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**Conditional Use Permit-Alcohol (CUB)  
Additional Information/Findings  
16901-16903 W Ventura Blvd.**

Fat Encino Group, LLC (A)  
6775 Santa Monica Blvd. Unit 4210  
Los Angeles, CA 90038

16901-16903 W Ventura Blvd.  
Encino-Tarzana Community Plan Area  
Zone: C4-1VL  
D.M: 168B133  
C.D: 5  
Legal Description: Lot: 6, Block: K,  
Tract: Encino Tract

Degidio Brothers III, LLC (O)  
17401 Gresham Street  
Northridge, CA 91325

FE Design & Consulting (R)  
327 E. 2nd St. #222  
Los Angeles, CA 90012

**REQUEST**

A Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a 1,860 s.f. restaurant including a 355 s.f. patio having hours of operation from 11 a.m. to 3 a.m. daily.

A Conditional Use Permit to allow hours until 3 a.m. daily in a mini-shopping center.

**BACKGROUND**

The subject property is a rectangular parcel made up of three tied lots on the north side of Ventura Boulevard at Balboa Boulevard in the Encino Neighborhood. The 3,325 square-foot 1-story building houses the subject restaurant space, a laundromat, and 26 parking stalls in a surface lot. The restaurant space was most recently a “Johnny Rocket’s” restaurant, although that business closed down in the fall of 2014. The new tenant, “Fat Sal’s”, is a growing chain of restaurants with locations in Hollywood, Westwood, San Diego, and Austin. The Encino location will be their fifth, and they are looking forward to bringing their New York-style sandwiches to the San Fernando Valley. The restaurant’s menu includes classics – such as a reuben, turkey club, and a tuna melt – as well as some unique creations. For example, the “Fat Sal” has roast beef, mozzarella sticks, onion rings, fries, brown gravy, and mayo on a garlic hero. The “Fat Cookout” has cheeseburgers, hot dogs, potato



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salad, potato chips, pickles, ketchup and mustard on a hero. Fat Sal’s also has a selection of wraps, salads, and signature shakes, in addition to regular hamburgers and hot dogs.

As part of their vision for the Encino Fat Sal’s, they would like to be able to offer beer and wine for patrons to enjoy with their meal. We are therefore applying for a Conditional Use Permit to allow the on-site sale of beer and wine at the restaurant. Fat Sal’s is also known for its late hours – all of the locations have hours until 3 a.m., and even as late as 4 a.m. on some nights. For the Encino location, they would like to be able to offer food until 3 a.m. daily. In order to do this, they are required to have a Conditional Use for hours past 11 p.m. in a mini-shopping center. The subject request will cover both the beer and wine and the late night hours.

This property is located within the Ventura Cahuenga Corridor Specific Plan which regulates design and signage along Ventura Boulevard. As part of the remodel of the restaurant, the Fat Sal’s team is renovating the façade of the restaurant and adding new signs. These changes are currently being reviewed separately from this request for compliance with the Specific Plan. The Conditional Use Permit requests are not considered projects per the Specific Plan.

Since there is no change of use or expansion of the business, there is no change in the required parking for the business. Currently, there are 26 parking stalls on-site which are shared between the restaurant and the laundromat next door.

Details of our project are as follows:

	<b>New Approval</b>
<b>Use</b>	Restaurant
<b>Square Footage</b>	1,860 sq. ft. (including 355 s.f. patio)
<b>Unit/Address</b>	16901-16903 W Ventura
<b>Hours of Operation</b>	11 a.m. to 3 a.m. daily
<b>Type of Alcohol</b>	Type 41 – Beer and wine on-site eating place
<b>Food</b>	Yes
<b>Interior Seats</b>	37 seats
<b>Exterior Seats</b>	20 seats
<b>Total Seats</b>	57 seats
<b>Live Entertainment</b>	No
<b>Dancing</b>	No
<b>Off-Site Sales</b>	Only food
<b>Private Parties</b>	No
<b>Census Tract</b>	1396.00
<b>Neighborhood Council</b>	Encino
<b>Parking</b>	26 on-site stalls shared with the laundromat



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### SURROUNDING PROPERTIES

The adjacent property to the North, across the alley, (No. 8 on the radius map) is zoned [Q]PF-1XL and is improved with a one-story office building and community center.

The property to the East (No. 15 on the radius map) is zoned C2-1VL and is improved with a three-story office building.

One of the properties to the South (No. 18 on the radius map), across Ventura and on the West side of Balboa, is zoned C2-1VL and is improved with a gas station

The other property to the South (No. 30 on the radius map), across Ventura and on the East side of Balboa, is zoned (Q)C4-1L and improved with a six-story office building.

The adjacent property to the West (No. 6 on the radius map) is zoned C4-1VL and is improved with a one-story retail building.

