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June 12, 2015

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21600 Oxnard St., Suite 630  
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CASE NO. ZA 2015-4390-CUB  
CONDITIONAL USE  
17401 Ventura Boulevard, Unit A32 -A33  
Encino - Tarzana Planning Area  
Zone: (Q)C4-4D-1VL/ [Q] P-1VL  
D.M : 171 B129/ 171B133  
C. D.: 5  
CEQA : ENV-2014-4391-CE  
Legal Description: Lot: Fr 3 (Arb 1-4); PT  
4 (Arb 3 and 4); Block: 17;  
Tract: 2955

Pursuant to Los Angeles Municipal Code Section 12.24-W, 1, I hereby APPROVE:

A Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption, in conjunction with a proposed 1,767 square-foot recreational art studio within an approximately 130,000 square feet shopping center (Courtyard Shops of Encino) in the (Q)C4-4D-1VL/ [Q]P-1VL Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Condition Compliance Unit and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Authorized herein is the sale and dispensing of beer and wine on-site consumption in conjunction with a proposed 1,767 square foot recreational art studio with hours of operation between 10:00 a.m. to 11:00 p.m., however alcoholic beverage service shall cease at 10:00 p.m. After hours use of the facility, other than for routine clean-up and maintenance is not permitted.
8. The authorization granted herein for the sale of a full line of alcoholic beverages for on-site consumption is for a period of **five (5) years** from the effective date of this grant. Thereafter, this authorization shall become null and void and a new authorization will be required to continue the sale of alcohol. The applicant is advised that he/she should allow appropriate time for a new entitlement application to be processed and the application should be approved prior to the expiration date of this grant in order to continue the sale of alcoholic beverages at the restaurant.
9. Should there be a change in the ownership of the property or of the art studio operator, the property owner and the business owner/operator shall provide the



prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business.

Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator, shall be submitted to the Condition Compliance Unit (CCU) in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the CCU within 30-days of the beginning day of his/her new operation of the establishment.

10. At any time during the period of the grant should there be a change in the operator of the premises, the new operator shall be required to file a Plan Approval application and associated fees pursuant to Section 19.01 of the Los Angeles Municipal Code at the Department of City Planning, Condition Compliance Unit. The Plan Approval application shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new operator. A public hearing shall be conducted with notification of all owners and occupants of property within a 500-foot radius. The purpose of the plan approval will be to review and establish conditions deemed applicable to the use as maintained and conducted by the new operator consistent with the intent of the Conditions of this grant. Upon this review the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement revocation purposes.
11. **Prior to the effectuation of this grant**, approval shall be obtained from the County Health Department to serve alcoholic beverages in conjunction with the art studio. The applicant shall provide a copy of the Health Department approved plans to the Condition Compliance Unit to be maintained in the Case File.
12. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP 6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Condition Compliance Unit for attachment to the subject case file.
13. The exterior windows and glass doors of the restaurant shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground so as to permit surveillance into the location by Police and/or private security. Updated photographic evidence shall be provided to the CCU **prior to the effectuation of the grant.**



14. An age verification device shall be used where a product, including attendance into an art class, requires a minimum age for purchase. A purchase receipt and photographic evidence of the device for this establishment shall be submitted to the CCU **prior to the effectuation of the grant.**
15. **Prior to the beginning of operations,** the applicant shall notify the Condition Compliance Unit when operations are scheduled to begin via email or U.S. Mail and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to [planning.ccu@lacity.org](mailto:planning.ccu@lacity.org), with the subject: **“ZA-2014-4390-CUB/Operation Notification”**. The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance **prior to the beginning of operations** as stated by these conditions.
16. **Prior to the beginning of operations,** a camera surveillance system shall be installed and maintained to monitor interior and exterior areas of the premises. Recorded tapes/images shall be maintained for a minimum period of two weeks. The tapes shall be furnished to the Los Angeles Police Department upon request. The applicant shall provide evidence of the surveillance system to the Condition Compliance Unit by submitting an invoice/receipt from the installer, photographs of the cameras installed, the central monitoring screen and a schematic plan cross-referencing the camera locations. The plan will be maintained in the CCU and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
17. **Prior to the beginning of operations,** the applicant shall establish a “Designated Driver Program” which shall include, but not be limited to, signs/cards notifying patrons of the program. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs and/or cards at the workstations, entrance or the waiting area. A copy or sample of the signs/cards shall be submitted to the CCU to be maintained in the Case File.
18. **Prior to the beginning day of operations,** the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit. The statement shall state,

*We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of beer and wine for on-site consumption, in conjunction the art studio, known as Pinot's Palette and agree to abide and comply with said conditions.*

A copy of the conditions of this letter of determination shall be retained on the premises at all times and produced upon request by the Police Department, the



Department of Building and Safety or the State Department of Alcoholic Beverage Control.

19. **Prior to the beginning day of operations**, 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
  - a. Entry, visible to pedestrians
  - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls, detailing: date complaint received, nature of complaint, and the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department. Complaints shall be responded to within twenty four hours. The applicant shall provide photographs of the sign postings and a copy of the log to the Condition Compliance Unit for inclusion in the Case File.

20. Within the **first six months of the beginning of operations** at this establishment, all employees involved with the sale of beer and wine shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA 2015-0702(CUB), from the Police Department to the Condition Compliance Unit as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff.
21. Amplified ambience music, played by the art studio employees to compliment the art experience shall be limited to background music at a low volume such that it is not audible beyond the premises. Entertainment which requires the use or construction of a stage is not allowed. Independent, professional or amateur disc jockeys are not allowed.
22. Only patrons who sign up and participate in the art classes will be permitted on the premises and allowed to purchase beer or wine. There shall be no consumption of beer or wine on adjacent tenant or common areas within the shopping center. There shall be no off-site consumption of beer or wine.
23. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
24. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.

25. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility. Signs shall be in English and in the predominant language of the facility's clientele.
26. The applicant shall be responsible for maintaining the area adjacent to the premises.
27. If at any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/ petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

#### **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.

#### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning



Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **APPEAL PERIOD- EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective **June 29, 2015**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>. Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street, 4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Boulevard, Rm. 251  
Van Nuys, CA 91401  
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must 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 all subsequent contact with this office regarding this determination must be with the planning staff assigned to this case. 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, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

**BACKGROUND**

The subject site is an approximate 3.9-acre parcel containing a 130,092 square-foot, two-story mini shopping center with multiple retail tenants and adjoining surface and underground parking, located on the northerly side of Ventura Boulevard between Encino Avenue and Louise 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 with a community commercial land use designation. The site is subject to the Qualified Conditions and Development limitations of Ordinance No.166532. The site is similar to other shopping centers along the Ventura Boulevard Commercial Corridor. The proposed use would occupy Suites A32 and A33, comprising approximately 1,767 square feet of floor area within the existing shopping center building, located on the first floor. This tenant space was previous occupied with a retail use, but is currently vacant.

The applicant seeks conditional use approval for sale and dispensing of beer and wine for on-site consumption in conjunction with a 1,767 square-foot recreational art studio, located on the first level of the shopping center with hours of operation and alcohol sales from 10:00 a.m. to 11:00 p.m. seven days a week.

The site 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, [Q]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 project site across the parking lot are zoned RA-1 with single family dwellings.

Ventura Boulevard is a Major Highway and is improved to a variable width of 100 to 105 feet at the property's southerly frontage and improved with curb, gutter and sidewalk.

**Previous cases, affidavits, permits and orders on the subject property:**

Building Permit No. 14016-30000-24539 – On March 4, 2015, the Department of Building and Safety issued a Building Permit which permitted a change of use from a beauty salon to a painting (art) studio with accessory retail sale of art supplies that is open to the public.



Ordinance No. 166532 – On January 1, 1991, a Zone Change establishing “Q” Conditions became effective. The “Q” Condition (No. 9) limits uses as follows:

“Use. The use of the subject property shall be limited to a maximum of 13,500 square feet of restaurant uses; (b) a minimum 8,000 square foot, maximum 30,000 square-foot grocery store; (c) a maximum of 62,954 square feet of retail uses. In the event that the grocery store referenced in (b) above is less than 30,000 square feet in size, the remainder of the authorized commercial square footage (minus restaurant uses and the grocery store) may be added to the retail use authorization. Theater uses are prohibited. A minimum of 8,000 square feet shall be devoted to the sale of food and beverages for consumption off premises, such as retail food market, for a period of twenty years from the effective date of this ordinance.”

**Previous cases on the surrounding properties:**

**12345 West Ventura Boulevard**

Case No. ZA 2014-1106(CUB)(CU) – On July 17, 2014, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the remodel of an existing 6,800 square-foot restaurant with portions of 2 separate patios, approximately 104 square-feet total, extending into the public right of way in the C2-1VL Zone.

**12103 Ventura Boulevard**

Case No. ZA 2012-2297(CUB) – On February 27, 2013, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine only for on-site consumption in conjunction with an existing restaurant, in the [Q]C2-1VL Zone Classification.

**12341 Ventura Boulevard**

Case No. ZA 2012-0940(CUB) – On August 16, 2012, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in the C2-1VL Zone.

**12194 West Ventura Boulevard**

Case No. ZA 2005-5802(PAB) – On March 24, 2006, the Department of Building and Safety approved a determination of conditional use status for the continued use and maintenance of an existing retail store selling alcohol for off-site consumption and plans to permit on-site consumption of beer and wine for the purpose of tasting only in a retail store with the hours of 10:00 a.m. to 10:00 p.m.

**12159-61 West Ventura Boulevard**

Case No. ZA 2005-2195(PAB) – On April 25, 2005, the Department of Building and Safety approved plans to permit the expansion of an existing 2,744 square-foot restaurant approved under CUB 78-024 and ZA 86-1021( E ) to include an additional 1,580 square feet for a total square footage of approximately 4,324 square feet for the

sale and dispensing of a full line of alcoholic beverages for on-site consumption within the building and in the outdoor patio dining areas.

**12229 West Ventura Boulevard**

Case No. ZA 2004-4909(CUB)(CU) – On November 16, 2004, the Department of Building and Safety approved a Conditional Use to permit the sale and dispensing of beer and wine only for on-site consumption as part of the operation of a proposed restaurant located within an existing shopping center.

**12265 West Ventura Boulevard**

Case No. ZA 1999-0559(CUB) – On December 29, 1999, the Department of Building and Safety approved a conditional use to permit the sale of beer and wine only for on-site consumption as part of the operation of a proposed restaurant located within an existing shopping center.

**12131 West Ventura Boulevard**

Case No. ZA 1998-0632(CUB) – On December 9, 1998, the Department of Building and Safety approved a conditional use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with the conversion of an existing 4,500 square-foot bakery into a bakery and restaurant accommodating 49 persons in the C2-1L Zone.

**12215 West Ventura Boulevard**

Case No. ZA 1994-0263(CUB)(CUX) – On July 8, 1994, the Department of Building and Safety approved a conditional use to permit the sale and dispensing of alcoholic beverages for on-site consumption and a dance hall, in conjunction with the expansion of an existing restaurant.

**Public Hearing**

The public hearing was held on June 4, 2015 in the Marvin Braude Constituent Services Center in Van Nuys. The operator, Stephanie Dewell and her representative, Christopher Murray of Rosenheim & Associates, Inc were in attendance. No other members of the public attended the hearing. Notice of the hearing was mailed on May 5<sup>th</sup>, 2015.

Staff made a brief Power Point presentation, describing the project, the property and the surrounding properties' land use designations and uses. The site plan and the floor plan were presented as were several photographs of the shopping center. A copy of the 9-slide presentation is included in the Case file.

The applicant and her representative made a Power Point presentation. A copy of the 8-slide presentation is included in the Case File. The applicant described the business concept of serving wine to students/patrons of the art studio. She stated that wine and beer will be for painting customers only and that a ticket needs to be purchased in order to participate in the program. The applicant(s) are a mother-daughter team who will be operating the venue which is part of a franchise thus far with 109 locations nationwide.



The operation includes a two to three hour painting class guided by local artists in the creation of the patron's personal artwork.

The applicant described the art classes to include up to 50 patrons. Each customer would be required to sign up for the class to attend and must show proof of age at the door. She stated that there would be no children allowed and that no children's parties would be offered on-site. She stated that all the attendees must be part of the class and that there would be no loitering. She stated all wine or beer service would cease at 10:00 and the studio would close at 11:00

Recommendations for a conditional approval dated December 16, 2014 were received from the Los Angeles Police Department and have been made of the Case file. The Encino Neighborhood Council also submitted a letter of support dated April 27, 2014. Staff stated that a complaint was received from a property owner north of the property adjacent to the surface parking lot regarding loitering of employees of other tenants. The applicant stated that their employees would be in 4-hour shifts and that the demographics of the customers are predominantly 25 – 45 year old females.

**CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES**

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.
- No person under 18 years of age shall sell or serve alcohol.



## **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 a full line of alcoholic beverages for on-site consumption 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.

## **MANDATED 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.**

The Subject Property is a level, generally rectangular-shaped, interior property comprised of six parcels totaling approximately 3.9 acres (□170,700 square feet). It has an approximately 488-foot frontage along the northerly side of Ventura Boulevard with a maximum depth of approximately 386 feet. It is improved with an approximately 130,000 square foot shopping center containing commercial, retail and restaurant tenants, and a total of 498 on-site shared surface parking spaces. Suites A32 and A33, comprising approximately 1,767-square feet within the lower level of the existing shopping center building, were previously occupied with a retail use and are presently vacant.

The Applicant is seeking a Conditional Use Permit for the on-site sale and dispensing of beer and wine in conjunction with Pinot's Palette, an approximately 1,767 square foot recreational art studio proposed within the commercial shopping center on the Subject Property. The proposed hours of operation for the recreational art studio are from 10:00 AM to 11:00 PM, daily. Pinot's Palette will provide both a Main Art Studio (Suite A33) and a Private Art Studio (Suite A32). The proposed recreational art studio experience offers patrons a canvas to paint, all the art supplies needed, and (optional) step-by-step instruction from a professional instructor, with the option of painting during open studio days, regular classes, or at privately booked parties.

The on-site sale and dispensing of beer and wine would be incidental to the Main Art Studio, which would be generally restricted to use only by patrons who are 21 years of age and older. Serving beer or wine in conjunction with an art painting experience is a unique service and creative hobby appropriately catering to a wide range of female demography in the Encino community.

As identified above, the proposed Project is located within the approximately 130,000 square foot commercial shopping center located at 17401 W. Ventura



Boulevard. This shopping center contains a mix of commercial/retail and restaurant uses within the Encino community that serve the San Fernando Valley and greater Los Angeles basin area. The proposed recreational art studio use will add to the current mix of retail, entertainment and recreation options available within the community, consistent with the current trend of providing a mix of restaurant and entertainment choices within shopping centers, targeting an enhanced and more diversified shopping experience, a wider customer base, and increased foot traffic, thereby contributing to the overall economic vitality of the shopping center. As a recreational art studio within the commercial shopping center, the proposed Project will provide a regionally-serving amenity for residents and visitors within the San Fernando Valley and greater Los Angeles area, as well as to the local surrounding community. Therefore, the proposed Project will perform a function and provide a service that is essential and beneficial to the community, city, and region.

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 proposed Project is in proper relation to adjacent tenants within the shopping center, as well as neighboring commercial and residential development. Specifically, the proposed recreational art studio use will be located entirely within Suites A32 and A33 of the shopping center within the (Q)C4-1VL and [Q]P-1VL Zones. Only tenant improvements, as necessary to configure the interior floor area for the recreational art studio use, are proposed. As such, the footprint and height of the existing shopping center building will remain the same, and therefore compatible with the existing adjacent commercial buildings along Ventura Boulevard. The existing parking area for the shopping center will also remain as is, located between the subject commercial building and the adjacent single-family homes to the north.

The subject request seeks the on-site sale and dispensing of alcoholic beverages (beer and wine only) in conjunction with and incidental to the operation of Pinot's Palette, a recreational art studio of approximately 1,767 square foot. The recreational art studio use will include both a Main Art Studio and a Private Art Studio. The proposed recreational art studio experience will offer patrons a canvas to paint, all the art supplies needed, and (optional) step-by-step instruction from a professional instructor, with the option of painting during open studio days, regular classes, or at privately booked parties.

The storage of beer and wine as well as non-alcoholic beverages would be under the direct control of a trained employee and located in a cooler within the service area adjacent to the main art studio, with the on-site sale and dispensing of beer and wine restricted to use by patrons who are 21 years of age and older. The Private Art Studio space would also be used only by patrons who are at least 21

years of age, with no one younger than 21 permitted in either Studio during any event.

The proposed hours of operation for the recreational art studio will be from 10:00 a.m. to 11:00 p.m., daily, which is compatible with the shopping center's operation, and as such provides the option of an extended experience to shoppers and others attracted to this unique business. 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 C4-1 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. Therefore, 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.**

The proposed Project substantially conforms with the purpose, intent and provisions of the General Plan and the Encino-Tarzana Community Plan inasmuch as the proposed recreational art studio is compatible with the uses in the adjacent and surrounding area, and the stated desires and objectives of these adopted policy documents. The Subject Property is designated in the Community Plan for Community Commercial land uses corresponding to the CR, C2, C4, and RAS3 Zones. The property is not subject to the Ventura/Cahuenga Boulevard Corridor Specific Plan.

On page I-3 of the Community Plan, one of the stated Commercial Issues is the "lack of overall parking and access within commercial strips due to such physical constraints as shallow commercial lot depths." The Subject Property has adequate parking and access for the proposed use within the existing building, and as such, is consistent with the Community Plan.

On page I-3 of the Community Plan, one of the stated Commercial Issues is the "inadequate transition between commercial and residential uses." The proposed recreational art studio use will be located within an existing shopping center that is located approximately 200 feet from the nearest residential property to the north, with the parking lot for the shopping center intervening between these uses and serving as a buffer. As such, the proposed recreational art studio addresses this Community Plan issue.



On page II-2 of the Community Plan, one of the stated purposes of the Community Plan is to “improve the function, design and economic vitality of the commercial corridors.” The proposed use will create local jobs and will improve the economic vitality of the vacant retail space in the existing shopping center.

On page III-24 of the Community Plan, Policy 13-2.1 is “No increase in density and intensity shall be effectuated by zone change, variance, conditional use, parcel map, or subdivision unless it is determined that the transportation system can accommodate the increased traffic generated by the project. The Department of Building and Safety has reviewed and approved the proposed art studio by Permit No. 14016-30000-24539, which required no additional parking. As such, the proposed Project is consistent with and will further the intent of this Community Plan policy.

On page III-7 of the Community Plan, Objective 2-1 is “To conserve and strengthen viable commercial development”, and Policy 2-1.1 states “new commercial uses shall be located in existing established commercial areas or existing shopping centers”, while

Policy 2-1.3 is “Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development”. The Conditional Use Permit will allow the on-site sale and dispensing of beer and wine in conjunction with a recreational art studio, a commercial retail use which is appropriately located within an existing shopping center along an existing established commercial corridor within the Encino-Tarzana community, serving customers within the surrounding community and greater Los Angeles area. The proposed tenant improvements to the existing retail space will achieve a high level of quality and distinctive character and, as such, would be consistent with and further the intent of these Community Plan policies.

Finally, the proposed recreational art studio use 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 (and to the west). 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. Therefore, as demonstrated by the references listed above, the proposed Project substantially conforms with the purpose, intent and provisions of the General Plan and the applicable community plan.

#### **ADDITIONAL FINDINGS**

- 4. The proposed use will not adversely affect the welfare of the pertinent community.**



Approval of the requested Conditional Use Permit to allow the on-site sale and dispensing of beer and wine in conjunction with a recreational art studio use will benefit the economic and social welfare of the community inasmuch as it will add a unique cultural and recreational opportunity among the available options at the existing shopping center, serving the needs of residents in the surrounding community and patrons from the surrounding area as well as regionally within the San Fernando Valley.

As identified above, the proposed recreational art studio use will be located entirely within Suites A32 and A33, which are located on the ground floor of the existing shopping center, within the (Q)C4-1VL and [Q]P-1VL Zones, which is designated for Community Commercial land use, and is located within an existing building that is more than 200 feet from the nearest residential property. Further, the existing parking lot for the shopping center is located between the adjacent residential uses and the shopping center, providing a buffer to the closest adjacent residential uses. Only tenant improvements as necessary to configure the interior floor area for the proposed recreational art studio are proposed.

The storage of beer and wine, as well as non-alcoholic beverages, will be under the direct control of trained staff and will be located in the beverage coolers located in the service area within the Main Art Studio. The on-site sale and dispensing of beer and wine would be incidental to the use, and admittance will be restricted to patrons who are 21 years of age and older.

Security services, including security guards, for the shopping center security is present during the proposed hours of operation for the recreational art studio, providing the option of an extended experience to shoppers and others attracted to this unique business. Noteworthy is the convenient location of existing on-site parking, located immediately adjacent to the north of the commercial building. As such, this proposed establishment will operate with due regard to the welfare of the community and will be an asset to the neighborhood.

5. **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, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a 1,000-foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

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 21 existing on-site and four (4) existing off-site alcoholic beverage licenses within the subject Census Tract. Based on ABC data available for Census Tract No. 1396.00, one alcoholic beverage license has been granted at the Project Site (17401 W. Ventura Boulevard), to Gyoro Gyoro Izakaya Japonaise

- (47) Buca Di Beppo, 17500 Ventura Blvd
- (41) Coral Tree Café, 17499 Ventura Blvd
- (21) Sabzee Market, 17461 Ventura Blvd
- (41) Versailles Restaurant, 17410 Ventura Blvd
- (47) Gyoro Gyoro Izakaya Japonaise, 17401 Ventura Blvd (B21)
- (47) Lord Leviathan Enterprise, LLC, 17337 Ventura Blvd
- (21) CVS Pharmacy 9677, 17320 Ventura Blvd
- (41) Anarbagh Restaurant, 17312 Ventura Blvd
- (41) Green Olive Restaurant, 17312 Ventura Blvd
- (41) Okumura Restaurant, 17302 Ventura Blvd
- (41) Joy Feast, 17267 Ventura Blvd

The subject location is within the highly developed Ventura Boulevard commercial corridor that contains a variety of restaurants and entertainment venues, which have resulted in the existing on-site alcohol licenses exceeding the maximum number allocated. 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 is numerically over-concentrated, the project will not adversely affect community welfare because the proposed sale of alcoholic beverages in a recreational art studio will enhance the subject art studio use, 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 within a recreational art studio will be consistent with the character of other development in the area. Thus, it can be reasonably assured that the welfare of the community will not be adversely impacted.

In addition, the proposed Project will provide a unique recreational art studio use not represented in the other establishments within the existing shopping center located at 17401 Ventura Boulevard, or the surrounding area, and on that basis would not represent or contribute to overconcentration.

According to statistics provided by the Los Angeles Police Department, which has jurisdiction over the subject property, within Crime Reporting District No. 1067, a total of 119 crimes were reported in 2014, compared to the citywide

average of 163 crimes and the high crime reporting district average of 196 crimes for the same period.

In 2014, there were 8 Narcotics, 1 Liquor Law, and 0 Public Drunkenness, 1 Disturbing the Peace, 1 Disorderly Conduct, and 13 DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The following sensitive uses are located within 1,000 feet of the project site:

- Single family residences
- Mission: Renaissance Encino, 17401 Ventura Boulevard
- Allergy & Asthma Care Center, 17203 Ventura Boulevard

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 on-site sale of beer and wine, incidental to the proposed recreational art studio use, will not detrimentally affect these residential properties. The proposed recreational art studio will be fully contained within Suites A32 and A33 on the lower level of the existing shopping center on property designated for Community 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 the proposed recreational art studio, and only tenant improvements as necessary to configure the interior floor area for the proposed recreational art studio use are proposed.

As identified above, the proposed recreational art studio's hours of operation will be from 10:00 a.m. to 11:00 p.m. daily, compatible with and complimentary to the shopping center's operation, providing shoppers and others attracted to this unique business the option of an extended shopping experience. On-site parking is readily available proximate (i.e., adjacent to the north) of the proposed studio, and security services will be provided by the shopping center personnel.



**ADDITIONAL MANDATORY FINDINGS**

7. 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, areas of minimal flooding.
8. On November 21, 2014, the project was issued a Notice of Exemption, log reference ENV-2014-4391-CE, for a Categorical Exemption, Class 5, Category 34, Article III, Section 1 of the City CEQA Guidelines. I hereby adopt that action.

Inquiries regarding this matter should be directed to Joann Lim, Planning Staff for the Office of Zoning Administration.

JOANN LIM  
Planning Assistant  
(213) 978-1917



LINN K. WYATT  
Chief Zoning Administrator

cc: Councilman Paul Koretz, 5<sup>th</sup> Council District  
Adjacent Property Owners



Officers

TODD RUBINSTEIN  
President

KATHY MOGHIMI-  
PATTERSON  
Vice President

ANNI KEUSSEYAN  
Secretary

AL MASS  
Treasurer

SHERMAN GAMSON  
Sergeant at Arms

April 27, 2015

Ms. Linn Wyatt  
Chief Zoning Administrator  
Office of Zoning Administration  
Department of City Planning City of LA  
200 N. Spring Street, Room 763  
Los Angeles, CA 90012

**Re: 17401 Ventura Blvd | Pinot's Palette of Encino | Case# ZA-2014-4390-CUB**

Dear Ms. Wyatt:

This letter to confirm for you, your supervisor, and the LADCP that the entire board of the Encino Neighborhood Council (ENC) has approved the Conditional Use Permit-Alcohol (CUB), pursuant to LAMC Section 12.24W1, to allow the on-site sale and dispensing of beer and wine. The board voted to approve the application at the April 22, 2015 General Board Meeting after being duly noticed and vetted through our Planning and Land Use (PLU) Committee on or about April 14, 2015.

The General Meeting Agenda was duly noticed, posted, and complied with CA State Brown Act requirements. In fact, at this meeting, there was no public objection to the application, and the entire board voted unanimously to approve it with one board member abstaining after a presentation of the establishment's goals and operations by the land use firm of Rosenheim & Associates and the owner/operators.

As the President of the ENC and one whom presided over that particular General Board meeting, I am confident that the ZA will find that this letter is sufficient confirmation of the ENC's approval of the application as well as to ensure the ongoing beautification and improvement of the Encino District's Ventura Blvd corridor. Please visit our website for further documentation, email, or call if you have any further inquiries or questions of the ENC.

Regards,

Todd Rubinstein, President  
Encino Neighborhood Council  
www.encinonc.org  
818-971-6996