



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number _____

Env. Case Number _____

Application Type _____

Case Filed With (Print Name) _____ Date Filed _____

Application includes letter requesting:

Waived hearing Concurrent hearing Hearing not be scheduled on a specific date (e.g. vacation hold)

Related Case Number _____

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.
All terms in this document are applicable to the singular as well as the plural forms of such terms.
Detailed filing instructions are found on form CP-7810

1. PROJECT LOCATION

Street Address¹ 17401-17433 Ventura Blvd., Encino Unit/Space Number _____

Legal Description² (Lot, Block, Tract) See attached "Legal Description."

Assessor Parcel Number 2257016059 Total Lot Area 170,940 sq. ft.

2. PROJECT DESCRIPTION

Present Use Multi-tenant retail center.

Proposed Use No change.

Project Name (if applicable) Encino Courtyard (Plan Approval - MCUB)

Describe in detail the characteristics, scope and/or operation of the proposed project A Plan Approval to permit the sale of a full line of alcoholic beverages for off-site consumption in connection with concurrently filed Master CUB.

Additional information attached YES NO

Complete and check all that apply:

Existing Site Conditions

- Site is undeveloped or unimproved (i.e. vacant)
- Site has existing buildings (provide copies of building permits)
- Site is located within 500 feet of a freeway or railroad
- Site is located within 500 feet of a sensitive use (e.g. school, park)

¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)

Site has special designation (e.g. National Historic Register, Survey LA)

Proposed Project Information

(Check all that apply or could apply)

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree

- Removal of protected trees on site or in the public right of way
- New construction: _____ square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

Housing Component Information

Number of Residential Units: Existing _____ – Demolish(ed)³ _____ + Adding _____ = Total _____

Number of Affordable Units⁴ Existing _____ – Demolish(ed) _____ + Adding _____ = Total _____

Number of Market Rate Units Existing _____ – Demolish(ed) _____ + Adding _____ = Total _____

Mixed Use Projects, Amount of Non-Residential Floor Area: _____ square feet

Public Right-of-Way Information

Have you submitted the Planning Case Referral Form to BOE? (required) YES NO

Is your project required to dedicate land to the public right-of-way? YES NO

If so, what is/are your dedication requirement(s)? _____ ft.

If you have dedication requirements on multiple streets, please indicate: _____

3. ACTION(S) REQUESTED

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36? YES NO

Authorizing Code Section LAMC 12.24M

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: A Plan Approval to permit the sale of a full-line of alcoholic beverages for off-site consumption in a leased space within an existing multi-tenant retail center (in connection with concurrently filed Master CUB).

Authorizing Code Section _____

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: _____

Additional Requests Attached YES NO

³ Number of units to be demolished and/or which have been demolished within the last five (5) years.

⁴ As determined by the Housing and Community Investment Department

4. RELATED DEPARTMENT OF CITY PLANNING CASES

Are there previous or pending cases/decisions/environmental clearances on the project site? YES NO

If YES, list all case number(s) APCSV-2000-3444-SPE; ZA-91-1167(ZV); etc. (Please see complete list
in attached ZIMAS Parcel Profile Report.) _____

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. _____ Ordinance No.: _____

- Condition compliance review
- Modification of conditions
- Revision of approved plans
- Renewal of entitlement
- Plan Approval subsequent to Master Conditional Use
- Clarification of Q (Qualified) classification
- Clarification of D (Development Limitations) classification
- Amendment to T (Tentative) classification

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? YES NO

Have you filed, or is there intent to file, a Subdivision with this project? YES NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

5. RELATED DOCUMENTS / REFERRALS

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

- a. Specialized Requirement Form N/A
- b. Geographic Project Planning Referral Attached - Ventura-Cahuenga Boulevard Specific Plan.
- c. Citywide Urban Design Guidelines Checklist Attached - Commercial Design Guidelines.
- d. Affordable Housing Referral Form N/A
- e. Mello Form N/A
- f. Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form N/A
- g. HPOZ Authorization Form N/A
- h. Management Team Authorization N/A
- i. Expedite Fee Agreement Attached.
- j. Department of Transportation (DOT) Referral Form Attached - including Traffic Study and DOT Assessment Letter.
- k. Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) Attached.
- l. Order to Comply N/A
- m. Building Permits and Certificates of Occupancy Attached - list.
- n. Hillside Referral Form N/A
- o. Low Impact Development (LID) Referral Form (Storm water Mitigation) N/A
- p. Proof of Filing with the Housing and Community Investment Department N/A
- q. Are there any recorded Covenants, affidavits or easements on this property? YES (provide copy) NO

PROJECT TEAM INFORMATION (Complete all applicable fields)

Applicant⁵ name BRE Encino Owner LLC

Company/Firm _____

Address: c/o Tax Department, 17240 Bernardo Center Drive Unit/Space Number 300

City San Diego State CA Zip Code: 92128

Telephone _____ E-mail: _____

Are you in escrow to purchase the subject property? YES NO

Property Owner of Record Same as applicant Different from applicant

Name (if different from applicant) _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Agent/Representative name Fred Gaines, Esq. & Kim Rible, Esq.