### CIRCULATION

Ventura Boulevard is a designated Boulevard II dedicated to a right-of-way width of 110 feet and improved with curb, gutter and sidewalk.

Balboa Boulevard is a designated Boulevard II dedicated to a right-of-way width of 110 feet and improved with curb, gutter and sidewalk.

### PERMIT INFORMATION

1958VN09945 – New roof sign at 16903 Ventura Blvd.

1980LA13740 – New wall sign at 16901 Ventura Blvd. The site plan shows the existing roof sign.

R-0381-0019 – Revocable permit dated 7/22/2003 to allow two tables, 8 chairs, and umbrellas for outside dining at 16901 Ventura Boulevard.

16016-10000-02722 – Pending permit for the interior T.I. at the restaurant. The exterior work will be handled under a separate permit once the SPP case is approved.



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### RELATED PRIOR CASES

#### **Subject Property:**

Case No. DIR-2016-1930-SPP - On June 2, 2016, an application was submitted to the Director of Planning for a Specific Plan Project Permit Compliance at 16901 W Ventura Blvd for two new illuminated channel signs, one new blade sign, and a new façade in conjunction with the remodel of an existing restaurant. This permit is still under review.

#### **Surrounding Properties:**

Case No. DIR-2014-1067-SPP - On March 5, 2015, the Director of Planning approved a Specific Plan Project Permit Compliance at 16911 W Ventura Blvd. for the demolition of approximately 450 s.f., addition of approximately 450 s.f., and general tenant improvement for the establishment of a new restaurant and the removal of an existing 25-foot pole sign.

Case No. ZA-2012-0158-CUB - On May 23, 2012, the Zoning Administrator approved a Conditional Use Permit at 16847 Ventura Blvd. to reauthorize the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing supermarket.

Case No. ZA 2010-3285-CUB-CU - On May 5, 2011, the Zoning Administrator approved a Conditional Use Permit at 16847 Ventura Blvd. to allow the sale of beer and wine for on-site consumption in conjunction with the operation of proposed 2,133 square-foot restaurant, and to allow hours of operation of 24 hours daily, in lieu of the Commercial Corner requirements limiting the hours of operation from 7 a.m. to 11 p.m.

Case No. DIR 2010-2674-SPP - On November 8, 2010, the Director of City Planning approved a Specific Plan Project Permit Compliance at 16847 Ventura Blvd. for an exterior remodel of two existing one-story buildings, a Master Sign plan, repainting the parking stalls, and the addition of new parking lot landscaping.

Case No. DIR 2003-1121-SPP - On March 26, 2003, the Director of City Planning approved a Specific Plan Project Permit Compliance at 16847 Ventura Blvd. for the installation of a new wall sign to serve as identification for the current business tenant.

Case No. ZA 97-0009-CUB - On March 27, 1997, the Zoning Administrator approved a Conditional Use Permit at 16847 Ventura Blvd. to allow the sale of alcoholic beverages for off-site consumption, in conjunction with the operation of a 14,532 square-foot cash and carry/wholesale retail grocery store (Smart & Final) with 171 parking spaces and hours of operation from 6 a.m. to 10 p.m., seven days a week.

Case No. ZA 1992-1259-CUB - On March 5, 1993, the Zoning Administrator approved a Conditional Use Permit at 16847 Ventura Blvd. to allow the sale and dispensing for consideration of alcoholic beverages (i.e.,



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beer and wine) for off-site consumption, in conjunction with a 14,532 square-foot "warehouse type" grocery store within a shopping center. On June 18, 1993, the Zoning Administrator issued a Letter of Correction modifying Condition No. 12 to read: That only wine containing 16% or less alcohol by volume, nor in packages of less than 750 ml shall be sold, except wine coolers in not less than four pack quantities.

Case No. ZA 88-1414-CUB - On March 8, 1989, the Zoning Administrator approved a Conditional Use Permit at 16911 Ventura Boulevard to incorporate into Forte's floor plan and utilize 1,200 square feet of existing vacant area which was previously used as a dental office and incorporate it into use to expand existing restaurant and lounge for the purpose of selling alcoholic beverages and food on-site.

Case No. ZA 87-0478-CUX - On July 27, 1987, the Zoning Administrator approved a Conditional Use Permit at 16991 Ventura Boulevard to allow the establishment and maintenance of a dance floor area in conjunction with an existing restaurant and bar with live entertainment.

Case No. ZA-2011-2625-ZV-CU - On February 12, 2012, the Zoning Administrator approved a Conditional Use Permit and a Zone Variance at 16830 Ventura Boulevard to allow hours of operation from 5 a.m. to 11 p.m. daily and a projecting sign for a fitness center within a Commercial Corner Development in the C4 Zone, which does not otherwise permit health club uses.

