



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 Address 17401-17433 Ventura Blvd., Encino Unit/Space Number
Legal Description 2 (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

Describe in detail the characteristics, scope and/or operation of the proposed project Remodel of an existing multi-tenant, multi-level retail center to provide 106,020 commercial square feet with 503 parking spaces. Entitlements include Project Permit Compliance (including Master Sign Program) and Master Conditional Use (CUB). Project also includes a new 4-way traffic signal at Andasol Avenue.

Additional information attached YES NO

Complete and check all that apply:

Existing Site Conditions

Site is undeveloped or unimproved (i.e. vacant)
Site is located within 500 feet of a freeway or railroad
Site has existing buildings (provide copies of building permits)
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)<sup>3</sup> \_\_\_\_\_ + Adding \_\_\_\_\_ = Total \_\_\_\_\_

Number of Affordable Units<sup>4</sup> 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)? 5 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 11.5.7.C

**Code Section from which relief is requested (if any):** \_\_\_\_\_

**Action Requested, Narrative:** Project Permit Compliance for the remodel of an existing multi-level, multi-tenant retail center and approval of a Master Sign Program.

**Authorizing Code Section** LAMC 12.24.W.1

**Code Section from which relief is requested (if any):** \_\_\_\_\_

**Action Requested, Narrative:** Master Conditional Use (CUB) for the sale and dispensing of a full-line of alcoholic beverages for on-site and off-site consumption in leased spaces.

Additional Requests Attached  YES  NO

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

<sup>4</sup> 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 attached in 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
- Clarification of Q (Qualified) classification
- Modification of conditions
- Clarification of D (Development Limitations) classification
- Revision of approved plans
- Amendment to T (Tentative) classification
- Renewal of entitlement
- Plan Approval subsequent to Master Conditional Use

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)

**Applicant<sup>5</sup> 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: kribble@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.

<sup>5</sup> 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 of 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 11/15/18

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 15, 2018 before me, Abigail Fortune Sloan  
(Insert Name of Notary Public and Title)

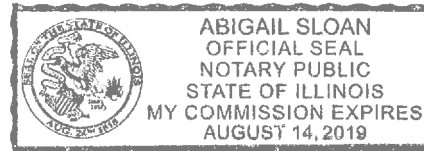
personally appeared Brian Donley who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his her/their signature(s)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

[Handwritten 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:  \_\_\_\_\_

Date: 11/15/18 \_\_\_\_\_

Print Name: Brian Donley, Vice President - Development \_\_\_\_\_

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. BRENZER, 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.

b

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° 03' 09" WEST 10.48 FEET ALONG THE WESTERLY LINE OF SAID LOT 11 TO THE TRUE POINT OF BEGINNING; NORTH 80° 41' 31" WEST 148.80 FEET TO THE WESTERLY LINE OF SAID LOT 3; THENCE NORTH 00° 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° 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° 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° 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. 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).

# **Encino Courtyard**

## **17401 – 17433 Ventura Boulevard, Encino**

### **PROJECT PERMIT COMPLIANCE FINDINGS**

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.

Pursuant to Section 11.5.7.C of the Los Angeles Municipal Code ("LAMC"), a Project Permit Compliance for the remodel of the existing multi-level, multi-tenant shopping center and master sign program is requested. As a preliminary matter, the subject application is for a straightforward remodel of an existing retail center that has existed following project approval on January 31, 1991 (Ordinance No. 166,532)<sup>1</sup>, prior to the adoption of the Specific Plan. There are no changes to the building footprint, mass, or height, and as described herein, all applicable Specific Plan standards will be met except for those items that enjoy existing legal non-conforming status.

