



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)<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)? \_\_\_\_\_ 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

<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); 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.: \_\_\_\_\_

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:** 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.

<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 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)

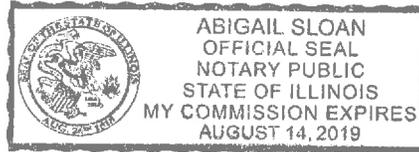
personally appeared Brian Donley, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s)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

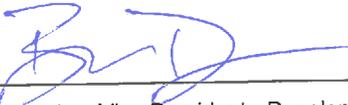
(Seal)



**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

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**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.<sup>1</sup>
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.<sup>2</sup> 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*

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<sup>1</sup> 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.

<sup>2</sup> 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.**<sup>3</sup>

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.

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<sup>3</sup> 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.<sup>4</sup> 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..."*

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<sup>4</sup> 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

Committees:

**Chair**  
Personnel & Animal Welfare

**Vice Chair**  
Energy, Climate Change &  
Environmental Justice  
Ad Hoc Committee on Police  
Reform

**Member**  
Budget and Finance  
Transportation

Websire: <http://cd5.lacity.org>  
Email: [Paul.Koretz@lacity.org](mailto:Paul.Koretz@lacity.org)



**PAUL KORETZ**  
Councilmember, Fifth District

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Los Angeles, CA 90012  
(213) 473-7005  
(213) 978-2250 Fax

**Valley Office:**  
15760 Ventura Blvd.  
Suite 600  
Encino, CA 91436  
(818) 971-3088  
(818) 788-9210 Fax

**West L.A. Office:**  
6380 Wilshire Blvd.  
Suite 800  
Los Angeles, CA 90048  
(323) 866-1828  
(323) 852-1129 Fax

February 16, 2018

Brian Donley  
Vice President – Development & Construction  
SHOPCORE PROPERTIES  
233 South Wacker Drive, Suite 3400  
Chicago, IL 60606

Mr. Donley:

As the Councilmember for the 5<sup>th</sup> District, I support the privately-funded traffic signal at the Andasol Avenue 4-way intersection in Encino, in connection with the redevelopment of Encino Courtyard, per approval by LADOT.

Sincerely,

A handwritten signature in black ink that reads 'Paul Koretz'.

**PAUL KORETZ**  
Councilmember, 5<sup>th</sup> District



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number
Env. Case Number
Application Type
Case Filed With (Print Name) Date Filed

Application includes letter requesting:

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

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

1. PROJECT LOCATION

Street Address1 17401-17433 Ventura Blvd., Encino Unit/Space Number
Legal Description2 (Lot, Block, Tract) See attached "Legal Description."
Assessor Parcel Number 2257016059 Total Lot Area 170,940 sq. ft.

2. PROJECT DESCRIPTION

Present Use Multi-tenant retail center.
Proposed Use No change.

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

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

Additional information attached [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)<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)? \_\_\_\_\_ ft.

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

**3. ACTION(S) REQUESTED**

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

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

Authorizing Code Section LAMC 12.24M

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

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

Authorizing Code Section \_\_\_\_\_

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

Action Requested, Narrative: \_\_\_\_\_

Additional Requests Attached  YES  NO

<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  
in attached ZIMAS Parcel Profile Report.) \_\_\_\_\_

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

- |  |  |
|--|--|
| Case No. _____   | Ordinance No.: _____   |
| <input type="checkbox"/> Condition compliance review                                   | <input type="checkbox"/> Clarification of Q (Qualified) classification               |
| <input type="checkbox"/> Modification of conditions                                    | <input type="checkbox"/> Clarification of D (Development Limitations) classification |
| <input type="checkbox"/> Revision of approved plans                                    | <input type="checkbox"/> Amendment to T (Tentative) classification                   |
| <input type="checkbox"/> Renewal of entitlement  |  |
| <input checked="" 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)

**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: 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.

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

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

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

Signature  \_\_\_\_\_

Date 11/17/18 \_\_\_\_\_

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

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

State of ~~California~~ ILLINOIS

County of Cook

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

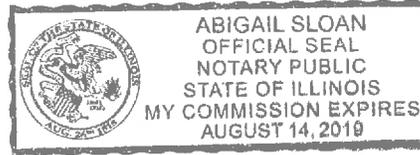
personally appeared Brian Donley, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s)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

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

WITNESS my hand and official seal.

[Signature]  
Signature

(Seal)



**APPLICANT**

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

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

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

Date: 11/17/18

4

EXHIBIT A

LEGAL DESCRIPTION

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

PARCEL 1:

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

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

EXCEPT THEREFROM THE EASTERLY 15.00 FEET THEREOF.

