

MASTER APPEAL FORM

WITH ATTACHMENTS



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: ZA 2016-2093(CUB)

Project Address: 1061 Broxton Avenue; Westwood Village; Los Angeles, CA 90024

Final Date to Appeal: 10/07/2016

- Type of Appeal:
- Appeal by Applicant/Owner
 - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Steven D. Sann, Chair

Company: Westwood Community Council, Inc.

Mailing Address: 10940 Wilshire Boulevard, Suite 1400

City: Los Angeles State: CA Zip: 90024

Telephone: (213) 448-8147 E-mail: stevesann2001@yahoo.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self
- Other: (Westwood Community Council, Inc.)

- Is the appeal being filed to support the original applicant's position? Yes No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): N/A

Company: N/A

Mailing Address: N/A

City: N/A State: N/A Zip: _____

Telephone: _____ E-mail: N/A

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part
 Are specific conditions of approval being appealed? Yes No

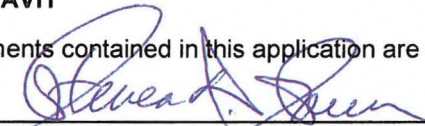
If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 10/7/16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal 4 pages RS
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$ 89</u>	Reviewed & Accepted by (DSC Planner): <u>Daniel Skolnick</u>	Date: <u>10/7/16</u>
Receipt No: <u>0203357758</u>	Deemed Complete by (Project Planner): <u>Daniel Skolnick</u>	Date: <u>10/7/16</u>
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



WESTWOOD
COMMUNITY
COUNCIL
THE VOICE OF WESTWOOD

WESTWOOD COMMUNITY COUNCIL, INC.
10940 WILSHIRE BOULEVARD, SUITE 1400
LOS ANGELES, CA 90024
WRITER'S DIRECT PHONE: (213) 448-8147
WRITER'S EMAIL: STEVESANN2001@YAHOO.COM

October 7, 2016

West Los Angeles Area Planning Commission
c/o Harold Arrivillaga, Commission Executive Assistant I
City Hall
200 North Spring Street, Room 525
Los Angeles, CA 90012

Thomas M. Donovan, President
Esther Margulies, Vice President
Joseph W. Halper, Commissioner
Marian Merritt, Commissioner
Lisa Waltz Morocco, Commissioner

Re: Case No. ZA 2016-2093(CUB)
1061 Broxton Avenue; Los Angeles, CA 90024
Applicant: Dignified Foods International, LLC (dba SpireWorks)

Honorable Commissioners:

I am writing as Chair of the Westwood Community Council, Inc. to supplement our appeal to the West Los Angeles Area Planning Commission of the above captioned case, including the reasons for our appeal, the specific points at issue, why we believe the decision-maker erred or abused their discretion, and how our community is aggrieved by the decision.

By way of background, the Westwood Community Council is the oldest, largest, and broadest-based community-wide organization representing the diverse stakeholders in the Westwood Community. A more detailed description of our Council is found at the end of this letter.*

At its meeting of July 19, 2016, our Council, acting on the recommendation of our Planning and Land Use Committee, voted to OPPOSE the granting of a new Conditional Use Beverage Permit to allow the sale and service of beer and wine at the proposed new fast-casual eatery proposed by Dignified Foods International, LLC (dba SpireWorks) at 1061 Broxton Avenue.

Our Westwood Community Council strongly objects to the issuance of a NEW Conditional Use Beverage (CUB) permit in this case, as it which will serve to further over concentrate alcohol in our Westwood Village community.

The continued proliferation of NEW Conditional Use Beverage Permits in Westwood Village, and the seeming unending granting of new CUBs are extremely concerning to our Council. The proposed SpireWorks will be yet another fast-food/fast-casual eatery with a very limited menu of either (a.) sandwiches; or (b.) bowls, with just three choices (1.) beef; (2.) chicken; or (3.) veggie, plus various sauces and spices. It is NOT a full service restaurant and DOES NOT NEED OR MERIT ALCOHOL!