Company/Firm Gaines & Stacey LLP

Address: 16633 Ventura Blvd., Suite 1220 Unit/Space Number _____

City Encino State CA Zip: 91436

Telephone 818-933-0200 E-mail: krible@gaineslaw.com

Other (Specify Architect, Engineer, CEQA Consultant etc.) _____

Name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Primary Contact for Project Information Owner Applicant
(select only one) Agent/Representative Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

⁵ An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).


PROPERTY OWNER

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgement is available for your convenience on following page.*

Signature  _____

Date 11/17/18 _____

Print Name Brian Donley, Vice President - Development _____

Signature _____

Date _____

Print Name _____

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~California~~ ILLINOIS

County of Cook

On November 17, 2018 before me, Abigail Fortune Sloan
(Insert Name of Notary Public and Title)

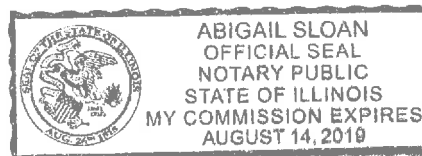
personally appeared Brian Donley, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature

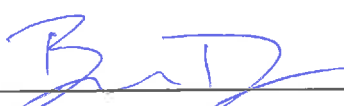
(Seal)



APPLICANT

8. **APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.
- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
 - b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
 - c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
 - d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
 - e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
 - f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
 - g. I understand that if this application is denied, there is no refund of fees paid.
 - i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
 - i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature: 
Print Name: Brian Donley, Vice President - Development

Date: 11/17/18

4

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Los Angeles, County of Los Angeles, State of California, described as follows:

PARCEL 1:

THAT PORTION OF LOT 3 IN BLOCK 17 OF TRACT NO. 2955, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 31, PAGES 62 THROUGH 70 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT, DISTANT THEREON NORTH 80° 05' 30" WEST 119.00 FEET FROM THE SOUTHEASTERLY CORNER OF SAID LOT, THENCE ALONG SAID SOUTHERLY LINE NORTH 80° 05' 30" WEST 129.04 FEET TO A POINT IN SAID SOUTHERLY LINE, DISTANT THEREON SOUTH 80° 05' 30" EAST 20.00 FEET FROM THE SOUTHWEST CORNER OF SAID LOT; THENCE PARALLEL WITH THE WESTERLY LINE OF SAID LOT NORTH 00° 03' 30" WEST 212.00 FEET, THENCE PARALLEL WITH SAID SOUTHERLY LINE, SOUTH 80° 05' 30" EAST 129.04 FEET TO A POINT IN A STRAIGHT LINE WHICH EXTENDS NORTHERLY FROM THE POINT OF BEGINNING TO A POINT IN THE NORTHERLY LINE OF SAID LOT, DISTANT ALONG SAID NORTHERLY LINE NORTH 80° 05' 30" WEST 119.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT, THENCE ALONG SAID DESCRIBED LINE SOUTH 00° 03' 30" EAST 212.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THE EASTERLY 15.00 FEET THEREOF.

ALSO EXCEPT THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, AS RESERVED IN DEED RECORDED IN BOOK 799 PAGE 269, OFFICIAL RECORDS.

PARCEL 2:

THAT PORTION OF LOT 4 IN BLOCK 17 OF TRACT NO. 2955, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 31, PAGES 62 THROUGH 70 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 4; THENCE ALONG THE EASTERLY LINE OF SAID LOT, NORTH 00° 03' 30" WEST 382.04 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO PEARL L. BRENIZER, RECORDED IN BOOK 3570 PAGE 7, OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY LINE OF THE LAND SO DESCRIBED NORTH 80° 05' 30"

WEST 100 FEET, THENCE PARALLEL WITH THE EAST LINE OF SAID LOT 4, SOUTH 00° 03' 30" EAST 382.04 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT 4, SOUTH 00° 03' 30" EAST 382.04 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT; THENCE ALONG SAID SOUTH LINE, SOUTH 80° 05' 30" EAST 100 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

