



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 Gym/Health Club within existing multi-tenant retail center (Encino Courtyard).
Proposed Use No change.
Project Name (if applicable) Encino Courtyard (Gym)
Describe in detail the characteristics, scope and/or operation of the proposed project A Plan Approval to relocate and modify conditions of approval for an existing gym/health club situated in a multi-tenant retail center, originally approved in connection with Case No. ZA-91-1167(ZV).

Additional information attached [X] 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)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 12.27U

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

Action Requested, Narrative: A Plan Approval to relocate an existing gym/health club use to the second level of the same multi-tenant retail center and to modify conditions of approval in connection with Case No. ZA-91-1167(ZV).

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); CE 91-1403(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. ZA-91-1167(ZV) Ordinance No.: _____

- | | |
|---|--|
| <input type="checkbox"/> Condition compliance review | <input type="checkbox"/> Clarification of Q (Qualified) classification |
| <input checked="" type="checkbox"/> Modification of conditions | <input type="checkbox"/> Clarification of D (Development Limitations) classification |
| <input checked="" type="checkbox"/> Revision of approved plans | <input type="checkbox"/> Amendment to T (Tentative) classification |
| <input type="checkbox"/> Renewal of entitlement | |
| <input type="checkbox"/> 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)

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 to 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)

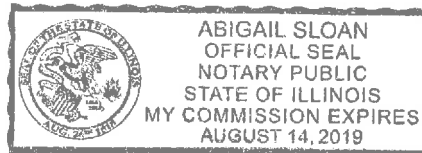
personally appeared Brian Donley, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s)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

[Handwritten Signature]
Signature

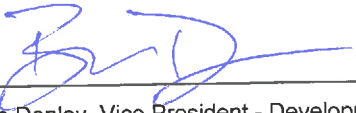
(Seal)



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: 
Print Name: Brian Donley, Vice President - Development

Date: 11/17/18

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.

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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:

DEEMED-TO-BE-APPROVED CONDITIONAL USE (PAD), PLAN APPROVAL ZONE VARIANCE (PA), PLAN APPROVAL PUBLIC BENEFIT (PA) OR DIRECTOR'S DETERMINATION OPEN SPACE (DD)

ZONING CODE SECTIONS: Conditional Uses 12.24 M; Variances 12.27 U; Public Benefits 14.00, or Open Space 21.21 G

These Findings/Justification are 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.

FINDINGS: You may attach additional sheets.

- 1. 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.

Please see attached.

- 2. 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.

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

ADDITIONAL QUESTIONS: You may attach additional sheets if there is not enough room to answer in the spaces provided. Please answer all questions that are applicable.

- 1. Explain why this application is being filed at this time.
Pursuant to LAMC 12.27U, a Plan Approval to relocate an existing gym/health club to the second level of the same multi-tenant retail center and to modify Condition Nos. 1, 4, & 6 of underlying Case No. ZA-91-1167(ZV).
- 2. Is the application for a deemed-to-be-approved conditional use permit or a conditional use plan approval? Check one.
 Deemed to be Approved Plan Approval 12.21 G (Open Space)
- 3. What is the current zoning on the property? (Q)C4-1VL and (Q)IP-1VL
What was the zoning when the building was built? Same.

4. Subject property is level X sloping _____ rectangular X irregular-shaped _____ parcel of land.
5. Describe how the site is presently developed, including details such as square footage of buildings, occupancy loads, stories, number of seats, etc. If the site has been destroyed, provide detail of what was destroyed and what remains.
The site is an existing multi-level, multi tenant retail center. A gym/health club was permitted for the basement level via Case No. ZA-91-1167(ZV). A concurrent application is now pending to remodel the center and the gym will be relocated to the second level.