The following information has been developed pursuant to LAMC Section 11.5.7 C, and the filing instructions for the Ventura/Cahuenga Boulevard Corridor Specific Plan, established by Ordinance No. 174,052:

- 1. That the project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

The Property is an approximately 3.9 acre parcel containing an existing multi-tenant, two-story shopping center with multiple retail tenants and adjoining surface and underground parking,

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<sup>1</sup> Development of the Property is limited by two zoning ordinances: Ordinance No. 158,865 (effective 5/26/84) and Ordinance No. 166,532 (effective 1/31/91). Copies of both ordinances are included with the application materials.

located on the northerly side of Ventura Boulevard between Encino Avenue and Louse Avenue within the Encino-Tarzana Community Plan area and the Ventura/Cahuenga Boulevard Corridor Specific Plan. The property is zoned (Q)C4-1VL and [Q]P-1VL. The site is subject to the Qualified Condition and Development limitations of Ordinance Nos. 158,865 and 166,532. The site is similar to other shopping centers along the Ventura Boulevard Commercial Corridor but has seen a relatively high tenant turnover. New owners seek to remodel and revitalize the center with aesthetic updates and new tenants. Proposed operating hours for the center are 5:00am to 12:00am.<sup>23</sup>

The Property is located in a highly urbanized setting with various commercial facilities (shopping centers, restaurants, commercial office, etc.) typical of the Ventura Boulevard commercial corridor subject to the [Q]C4-1VL, C4-1VL, P-1VL, and C2-1VL Zones, with single-family dwellings located north and south of the Boulevard in the RA-1 Zone. The properties directly to the north of the Property across the parking lot are zoned RA-1 with single family dwellings.

As explained in greater detail below, the proposed Project complies with the applicable regulations, findings, standards and provisions of the Ventura/Cahuenga Boulevard Corridor Specific Plan, with the exception of the existing project components that are legally non-conforming. The Property is designated as Neighborhood and General Commercial under the Specific Plan and is not within a Pedestrian Oriented Area.

**Section 5C of the Specific Plan** sets forth Use Limitations and Restrictions for Pedestrian Oriented Areas and Regionally Impacted Areas. The subject Property is not situated in a designated Pedestrian Oriented Area or Regionally Impacted Area. In addition, Section 5C also limits use of cargo containers. No cargo containers are proposed or anticipated in connection with the subject request.

**Section 6B(3) of the Specific Plan** sets forth applicable Floor Area Limitations: "The following Floor Area Ratio shall apply to Projects within the Neighborhood and General Commercial Plan Designations: No Project may exceed a maximum Floor Area Ratio of 1.0:1." The lot area of the subject Property is 170,974 square feet and the proposed floor area is 106,020 and is, therefore, in compliance with Section 6B(3) of the Specific Plan.

**Section 7A-F of the Specific Plan** sets forth applicable setback regulations with which a project must comply. For Neighborhood and General Commercial Plan Designation areas and for lots which are greater than 200 feet in width, Section 7A(3) requires that no project be built within 18 inches of the front lot line, have a maximum front yard of 20 feet for a minimum of 50% of the length of the front lot line. Side yards of 10 feet may be permitted, except that an accessway, which may include a maximum 20 foot driveway may be provided for vehicular access to parking access to the building. And, a rear setback of a minimum of 20 feet when the lot is adjacent to a residential use.

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<sup>2</sup> Two stories are above grade, although there is also a basement (or subterranean) level.

<sup>3</sup> These hours do not reflect a concurrently proposed 24 hour gym/health club use.

Front: The subject project complies with the front yard setback requirements as it is not within 18 inches of the front lot line nor is there more than a 20' setback for more than 50% of the front lot line.

Side: The Property is flanked on the east and west by access driveways which are currently improved to widths of 33' 10" (west driveway) and 38' (east driveway) and is, therefore, not in compliance with the maximum driveway width of 20'. However, since the project was approved prior to the effective date of the Specific Plan, the existing westerly and easterly driveway widths enjoy legal non-conforming rights. Additionally, the applicant proposes a privately funded four-way traffic signal at the easterly driveway (Andasol Avenue) contingent on Department of Transportation approval as contemplated by Ordinance No. 166,532, Condition No. 5(a): "Access. The project's easterly driveway on Ventura Boulevard shall be an entry-only driveway, until such time as the City approves a traffic signal at the intersection of Ventura Boulevard and Andasol Avenue, at which time this driveway may be used for both ingress and egress." The four-way traffic signal was envisioned by the underlying zoning, is supported by the Council Office, and will greatly improve ingress and egress and overall the overall safety of the site and surrounding area.