THAT PORTION OF LOT 4 IN BLOCK 17 OF TRACT NO. 2955, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 31, PAGES 62 THROUGH 70 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF SAID LOT 4, DISTANT WESTERLY THEREON 100 FEET FROM THE SOUTHEAST CORNER THEREOF, SAID POINT BEING THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO LEONARD WILLIAMS, RECORDED IN BOOK 5355 PAGE 132, OFFICIAL RECORDS OF SAID COUNTY, THENCE ALONG THE WESTERLY LINE OF SAID LAND OF WILLIAMS, NORTH 00° 03' 30" WEST 382.04 FEET TO THE NORTHWEST CORNER OF SAID LOT OF WILLIAMS, BEING IN THE NORTHERLY LINE OF THE LAND DESCRIBED IN DEED TO PEARL L. BRENIZER, RECORDED IN BOOK 3570 PAGE 7, OFFICIAL RECORDS, THENCE ALONG SAID NORTHERLY LINE OF BRENIZER, NORTH 80° 05' 30" WEST 100 FEET, THENCE PARALLEL WITH THE WESTERLY LINE OF SAID LAND OF WILLIAMS, SOUTH 00° 03' 30" EAST 382.04 FEET TO THE SOUTHERLY LINE OF SAID LOT 4, THENCE ALONG SAID SOUTHERLY LINE OF LOT 4, SOUTH 80° 03' 30" EAST 100 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

THE EASTERLY 119 FEET, FRONT AND REAR OF LOT 3 IN BLOCK 17 OF TRACT NO. 2955, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 31 PAGE 62 ET SEQ. OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID LAND LYING WITHIN THE BOUNDARIES OF TRACT NO. 21455, AS PER MAP RECORDED IN BOOK 645 PAGES 70, 71 AND 72 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 5:

LOT 3 IN BLOCK 17 OF TRACT NO. 2955, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 31, PAGES 62 THROUGH 70 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THE EASTERLY 119 FEET, MEASURED ALONG THE FRONT AND REAR LINES OF SAID LOT.

6

ALSO EXCEPT THE NORTHERLY 370 FEET OF SAID LOT.

ALSO EXCEPT THAT PORTION DESCRIBED IN DEED TO SAMUEL & FELICIA JACOBSON RECORDED NOVEMBER 20, 1992 AS INSTRUMENT NO. 92-2172130, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 11 OF TRACT NO. 21455, AS SHOWN ON THE MAP RECORDED IN BOOK 645 PAGES 70 THROUGH 72 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTH $00^{\circ} 03' 09''$ WEST 10.48 FEET ALONG THE WESTERLY LINE OF SAID LOT 11 TO THE TRUE POINT OF BEGINNING; NORTH $80^{\circ} 41' 31''$ WEST 148.80 FEET TO THE WESTERLY LINE OF SAID LOT 3; THENCE NORTH $00^{\circ} 03' 09''$ WEST 38.43 FEET ALONG SAID WESTERLY LINE OF LOT 3 TO THE SOUTHWEST CORNER OF LOT 6 OF SAID TRACT NO. 21455, THENCE SOUTH $80^{\circ} 05' 28''$ WEST 149.06 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 6 TO THE WESTERLY LINE OF SAID LOT 11, THENCE SOUTH $00^{\circ} 03' 09''$ EAST 36.85 FEET ALONG SAID WESTERLY LINE OF SAID LOT 11 TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT FROM SAID LAND THAT PORTION DESCRIBED IN SAID DEED TO ALBERT P. GABLEDON AND OTHERS RECORDED ON JULY 22, 1955 AS INSTRUMENT NO. 2399, IN BOOK 48435 PAGE 179, OF SAID COUNTY AND THEREIN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT, DISTANT THEREON NORTH $80^{\circ} 05' 30''$ WEST 119.00 FEET FROM THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE ALONG SAID SOUTHERLY LINE NORTH $80^{\circ} 05' 30''$ WEST 129.04 FEET TO A POINT IN SAID SOUTHERLY LINE, DISTANT THEREON SOUTH $80^{\circ} 05' 30''$ EAST 20.00 FEET FROM THE SOUTHWEST CORNER OF SAID LOT; THENCE PARALLEL WITH THE WESTERLY LINE OF SAID LOT NORTH $00^{\circ} 03' 30''$ WEST 212.00 FEET, THENCE PARALLEL WITH SAID SOUTHERLY LINE, SOUTH $80^{\circ} 05' 30''$ EAST 129.04 FEET TO A POINT IN A STRAIGHT LINE WHICH EXTENDS NORTHERLY FROM THE POINT OF BEGINNING TO A POINT IN THE NORTHERLY LINE OF SAID LOT, DISTANT ALONG SAID NORTHERLY LINE NORTH $80^{\circ} 05' 30''$ WEST 119.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT, THENCE ALONG SAID DESCRIBED LINE SOUTH $00^{\circ} 03' 30''$ EAST 212.00 FEET TO THE POINT OF BEGINNING. EXCLUDING THEREFROM ABOVE SAID SECTION THE EASTERLY 15.00 FEET THEREOF.

