

LISA M. WEBBER
INTERIM CHIEF ZONING ADMINISTRATOR
ASSOCIATE ZONING ADMINISTRATORS
JACK CHIANG
HENRY CHU
THEODORE L. IRVING
ALETA D. JAMES
FRANKLIN N. QUON
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING
VINCENT P. BERTONE, AICP
DIRECTOR
(213) 978-1271
KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

September 21, 2018

Masoud (Max) Netty (A)(O)
Ventura Libbit Co., LLC
1875 Century Park East
Century City, CA 90067

Gregory Taylor (R)
The Taylor Group
4343 Natomia Ave
Woodland Hills, CA 91364

CASE NO. ZA-2017-1767-ZV-SPP
ZONE VARIANCE; PROJECT PERMIT
COMPLIANCE
16206-16218 West Ventura Boulevard
Encino-Tarzana Community Plan
Zone : C4-1L
D. M. : 168B137
C. D. : 5
CEQA: ENV-2017-1768-CE
Legal Description: Fraction of Lot 3 (Arb 4) Block:
15; Tract: 2955 and Lot A of Parcel Map 7146

Pursuant to CEQA Guidelines Section 15601, I hereby DETERMINE:

based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15332, and Section 1, Article III, Class 5, Category 23, and Class 11, Category 1, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Pursuant to Charter Section 562 and Los Angeles Municipal Code (LAMC) Section 12.27 B, I hereby APPROVE:

a zone variance from LAMC Section 12.16A.2(p) to allow a fitness studio (health club) in the C4-1L Zone.

Pursuant to Los Angeles Municipal Code Section 11.5.7 C, I hereby APPROVE:

a Director's Determination for Project Permit Compliance with the Ventura/Cahuenga Boulevard Corridor Specific Plan to permit the construction of two new commercial buildings with a total of 12,880 square feet. The commercial space will have 4,745 square feet dedicated to gym/health club uses, and the remaining 8,137 square feet will have restaurant uses. The project also includes a master sign program and a parking lot restripe with landscaping, on a 48,787 square-foot lot.

8. Ventura/Cahuenga Boulevard Corridor Specific Plan

- a. Site Development. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled Exhibit "A", dated May 3, 2017, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
- b. Floor Area. The project shall be limited to two buildings with a total of 12,880 square feet. The commercial space shall not exceed 4,745 square feet dedicated to gym/health club uses, and 8,137 square feet for restaurant uses.
- c. Height. The height of the building shall be limited to 23 feet in height, as shown on the project plans, Exhibit "A", attached to the subject case file.
- d. Mechanical and Rooftop Equipment Screening. No mechanical or rooftop equipment shall be visible from Ventura Boulevard, and shall be screened behind architectural elements.
- e. Wall Sign. This approval shall permit the installation of the sign program which allows for one wall sign per tenant in the location as shown on Exhibit "A," with one sign facing Ventura Boulevard and a second sign facing the parking area per tenant, and no more than one projecting sign per building. All wall and projecting sign area shall be limited to 400 square feet. Prior to the installation of any sign, a complete sign program showing the precise size of all the signs shown in Exhibit "A" with the total area not to exceed 400 square feet shall be submitted.
- f. Wall Sign Depth. No wall sign may project from a building face more than 12 inches, or above the lowest elevation of the roof eave visible from the street.
- g. Repair. Prior to installation of any sign, any wall defects, holes, faded paint areas, or impressions made from the removal of previous signs shall be repaired, filled and painted to match the material and color finishes of the existing exterior wall.
- h. Window Signs. All Window Signs shall not exceed 10 percent of the window they occupy. Holiday paintings shall not be placed in the window more than 30 business days before a holiday and shall be removed within ten business days after the holiday.

- iv. At least 15 percent of the total area of a surface parking lot, or 4,259 square feet of the 28,395 square-foot parking area, shall be landscaped. The rear landscape buffer may count toward this total.
- v. The applicant shall maintain the landscape in a good, healthy condition by performing daily maintenance, removing trash, and replacing any dead plant materials, broken irrigation sprinklers and watering devices.
- m. Certification of Landscape Installation. Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.
- n. Project Impact Assessment Fee. Prior to Planning clearance, the applicant shall meet with the Department of Transportation (DOT) for assessment of this project. A "Project Impact Assessment" (PIA) fee may be required and paid to the satisfaction of DOT for the purpose of funding the Specific Plan improvements and services, as well as pedestrian improvements which are intended to mitigate the cumulative impacts of new developments within the Specific Plan area.