Rear: Finally, the existing rear yard setback is greater than 20 feet and in compliance with the Specific Plan.

**Section 7B of the Specific Plan** sets forth a maximum lot coverage of 60% for Neighborhood and General Commercial Plan Designation areas. Here, the existing development is at a 62% lot coverage, slightly more than permitted by the Specific Plan. However, since the project was approved prior to the effective date of the Specific Plan, the existing lot coverage enjoys legal non-conforming status. Furthermore, it is important to note that the floor area for the subject Property is controlled not by the Specific Plan, but by Q Condition No. 7 of Ordinance No. 166,532 which states: "Floor Area: All nonresidential buildings constructed on the property shall have a total gross floor area of not greater than 106,454 square feet as defined by Municipal Code Section 12.21.1.A.5." At 106,020 square feet, the project is in compliance with the lot coverage requirements contained in the underlying zoning.

**Section 7C of the Specific Plan** relates to driveways on lots where the frontage is less than 250 feet. This provision is not applicable to the subject site.

**Section 7D of the Specific Plan** sets forth landscaping requirements for parking areas, yards, setbacks, and frontages. No new landscaping is proposed for the existing parking areas, however, a landscape plan was prepared to update the landscaping and hardscaping immediately adjacent to and within the retail center. Again, the retail center was approved by the City prior to the effective date of the Specific Plan and has legal non-conforming rights.

**Section 7E of the Specific Plan** limits the height of buildings to a maximum of 30' for this portion of Ventura Boulevard. The existing retail center is greater than 30' in height but was constructed prior to the effective date of the Specific Plan. When originally constructed, the maximum height permitted was 45'. Condition No. 1 of Ordinance No. 158,865 states that "no structure located on the site shall exceed three stories including parking levels or 45 feet in height

measured from the curb of Ventura Boulevard...” Originally, the 45’ height was confined to an arch. In October 2001, a Specific Plan Exception was approved that permitted further architectural articulation as a redesign of the center façade, allowing other varying elements up to 45’ in height. (See Case No. APCSV-2000-3444-SPE.) The proposed remodeling plans are in substantial conformance with the existing approved height and, in fact, no changes to the existing height are proposed.

**Section 7F of the Specific Plan** sets forth the following parking requirements: 1 space for each 250 square feet of floor area for commercial uses and 1 space for each 100 square feet of floor area for restaurants. However, the original project was approved before the effective date of the Specific Plan and includes a Q condition that governs the uses on site. Q Condition No. 8 of Ordinance No. 158,865 states “That all development on the property shall provide off-street parking on the basis of one parking space for each 300 square feet of gross floor area enclosed within the walls of buildings exclusive of floor area devoted to off-street parking as defined under Section 12.21-A,4.”

The mix of uses on the site – retail, restaurant, and gym – are not changing. The uses permitted on the site are constrained to a very specific mix and allowable square footage of retail and restaurant pursuant to Ordinance No. 166,532. No more than 106,454 total square feet of floor area is permitted and, of that, no more than 13,500 square feet of restaurant uses are allowed. All retail and restaurant uses, therefore, are designated a 1:300 parking ratio. The existing gym/health club, on the other hand, was approved via a Zone Variance that utilized the LAMC standard 1:100 parking ratio for gyms. (See Case No. ZA 91-1167(ZV).) (There is no parking requirement for gyms included in the Specific Plan.) As such, the required parking for retail and restaurant uses is governed by Ordinance No. 166,532 (1:300) and the gym use is governed by the LAMC requirements (1:100).

REQUIRED PARKING				
COMMERCIAL USE	CODE	RATIO	SQUARE FOOTAGE	STALLS REQD.
RETAIL	ORDINANCE 158,865 CONDITION NO. 8	1/300	71,969	239
RESTAURANT	ORDINANCE 158,865 CONDITION NO. 8	1/300	13,140	43
GYM	PER LAMC PRIOR ZONE VARIANCE	1/100	20,911	209
<b>TOTAL:</b>			<b>106,020</b>	<b>491</b>

In sum, parking required for the proposed project is 491 spaces. The applicant proposes 503 spaces, 12 spaces in excess of what is required.