6. Surrounding properties. Fill in the following matrix:

	zones	uses
Northerly	RA-1	SFR
Southerly	C411VL	car wash, misc. retail
Westerly	C4-1VL and RA-1	market, SFR
Easterly	C2-1VL, C4-1VL, and P-1VL	offices, bar, parking

7. If you are rebuilding, is it on the same foundation? Yes/No N/A Are you adding floor area? Yes/No No. If yes, how much? _____ sq. ft. _____ %
8. Is a conditional use permit now on the property? Yes/No No. What section of the Municipal Code permits this use(s)? Section 12.24 _____ Attach a copy of all prior conditional use cases to this application.
9. Is the use site the same size it was when it was established? Yes/No Yes. If the site has changed in size please explain.
The current gym is the same size as when it was established. However, as part of the overall retail center remodel, the gym will be relocated from the basement level to the second level, necessitating a Plan Approval pursuant to LAMC 12.27U.
10. Was the use discontinued for a year or more? Yes/No No. If yes, please explain:

 If the use was discontinued for a period less than one year, give dates.

11. How many parking spaces are now on the site? 467 How many parking spaces were on the site on the date that the use became established? 240 How many spaces will be required by Code for the proposed addition? N/A What will be the total number of parking spaces required by Code for this site, if the Plan is approved? 209
12. Improvements were originally permitted on _____ Building Permit Number and Certificate of Occupancy issued on 8/18/90 (Attach copies)
- The Office of Zoning Administrative Research will primarily be based on business licenses, field check, prior cases and building permits. If you will provide a business license history, copies of building permits, certificates of occupancy and photographs, it will help the staff process this request. Please provide a list of all prior cases and plan approvals.
Please see attached.

13. How many retail uses did you have originally? N/A How many are you proposing? _____
Parking spaces to be provided? 503

14. Describe the public open space and recreational amenities available to the occupants of the project within a 500-foot radius.

N/A

Encino Courtyard
17401 – 17433 Ventura Boulevard, Encino
PLAN APPROVAL – GYM/HEALTH CLUB

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 land uses. A Project Permit Compliance application is concurrently filed in connection with the proposed remodeling of the Property. Approximately 503 parking spaces will be provided in the existing parking areas below grade and at street level. 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.

As part of the Encino Courtyard remodeling project, the applicant proposes to relocate the existing gym/health club use from the lower/basement level to the second level, reduce the square footage, and modify three (3) of the conditions of approval. A total of 209 parking spaces shall be provided for the gym/health club.

The gym/health club is permitted to operate in the C4-1VL zone pursuant to a Zone Variance granted in 1992 via Case No. ZA 91-1167(ZV). The Zone Variance Case No. ZA 91-1167(ZV), decided on February 13, 1992, conditionally permitted the establishment and maintenance of a health club in the C4 zone. Specifically, the following eight (8) conditions were imposed on the health club approval:

1. That the use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A".
2. That all other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. That the authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. That all parking be on-site based on current Code provisions and that parking be free to club members. Except as permitted by Condition No. 7 of ZA 90-0818(CUB) (parking until 10 p.m. if subterranean parking level is full), no parking shall be used on the upper deck.¹
5. That no sound be audible beyond the overall project site.
6. That no use occur after 11 p.m.
7. That all access be from Ventura Boulevard.
8. That prior to the issuance of a Certificate of Occupancy for the health club facility, 486 required parking spaces shall be provided for the existing shopping center.

The "Exhibit A" referenced in Condition No. 1 reflects a 20,911 square foot gym/health club to be located on the subterranean level of the Encino Courtyard Center. On June 16, 1993, the applicant (at the time) added approximately 4,000 square feet (converting incidental storage space to gym/health club), resulting in an approximately 23,000 square foot gym/health club.² The 4,000 square foot addition was deemed by the Department of City Planning to be in substantial conformance with the underlying Zone Variance as it was found to have no net increase on room occupancy total.

AUTHORITY FOR PLAN APPROVAL

This current application seeks to adjust the gym's on-site location, reduce the square footage, and modify three (3) conditions of approval.