Encino Courtyard

17401 – 17433 Ventura Boulevard, Encino

PROJECT DESCRIPTION

The project entails the renovation of the Encino Courtyard shopping center located at [17401-17433 Ventura Boulevard](#) in Encino (the "Property"). The Property is classified within the (Q)C4-1VL and [Q]P-1VL zones and is situated within the Encino-Tarzana Community Plan ("Community Plan") and the Ventura/Cahuenga Boulevard Corridor Specific Plan ("Specific Plan"). The Community Plan designates the Property for Community Commercial land uses and the Specific Plan designates the Property for Neighborhood and General Commercial land uses. No changes to the zoning, general plan, maximum allowed gross floor area, or height are proposed.

The existing three-level community retail center will be remodeled to incorporate updated aesthetics, signage, and new tenants such as dry retail uses for goods and services, a continuing gym use, and neighborhood restaurants. A renovated courtyard area will be created to offer new areas of outdoor seating, new landscaping, and to inspire an overall sense of place for consumers. Approximately 503 parking spaces will be provided in the existing parking areas below grade and at street level to accommodate the 106,020 square feet of commercial floor area. Upon Los Angeles Department of Transportation approval, vehicular ingress and egress to the Property will be improved by adding a new, privately funded four-way traffic signal at the Andasol Avenue and Ventura Boulevard intersection at the eastern entrance.

So that the proposed project will comply with the provisions of the Los Angeles Municipal Code (the "LAMC"), the following entitlements are requested in three (3) separate applications filed concurrently:

APPLICATION NO. 1:

- Pursuant to Section 11.5.7.C of the LAMC, a Project Permit Compliance for the remodel of an existing multi-level, multi-tenant shopping center and master sign program.
- Pursuant to Section 12.24.W.1 of the LAMC, a Master Conditional Use for the sale and/or dispensing of a full-line of alcoholic beverages for on-site and off-site consumption in leased spaces.

APPLICATION NO. 2

- Pursuant to Section 12.24.M of the LAMC, a Plan Approval for the sale of a full-line of alcoholic beverages for off-site consumption in compliance with the associated Master Conditional Use.

APPLICATION NO. 3

- Pursuant to Section 12.27.U of the LAMC, a Plan Approval for modifications to the gym/health club use previously approved under Case No. ZA-91-1167(ZV).



FINDINGS / SPECIALIZED REQUIREMENTS:

PLAN APPROVAL FOR ALCOHOL AND ADULT ENTERTAINMENT ESTABLISHMENTS (PA/PAD/PAB)

ZONE CODE SECTIONS: 12.24 M for alcohol establishments subject to 12.24 W1 or 12.24 X2, or for adult entertainment establishments subject to 12.24 W18.

The Plan Approval Findings/Justification is a required attachment to the *DEPARTMENT OF CITY PLANNING APPLICATION(CP-7771.1)*

Public Notice Requirements: This entitlement requires notification of property owners abutting the project site. Please note the original or most recent decision letter may specify a different notice requirement that may be greater.

Continuing Term-Limited Conditional Uses (ZA Memo 122): This form is to be completed when utilizing the provisions established in ZA Memorandum No. 122. The memorandum allows for applicants to continue any **still valid** approval that has been term-limited, through the Plan Approval procedure. Applicants are advised that the Plan Approval must take effect **before** the original approval expires in order for it to remain valid – there can be no lapse in time. For example, if the original approval dated 1/1/2010 was approved for a term-limit of 5 years (expiring on 1/1/2015), and if the average case processing time is 1 year, the applicant would be advised to file **latest** on 1/1/2014. Therefore, filing **well before** the expiration date is strongly recommended.