NOTE: PIA fees to be paid are subject to change due to increases to the Annual Indexing as determined by the DOT.
- o. Lighting. Lighting should be directed onto the site, and be adequately aimed and shielded so as to not spill over onto adjacent properties, especially into areas planned and zoned for residential uses.
- p. Specific Plan Covenant and Agreement. A Covenant and Agreement shall be recorded with the Los Angeles County Recorder acknowledging the contents and limitations of the Ventura/Cahuenga Boulevard Corridor Specific Plan, as well as the conditions of approval established herein. The Covenant and Agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns and shall be submitted to the Department of City Planning for approval prior to being recorded. After recording, a copy bearing the County Recorder's number and date shall be provided to the Department of City Planning for attachment to the administrative file.
- q. Modifications. Any modifications, change of use, or increase in floor area of the property shall be cause for separate discretionary review pursuant to the definition of a Project per the Specific Plan, and Section 11.5.7 of the LAMC and other applicable statutory requirements.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on June 4, 2018, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a variance, as enumerated in Section 12.27.B of the Municipal Code and provisions under Section 11.5.7 have been established by the following facts:

BACKGROUND

The property is a large, level, interior lot consisting of 48,787 square feet, with a width of approximately 200 feet and depth of 250 feet, fronting Ventura Boulevard, mid-block between Libbit Avenue and Woodley Avenue. The subject site is wholly within the City of Los Angeles, on a site that is approximately 1.12 acres. Per ZIMAS, the site is a Bureau of Engineering Special Grading Area, a liquefaction area, and a 300 foot Height Limit Above Elevation 747 area, and an Urban and Built-up Land designation.

Lots adjacent to the subject site are developed with the following urban uses: to the west, east, and north along Ventura Boulevard, the adjacent and nearby properties are commercially zoned (C4-1L) developed with restaurant, offices, and retail uses. The commercial developments range in height from one story to 12 stories. A hospital is directly north of the project site and is zoned C2-1L; this structure four stories tall. There is a multi-family development to the east, and a proposal for a new 86-foot tall, 114 unit, multi-family building which is not yet in construction at 16151 Ventura Boulevard. To the direct south of the project site and along Dickens Street, the properties are zoned R1-1, and are developed with single-family homes. Approximately 88 percent of properties along Ventura Boulevard around the Project site, from Hayvenhurst Avenue to Gloria Avenue which is a distance of around 0.75 miles, is zoned C4. Ventura Boulevard runs east to west and is the commercial corridor that is surrounded by residential zones and uses to the north and south.

Greg Taylor, representing the applicant presented the following:

- We are officially requesting a continuance or that the case be taken under advisement
- This case was filed 13 months ago. At that time pre-leasing included a gym and two restaurants.
- As a result in delays with getting case to hearing some leases have been cancelled
- Project is in a state of flux. We are having issues with moving forward. Hopefully we'll move forward with same request
- We need to go before Neighborhood Council. Project was up in the air and therefore difficult to explain with any degree of certainty
- Planning Staff presented us with a lot of items to address with respect to design, layout, landscaping and the Specific Plan project
- For use proposed we're exactly the right parking and bicycle parking
- It's our intent to be in full compliance with the Specific Plan. Some parking may be lost with full compliance
- The only reason for the public hearing is for the variance
- We request a continuance to go through neighborhood process and tweak project as requested by Planning Department and determine status of our leases
- It was always the intent to develop the two building at the same time. Currently only one building is pre-leased.
- Health club and restaurants is the primary use that people want along Ventura Boulevard. Retail is dead and dying
- Ventura Boulevard has a mix of C2 and C4 Zoning. Our use is consistent with the Specific Plan and Community Plan. Block is C4 Zoning and Health Club use is not permitted by right.
- FAR is 1:5:1. The height limit is 45'. We're building at .261 FAR. Project could have six times more FAR by right
- Project is not out of scale with the boulevard. We have two zones along the boulevard.
- A Project Permit does not require a public hearing
- A continuance would benefit the community. Intent was not to avoid Encino Neighborhood Council. It was premature to present without the leases
- Planning Staff has made suggestions on landscaping indicating we need more trees
- We have a minimum 16' front yard setback, 60% of front yard in excess must be landscaped.
- We cannot have tandem parking with Commercial Corner. Redevelopment is extremely difficult along Ventura Boulevard with Specific Plan. We will lose six parking spaces in compliance with Specific Plan.
- We will not exceed Commercial Corner hours. Gym use will be within the regulated hours. We are not in agreement with tree report. We will consider the large Ash tree.
- We've made changes to the back of lot and we need to resolve use issues. Not prepared to address this now.