Our Community Council is opposed to the gratuitous granting of additional alcohol licenses and Conditional Use Beverage permits in Westwood Village. NOT EVERY pizzeria, every sandwich shop, every burrito shop, every falafel or schwarma shop, or every fast food establishment in Westwood NEEDS or SHOULD be granted alcohol.

this application as an UNNECESSARY, NEEDLESS, AND GRATUITOUS LICENSE that will only
to FURTHER OVERCONCENTRATE Westwood Village with alcohol.

Please note that the food type that the Applicant is proposing for Westwood Village is NOT a new or “revolutionary” concept in our community. The sale of Turkish “doner” is virtually indistinguishable from Greek Gyro or Israeli and Egyptian Schwarma.

Westwood Village has had this exact food offering for MORE THAN 50 YEARS: at Falafel King, Me and Me Falafel, Daphne’s Greek Café, Gypsy Café, Habibi Café, and many others. In more than 50 years Falafel King has NEVER needed to service alcohol. Additionally, Me and Me, Daphne’s, Habibi, and others NEVER served alcohol.

This new company HAS NO OPERATING TRACK RECORD UPON WHICH WE CAN EVALUATE OR JUDGE THE QUALITY OF THE OPERATION. There is no existing unit of SpireWorks for us to determine the likelihood of its success. The failure rate of new restaurants is astoundingly high, both nationally and especially within our Westwood Village area.

Once a Conditional Use Beverage Permit is granted by the City, this is an entitlement that runs with the land, and is easily transferrable to another operator with very little ability for the public to request additional or corrective conditions, except in very limited circumstances.

However, given the specific site conditions in Westwood Village as noted below, including the very high concentration of underage students at UCLA (the largest university by enrollment in California, with more than 43,000 students, including 20,000+ undergraduates below the legal drinking age), the high incidence of binge drinking among college students, the ease of illegal alcohol access by minors when beer is sold in pitchers, the impact of “Happy Hour” reduced priced alcohol promotions on “sensitive populations,” and other potential harms, the issuance of a NEW Conditional Use Beverage Permit is contrary to public welfare and morals.

Exacerbating this situation is the relatively recent – and damaging – decision by the City Attorney’s Office to prohibit the City of Los Angeles to place any alcohol-related conditions on City issued CUBs. As you Commission is aware, this very misinformed position was a direct outgrowth of the terrible Barney’s Beanery decision that came out of the West Los Angeles Area Planning Commission.

To the best of my knowledge, the City of Los Angeles is ALONE in the State of California in adopting this highly misinformed, harmful, and ERRONEOUS interpretation of the law. I understand that every other major city in California (San Francisco, San Diego, San Jose, Santa Barbara, and Long Beach among others), as well most, if not all of the surrounding cities around Los Angeles (including Santa Monica, Beverly Hills, Culver City, West Hollywood, Malibu, Pasadena, Burbank, Glendale, Manhattan Beach, Hermosa Beach, Redondo Beach, Torrance, among others), as well as the County of Los Angeles ALL utilize their established police powers to include reasonable conditions on their Conditional Use Beverage Permits to protect public health, safety, and welfare, and to mitigate the environmental impacts arising from the sale and service of alcoholic beverages in their communities.

Even when the Applicant and community AGREE on Conditions, the City refuses to place these Conditions on a CUB. Instead, the City has undertaken the UTTERLY MEANINGLESS GESTURE of including such conditions as “suggestions” to the Department of Alcoholic Beverage Control.

However, we have seen repeatedly that ABC routinely IGNORES these “suggestions.” In fact, in a fairly recent appeal that came before the West Los Angeles Area Planning Commission (the case of Extreme Pizza), even when your Commission expressly ASKED the ABC to place a condition prohibiting “Happy Hour” and prohibiting the sale of beer in pitchers, the Office of Zoning Administration apparently advised the ABC that they were free to IGNORE this request.