The proper procedure is authorized by Los Angeles Municipal Code ("LAMC") Section 12.27 U "Plan Approvals" which states, in part:

1. *Development of Site. On any lot or portion of a lot on which a use is permitted pursuant to a variance, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended if plans for those changes are submitted to and approved by a Zoning Administrator. A Zoning Administrator shall not approve any use, single deviation or combination or series of deviations from the zoning regulations which was not approved as part of the original variance, or which would result in an increase in size or bulk of buildings exceeding 20 percent..*
2. *Reduction of Site. So long as the use approved by variance is continued, the entire approved site shall be retained for the approved use, and no portion of the site shall be severed or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by a Zoning Administrator. The decision of a Zoning*

¹ This Condition No. 4 reflects modified language that was approved by the Zoning Administrator on February 21, 1992 pursuant to a formal Letter of Modification, attached hereto.

² Surveys show the existing gym to be approximately 24,747 square feet altogether

Administrator on a proposed reduction of the area of an approved site shall be subject to the same appeal as is provided for an application to establish the use.

As noted above, the instant application proposes modifications to the gym that result in: relocating the gym/health club from the lower level to the second level of the center, reducing the square footage from 23,000 square feet to 20,911 square feet, and modifying three (3) of the eight (8) conditions of approval.

As such, pursuant to Section 12.27.U of the LAMC, modifications to Condition Nos. 1, 4, and 6 previously approved under Case No. ZA-91-1167(ZV) are requested as follows (shown in underline and strikeout):

1. [REQUEST TO MODIFY AS FOLLOWS.] That the use and development of the property shall be in substantial conformance with the plot plan submitted with the Plan Approval application and marked Exhibit "A".

2. That all other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

3. That the authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. [REQUEST TO MODIFY AS FOLLOWS.] That all gym/health club parking be on-site based on current Code provisions and that parking be free to club members. Except as permitted by Condition No. 7 of ZA 90-0818(CUB) (parking until 10 p.m. if subterranean parking level is full), no parking shall be used on the upper deck.

5. That no sound be audible beyond the overall project site.

6. [REQUEST TO DELETE.] That no use occur after 11 p.m.³

7. That all access be from Ventura Boulevard.

8. That prior to the issuance of a Certificate of Occupancy for the health club facility, 486 required parking spaces shall be provided for the existing shopping center.

No changes are proposed to Condition Nos. 2, 3, 5, 7, and 8.

³ The applicant seeks a 24-hour use.

FINDINGS

1. 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.

In 1992, the Zoning Administrator made the following finding, demonstrating that the project would enhance the built environment in the surrounding neighborhood and would provide a function that benefitted the community. This finding remains generally applicable today:

"The subject property is located at 17421 Ventura Boulevard and is legally described as portions of Lot Nos. 3 and 4, Block 17 of Tract No. 2955. The property consists of an interior, irregular-shaped, 4 net acre parcel of land having a 468.13-foot frontage on the northerly side of Ventura Boulevard, and maximum depth of 361.64 feet in the (Q)C4-IVL, (Q)P-1VL and RA-1 Zones. The site has been improved with a two-story commercial shopping center consisting of three levels of retail uses (includes subterranean level) and surface and subterranean parking areas all enclosed by block wall fencing and landscaping. Currently, the various lease spaces are undergoing preparation of the interior floor areas including the subject lease space, Exhibit A-2. The subject floor plan shows the proposed "Sports Connection" on the subterranean level along the westerly portion. The proposed hours of operation are 5:30 a.m. to 11 p.m., Monday through Friday and 7:30 a.m. to 8 p.m., Saturday and Sunday.

Surrounding properties are within the RA-1, P-1VL, and C4-1VL Zones and are characterized by level topography and improved streets. The surrounding properties are developed with single-family dwellings and commercial buildings with parking structures.

Adjoining properties to the north are zoned RA-1 and are developed with large single-family dwellings.

Properties to the south of Ventura Boulevard are zoned C4-1VL and C2-1VL and are developed with commercial buildings, car wash and other retail uses.

Adjoining property to the east is zoned C4-1VL and P-1VL and is developed with a two-story commercial building and parking lot occupied by office and restaurant uses.

Adjoining properties to the west are zoned RA-1 and C4-1VL and are developed 'with single-family dwellings and commercial buildings..."