ADDITIONAL INFORMATION/FINDINGS FOR APPROVAL OF A PLAN APPROVAL:

In order to grant your request, the following additional information and findings must be provided on this form and/or on a separate sheet:

1. Original Approval

- Provide a copy of the original entitlement, together with any appeals.
- If there is no original entitlement, and the Plan Approval is being filed on a Deemed-to-be-Approved Conditional Use establishment (PAD), provide a copy of the Building Permit, Certificate of Occupancy, or other documentation that originally permitted the use.

2. Condition Compliance (*on a separate sheet*)

- Provide supplemental information that verifies compliance with all current conditions of approval. List the condition number, the text of the condition, and an explanation or documented proof of how the condition has been met.
- *For example:* Condition 22 – No dancing or dance floor is permitted.
Proof: The attached floor plan and accompanying photos show fixed seats and tables throughout the venue with no room for a dance floor or dancing.

3. Findings (*on a separate sheet*)

a. General Conditional Use

- i. That 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.
- ii. That 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.

- iii. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

b. **Additional Findings**

- i. Explain how the approval of the application will not result in, or contribute to an undue concentration of such establishments.
- ii. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.

4. **Questions Regarding the Physical Development of the Site**

- a. What is the total square footage of the building or center the establishment is located in?
106,020 square feet
- b. What is the total square footage of the space the establishment will occupy?
30,868 square feet
- c. What is the total occupancy load of the space as determined by the Fire Department?
Unknown
- d. What is the total number of seats that will be provided indoors? N/A Outdoors?
N/A
- e. If there is an outdoor area, will there be an option to consume alcohol outdoors?
N/A
- f. If there is an outdoor area, is it on private property or the public right-of-way, or both?
N/A
- g. If an outdoor area is on the public right-of-way, has a revocable permit been obtained? N/A
- h. Are you adding floor area? No. If yes, how much is enclosed? _____ Outdoors?

- i. **Parking**
 - i. How many parking spaces are available on the site?
503
 - ii. Are they shared or designated for the subject use?
Shared
 - iii. If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety?
N/A
 - iv. Have any arrangements been made to provide parking off-site?
No.
 - 1. If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety?

 - **Note:** *Required* parking must be secured via a covenant pursuant to AMC section 12.26 E 5. A private lease is only permitted by a Zone Variance.

2. Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.
3. Will valet service be available? _____ Will the service be for a charge?

- j. Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or parks?
No, but site is within 1,000 feet of Kidz Korner (indoor playground at 17200 Ventura Blvd.)
- k. For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other Adult Entertainment Businesses as defined by LAMC 12.70 B17?
N/A

5. **Questions Regarding the Operation of the Establishment**

- a. Has the use been discontinued for more than a year? N/A
- i. If yes, **it is not eligible** for the Plan Approval process.
- ii. If no, the applicant may be required to prove that the discontinuance of the use did not occur – see LAMC section 12.23 B9 or 12.24 Q.
- b. What are the proposed hours of operation and which days of the week will the establishment be open? *Extended hours of operation and alcohol sales are proposed for seasonal holiday periods.

	M	Tu	W	Th	F	Sa	Su
Proposed Hours of Operation *	7am-12am	7am-12am	7am-12am	7am-12am	7am-12am	7am-12am	7am-12am
Proposed Hours of Alcohol Sale *	7am-12am	7am-12am	7am-12am	7am-12am	7am-12am	7am-12am	7am-12am

- c. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify:
No.
- **Note:** An establishment that allows for dancing needs a conditional use pursuant to LAMC section 12.24 W18.
- d. Will there be minimum age requirements for entry? No. If yes, what is the minimum age requirement and how will it be enforced?

- e. Will there be any accessory retail uses on the site? Yes. What will be sold?
Retail is the primary use (home, apparel, food and beverages, etc.).
- f. **Security**
- i. How many employees will you have on the site at any given time?
Approximately 12 -15 employees per shift.
- ii. Will security guards be provided on-site?
Yes.
1. If yes, how many and when when?Approximately 1 - 2 security personnel per shift

iii. Has LAPD issued any citations or violations? No. If yes, please provide copies.

g. Alcohol

i. Will there be beer & wine only, or a full-line of alcoholic beverages available?

Full line

ii. Will "fortified" wine (greater than 16% alcohol) be sold?

No.

iii. Will alcohol be consumed on any adjacent property under the control of the applicant?

No.

iv. Will there be signs visible from the exterior that advertise the availability of alcohol?

No.

v. Food

1. Will there be a kitchen on the site?

No.

2. Will alcohol be sold without a food order?

Yes, but for off-site consumption only.

3. Will the sale of alcohol exceed the sale of food items on a quarterly basis?

No.