This new regime (the City refusing to include reasonable alcohol-related conditions on CUBs) creates an extreme hardship for our community, since neither the City of Los Angeles nor the State ABC takes seriously

the responsibility of protecting the public from the harmful effects arising from the sale and service of alcohol, and especially the undue overconcentration of alcohol, through the imposition of reasonable conditions.

In fact, issuance of a new Conditional Use Beverage Permit **WOULD result in or add to an existing 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.**

According to the Determination Letter: "The Project Site is located within Census Tract 2652.02. According to the Determination Letter "according to the California Department of Alcoholic Beverage ("ABC") licensing criteria, **3 on-sale and 2 off-sale alcoholic beverage licenses are allocated to the subject Census Tract No 2652.02.** Data provided on the ABC's License Query System indicate that **there are 31 existing on-site and 6 existing off-site alcoholic beverage licenses within the subject Census Tract."**

Let me please repeat that: This area is supposed to have 5 alcohol licenses, but in fact, we have 37.

That is nearly 8 times the number of license we are supposed to have in this area. That is massive, serious, outrageous OVERCONCENTRATION.

Further, the **proposed premise is located within the immediate vicinity of numerous sensitive uses and consideration points**, including religious institutions, facilities that serve children and seniors (sensitive populations), educational facilities, and medical facilities. These include, but are not limited to: Westwood Village Synagogue; UCLA campus; UCLA Extension Osher Lifelong Learning Institute; UCLA West Campus (future site of the recently announced Geffen Academy at UCLA, a new middle school and high school that will open in Fall 2017); Kaplan International English Language School; Christian Science Reading Room; Twenty-Eighth Church of Christ., Scientist; Bright Horizons Child Care Center; Vintage Westwood Horizons Senior Assisted Living Facility; Westwood Hills Christian Church; American Language Center; among others.

The **proposed premise is located near a residential area and, if unconditioned, the normal operation of the licensed premises would interfere with the quiet enjoyment of their property by the residents of the area.** This site is near the new Gayley + Lindbrook apartments, a 34-unit luxury apartment complex, and is also located near other residences on Gayley. The sale of alcoholic beverages at this location could adversely affect residents by increasing noise and nuisance, including the presence of intoxicated patrons, homeless, transients, aggressive panhandlers, and others in the vicinity.

Licensing the premises with an ADDITIONAL CUB would tend to create a public nuisance.

Westwood Village already suffers from a severe problem related to a growing permanent homeless population, and a large number of aggressive panhandlers who harass residents and others. This contributes to a deteriorated quality of life and depresses the business, office and residential environment. It is well known that increasing the concentration of alcohol in an area tends to exacerbate these nuisances.

Issuance of an ADDITIONAL CUB for the premises would tend to create a law enforcement problem or aggravate an existing police problem. Westwood has a higher than average crime rate. Additionally, Westwood is policed by **TWO** separate police departments, and therefore ABC must consider the **COMBINED** crime statistics reported by LAPD AND UCPD (University of California Police Department, a State-sworn agency), to establish accurate crime statistics in the area. Most crimes involving UCLA students, especially alcohol, are reported by UCPD, not LAPD. There are 20,000+ underage UCLA students (many of whom possess excellent fake IDs that can be used to illegally purchase alcohol). The addition of another **UNCONDITIONED** license would tend to increase this law enforcement problem.

For more than a decade, ABC has made a special grant to our local LAPD West Los Angeles Community Police Station to fund targeted police enforcement, and undercover minor decoy

programs, to address this well-known law enforcement problem related to the illegal sale and service and/or illegal purchase of alcoholic beverages by minors, DUIs, public intoxication, and other alcohol related crimes.