**Section 8 of the Specific Plan** sets forth sign regulations. The project proposes a Master Sign Program as part of its application and as reflected in the associated project plans. Neighborhood and General Commercial Plan Designation area shopping centers are permitted to have one pole

sign per lot frontage no more than 35 square feet in sign area for each face of the sign, pursuant to Section 8(B)(2)(b)(1)(2). In addition, the Specific Plan limits the height of pole signs to 20'. For this project, there is an existing legally non-conforming pole sign that is approximately 88 square feet in area and 21' in height. (See Case No. DIR-2012-984-SPP.) The applicant proposes to reface the existing pole sign, but will not modify the size or height in order to retain the existing legal non-conforming rights.

With respect to the Master Sign Program, the applicant proposes to remove all existing signs. Furthermore, the Master Sign Program is intended to supersede any previous sign-related approvals or previous project-specific conditions and shall be in full compliance with the Specific Plan.

Section 8(B)(1)(a) of the Specific Plan guides as follows:

1. Number of Signs. A maximum of one wall sign per tenant is permitted on a building's street frontage. In addition to the above, a maximum of one wall sign is permitted on that portion of a building facing an alley or street other than the primary building frontage, or facing a parking lot.
2. Area. Notwithstanding LAMC Section 91.6209 (a)(1),(2) and (4) to the contrary, the sign area of any wall sign on the building frontage, alone or in combination with any projecting sign, shall not exceed two square feet for each one foot of lot frontage.

In this case,

**Allowable square footage per Ventura-Cahuenga Blvd. Corridor and L.A.B.C.  
Street frontage 430' x 2 sq.ft. of = 860'**

**Proposed:**

South Elevation 439 sq. ft.

North Elevation 177 sq. ft.

Courtyard A Elevation 100 sq. ft.

Courtyard B Elevation 112 sq. ft.

Courtyard C Elevation 30 sq. ft.

**Total: 858 sq. ft.**

Please see project plan sheets A29-A34 for dimensioned signage details.

**Section 9 of the Specific Plan** sets forth Project Permit Compliance requirements. In compliance with this section, the subject request is for a Project Permit Compliance Review. In compliance with this provision, the instant application includes a submittal of plot plans, signage plans, building elevations, landscape plans, information on exterior building materials, photographic renderings, an environmental clearance, and supporting documentation.

**Section 10 of the Specific Plan** sets forth Transportation Mitigation Standards and Procedures. With regards to the Specific Plan's Transportation Mitigation Standards and Procedures, the Applicant has previously submitted an Application for Consideration to the Los Angeles



Department of Transportation (“LADOT”), and with a Traffic Study for the proposed Project prepared by Linscott, Law & Greenspan Engineers, dated October 24, 2018. LADOT has prepared a Traffic Assessment, dated November 6, 2018, for the proposed Project. Please see the LADOT Traffic Assessment document included as part of this application submittal for additional information.

**Section 11 of the Specific Plan** sets forth Project Impact Assessment Fee. As stated above, LADOT has prepared a Traffic Assessment, dated October 24, 2018, for the proposed project and determined the applicable Project Impact Assessment Fee. Please see the LADOT Traffic Assessment document included as part of this application submittal for additional information.

- 2. That 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.**

A Categorical Exemption, Class 1, Category 1 Article III, Section 1 of the City CEQA Guidelines (interior or exterior alterations involving remodeling or minor construction where there be negligible or no expansion of use) was issued for the project. The Secretary for Resources has provided that a project that qualifies for Categorical Exemption does not have a significant effect on the environment.