Bret Lowensohn

- Encino Community was avoided for over one year. Community should be involved
- Last thing we need is more traffic. That area cannot be widened
- C4 exemption should not be granted based on applicant's argument of project is on end of a C2 Zone
- Applicant purchased this land with zoning on it
- We're building an impossible traffic jam

Isabela Rosenbaum

- I'm a homeowner on Woodley Avenue
- People race down Dickens Street to Woodley Avenue
- Concerned about removing house on Dickens and putting in a commercial use

Kenan Minler

- I'm in support of the project
- I'm all for the construction
- Traffic is horrible
- Dickens Street is all residential. People will start to park on Hurford Terrace.

REBUTTAL

Greg Taylor

- I apologize if people feel that we tried to avoid the Neighborhood Council
- House on Dickens Street has no connection to project. Lots are at a different grade
- Driveway is only to the rear parking lot of parcel off Ventura Boulevard
- We're asking for a 90-day extension to allow Neighborhood Council to comment on project

The Zoning Administrator noted all members of the public present wishing to speak were given an opportunity. Therefore, the public hearing was closed and the request taken under advisement until September 4, 2018 until such time the Encino Neighborhood Council could review the project request and submit recommendations.

Correspondence

Two letters of opposition were received by the public, and one email from the neighborhood council expressing concern over lack of communication from the applicant team, was received. One phone inquiry about the project was also received.

The advisement period closed on September 4, 2018 at which time no correspondence was received from the Encino Neighborhood Council.

However, on April 12, 2017, a Modification was issued to the above October 2016 Use List, which further clarified that a Fitness Studio which requires the use of equipment or machinery for fitness related activities is similar to a Health Club or Gymnasium, and as such, are prohibited in the C4 zone. The Modification amended use categories as follows:

Fitness Studio (including but not limited to Yoga, Pilates, Barre, etc.) - (see Dance Studio)

Gymnasium (including but not limited to Crossfit, Spinning, Boxing, etc.), with fixed equipment – C1.5, C2, C5, CM, M1, M2, M3.

The strict application of the zoning ordinance would require the applicant to find a property on Ventura Boulevard in the subject area that is zoned C1.5, C2, C5, CM, M1, M2, M3 and then try to find lease spaces suitable in size and location. In this case, most all of the commercial properties in this area on Ventura Boulevard (approximately 88 percent of properties from Hayvenhurst Avenue to Gloria Avenue, a distance of approximately 0.75 miles) are zoned C4 which creates a practical difficulty in finding a location in this area for a fitness studio use. The General Plan land use designation is Regional Center Commercial with corresponding zones of C2, C4, and RAS3. The C2 zone would allow this use by-right and thus the use is in conformance with the land use designation but not in the current zone.

As such, the strict application of the zoning code would cause an unnecessary hardship by not allowing a fitness studio in an otherwise more than suitable location, within a commercial center.

2. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The commercial site does have circumstance that are different from the other properties in the vicinity—namely that one of the two lots involved with the project was never developed, and has been an open parking lot for decades. Neither City policy, the Community Plan, nor the Ventura/Cahuenga Boulevard Corridor Specific Plan encourage open parking lots fronting commercial corridors.

The site is surrounded by commercial uses to the east, west, and north. While residential property is located to the south of the Project site, the size of the lot allows for over 150 feet of setback to separate the new development from those lots. As parking is generally a concern for projects along Ventura Boulevard, in this case both restaurant use per the Specific Plan and a health club/gym/fitness studio use per the code, have the same parking requirement of one space per 100 square feet of floor area, and the Project meets the parking requirement.

Considering both location and size of the fitness studio in comparison to larger

In light of the small size and intensity of the use, the variance can be found to be necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity.