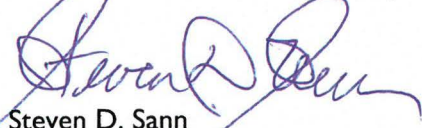
As evidence of the significant alcohol-related crime we face in Westwood Village we recently suffered an **alcohol-related NEAR FATAL SHOOTING of a Westwood employee just outside Barney's Beanery, 1037 Broxton Avenue, less than 100 feet north of this site.** This crime remains **UNSOLVED.** The proliferation of alcohol on Broxton adds fuels its image as "alcohol alley" in the Village.

Further, the police crime statistics cited in the Determination Letter are **WOEFULLY INCOMPLETE.** As noted above, Westwood Village is governed by **TWO** licensed Police Departments. In addition to falling under the jurisdiction of LAPD, Westwood Village also falls under the jurisdiction of the University of California Police Department (aka UCPD or UCLA Police Department).

Therefore, on behalf of our Council, I respectfully ask that you support the position of the Westwood Community Council, grant our appeal, and deny the issuance of a new Conditional Use Beverage (CUB) Permit at the subject location, to protect our Westwood community from the ill effects of the further overconcentration of alcohol.

Sincerely,

For the Westwood Community Council....



Steven D. Sann
Chair
Westwood Community Council, Inc.

Attachments

**The Westwood Community Council, Inc. (WCC) is the oldest, largest, and broadest-based Westwood community-wide organization, which represents the more than 140,000 stakeholders who live, work, own property, attend school, or participate in a wide variety of organizations within the 90024 and 90095 communities. Established in 2009 as a California non-profit public benefit corporation, the WCC includes representatives from business and commercial property owners, merchant and business organizations, Westwood's business improvement district, West Los Angeles Chamber of Commerce, four major homeowner associations, apartment and condominium multi-family residential renters and owners, senior citizen residential organizations, K-12 public and private schools, non-profit organizations, religious institutions, volunteer service and civic groups, parks and recreational organizations, veterans and public safety groups, environmental and land use organizations, UCLA undergraduate and graduate students, UCLA faculty and staff, and arts and cultural institutions. The boundaries of the WCC are: Sunset Boulevard on the north, Santa Monica Boulevard on the south, the Beverly Hills border on the east, and the 405 freeway on the west. The WCC is a member of the Westside Regional Alliance of Councils (WRAC).*

**DETERMINATION
LETTER**

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS
JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
CHARLES J. RAUSCH, JR.
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING
VINCENT P. BERTONI, AICP
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION
200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.planning.lacity.org

September 22, 2016

Robert Kaufman (A)
Dignified Foods International, LLC
14320 Ventura Boulevard #147
Sherman Oaks, CA 91423

Westwood Partners, LLC (O)
9990 Santa Monica Boulevard
Beverly Hills, CA 90212

Margaret Taylor (R)
Apex LA
5419 Hollywood Boulevard
Los Angeles, CA 90027

CASE NO. ZA 2016-2093(CUB)
1061 South Broxton Avenue
Westwood Planning Area
Zone: C4-2D-O
D.M.: 132B149
C. D.: 5
CEQA: ENV-2016-2094-CE
Legal Description: Lot 7 and Lot 8, Arb 1,
Block 6, Tract 10600

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

a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant in the C4-2D-O Zone, and

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 Department of City Planning 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. Authorized herein is the sale and dispensing of beer and wine for on-site consumption, in conjunction with a proposed 2,753 square-foot restaurant, including an outdoor 366 square-foot covered patio and 177 square-foot uncovered patio, subject to the following limitations:
 - a. Seating shall be limited to a maximum 45 indoor seats and 34 outdoor seats, provided that number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
 - b. The hours of operation for the restaurant, including the patio, shall be limited to 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday. Vendor deliveries shall be conducted between 8:00 a.m. to 9:00 p.m. There shall be no deliveries on Sundays.
 - c. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
7. The authorization granted herein is for the on-site sale and dispensing of beer and wine in conjunction with a proposed 2,753 square foot restaurant with hours of operation from 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday from the effective date of this grant.
8. 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 the dimensioned floor plan, seating arrangement and number of seats of the new operation.
9. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, including a 500-foot notification radius, if

it is determined that the new operation is not in substantial conformance with the approved floor plan, or has changed in mode or character from the original approval or If at any time during the period of validity of this grant, should 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 application, in association with the appropriate fees, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. 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 new 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.