# SPECIAL INSTRUCTIONS FOR ALCOHOL (CUB) & ADULT ENTERTAINMENT

## ESTABLISHMENTS (CUX) – LAMC 12.24 W.1 & 12.24 W.18

City of Los Angeles – Department of City Planning

The Special Instructions for Alcohol (CUB) & Adult Entertainment Establishments is a required attachment to the **MASTER LAND USE APPLICATION INSTRUCTIONS** (CP-7810). Only utilize this form when filing for a conditional use permit pursuant to LAMC Section 12.24 W.1 for alcohol establishments or pursuant to 12.24 W.18 for adult entertainment establishments.

### ADDITIONAL REQUIREMENTS/FINDINGS FOR APPROVAL OF A CUB or CUX:

***For a CUB or CUX request to be considered, the following additional information and findings must be provided.***

**1. RADIUS MAP REQUIREMENTS.** In addition to the Public Noticing requirements detailed in the Master Land Use Application Instructions (CP-7810):

- Radius Maps for alcohol uses must show land use to a 600-foot radius.
- A **LIST OF ALCOHOL ESTABLISHMENTS** between 600 and 1,000 feet of the site is required. Include in the list the type of license and address.
- A **LIST OF THE FOLLOWING USES** within 600 feet is also required:
  - (1) residential uses and type (single-family, apartment, hotel, etc.);
  - (2) churches;
  - (3) schools, including nursery schools and child-care facilities;
  - (4) hospitals;
  - (5) parks, public playgrounds and recreational areas; and
  - (6) establishments dispensing, for consideration, alcoholic beverages for consumption on or off premises.

### 2. FINDINGS

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.

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 with the corresponding land use designation of Neighborhood and General Commercial and is situated within the Encino-Tarzana Community Plan and the Ventura/Cahuenga Boulevard Corridor Specific Plan (the "Specific Plan"). No changes to the zoning, general plan, existing gross floor area, or height are proposed.

The approximate 106,000 square foot, 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. 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 is 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. This Master Conditional Use Permit for Alcohol application is being 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 applicant understands that each individual future tenant will be required to apply for a Master Plan Approval to obtain approval for their specific establishment.

Specifically, the applicant seeks:

1. One (1) full line permit for lease space identified on the project plans as Retail1 for retail sales for off-site consumption; and
2. Three (3) full line permits for lease spaces identified on the project plans as Restaurants 1, 2, and 4 to provide on-site alcoholic beverage service which may be reduced by the individual Plan Approval applicants to just beer and wine.

Proposed Conditional Use Permit Summary:

Retail 1 – full line of alcohol sales for off-site consumption

Restaurant 1 – alcohol sales for on-site consumption, with option for beer/wine only

Restaurant 2 - alcohol sales for on-site consumption, with option for beer/wine only

Restaurant 4 - alcohol sales for on-site consumption, with option for beer/wine only

Square footage of the entire retail center is 106,020. Square footage of the aforementioned lease spaces is as follows:

- Retail 1 – 30,868 square foot retail store, with approximately 750 square feet devoted to off-site alcohol sales
- Restaurant 1 – 3,053 square feet
- Restaurant 2 – 2,687 square feet
- Restaurant 4 – 5,000 square feet

The occupancy load of all establishments will be in accordance with all appropriate requirements. Because all tenants for specific establishments have not yet committed to lease spaces, floor and seating plans have not yet been finalized. Tenants for specific establishments have not yet committed to lease spaces and, therefore, it is unknown at this time how many indoor seats will be provided.

There is the potential for Restaurants 1 and 2 to have outdoor seating areas. These potential seating areas are located on private property and are not in the public right-of-way.

There are 503 parking spaces provided on site – surface parking lot and one subterranean parking level. The parking spaces are all designated for the retail center use as a whole and all required parking is to be provided on site. Individual restaurant operators may offer a valet service(s), however, specific tenants are yet undetermined.

