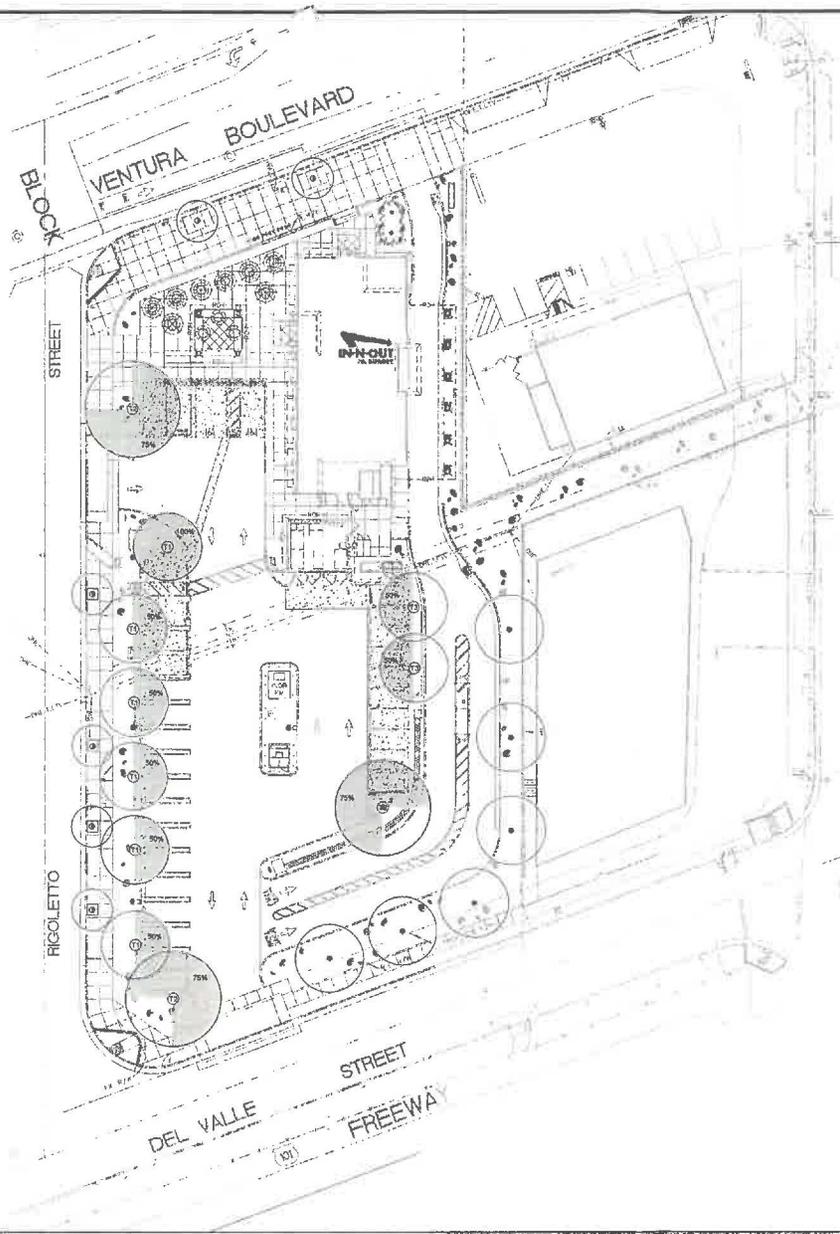
PLAN TITLE  
**CITY ENTITLEMENT  
 LANDSCAPE  
 PLANTING PLAN**

DRAWN  
 CHD  
 DATE 09-08-2023

DRAWING  
**LPP.1**

PLAN VIEW

SCALE: 1" = 20'-0"



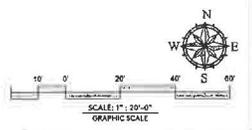
PLAN VIEW

SCALE 1" = 20'-0"

**PARKING LOT SHADE CALCULATION TABLE**  
 Canopies and white cells shaded. Green cells are calculated. Dimensions are in feet and areas are in square feet.

Item #	Species Name	Canopy Diameter	Canopy Area	100% Shade Credit		75% Shade Credit		50% Shade Credit		25% Shade Credit		Provided Shade Area
				Quantity	Area	Quantity	Area	Quantity	Area	Quantity	Area	
T1	MAIRIA STRAWBERRY TREE	20.00	314	1.00	314	0	0	0	0	0	0	1,100
T2	PECANIA K 'RED PUSH' PISTACHE	40.00	1,537	0.00	0	3	2,823	0	0	0	0	2,823
T3	ROBINIA X AMBIGUA 'PURPLE ROSE' LOCUST	20.00	314	0.00	0	0	0	2	314	0	0	314
Canopy	1806 sqft not shaded	29.75	878	4.00	1,711	0	0	0	0	1.00	178	2,954
Total Provided Shade Area:											7,776	
Percent Shade Coverage (50% Minimum):											83%	

**EXHIBIT "A"**  
 Page No. 7 of 8  
 Case No ZA-2022-2788 - CU-SPP-SPPA-SPR-WD1



LANDSCAPE ARCHITECT:  
**BPA**  
 LANDSCAPE ARCHITECTS  
 BRANDON PETRUINO & ASSOCIATES, INC.  
 14255 AVY 225-1177775  
 Design Studio: 301 N. San Dimas Ave., San Dimas, CA 91771  
 City Office: 15699 Chrysalis Lane, Fontana, CA 92336  
 T: 6442-51-8840, M: 953-516-7943, E: brandon@brandonpa.com

  
 REGISTERED PROFESSIONAL ENGINEER  
 No. 37392  
 State of California  
 Mark S. Ludovist  
 E.C.E. - 35323  
 DATE: 05-28-2022

PROJECT: **IN-N-OUT BURGERS RESTAURANT**  
 22802 VENTURA BOULEVARD, LOS ANGELES  
 (PRODUCTION) 15000 S. Harbor Freeway  
 15000 S. Harbor Freeway  
 Anaheim, Texas 75001  
 Ph: (714) 370-1100

PROJECT NO. 210221  
**Apogee**  
 LANDSCAPE ARCHITECTS  
 15000 S. Harbor Freeway  
 Anaheim, Texas 75001  
 Ph: (714) 370-1100

PERMITS: 

PLAN TITLE:  
**CITY ENTITLEMENT  
 LANDSCAPE  
 SHADING PLAN**

DRAWN: \_\_\_\_\_  
 CND: \_\_\_\_\_  
 DATE: 05-28-2022

DRAWING:  
**LSP.1**