10. **Within 30 days of the effective date 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 Department of City Planning for inclusion in case file.
11. ***Prior to the beginning of operations***, the applicant shall notify the Department of City Planning via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy within 30-days of its issuance for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject: **"ZA-2016-2093-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.
12. **Prior to the beginning of operations**, a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The applicant shall provide evidence of the surveillance system to the Department of City Planning by submitting an invoice/receipt from the licensed installer, photographs of the cameras installed, the central monitoring system and a schematic plan cross-referencing the camera and central system locations. The plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the Department of City Planning and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.

13. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment. Photographic evidence of the light fixtures, indicating the locations and types of light fixture, shall be submitted to the CCU, **prior to the beginning of operations.**
14. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries and trash removal. Photographic evidence shall be provided to the Department of City Planning **prior to the effectuation of the grant.**
15. 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 effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
16. **Prior to the beginning of operations,** the applicant shall submit the restaurant's menu to document that the premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.
17. **Prior to the beginning of operations,** an electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use. A copy of the purchase receipt and photographs of the device shall be provided to the Department of City Planning for inclusion in the case file.
18. **Prior to the beginning 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 Department of City Planning. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the restaurant, known as SpireWorks, and agree to abide and comply with said conditions.
19. A copy of the conditions of this letter of determination, business permit and insurance information 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.

20. **Prior to the beginning 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: (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. 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 Department of City Planning for inclusion in the Case File.

21. 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-2016-2039-CUB, from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
22. 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.
23. Loitering is prohibited on or around these premises or the area under the control of the applicant.
24. The applicant shall be responsible for maintaining the area adjacent to premises over which they have control, free of litter.
25. Entertainment in conjunction with the restaurant is limited to ambience music to compliment the dining experience, shall be limited to background music at a low volume such that it is not audible beyond the premises. Independent, professional or amateur disc jockeys are not allowed.
26. There shall be no speakers or amplified sound permitted in the outdoor dining area.

27. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
28. Karaoke shall not be permitted.
29. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.
30. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
31. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.
32. 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 Department of City Planning **prior to the beginning of operations.**
33. The applicant shall prepare and implement an incentive program to encourage employees to walk, bike, use public transit or carpool to work. Said program may include but not be limited to: subsidies for public transit and installation of bike racks. A copy of the program shall be submitted to the Zoning Administrator for inclusion in the file.
34. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, 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 used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be 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 therein, may result in denial of future requests to renew or extend this grant.
35. **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 \$25,000. 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 **OCTOBER 7, 2016**, 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, Room 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 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, the plans submitted therewith and the testimony presented at the public hearing of July 11, 2016, 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 Sections 12.24-W, 1 have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped, 4,950 square-foot interior parcel of land with a 45-foot frontage on Broxton Avenue and the 20-foot wide rear alley. The

property has an even width of 10 feet and 100 feet depth. The property is zoned C4-2D-O with a Community Commercial land use designation. The property is located within the Westwood Community Plan Area, Westwood Village Specific Plan, Westwood Community Design Review Board, West Los Angeles Transportation Improvement and Mitigation Specific Plan, Transit Priority Area (ZI-2452), and the Neighborhood Conservation ICO (ZI-2443).

The project site is developed with a 2-story building with an exterior balcony and patio. The first story includes the proposed restaurant and a retail store. The second story is office and storage space.

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,753 square-foot restaurant with 45 interior seats, a 366 square-foot covered patio and a 177 square-foot uncovered patio, both along the front of the subject restaurant, with 34 exterior seats. Proposed hours of operation are 11:00 a.m. to 12:00 a.m., daily.