The proposed hours of operation and days of the week the establishments will be open and the proposed hours of alcohol sales are as follows:

ON-SITE SALES

DESCRIPTION	HOURS OF OPERATION	HOURS OF ALCOHOL SALES
Restaurant 1	Monday – Sunday 6am – 2am	Monday – Sunday 6am – 12am
Restaurant 2	Monday – Sunday 6am – 2am	Monday – Sunday 6am – 2am
Restaurant 4	Monday – Sunday 6am – 2am	Monday – Sunday 6am – 2am

OFF-SITE SALES

DESCRIPTION	HOURS OF OPERATION	HOURS OF ALCOHOL SALES
Retail 1	Monday – Sunday 7am – 12am <i>(with extended hours during seasonal holiday periods)</i>	Monday – Sunday 7am – 12am <i>(with extended hours during seasonal holiday periods)</i>

Operations of each establishment will be in accordance with the rules and regulations of the California Department of Alcoholic Beverage Control ("ABC").

The project will be located in tenant spaces within an existing shopping center (Encino Courtyard) in a commercial district on Ventura Boulevard. A Master CUB was previously issued for the same site on August 30, 1990, but never fully utilized. (See Case No. ZA-90-0818(CUB).) Although there is a history of three or more CUBs granted for uses at the Property since the 1990's when the center was originally constructed, there are currently no active alcohol uses on the Property.

Encino Courtyard incorporates neighborhood commercial uses that can service nearby residents. The remodel of the center seeks to attract new restaurants and shops and serve to revitalize the area by incorporating a new retail store with off-site alcohol sales and three new restaurants with on-site alcohol sales. These new tenants will provide additional options for residents by filling vacant commercial spaces and help boost the local economy by creating jobs and contributing sales and business tax revenues. Activities, such as dining with the availability of alcoholic beverages, are an essential part of this project. Quality sit-down restaurants depend on the ability to provide this service to their patrons.

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. Approving the Master CUB for Encino Courtyard will not adversely affect the welfare of the community. The retail establishment selling and the restaurants serving alcoholic beverages will be carefully controlled. As new tenants are identified for the retail and restaurant spaces, each individual establishment will be

required to apply for a Master Plan Approval. Security plans, floor plans, seating limitations and other recommended conditions, as well as the mode and character of each individual operation will be addressed and enforced through the imposition of specific conditions. This will allow for further evaluation and continuous monitoring ensuring that the individual retail establishments will not adversely affect the welfare of the community.

The area surrounding the project site is a mix of retail, service, office, and restaurant uses. The requests for on- and off-site alcohol sales will be compatible with the surrounding uses as the Encino Courtyard will provide new places for residents and visitors to eat, drink, socialize, and shop. The sale of alcoholic beverages is normally a part of a retail store inventory (that also includes the sale of food) and an expected amenity that accompanies high-end restaurants.

Approval of the Master Conditional Use Permit will contribute to the success and vitality of the center and help reinvigorate the Property and vicinity. The revitalization efforts proposed by the applicant will result in a positive contribution to the economic welfare of the community by including high-quality retail and restaurant uses. It will also positively benefit the City through generation of additional sales tax revenue, business licenses and other fees, and by providing additional short-term and long-term employment opportunities to area residents.

In sum, 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.

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code. Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the Municipal Code.

The Land Use Element of the City's General Plan is divided into 35 Community Plans. The subject property is located within the Encino-Tarzana Community Plan, which designates the Property for Neighborhood and General Commercial land uses. The existing (Q)C4-1VL and [Q]P-1VL Zones, and retail center and restaurant uses are consistent with this land use designation.

The sale of alcoholic beverages is not specifically addressed in the Community Plan text. In such cases, the Zoning Administrator must interpret the intent of the Plan. The proposed project will provide a service and amenity in a commercial district of the community and is thereby consistent with several goals, objectives and policies of the adopted Community Plan, including 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. Therefore, the proposed project will be consistent with the intent of the General Plan and its elements.

The project is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan. Encino Courtyard will be remodeled to accommodate the proposed uses and a concurrent Project Permit Compliance application is filed to ensure conformance to the Specific Plan. The Master CUB project component is 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, and to assure that an equilibrium is maintained between the transportation infrastructure and land use development in the Corridor and within each separate community of the Ventura-Cahuenga Boulevard Corridor Specific Plan area.