Case No. DIR-2011-2626-SPP - On January 13, 2012, the Director of Planning approved a Specific Plan Project Permit Compliance at 16830 W Ventura Blvd. for a change of use from general and medical office to gym use for a portion of an existing office building, and to permit two new wall signs, the installation of new text on an existing monument sign, and one new projecting sign.

Case No. ZA-1986-1361-CUB - On March 12, 1987, the applicant withdrew a conditional use request to permit the sale and dispensing of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant at 16830 Ventura Blvd.



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**GENERAL CONDITIONAL USE FINDINGS**

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

The subject establishment is situated on a dense commercial corridor with a mix of retail, institutional, office, and commercial uses. The subject premises is an existing restaurant space that has been vacant for over a year. The new tenants would like to once again serve the neighborhood by offering fast casual food at affordable prices. The Encino neighborhood is made up of large areas of residential development which are served by a few commercial corridors. Ventura Boulevard is an essential commercial destination for local residents, and so a new restaurant will serve residents who are looking to enjoy a meal out of the home. Fat Sal's affordable prices and unique menu will certainly be a draw for residents from all around the Valley while also offering an important food option to the local community. Many customers look for a restaurant to have alcoholic beverage service when choosing where to dine. The availability of beer and wine will not be the focal point of the business but rather an ancillary amenity that will provide a desired option to many patrons. Fat Sal's is also known for its late night hours, and would like to be able to offer a late night food option for local residents who may be out late for work or play. Given the above, it can therefore be proven that the request will enhance the restaurant and will perform a function that is beneficial to the community.

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

The project's location, size, height and operations will be compatible with the immediate neighborhood due to the fact that this is an existing restaurant in an existing building on an existing commercial corridor. The restaurant does not directly abut any residential buildings, so there is a buffer between the restaurant use and the nearby residents. The property has a large parking lot, so there will not be impacts from patrons parking on nearby residential streets. It can therefore be established that the project will be compatible with and will not adversely affect the surrounding properties.

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

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.



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The Encino-Tarzana Community Plan Map designates the property for Neighborhood Office Commercial land uses. The lot is zoned C4-1VL and planned and zoned for commercial uses. The property is also within the boundaries of the Ventura Cahuenga Boulevard Specific Plan. A number of the policies in the Community Plan talk about aesthetics and compatibility with neighboring buildings. For example, Policy 2-1.3 is to “Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.”<sup>1</sup> In addition, Objective 2-4 is “To enhance the appearance of commercial districts”<sup>2</sup> and all of the policies under this objective speak to this goal. The subject property is subject to design review through DIR-2016-1930-SPP, which ensures that the proposed design of the restaurant is compatible with the local community. In addition, this is an existing restaurant, so the use is already part of the neighborhood and compatible with surrounding businesses and residents.

Policy 2-1.1 sets out that “New commercial uses shall be located in existing established commercial areas or existing shopping centers.”<sup>3</sup> The subject property is an existing restaurant space in an existing shopping center. The proposed tenant improvements will be aesthetic only and will not expand the use or change the mode and character of this corner. When all of this is taken into consideration, it can be seen that the use conforms to the local community plan and the Specific Plan.

### ADDITIONAL FINDINGS

#### **i. Explain how the proposed use will not adversely affect the welfare of the pertinent community.**

The applicant is an established restaurant operator who already has four other locations, including two within the City of Los Angeles. The concept for Fat Sal’s is first and foremost to provide a fast casual dining experience. The addition of alcohol and late hours does not change the overall nature of the business as first and foremost a restaurant. In addition, the subject location is situated in on a dense commercial corridor with a mixture of retail, institutional, and office uses. A restaurant not only complements these uses, it is also a desired amenity for local residents and workers. The proposal is for a full-service restaurant and neither live entertainment nor patron dancing are requested. This in turn assures a use which is convenient to patrons, respects the welfare of the community, and furthers the goals of the Community Plan.

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

The intensity of commercial development in the immediate area explains the large number of on-site alcoholic licenses within the census tract. Ventura Boulevard is a bustling commercial corridor with a range of restaurants and markets. Although the number of on-site licenses exceeds the number permitted based upon

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<sup>1</sup> Encino-Tarzana Community Plan, Page III-7

<sup>2</sup> Encino-Tarzana Community Plan, Page III-9

<sup>3</sup> Encino-Tarzana Community Plan, Page III-7



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ABC criteria, it should be noted that this scenario is typical of areas that attract large number of people who hail from outside of the census tract. The ABC establishes the allotted number of licenses per census tract by population and cannot take into account these other crucial neighborhood specific factors; however, they do continue to approve new licenses in these types of areas due to those circumstances mentioned above.