The surrounding properties are zoned C4-2D-O and developed with one to three story commercial buildings with retail, cinema, office and restaurant uses.

The Project Planner conducted a site visit on July 1, 2016 at approximately 10:00 a.m. and observed the project site currently vacant. There was light pedestrian traffic along Broxton Avenue. Street parking is available on one side of the street and there is a City owned parking structure across from the site.

Broxton Avenue is a designated Local Street Standard, with an 80-foot width, and improved with paved roadway, curb, gutter, sidewalk, landscaping, and street furniture.

The alley, at the rear of the property has a width of 20 ft.

Previous zoning cases, permits and orders on the subject property:

Building Permit No. 16016-10000-12511 - On July 26, 2016, the Department of Building and Safety issued a building permit for a tenant improvement to a single restaurant. Work includes new kitchen equipment, finishes, lights, and furniture. No change in use or parking.

Building Permit No. 11016-100002-19594 - On December 27, 2011, the Department of Building and Safety issued a building permit for a proposed tenant improvement for Five Guys Burger and Fries with outdoor dining within an existing restaurant space. Work includes removal of existing non-structural walls, existing stairs, existing ceiling/soffits, existing fixtures, and existing rooftop

Case No. DIR-2011-2736-DRB-SPP - On December 5, 2011, the Director of Planning approved with conditions a Design Review and Project Permit Compliance for the installation of one wall sign.

Case No. DIR-2001-3098-DRB-SPP - On August 16, 2001, the Director of Planning approved a Certificate of Appropriateness and the project design for facade renovation and signs for a building.

Certificate of Occupancy WLA56558/65 - On November 1, 1965, the Department of Building and Safety issued a building permit for a one story, Type III-B, 45' x 45' enlarge dining area, maximum occupants 99, B-2 G-1 occupancy.

Zoning Cases on Surrounding Properties:

Case No. ZA-2015-4433(CUB) - On April 18, 2016, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 1,169 square-foot restaurant with 24 interior seats in the C4-2D-O Zone, located at 1110 South Gayley Avenue.

Case No. ZA-2014-4760(CUB)(DRB)(SPP) - On February 16, 2016, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing for on-site consumption and accessory off-site sales, a design review with consideration of recommendation to the Westwood Community Design Review Board, and a Specific Plan Project Permit Compliance Review in conjunction with the construction, use, and maintenance of an existing 3,310 square-foot restaurant with 112 interior seats in the C4-2D-O Zone, located at 931-939 South Broxton Avenue.

Case No. ZA-2013-4020(CUB) - On October 30, 2014, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 5,007 square-foot restaurant with 146 seats in the C4-2D-O Zone, located at 1109 Glendon Avenue.

Case No. ZA-2013-2643(CUB) - On August 27, 2013, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of a full line of alcohol beverages of on-site consumption in conjunction with an existing 4,249 square-foot restaurant with 101 interior seats and 30 exterior seats in the C4-2D-O Zone, located at 1001 Broxton Avenue.

Case No. ZA-2012-134(CUB) - On June 13, 2012, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of beer and wine for on-site consumption and live entertainment in conjunction with a 2,400 square-foot restaurant with 74 interior and 12 exterior seats in the C4-2D-O Zone, located at 1055-1059 South Broxton Avenue.

Case No. ZA-2011-1741(CUB) - On November 1, 2011, the Zoning Administrator approved a conditional use permit to allow the sale of beer and wine for on-site consumption in conjunction with a 3,793 square-foot restaurant with 82 seats in the C4-2D-O Zone, located at 10910 Kinross Avenue and 1112-1114 Gayley Avenue.

Case No. ZA-2011-48-PAB-1A - On October 5, 2011, the West Los Angeles Area Planning Commission denied an appeal and sustained the Zoning Administrator's decision to approve the sale and dispensing of beer and wine for on-site consumption in

conjunction with an existing 1,354 square-foot restaurant with 32 seats in the C4-2D-O Zone, located at 1067 Glendon Avenue.