Since the Zone Variance approval in 1992 a gym/health club use has operated on the Property and offered an amenity for the local community. The new owner of Encino Courtyard/applicant wishes to continue to provide a gym use at the center, however, they wish to relocate the use to the second level and to reduce the square footage by approximately 2,000 square feet.

The applicant further seeks to modify three (3) of the conditions.

CONDITION NO. 1

First, modifying Condition No 1 is required in order to reflect the updated site plan and the resulting relocation of the gym to the second level. The originally approved site plan shows a 23,000 square foot gym situated on the lower level of the center. That tenant space will be

remodeled to allow a two-level retail use and the gym will be reconfigured to accommodate a new operator/lessee, reduced to approximately 20,911 square feet, and relocated to the second level of the existing retail center in accordance with the associated project plans. Therefore, Condition No. 1 requires modification to ensure that the Plan Approval is consistent with the new "Exhibit A."

CONDITION NO. 4

Second, modifying Condition No. 4 is required for two reasons. Modification of the condition is needed to allow users of the gym to park either on the upper level or the lower level of the center. The previous Condition No. 4 refers to and incorporated a condition contained in ZA 90-0818 (CUB) that restricted parking to the lower level. That CUB and all of its conditions are no longer valid since the use was abandoned years ago. (Note: Pursuant to LMAC Section 12.24Q, if a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.) Furthermore, it is no longer appropriate to restrict parking to the lower level since the gym will be relocated from the lower level to the second level.

In addition, the applicant seeks to clarify the requirement that the gym/health club use be based on current Code requirements, rather than the Encino Courtyard as a whole.⁴ The Code requires 1 parking space per 100 square feet for a gym use or 209 parking spaces for a 20,911 square foot gym. As such, parking for the gym/health club will be based on current Code requirements. Finally, the applicant does not seek to modify the requirement that parking be free to gym members.

CONDITION NO. 6

Finally, Condition No. 6 limits hours of the gym until 11:00pm. The applicant requests that Condition No. 6 be deleted in its entirety or replaced with a condition that allows a 24-hour gym use. Potential gym operators are interested in offering a 24-hour use. The operations are to be carefully controlled so as to not negatively impact the surrounding community.

2. 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 Zone Variance approved in 1992 included findings that the project's location, size, height, operations and other features were compatible with the surrounding neighborhood, some of which are still applicable today:

"...The site is located in an urban area and will provide health facilities to residents and employees within the area. Under this proposal, the applicant will provide a sufficient number of parking spaces for users of the health club to eliminate any detrimental effects upon neighboring properties..."

⁴ When approved, the gym use was required to comply with 1x100 parking ratio requirement pursuant to the Code. However, the general parking requirement for Encino Courtyard is not governed by the Code, but rather controlled by a site-specific Q condition. (See Condition No. 8 of Ordinance No. 158,865.)

This is not a new use and, in fact, has operated at the same location for approximately 25 years. Today, the applicant simply proposes a reduction of square footage of the gym and relocation of the use to the second level of the center. The proposed expansion of hours and business operations will be carefully controlled with respect to noise so as to not negatively impact adjacent uses.

3. 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 underlying Zone Variance found that:

"The granting of the variance will not adversely affect any element of the General Plan inasmuch as the commercial use of the property is consistent with the General Plan and the matter at issue is not dealt with directly in any adopted General Plan element..."

The Encino-Tarzana Community Plan Map designates the property for Community Commercial land uses, with the corresponding zones of CR, C2, C4 and RAS3. The Encino-Tarzana Community Plan text is silent as to the issue of fitness centers. However, the use is allowed in the C2 Zone and consequently consistent with the land use designation. In such cases, the Zoning Administrator must interpret the intent of the Plan. The proposed project is also required to comply with the Ventura- Cahuenga Boulevard Specific Plan. The project does address some of the commercial goals and objectives identified in the Encino-Tarzana Community Plan, including:

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

Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. Given conditions of approval, the proposed use can be deemed to be in harmony with the General Plan. In addition, the proposed use advances the goal of the Community Plan to encourage, conserve, and strengthen appropriate commercial uses