4. Provide a copy of the menu if food is to be served.

vi. On-Site

1. Will a bar or cocktail lounge be maintained incidental to a restaurant?

N/A

- If yes, the floor plans must show the details of the cocktail lounge and the separation between the dining and lounge facilities.

2. Will off-site sales of alcohol be provided accessory to on-site sales ("Take Out")?

N/A

- If yes, a request for off-site sales of alcohol is required as well.

3. Will discounted alcoholic drinks ("Happy Hour") be offered at any time?

N/A

vii. Off-Site

1. Will cups, glasses or other containers be sold which might be used for the consumption of alcohol on the premises?

Cups and glasses will be sold at the store, but not for consumption of alcohol on the premises.

2. Will beer or wine coolers be sold in single cans, or will wine be sold in containers less than 1 liter (750 ml)?

No.

viii. Contact the CA Department of Alcoholic Beverage Control (ABC) regarding its requirements -- <http://www.abc.ca.gov/>.

6. **Caldera Bill (CA Business and Professions Code Section 23958 and 23958.4)**

a. Is this application a request for on-site or off-site sales of alcoholic beverages?

Off-site

i. If yes, is the establishment a bona-fide eating place (restaurant) or hotel/motel?

No.

1. If no, contact the CA Department of Alcoholic Beverage Control (ABC) to determine whether the proposed site is located in an area whereby:

- issuance of a license to serve alcohol on-site or off-site would tend to create a law enforcement problem, or
- if issuance would result in, or add to an undue concentration of licenses.

b. If ABC has determined that an eligible use is in an area of high crime or undue concentration of licenses, the City Council will need to make the finding that the issuance of the license is required for **public convenience or necessity**.

- Please note that this is **in addition** to obtaining the Conditional Use Permit or Plan Approval.

Encino Courtyard
17401 – 17433 Ventura Boulevard, Encino
PROPOSED MASTER PLAN APPROVAL (CUB) FINDINGS

BACKGROUND

The Encino Courtyard shopping center is located at [17401-17433 Ventura Boulevard](#) in Encino (the "Property"). The Property is classified within the (Q)C4-1VL and [Q]P-1VL zones and is situated within the Encino-Tarzana Community Plan ("Community Plan") and the Ventura/Cahuenga Boulevard Corridor Specific Plan ("Specific Plan"). The Community Plan designates the Property for Community Commercial land uses and the Specific Plan designates the Property for Neighborhood and General Commercial uses. Project Permit Compliance and Master Conditional Use – Alcohol ("Master CUB") applications were filed in connection with the proposed remodeling of the Property. As discussed herein, this Plan Approval is the first of four (4) total Plan Approvals to be filed in conjunction with the Master CUB for the Property.

The existing three-level community retail center will be remodeled to incorporate updated aesthetics, signage, and new tenants such as dry retail uses for goods and services, a continuing gym use, and neighborhood restaurants. Approximately 503 parking spaces will be provided in the existing parking areas below grade and at street level to accommodate the 106,020 square feet of commercial floor area. Pending Los Angeles Department of Transportation approval, vehicular ingress and egress to the Property will be improved by adding a new, privately funded four-way traffic signal at the Andasol Avenue and Ventura Boulevard intersection at the eastern entrance.

Pursuant to Section 12.24.W.1 of the LAMC, a Master Conditional Use was requested for the sale and/or dispensing of a full-line of alcoholic beverages for on-site and off-site consumption in four leased spaces. That Master Conditional Use Permit for Alcohol application was filed by the owner applicant on behalf of future lessees who may want to serve for on-site consumption, either a full line of alcohol, or beer and wine in connection with the operation of individual restaurants or sell for off-site consumption a full line of alcohol.

The instant application is now filed on behalf of the lessee of what is identified as Retail 1 on the associated project plans. Specifically, the applicant seeks:

One (1) full line permit for lease space identified on the project plans as Retail 1 for retail sales for off-site consumption.

Retail 1 is a 30,868 square foot retail store (Home, Apparel, and Food and Beverage) situated on two levels (basement and ground floor levels) of the Encino Courtyard retail center. The center has 503 parking spaces shared among the tenants. Alcohol sales occupy a small percentage of Retail 1's overall sales. The area devoted to alcohol occupies approximately 750 square feet and will be located on the lower (basement) level of the store (see project plans) and sold for off-site consumption only. Hours of operation and hours of alcohol sales are Monday through Sunday from 7:00am – 12:00am with extended hours during seasonal holiday periods. There will be

approximately 12-15 employees per shift and approximately 1-2 security guards per shift dedicated to Retail 1.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in part:

M. Development of Uses

1. **Development of Site.** On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, as permitted in Subsection L of this section, provided that plans therefore are submitted to and approved by the Zoning Administrator, the Area Planning Commission or the City Planning Commission, whichever has jurisdiction at the time.”