In sum, the project substantially conforms with the purpose, intent and provisions of the General Plan, the Encino Tarzana Community Plan, and the Ventura/Cahuenga Boulevard Corridor Specific Plan.

**b. Additional Findings**

- i. Explain how the proposed use will not adversely affect the welfare of the pertinent community.

The request to allow the sale of alcoholic beverages in an existing (to be remodeled) retail center (one retail store and three restaurants) will improve the shopping center by providing additional amenities and services that many customers often expect. This will positively impact the financial health of both the retail store, restaurants, and shopping center, and thereby improve the economic vitality of the area via increases in taxable revenue and local employment. The subject property is designated and zoned for commercial land uses and is surrounded by commercial uses on all sides, except to the north at the rear of the shopping center.

This Master Conditional Use Permit for Alcohol application is being filed by the owner/applicant on behalf of future lessees who may want to serve alcohol 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 applicant understands that each individual future tenant will be required to apply for a Master Plan Approval to obtain approval for their establishment.

It is anticipated that the subsequent individual Plan Approval determinations will contain conditions that regulate the business operation in such a fashion as to ensure the surrounding community is not adversely impacted. In addition, as each Plan Approval for each individual premises is examined, any approval will be additionally conditioned to prevent impacts and integrate the use into the community.

- ii. 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. 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.

Enclosed with the application materials are lists of alcoholic beverage outlets between 0 and 600' and within 600' to 1000' of the subject Property. Altogether, there are approximately eighteen (18) alcoholic beverage outlets within 1000' radius of the project site.

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 [*information is forthcoming*]. The above figures indicate that the subject site is located within a reporting district with near average crime. However, the majority of the crimes were not alcohol-related.

Finally, to ensure the project will not create detrimental impacts on the surrounding area, the specific details of each establishment will be reviewed pursuant to a Plan Approval. This will allow for a comprehensive review of each request with input from each prospective tenant, the LAPD and the LAFD. Security, floorplans, seating limitations and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through the imposition of site-specific conditions. This extra protection will ensure that no adverse impacts could result due to on- and off-site alcohol sales and consumption.

In sum, the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved.

iii. 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. Most of the products and services offered will be unrelated to alcohol, and the proposed restaurants will vary markedly in ambiance and are anticipated to offer a wide range of cuisines. That said, the sale of alcoholic beverages is of critical importance to operators of these facilities to attract and cater to a sophisticated clientele. Since the establishments will be part of a carefully controlled center and the service of alcoholic beverages will be incidental to their primary operations, these establishments will not take on the negative characteristics of a tavern or bar nor attract undesirable elements to the neighborhood.

While the sale of alcoholic beverages is important to the restaurants or retailer that will be located within the Encino Courtyard tenant spaces, as noted previously, their sale and service will be incidental to primary operations. All the tenants will be part of a high-quality development and all alcohol service will take place within a carefully controlled environment served by responsible operators.

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

[CONTINUED ON NEXT PAGE]

3. 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 sq. ft.

b. What is the total square footage of the space the establishment will occupy?

- Retail 1 – 30,868 square foot retail store, with approximately 750 square feet devoted to off-site alcohol sales
- Restaurant 1 – 3,053 square feet
- Restaurant 2 – 2,687 square feet
- Restaurant 4 – 5,000 square feet

c. What is the total occupancy load of the space as determined by the Fire Department?  
Undetermined at this time.

d. What is the total number of seats that will be provided indoors? Outdoors? Undetermined at this time.

e. If there is an outdoor area, will there be an option to consume alcohol outdoors? Restaurants 1 and 2 will have outdoor seating options.

f. If there is an outdoor area, is it on private property or the public right-of-way, or both?  
Private property.

i. If an outdoor area is on the public right-of-way, has a revocable permit been obtained? N/A

g. Are you adding floor area? No. If yes, how much is enclosed? \_\_\_\_\_ Outdoors? \_\_\_\_\_

**h. Parking**

i. How many parking spaces are available on the site? 503

ii. Are they shared or designated for the subject use? Shared amongst all tenants in the center.