4. **The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The fitness use will be located entirely indoors and should not pose a noise issue for the neighbors. All classes are held indoors and will not interfere with any of the adjacent commercial/restaurant uses. The site has adequate parking for the proposed uses. The parking requirement for the use is the same for a restaurant use (one space per 100 gross square feet), thus it is not viewed as a more intensive use than a restaurant. The Department of Transportation has confirmed that there are no issues with traffic per their memorandum, dated April 19, 2017.

Conditions have been imposed herein, such as hours of operation, size of facility and indoors only, to ensure the use will operate in a manner that will not be materially detrimental to the immediate commercial or surrounding area. The trash and recycling area shall be located a minimum of 50 feet from the property line of the residential use and fully enclosed and locked to discourage odors, pests and unauthorized use other than by tenants of the center.

Based on the above information and the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the surrounding area.

5. **The granting of the variance will not adversely affect any element of the General Plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan elements establish goals, policies, purposes, and programs 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 LAMC requirements. Except for the entitlements described herein, the project does not propose to deviate from any other LAMC requirements. The Framework Element establishes the broad overall policy and direction for the General Plan. The Framework Element land use map designates the subject property as a Regional Center, which are focal points of regional commerce, and activity which contain a diversity of uses such as offices, residential, retail commercial malls, major health facilities, major entertainment and cultural facilities, and supporting services. The approval of the variance authorizing a health club use on a commercially-zoned property in proximity to residential uses is consistent with the following Framework Element objectives:

Objective 2-4 To enhance the appearance of commercial districts**Policy 2-4.3 Improve safety and aesthetics of parking areas in commercial areas.**

The Project is located along the commercial Ventura Boulevard corridor, and retains the commercial uses onsite. The Project develops a previous parking lot with a viable commercial use that provides a pedestrian-friendly, strong street wall of frontage along the Ventura Boulevard corridor. The one-story building with a 150-foot setback from the single-family home lots directly to the south, provides compatible development. The health club will serve residents and employees in the surrounding Encino neighborhood, many of whom may choose to walk or bike to the property. As such, the use will serve the needs of the neighborhood and community, will add to the broad range of uses, and will add to the economic vitality. Accordingly, approval of the variance will not adversely affect any element of the General Plan.

PROJECT PERMIT COMPLIANCE

6. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

The Ventura/Cahuenga Boulevard Corridor Specific Plan designates the subject property for Regional Commercial land uses which are a "focal point of regional commerce, identity and activity and containing a diversity of uses, such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services."

The proposed project, a commercial center with restaurants and gym uses, substantially complies with the site's zoning and the Community Plan land use designation. As enumerated below, the proposed project has been conditioned to comply with all applicable regulations, findings, standards and provisions of the Ventura/Cahuenga Boulevard Corridor Specific Plan.

The proposed project complies with all applicable development requirements of the Ventura/Cahuenga Boulevard Corridor Specific Plan, as follows:

- a. **Section 5.C: Uses.** The proposed uses of restaurants and gyms are not restricted in this area of the Specific Plan, and thus is allowed.
- b. **Section 6B: Floor Area Ratio (FAR).** The FAR limitation for this site is 1.25:1. The project proposes a 0.26:1 ratio, in compliance with the Specific Plan.
- c. **Section 7A: Yards.** The front yard setback requirement is an 18 inch minimum and 10 foot maximum; this project proposes nine (9) feet and six (6) inches.

- i. **Section 8: Signs.** Pursuant to Section 5.A.2 of the Ventura/Cahuenga Boulevard Corridor Specific Plan, the proposed sign project must comply with the applicable development requirements of Sections 8 of the Plan, as it relates to the sign regulations.

The Specific Plan permits a maximum of one (1) wall sign per tenant on a building's street frontage and a second sign facing a parking lot, secondary street, or alley. The total sign area permitted is two square feet per one lineal foot of frontage along Ventura Boulevard or the secondary street, whichever is greater. The site has a frontage of 200 feet along Ventura Boulevard; therefore a maximum signage area of 400 square feet would be permitted for the site. The proposed sign program, further enforced through Condition of Approval Number 8, will not exceed the maximum signage area, and thus complies with the Specific Plan regulations.