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 W of the Los Angeles Municipal Code. In order for the sale of alcoholic beverages 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.

FINDINGS

a. General Conditional Use Findings:

- i. **That 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.**

Pursuant to Case No. _____, the Zoning Administrator approved a Master Conditional Use Permit authorizing the sale of alcoholic beverages on the subject Property, including the sale of a full-line of alcohol for off-site consumption at a retail store (Retail 1) as proposed herein. Retail 1 is located within an existing multi-level, multi-tenant 106,020 square foot retail center. While the sale of alcoholic beverages is already authorized by the underlying Master Conditional Use Permit, the Plan Approval enables the Zoning Administrator to consider more closely the nature of each operation and to impose further conditions as necessary.

The subject request is associated with a neighborhood version of a popular retail store (Retail 1). The store will operate every day from 7:00 to 12:00am with occasional extended hours during seasonal holidays. Alcohol sale hours will mirror store hours. While the store will sell cups and glassware, no consumption of alcohol will be permitted on store premises. All alcohol sales will be for off-site consumption.

The request does not represent the introduction of a use uncommon to the area, as there are several restaurants, bars, and retail establishments in the vicinity that sell alcoholic beverages as part of their operations. Approval of the Plan Approval request would further enhance Retail 1 and Encino Courtyard by providing employees, visitors, and patrons of nearby businesses as well as local residents the desired amenity of alcoholic beverages as part of a "one stop shop" that will cater to the local community. By improving the viability and desirability of the establishments at the project site and providing residents and visitors the desired amenity of alcoholic beverages in a "one stop shop," the project performs a function and provides a service that is beneficial not only to the community but also to the City and region as a whole.

In sum, the project will enhance the built environment in the surrounding neighborhood and will perform a function or provide a service that is essential and beneficial to the community, city and region.

- ii. **That 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 Property is surrounded on three sides, to the west, east, and south, with similar commercial uses. To the north, across the surface parking lot, are single family residential uses. The site is situated in the middle of a commercial area along Ventura Boulevard in Encino with a variety of adjacent commercial uses.

As noted, the instant request is for a Plan Approval to permit the sale for off-site consumption of a full-line of alcohol on the lower (basement) level of a two-level retail store. The request does not alter the location, size, height, or other significant features of the existing on-site buildings, and the alcohol sales proposed will be incidental to the sale of other goods. Only 750 square feet of an over 30,000 square foot store is devoted to the sale of alcohol. With respect to the operations of the establishment, the instant Plan Approval includes tailored conditions designed to address the specific characteristics of Retail 1. Conditions include mandatory STAR (or equivalent) training for managers and electronic age verification devices.

The use is not located directly adjacent to any properties that could be degraded by the grant of alcohol sales. The most sensitive neighboring use is the residential neighborhood to the north of the Property. However, a surface parking lot currently separates the proposed use from the single family homes, acting as a buffer between the commercial and residential uses. Since the request is for off-site consumption only, the applicant does not anticipate any adverse affects of degradation to occur to adjacent properties.

Approval of the conditional use will contribute to the success and vitality of the Property and help to reinvigorate the Property and vicinity with higher quality establishments as well as a desirable retail use (Retail 1). Since the alcohol sales will be incidental uses, the project will not be detrimental to the development of the community.

The proposed hours of operation for Retail 1 will be 7:00am – 12:00am, daily, with alcohol sales corresponding to those hours (with extended hours during seasonal holiday periods). Noteworthy is the convenient location of existing on-site parking, located immediately adjacent to the north of the commercial building. LAMC Section 12.24.W.1 authorizes the Zoning Administrator to grant the requested use within the Project Site's (Q)C4-1VL Zone. The requested Conditional Use, by definition, is subject to conditions imposed by the Zoning Administrator specifically crafted to

mitigate any potential negative effects of the use. Additionally, the Applicant will utilize trained staff that will ensure that the operations of the proposed use will function with due regard to the surrounding neighborhood.

As such, as conditioned, 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.

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

The Specific Plan designates the property for Neighborhood and General Commercial uses. The Property is in the corresponding zone of (Q)C4-1VL. The Property is located within a highly urbanized area of the City of Los Angeles surrounded by commercial along the Ventura Boulevard corridor. Proposed alcohol sales in the C4 Zone are permitted through a Conditional Use process, provided that the Zoning Administrator makes the required findings herein.