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 LAMC 12.26 F 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? \_\_\_\_\_

i. Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or



parks? No.

j. 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

#### 4. QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT

a. What are the proposed hours of operation and which days of the week will the establishment be open?

##### ON-SITE SALES

DESCRIPTION	HOURS OF OPERATION	HOURS OF ALCOHOL SALES
Restaurant 1	Monday – Sunday 6am – 2am	Monday – Sunday 6am – 12am
Restaurant 2	Monday – Sunday 6am – 2am	Monday – Sunday 6am – 2am
Restaurant 4	Monday – Sunday 6am – 2am	Monday – Sunday 6am – 2am

##### OFF-SITE SALES

DESCRIPTION	HOURS OF OPERATION	HOURS OF ALCOHOL SALES
Retail 1	Monday – Sunday 7am – 12am <i>(with extended hours during seasonal holiday periods)</i>	Monday – Sunday 7am – 12am <i>(with extended hours during seasonal holiday periods)</i>

b. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify: Undetermined.

**Note: An establishment that allows for dancing needs a conditional use pursuant to 12.24 W.18.**

c. Will there be minimum age requirements for entry? No. If yes, what is the minimum age requirement and how will it be enforced? \_\_\_\_\_

d. Will there be any accessory retail uses on the site? No. What will be sold? Proposed alcohol sales are incidental to retail sales (Retail 1) and food sales (Restaurants 1, 2, and 4).

##### e. Security

i. How many employees will you have on the site at any given time?

Retail 1: 12-15 per shift

Restaurants 1, 2, and 4: Undetermined.

ii. Will security guards be provided on-site? Yes.

1. If yes, how many and when?

Retail 1: 1-2 per shift

Center: 1-2 per shift

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

**f. Alcohol**

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

Retail 1: Full line for off-site consumption

Restaurants 1, 2, and 4: Full line for on-site sales, but option for future tenants to sell beer/wine only.

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? Yes, for Restaurants.

2. Will alcohol be sold without a food order? No.

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. Tenants are yet undetermined.

**vi. On-Site**

1. Will a bar or cocktail lounge be maintained incidental to a restaurant? Undetermined, but not part of this application.

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")? Yes. Manufacturer prepackaged multi-unit products will not be broken up and sold as individual units. Wine may be sold in bottles or containers less than 750ml.

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? Undetermined.

vii. **Off-Site**

1. Will cups, glasses or other containers be sold which might be used for the consumption of alcohol on the premises? Yes, for Retail 1 in connection with other retail sales, however, no alcohol is to be consumed on 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/>.

**5. 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? Both.

i. If yes, is the establishment a bona-fide eating place (restaurant) or hotel/motel? Three (3) future restaurants are included in the subject request. Retail 1 is a retail store at which the sale of alcohol for off-site consumption is incidental.

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

- a. issuance of a license to serve alcohol on-site or off-site would tend to create a law enforcement problem, or
- b. 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**.

**6. ADDITIONAL REQUIREMENTS FOR MASTER CUBs/CUXs.** In addition to all requirements detailed in the Master Land Use Application Instructions (CP-7810), applications for Master CUBs/CUXs shall include:

See additional requirements that incorporated and enclosed with the application materials.

- ~ A separate sheet containing a table identifying all CUB or CUX requests on the subject site, indicating: the type of alcohol permit sought; the square footage of each particular restaurant, bar or event space; the identifying address or suite/unit number corresponding to each CUB/CUX request; and (if known) the tenant-operator of each alcohol or adult entertainment establishment.
- ~ All CUB or CUX requests on the subject site clearly identified and labeled on the plot plan and applicable floor plans, indicating: each type of alcohol permit sought; the square footage of each particular restaurant, bar or event space; and the identifying address or suite/unit number corresponding to each CUB/CUX request.

**NOTE: Please consider submitting documents beyond the requirements outlined in this form. If there are other circumstances which may further a more complete understanding of the project, do not hesitate to submit such information. The documents submitted with the application and the public hearing constitute the primary opportunity to clarify and define the project.**