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

The nearest residential use is a multi-family building that was constructed in the last few years. It is located about 300 feet from the restaurant, and there are other buildings between the restaurant and the apartments. Since this building is so new, all of the residents moved into the area because of its proximity to amenities such as restaurants. The residents will be happy to have a new dining option in their area, especially one that is open-late. The nearest single-family homes are about 500 feet from the restaurant, which is far enough to not be impacted by the alcohol or late hours.

### **MINI-SHOPPING CENTER FINDINGS FOR EXTENDED HOURS**

**i. Based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to and egress from any associated parking will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets**

The property is an existing restaurant with an existing parking lot. There will be no new traffic congestion or hazards as a result of this tenant improvement.

**ii. Project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

The property is an existing Mini-Shopping Center so the overall concentration of these types of centers is not changing.



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**QUESTIONS REGARDING THE PHYSICAL DEVELOPMENT OF THE SITE**

**a. What is the total square footage of the building or center the establishment is located in?**

The building is approximately 3,325 square feet.

**b. What is the total square footage of the space the establishment will occupy?**

The establishment is 1,860 square feet including a 355 square-foot patio.

**c. What is the total occupancy load of the space as determined by the Fire Department?**

The occupancy load is expected to be 70 occupants.

**d. What is the total number of seats that will be provided indoors? Outdoors?**

There are 37 seats indoors and 20 seats outdoors.

**e. If there is an outdoor area, will there be an option to consume alcohol outdoors?**

Yes.

**f. If there is an outdoor area, is it on private property or the public right-of-way, or both?**

Both.

**i. If an outdoor area is on the public right-of-way, has a revocable permit been obtained?**

There is an existing revocable permit. We are applying for a new permit since there was a change of business ownership.

**g. Are you adding floor area? If yes, how much is enclosed? Outdoors?**

No.

**h. Parking**

**i. How many parking spaces are available on the site?**

There are 26 on-site parking stalls.



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**ii. Are they shared or designated for the subject use?**

They are shared with the laundromat next door.

**iii. If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety?**

N/A

**iv. Have any arrangements been made to provide parking off-site?**

No.

**1. If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety? Note: Required parking must be secured via a covenant pursuant to LAMC 12.26 E 5. A private lease is only permitted by a Zone Variance.**

N/A

**2. Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.**

N/A

**3. Will valet service be available? Will the service be for a charge?**

No.

**i. Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or parks?**

See attached radius maps.

**j. For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other Adult Entertainment Businesses as defined by LAMC 12.70 B17?**

N/A.



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**QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT**

**a. What are the proposed hours of operation and which days of the week will the establishment be open and Proposed Hours of Alcohol Sales?**

Hours of operation are to be 11 a.m. to 3 a.m. daily. Alcohol service will be from 11 a.m. to 2 a.m. daily.

**b. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify: Note: An establishment that allows for dancing needs a conditional use pursuant to 12.24 W.18.**

No.

**c. Will there be minimum age requirements for entry? If yes, what is the minimum age requirement and how will it be enforced?**

No. This is a bona-fide eating establishment.

**d. Will there be any accessory retail uses on the site? What will be sold?**

Fat Sal's sells shirts, hats, and other Fat Sal's Deli seasonal apparel such as jackets and shoes. There will also be food available for take-out.

**e. Security**

**i. How many employees will you have on the site at any given time?**

There will be approximately 7 employees on-site at any given time. The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.

All employees involved with the sale of alcoholic beverages 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 from the Police Department to the Zoning Administrator 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 staff.

**ii. Will security guards be provided on-site?**



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No.

**1. If yes, how many and when?**

N/A

**iii. Has LAPD issued any citations or violations? If yes, please provide copies.**

No.

**f. Alcohol**

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

Beer and wine only.

**ii. Will “fortified” wine (greater than 16% alcohol) be sold?**

No.

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

No.

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

No, except that the restaurant may post a menu.

**v. Food**

**1. Will there be a kitchen on the site?**

Yes.

**2. Will alcohol be sold without a food order?**

Most patrons will come to the restaurant to have a meal. However, there may be an occasional patron who only wishes to have a drink and we would like to be able to accommodate that patron. In general, these patrons are in a group with patrons that are purchasing food. Food service will be



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available at all times whereas alcohol service will end at midnight. At no time will the premises function as a bar.

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

No.

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

See attached.

**vi. On-Site**

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

No.

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

N/A

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

No.

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

N/A

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

No.

**vii. Off-Site**

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

No.



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

N/A

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

**CALDERA BILL (CA Business and Professions Code Section 23958 and 23958.4)**

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

On-site

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

Yes, this is a bona-fide eating establishment.

7/27/16 DG