Although the Encino-Tarzana Community Plan is silent with regards to alcohol sales specifically, the project would be in substantial conformance with objectives of the Plan that include Goal 2 - A strong and competitive commercial sector which best serves the needs of the community; Objective 2-1 - To conserve and strengthen viable commercial development; and Policy 2-1.1 - New commercial uses shall be located in existing established commercial areas or existing shopping centers. The Plan Approval project component is also consistent with several objectives of the Specific Plan, including to assure a balance of commercial land uses in the Specific Plan area that will address the needs of the surrounding communities and greater regional area.

Finally, the proposed retail use with alcohol sales for off-site consumption would occupy floor area within an existing commercial shopping center on land planned and zoned for commercial uses, adjacent to other commercially designated and zoned property along Ventura Boulevard, with single family residential development adjacent to the north. As such, and on a fundamental level, the proposed use will further the purposes of the Community Plan with regard to promoting land use compatibility.

In sum, given the oversight created by the conditions of approval, the proposed project will be consistent with the intent of the General Plan, Community Plan, and Specific Plan, and their elements.

b. Additional Findings

i. Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments.

The Property is within the highly-developed Ventura Boulevard commercial corridor that contains a variety of restaurants and entertainment venues. Altogether, there are approximately eighteen (18) alcoholic beverage outlets within 1000' radius of the project site. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. Although the subject census tract may be numerically over-concentrated, the project will not adversely affect community welfare because the proposed sale of alcoholic beverages will enhance the existing (to be remodeled) retail center, which is a desirable use in an area designated for such. Within the urban context of this Ventura Boulevard commercial district, the proposed sale of alcoholic beverages will be consistent with

the character of other development in the area. It should be noted that this is the only Plan Approval for the off-site consumption of alcohol in connection with the Master CUB. (The other three proposed alcohol uses are all for on-site consumption.)

The Project Site is located within Census Tract 1396.00. According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, four (4) on-sale and three (3) off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 1396.00. Data provided by the ABC's Licensing Department (Van Nuys, CA Office) indicate that there are ___ existing on-site and ___ existing off-site alcoholic beverage licenses within the subject Census Tract. While there were previous alcohol sales at the Property, there are none in existence today.

Statistics from the Los Angeles Police Department's West Valley Division Vice Unit reveal that in Crime Reporting District No. 1067, which has jurisdiction over the subject property, a total of ___ crimes were committed in 2017. The above figures indicate that the subject site is located within a reporting district with lower than average or near average crime. However, the majority of the crimes were not alcohol-related.

In sum, the granting of the Plan Approval will not result in an undue concentration of premises for the sale of alcoholic beverages in this area of the City.

ii. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.

The following sensitive uses are located within a 1,000-foot radius of the project site:

- Single-family residences located north (across the parking lot) and south of Ventura Boulevard (behind additional commercial uses)
- Kidz Korner – Indoor Playground (17200 Ventura Blvd., #120)

It is important to note that the vast majority of activities on the Property will not involve the sale of alcoholic beverages and, in fact, only a very small percentage of Retail1's sales are alcohol related. That said, the sale of alcoholic beverages is of critical importance to Retail 1 in order to provide a full-service "one stop shop" for residents. The establishment will have its own trained security personnel, separate from security for the retail center. The environment will be monitored and carefully controlled so as to not detrimentally affect nearby residences.

Specific to the subject request and the surrounding properties are within the C4- 1VL, P-1VL, C2-1VL and RA-1 Zones, with the closest residential properties to the proposed project located to the north, adjacent to the shopping center's parking lot. Approval of the requested Conditional Use permit for a full line of alcohol sales for off-site consumption will not detrimentally affect these residential properties. Retail 1 will be fully contained in two levels in the center with alcohol displays confined to the lower (basement) level on property designated for Neighborhood Commercial land uses and zoned commercially. The closest residential property is located approximately 200 feet to the north of the shopping center building, with the existing parking lot for the shopping center located between these adjacent residential uses and the shopping center, providing buffer to them. Importantly, no outdoor use areas or live entertainment will be provided at Retail 1, and only tenant improvements as necessary to configure the interior floor area for the proposed retail use are proposed.

As identified above, Retail 1's hours of operation will be from 7:00am to 12:00am daily, compatible with and complimentary to the shopping center's operation. On-site parking is readily available proximate (i.e., adjacent to the north) of the proposed use, and security services will be provided by both the store and shopping center personnel.

In sum, the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved.