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August 29, 2018

Melanie Taub (A)  
Creative Spirit Studio, Inc.  
2927 Sunset Boulevard  
Los Angeles, CA 90026

R. Otto Maly (O)  
TKG Nordhoff-Tampa Plaza, LLC  
211 North Stadium Boulevard  
Columbia, MO 65203

Sherrie Olson (R)  
PLRC  
190 North Maintain Avenue  
Ontario, CA 91762

CASE NO ZA-2018-1063-CUB  
CONDITIONAL USE  
19350 West Nordhoff Way Suite E  
Chatsworth-Porter Ranch Planning Area  
Zone : C4-1 and P-1  
D. M. : 195B117, 198B117  
C. D. : 12 – Englander  
CEQA : ENV-2018-1064-CE  
Legal Description: Lots 1-3, Tract 26819

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

a Conditional Use to allow the sale of beer and wine for on-site consumption in conjunction with an art studio,

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 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Authorized herein is the sale and dispensing of beer and wine for on-site consumption, in conjunction with a new 2,847 square-foot paint and sip art studio subject to the following limitations:
  - a. The hours of operation shall be limited from 10:00 a.m. to 12:00 midnight daily.
  - b. Indoor seating shall be limited to a maximum of 72 seats. Maximum occupancy shall be as determined by the Department of Building and Safety/Fire Department.
  - c. No after-hour use is permitted, except routine clean-up, excluding any activities which are issued film permits by the City.
7. A camera surveillance system shall be installed to monitor all common areas, including high risk areas, such as the cashier or any money exchange area, entrances and exits and the exterior of the premises and adjacent parking area. Recorded tapes/images shall be maintained for a minimum period of 30 days.
8. **Prior to the effectuation of this grant**, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
9. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
10. Within the first six months of utilizing the grant 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-2018-1063-CUB, from the Police Department to the Department of City Planning as evidence of compliance.

11. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address 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 and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) 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 of City Planning. Complaints shall be responded to within 24-hours.

12. 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.
13. Signs shall be posted in English and in the predominant language of the facility's clientele, if different, stating that California Law prohibits the sale of alcoholic beverages to persons under 21 years of age.
14. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
15. The premises shall not be sub-leased or contracted to any third party promoter for any raves, concerts or similar events.
16. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.
17. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
18. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in

19. effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
20. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
21. Smoking tobacco or any non-tobacco substance including from electronic smoking devices is prohibited in or within 10 feet of any outdoor dining/entrance to the restaurant in accordance with LAMC Section 41.50 B2C.
22. The business operator and or the operator's agents shall comply with California Labor Code Section 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.

### **ADMINISTRATIVE CONDITIONS**

23. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or 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 Department of City Planning 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 Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
24. At any time during the period of validity of this grant, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) 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 that the owner or operator file a Plan Approval application, together with the associated fees. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the owner or 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.

25. **MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant,** fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. At any time a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
26. **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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.
27. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property

damage, including from inverse condemnation or any other constitutional claim.

- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include 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.

### **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 after **SEPTEMBER 13, 2018**, 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:

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

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

**West Los Angeles**  
 West Los Angeles Development  
 Services Center  
 1828 Sawtelle Boulevard,  
 2nd Floor  
 Los Angeles, CA 90025  
(310) 231-2598

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 Planning Staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc.

**FINDINGS OF FACT**

After thorough consideration of the statements contained in the application and the plans submitted therewith, 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 for authorizing a conditional use under the provisions of Section 12.24-W,1 have been established by the following facts:

**BACKGROUND**

The subject site is an approximately 16-acre shopping center (Nordhoff Plaza) consisting of three irregularly shaped parcels located at the southwest corner of Nordhoff Street and



Tampa Avenue. The shopping center consists of five buildings, which are served by 1,148 parking spaces that are shared amongst the center's tenants. Access to the site is available through two driveways on Nordhoff Street and three driveways on Tampa Avenue. Existing tenants at the shopping center range from retailers such as Best Buy, Bed Bath and Beyond, Ulta Beauty to restaurants including Denny's, Chipotle, Flame Broiler, and Jersey Mike's. The subject tenant space is located adjacent to Jersey Mikes and is comprised of 2,847 square feet. The proposed project is an art studio (Pinot's & Palette) featuring art classes with wine pairings.

The property is zoned C4-1 and is located within the Chatsworth-Porter Ranch Community Plan area with a General Plan Land Use Designation of Regional Center Commercial. The site is not located within any specific plan or subject to a historic preservation review. The property is located within a Los Angeles State Enterprise Zone, an Urban Agriculture Incentive Zone, a liquefaction area, and is within 7.26 kilometers of the nearest known fault (Santa Susana Fault).

The applicant is requesting a Conditional Use Permit to allow the sale of beer and wine for on-site consumption at a proposed 2,847 square-foot recreational art studio. The venue would accommodate seating for 72 patrons indoors with proposed hours of operation from 10:00 a.m. to 12:00 a.m., daily. According to the applicant, the proposed venue is a family-owned art studio offering instructional painting, public and private events as well as charitable events in a relaxed, social environment where beer and wine will be served along with catered snacks and appetizers. The subject premises is part of the emerging "Paint & Sip" franchise concept developed by Pinot's & Palette and will offer regular classes as well as host private social and corporate events.

The northern adjoining property is zoned C4-1 and P-1 and is developed with the Northridge Fashion Center. The eastern adjoining properties are zoned P-1L and C2-1L and are developed with a gas station and the Northridge Grove shopping center. The southern adjoining property is zoned OX-1XL and is developed with a wash and a rail right-of-way. The western adjoining property is zoned C4-1 and is developed with a shopping center.

## STREETS

Nordhoff Way, adjoining the property to the east, is a designated Boulevard II, dedicated to a width of 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Nordhoff Street, adjoining the property to the north, is a designated Boulevard II, dedicated to a width of 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Tampa Avenue, adjoining the property to the west, is a designated Boulevard II, dedicated to a width of 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

**Previous zoning related actions on the site/in the area include:**

## Subject Property:

Case No. ZA-2013-2777-CUB – On March 17, 2014, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site consumption in conjunction with a new restaurant (Chipotle) with hours of operation from 7 a.m. to 11 p.m., daily.

Case No. ZA-2013-0484-ZV – On June 7, 2013, the Zoning Administrator approved a variance to permit overnight boarding of animals in conjunction with the operation of a pet store (PetSmart).

Case No. ZA-2010-0238-ZAD – On June 3, 2009, the Zoning Administrator approved a determination to permit 1,148 parking spaces to be shared spaces for the Tampa Plaza Shopping Center.

Case No. ZA-2006-10306-ZV-SPR – On April 3, 2007, the Zoning Administrator approved a variance to permit a health club within the C4 Zone (24 Hour Fitness).

## Surrounding Properties:

Case No. ZA-2017-1579-CUB-CUX-ZV – On August 14, 2017, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed arcade and entertainment restaurant (Dave and Busters); approved a conditional use to allow public dancing and amusement devices (billiards, arcade games, etc); approved a variance to permit arcade games in the C4 Zone; approved a variance to maintain existing parking spaces in conjunction with the change of use from retail to restaurant in lieu of providing 522 parking spaces, within the C4-1 and P-1 Zones at 9301 Tampa Avenue Unit 212.

Case No. ZA-2015-0025-CUB – On March 2, 2016, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for off-site consumption at an existing market in the C4-1 Zone at 9301 Tampa Avenue.

Case No. ZA-2014-0960-CUB – On November 19, 2014, the Zoning Administrator approved a conditional use to permit the sale of a beer and wine within an existing restaurant, within the C2-1L Zone at 9081 Tampa Avenue.

Case No. ZA-2014-3318-CUB – On June 11, 2015, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site consumption within the C4-1 and P-1 Zones at 9301 Tampa Avenue Suite 144.

Case No. ZA-2013-0313-CUB – On May 22, 2013, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with the renovation of an existing retail

space into a 5,000 square-foot restaurant with 634 square-foot patio, within the C4-1 and P-1 Zones at 9301 Tampa Avenue.

Case No. ZA-2012-1978-CUB – On November 16, 2012, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site consumption in conjunction with an existing restaurant within the C2-1L and P-1 Zone at 19230-19240 West Nordhoff Street.

Case No. ZA-2011-1645-CUB – On April 25, 2012, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site consumption within an existing restaurant in the C1-1L and P-1 Zones at 8876 Corbin Avenue.

### **Public Hearing**

The public hearing was held on July 17, 2018 at the Marvin Braude Constituent Services Center in Van Nuys. The hearing was attended by the applicant's representative, Sherrie Olson. No members of the public or representatives of any public agencies attended the hearing.

Ms. Olson described the proposed use and the requested entitlement. She indicated that the applicant is seeking authorization to allow the sale of beer and wine in conjunction with a proposed art studio known as Pinot's and Palette. Ms. Olson noted that the business is a new franchise that offers practical art instruction classes in an informal setting that includes service of beer and wine while painting. The business is seeking a Type 21 ABC licenses and will host studios or private events for art painting and wine parties. No kitchen will be maintained on the premises but outside caterers may be used to provide food service. The parties are for adults only and only persons over the age of 21 are permitted consistent with a Type 21 license.

Ms. Olson stated that the proposed hours of operation are from 10 a.m. to 12 midnight and do not consist of late night parties. Ms. Olson stated that that she reached out to the Neighborhood Council but did not receive any response. She reached out to Council Office 12 and they had no concerns with the request.

### **Public Correspondence**

Staff received an email dated July 12, 2018 from Dang Q. Nguyen, Associate Planning Deputy for Council Member Mitchell Englander, CD12 stating that the council office is in support of the request.

A letter dated August 8, 2018 was submitted by the LAPD Devonshire Area Vice Unit stating that LAPD was not opposed to the request subject to recommended conditions attached to their letter.

**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 alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- The sale of alcoholic beverages for consumption off the premises is prohibited.

**BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval 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 and dispensing beer and wine for on-site consumption and the on-site manufacturing of beer, 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**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **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 will enhance the built environment by activating and improving a vacant tenant space at an existing shopping center. The project will improve a 2,847 square-foot tenant space with a recreational art studio (Pinot's Palette). The facility

is comprised of a main art studio, a private party room, a bar area and a storage area. The proposed recreational art studio 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 proposed hours of operation for the recreational art studio are from 10:00 AM to 12 midnight, daily.

The applicant is seeking a Conditional Use Permit for the on-site sale and dispensing of beer and wine at the recreational art studio. The on-site sale and dispensing of beer and wine would be incidental to the art studio, which would be generally restricted to use only by patrons who are 21 years of age and older. The venue will also offer non-alcoholic beverages for sale, in addition to a limited snack menu.

The proposed beer and wine sales at the proposed recreational art studio, in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues, will assure that the service of alcohol is not disruptive to the community. The area serves a mixture of uses which includes a concentration of residential and commercial uses. The approved grant is in keeping with the nature of the development in the area which caters to a variety of needs and provides a unique service for residents and employees in the area. As such, the request will serve a function and provide a service that will be beneficial to the community which in conjunction with the imposition of a number of conditions addressing operational conduct will result in the enhancement of the built environment.

2. **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 subject property is zoned C4-1 and P-1 and is presently developed with a 396,763 square-foot shopping center anchored by retail stores such as Bed Bath and Beyond, Best Buy, Total Wine, and PetSmart. The subject 2,847 square-foot tenant space is located on the ground floor of the southern building, adjacent to Flame Broiler and Jersey Mikes, and beneath the 24 Hour Fitness tenant space.

Pinot's Palette operates in over 30 states across the country with several locations in Southern California including Pasadena, Valencia, Long Beach, and Encino. 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 project does not involve any demolition or additional floor area to the existing tenant space. The proposed hours of operation are from 10 a.m. to 12 a.m., daily, which is compatible with the shopping center's operation.

The northern adjoining property is zoned C4-1 and P-1 and is developed with the Northridge Fashion Center. The eastern adjoining properties are zoned P-1L and C2-1L and are developed with a gas station and the Northridge Grove shopping center. The southern adjoining property is zoned OX-1XL and is developed with a wash and a rail right-of-way. The western adjoining property is zoned C4-1 and is developed with a shopping center.

Conditions have been incorporated into the grant to ensure that the project will maintain a responsible operation. In case of any complaints from the community, a complaint log is required to document and to respond to any public complaints within 24-hours. As conditioned, the recreational art studio use with the sale of beer and wine will not be materially detrimental to the character of the immediate neighborhood. As such, 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 and the development of the community.

**3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific 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 implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Objective 7.3 of the Framework Element sets a goal to "maintain and enhance the existing businesses in the City" and Policy 7.3.2 encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The Chatsworth-Porter Ranch Community Plan designates the property for Regional Center Commercial land uses with the corresponding zones of C2, C4, RAS3, P, PB, and Height District No. 1. The property is not located within a specific plan and is not located within an interim control ordinance area. Approval of the conditional use permit request is consistent with Objective 4 of the Community Plan, which seeks to promote economic well-being and public convenience through allocating and distributing commercial lands for retail, service, and other facilities.

The Community Plan text is silent with regards to alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. With conditions and limitations imposed by the Zoning Administrator, the surrounding properties should be protected from predictable impacts of the proposed use. The project will allow a successful recreational art studio concept to operating at the site, thereby serving to promote economic well-being by activating a vacant tenant space with a viable commercial use. The venue will allow patrons to paint art pieces and enjoy beer or wine, and will introduce a new social activity to serve the community. Therefore, the proposed project is in conformance with the spirit and intent of the General Plan and other City polices which aim to promote the subject property and its immediate area with healthy and viable commercial activity.

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

The subject paint and sip venue is located within an established commercial retail center that is located within a designated Regional Center Commercial in the Chatsworth-Porter Ranch Community Plan. The area is characterized by a concentration of regional, neighborhood, and community serving commercial uses. As conditioned, the sale and dispensing of beer and wine for on-site consumption will not adversely affect the welfare of the pertinent community. The grant imposes conditions which require that security measures be implemented to mitigate the negative impacts commonly associated with the sale of beer and wine. The conditions require a surveillance system, responsible management and deterrents against underage drinking. Employees will undergo training on the sale of beer and wine including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will continue to safeguard the nearby community. Therefore, with the imposition of such conditions the sale of beer and wine at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**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 one thousand 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.**

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria for the subject Census Tract No. 1133.01, there are two (2) on-

site and one (1) off-site licenses allocated to this Census Tract. There are currently 18 existing on-site and 7 existing off-site licenses within this census tract.

According to statistics provided by the Los Angeles Police Department's Devonshire Division Vice Unit, within Crime Reporting District No. 1764 which has jurisdiction over the subject property, a total of 668 crimes were reported in 2017 (594 Part I and 74 Part II crimes), compared to the Citywide Average of 191 crimes and compared to the High Crime Reporting District Average of 229 crimes. Alcohol related Part II Crimes reported include Narcotics (15), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (16), and other offenses (9). 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.

The number of active on-site ABC licenses within the census tract where the subject site is located exceeds ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. 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. In these active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the increasing resident population base in the area. ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness. The above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average. Further, negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance, responsible management, and deterrents against loitering. The conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages for on-site consumption at the subject location will benefit the public welfare and convenience because it would maintain an existing amenity within the existing neighborhood.

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 were observed within a 1,000-foot radius of the subject property:



Multi-Family Residential  
New Beginnings Christian Worship Center

19365 Business Center  
Drive #2

Creation Station Day Care


9058 Tampa Avenue

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

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

Inquiries regarding the matter shall be directed to JoJo Pewsawang, Planning Staff for the Department of City Planning at (213) 978-1214.



FERNANDO TOVAR  
Associate Zoning Administrator

FT:JP:bk

cc: Councilmember Mitchell Englander  
Twelfth Council District  
Adjacent Property Owners