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

PARCEL 2:

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

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

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

PARCEL 3:

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

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

PARCEL 4:

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

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

PARCEL 5:

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

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

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  $00^{\circ} 03' 09''$  WEST 10.48 FEET ALONG THE WESTERLY LINE OF SAID LOT 11 TO THE TRUE POINT OF BEGINNING; NORTH  $80^{\circ} 41' 31''$  WEST 148.80 FEET TO THE WESTERLY LINE OF SAID LOT 3; THENCE NORTH  $00^{\circ} 03' 09''$  WEST 38.43 FEET ALONG SAID WESTERLY LINE OF LOT 3 TO THE SOUTHWEST CORNER OF LOT 6 OF SAID TRACT NO. 21455, THENCE SOUTH  $80^{\circ} 05' 28''$  WEST 149.06 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 6 TO THE WESTERLY LINE OF SAID LOT 11, THENCE SOUTH  $00^{\circ} 03' 09''$  EAST 36.85 FEET ALONG SAID WESTERLY LINE OF SAID LOT 11 TO THE TRUE POINT OF BEGINNING.

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

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

# **Encino Courtyard**

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

### **PROJECT DESCRIPTION**

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

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

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

#### **APPLICATION NO. 1:**

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

#### **APPLICATION NO. 2**

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

#### **APPLICATION NO. 3**

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



## FINDINGS / SPECIALIZED REQUIREMENTS:

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

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

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

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

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

#### ADDITIONAL INFORMATION/FINDINGS FOR APPROVAL OF A PLAN APPROVAL:

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

##### 1. Original Approval

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

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

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

##### 3. Findings (*on a separate sheet*)

###### a. General Conditional Use

- i. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.
- ii. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

b. **Additional Findings**

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

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

- a. What is the total square footage of the building or center the establishment is located in?  
106,020 square feet
- b. What is the total square footage of the space the establishment will occupy?  
30,868 square feet
- c. What is the total occupancy load of the space as determined by the Fire Department?  
Unknown
- d. What is the total number of seats that will be provided indoors? N/A      Outdoors?  
N/A
- e. If there is an outdoor area, will there be an option to consume alcohol outdoors?  
N/A
- f. If there is an outdoor area, is it on private property or the public right-of-way, or both?  
N/A
- g. If an outdoor area is on the public right-of-way, has a revocable permit been obtained? N/A
- h. Are you adding floor area? No. If yes, how much is enclosed? \_\_\_\_\_ Outdoors?  
\_\_\_\_\_
- i. **Parking**
  - i. How many parking spaces are available on the site?  
503
  - ii. Are they shared or designated for the subject use?  
Shared
  - iii. If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety?  
N/A
  - iv. Have any arrangements been made to provide parking off-site?  
No.
    - 1. If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety?  
\_\_\_\_\_
      - **Note:** *Required* parking must be secured via a covenant pursuant to AMC section 12.26 E 5. A private lease is only permitted by a Zone Variance.

2. Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.
3. Will valet service be available? \_\_\_\_\_ Will the service be for a charge?  
\_\_\_\_\_
- j. Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or parks?  
No, but site is within 1,000 feet of Kidz Korner (indoor playground at 17200 Ventura Blvd.)
- k. For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other Adult Entertainment Businesses as defined by LAMC 12.70 B17?  
N/A

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

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

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

- c. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify:  
No.
- **Note:** An establishment that allows for dancing needs a conditional use pursuant to LAMC section 12.24 W18.
- d. Will there be minimum age requirements for entry? No. If yes, what is the minimum age requirement and how will it be enforced?  
\_\_\_\_\_
- e. Will there be any accessory retail uses on the site? Yes. What will be sold?  
Retail is the primary use (home, apparel, food and beverages, etc.).
- f. **Security**
- i. How many employees will you have on the site at any given time?  
Approximately 12 -15 employees per shift.
- ii. Will security guards be provided on-site?  
Yes.
1. If yes, how many and when when?Approximately 1 - 2 security personnel per shift

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

**g. Alcohol**

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

Full line

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

No.

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

No.

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

No.

**v. Food**

1. Will there be a kitchen on the site?

No.

2. Will alcohol be sold without a food order?

Yes, but for off-site consumption only.

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

No.

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

**vi. On-Site**

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

N/A

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

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

N/A

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

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

N/A

**vii. Off-Site**

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

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

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

No.

viii. Contact the CA Department of Alcoholic Beverage Control (ABC) regarding its requirements --

<http://www.abc.ca.gov/>.

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

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

Off-site

---

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

No.

---

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

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

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

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

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

**BACKGROUND**

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

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

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

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

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

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

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

## **AUTHORITY FOR PLAN APPROVAL**

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

### **M. Development of Uses**

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

## **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 W of the Los Angeles Municipal Code. In order for the sale of alcoholic beverages to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

## **FINDINGS**

### **a. General Conditional Use Findings:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**b. Additional Findings**

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

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

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

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

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

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

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

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

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

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

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

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

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



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: 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.

<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)

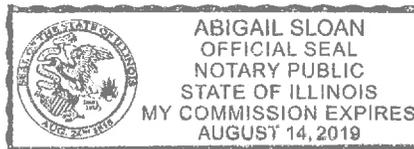
personally appeared Brian Donley, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his her/their signature(s) 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  $00^{\circ} 03' 09''$  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).

# **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.**



REFERRAL FORMS:

GEOGRAPHIC PROJECT PLANNING REFERRAL

APPLICABILITY: This form, completed and signed by appropriate Planning Staff, must accompany any application submitted to the Department of City Planning regarding any of the following proposed project types:

- Specific Plan area
Community Design Overlays (CDO)
Neighborhood Oriented District (NOD)
Sign District (SN)
Small Lot Subdivision
Zone Change
Design Review Board (DRB)
Pedestrian Oriented District (POD)
Community Plan Implementation Ordinance (CPIO)
Public Benefit Alternative Compliance
Zone Variance

PROJECT SUMMARY:

- 1. Address of Subject Property: 17401 - 17433 Ventura Boulevard, Encino ("Encino Courtyard")
2. Name of Community Plan Area: Encino-Tarzana Community Plan
a. Name of Specific Plan, DRB, CDO, POD, NOD, CPIO, or SN, including subarea if applicable: (If this is a Density bonus, Small Lot Subdivision or Zone Variance case, please write in the application type).
Ventura/Cahuenga Boulevard Corridor Specific Plan

3. Project Type (check all that apply)

- Checkboxes for: New construction, Addition, Renovation, Sign, Change of Use, Grading, Density Bonus, Small Lot Subdivision, Other (describe)

If Change of Use, what is:

Existing Use? Proposed Use?

Description of 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 four-way traffic signal at Andasol Avenue.

Items 4-7 to be completed by Department of City Planning Staff Only

4. AUTHORIZATION TO FILE: (check all that apply)

Specific Plan/SN

- Project Permit (checked)
Minor (3 signs or less OR change of use)
Standard (Remodel or renovation in which additions are no greater than 200 sq. ft. more than 3 signs, wireless equipment)
Major (All other projects, e.g. new buildings, remodels that include an addition of more than 200 sq. ft.)
Modification
Adjustment
Exception
Amendment
Interpretation
Not a Project
Other





Marianne King &lt;marianne.king@lacity.org&gt;

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**Re: Encino Courtyard - Draft Application**

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Marianne King <marianne.king@lacity.org>  
To: Kimberly Rible <krible@gaineslaw.com>  
Cc: Fred Gaines <fgaines@gaineslaw.com>

Mon, Dec 17, 2018 at 3:14 PM

Hi Kim,

I've reviewed the proposed sign program. Below are some items that need attention:

1. Total wall sign area allowed is based on lot frontage, not building frontage. Should be  $468 \times 2 \text{ sf} = 936$
2. Total proposed sign area = 863 sf
3. Please provide a table/chart listing each tenant space, # of signs proposed, location, sf per sign
4. Please identify tenant spaces as uniform way, i.e. tenant "A", "B", "C" etc.
5. Sheet A30 - total sign square footage is 444 sf
6. Sheet A30 - what type of sign is the Major 1 25 sf sign? Is it a projecting sign? If so, only one projecting sign allowed, max. 16 sf
7. Sheet A30 - sign measurements need to be per code - see Target sign, should be measured as a square
8. Sheet A33 - I don't see a Restaurant #6 on the key plan
9. Restaurant #4 has four signs, only max 2 signs are permitted per tenant, in this case facing north and the courtyard
10. Sheet A32 - What is Major 1B? Is that the fitness center which is identified as Major 2 on Sheet A30?

To recap comments from our meeting on 12/11 -

- Need existing plans and uses in layman terms (i.e. do not use butterfly, etc), sf per use per level and total
- Show change of non-floor area to floor area (add sf)
- Reference parking calcs to separate chart provided
- Show no bike parking b/c of floor area off-set
- Take out LAMC reference from sign program, use only SP requirements

I can sign the referral form if you need that for filing but corrections will have to be made as indicated above. Did you e-mail me the referral form?

**Marianne King / Project Planner**  
Department of City Planning  
6262 Van Nuys Boulevard, Suite #430  
Van Nuys, CA 91401  
818-374-5059