7. **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.**

Mitigation measures are not necessary for the subject project, and there are no potentially significant negative environmental effects associated with the project. Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 and Article III, Section 1, and Class 5 and Category 23 for the issuance of a variance, and Class 11 and Category 1 for onsite signage of the Los Angeles City CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to CEQA Guidelines, Section 15300.2 applies.

ADDITIONAL MANDATORY FINDINGS

8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, outside of a flood zone area.
9. Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 and Article III, Section 1, and Class 5 and Category 23 for the issuance of a variance, and Class 11 and Category 1 for onsite signage of the Los Angeles City CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to CEQA Guidelines, Section 15300.2 applies.

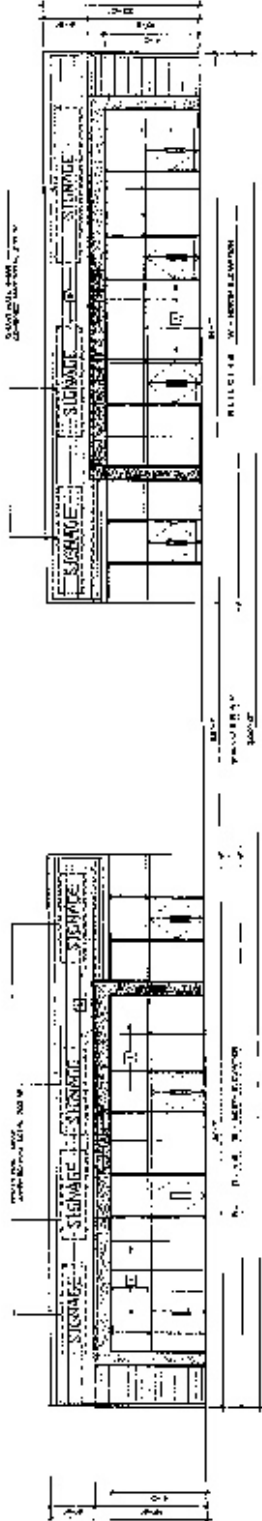
PAGE NO. 1 of 2
CASE NO. 21-2017-176 J-8N-300

[illegible]

SEP 21 2018

EXHIBIT "A"

PROJECT NO. 3-01-17-0000
 DRAWING NO. 2018-11-01-0000



(A) ELEVATION

- NOTES:
1. SEE PLAN FOR LOCATION OF THIS ELEVATION.
 2. SEE PLAN FOR LOCATION OF THIS SECTION.
 3. SEE PLAN FOR LOCATION OF THIS SECTION.
 4. SEE PLAN FOR LOCATION OF THIS SECTION.
 5. SEE PLAN FOR LOCATION OF THIS SECTION.
 6. SEE PLAN FOR LOCATION OF THIS SECTION.
 7. SEE PLAN FOR LOCATION OF THIS SECTION.
 8. SEE PLAN FOR LOCATION OF THIS SECTION.
 9. SEE PLAN FOR LOCATION OF THIS SECTION.
 10. SEE PLAN FOR LOCATION OF THIS SECTION.



(B) SECTION

- NOTES:
1. SEE PLAN FOR LOCATION OF THIS ELEVATION.
 2. SEE PLAN FOR LOCATION OF THIS SECTION.
 3. SEE PLAN FOR LOCATION OF THIS SECTION.
 4. SEE PLAN FOR LOCATION OF THIS SECTION.
 5. SEE PLAN FOR LOCATION OF THIS SECTION.
 6. SEE PLAN FOR LOCATION OF THIS SECTION.
 7. SEE PLAN FOR LOCATION OF THIS SECTION.
 8. SEE PLAN FOR LOCATION OF THIS SECTION.
 9. SEE PLAN FOR LOCATION OF THIS SECTION.
 10. SEE PLAN FOR LOCATION OF THIS SECTION.

LANDSCAPE DETAILS
AND SPECS.

OWNER ADDRESS:
1875 Century Park East #500
Los Angeles, CA 90067

PROJECT ADDRESS:
16206 Ventura Blvd
Encino, CA 91436

Harmony Gardens, Inc.
12224 Ventura Blvd
Van Nuys, CA 91411
Tel: 818-808-5783
Email: info@harmonygardens.com

SEP 21 2018
EXHIBIT "A"
Page No. 7 of 7
Landscape No. 24-2017-000-000