Case No. ZA-2008-617(CUB) - On August 27, 2008, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of a full line of alcohol beverages for on-site consumption in conjunction with a 7,458 square-foot restaurant with 181 interior seats and 29 exterior seats in the C4-2D-O Zone, located at 1037 South Broxton Avenue.

Case No. ZA-2008-1345(CUB) - On August 12, 2008, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 2,042 square-foot restaurant with 59 interior seats in the C4-2D-O Zone, located at 1116 South Westwood Boulevard.

Case No. ZA-2005-7479(CUB) - On May 30, 2006, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of a full line of alcohol beverages for on-site consumption within a proposed 2,700 square-foot restaurant with 67 interior seats and 24 exterior seats in the C4-2D-O Zone, located at 945 South Broxton Avenue.

Public Hearing:

The public hearing was held on Monday, July 11, 2016, at approximately 11:30 a.m. at the West Los Angeles Municipal Building, located at 1645 Corinth Avenue, 2nd Floor Hearing Room. The applicant's representative Margaret Taylor and the applicant, Robert Kaufman were present at the hearing.

The Zoning Administrator presented and overview of the project request as noted in the notice of public hearing. Pursuant to Los Angeles Municipal Code Section 12.24-W-1, the applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,753 square foot restaurant having 45 interior seats, a 366 square-foot covered patio and a 177 square-foot uncovered patio. Both patios are located along the front of the subject restaurant and will have a total of 34 exterior seats. The proposed hours of operation are 11:00 a.m. to 12:00 a.m., daily. The applicant is also requesting that the project be found exempt from CEQA and therefore not having any significant effect on the environment.

Margaret Taylor, applicant's representative presented the following testimony:

- The restaurant is taking over a former space
- The restaurant is existing with no expansion proposed
- The Chief Operating Officer, Chief Executive Officer and Vice President of business are all present at today's hearing.
- The restaurant will allow patrons to build their own sandwich, salad, rice bowls, sodas and craft beer and wine.
- The applicants have been selling beer and wine for many years at venues including the Staples Center and LA Dodger Stadium.
- Operators are experienced and are responsible operators. Beer and wine in not

their focal point. It only enhances the experience. Beer and wine dose not impact food sales.

- Staff serving alcohol will be trained.
- LAPD has not seen project however submitted an unsigned letter. Vice noted they have not seen any problems with this type of sale of beer and wine.
- Project outreach was with the Neighborhood Council. Their next board meeting will be on the 13th. We request that the file remain open to allow Neighborhood Council to review the project and comment.
- Neighborhood Council may be concerned with "Happy Hour".

The following public testimony is in opposition to the project proposal:

Steven Sann

- I'm a member of the Westwood Community Council
- Last meeting of Community Council held on July 6, 2016, we did not have a quorum. However, I strongly recommend no CUB be issued.
- The community also has a Certified Neighborhood Council
- Request record be left open for response from both Certified Neighborhood Council and Community Council
- Deep concern in community of over concentration in area.
- There is a massive overconcentration of both on-site and off-site of alcohol sales. This is becoming an "alcohol alley".
- The project is in close proximity to University (UCLA). The approval of the CUB will contribute to the overconcentration. This is one of the Findings which must be made.
- Problem is this operation is totally a concept and untested. The concern is we can't see how it operates.
- Suggest the business operate for 24 months and we will invite them to come back to apply for an alcohol license. The reason being is the last operator can walk away and the next operator can take over the operation as the rights run with the land.
- Other businesses in Westwood Village are very successful without alcohol service., i.e. Chipotle.
- LAPD did not discuss the project with the Community Council.
- The population is mainly under 21 years of age and if the place stays open after 9:00 p.m. it's basically a bar. I have not seen a menu. No more than ½ dozen businesses in the Village say open after midnight.
- Hours of operation requested are extremely excessive. Most food places shut down at 9:00 p.m. or 10:00p.m.
- This (project) is a QSR (Quick Service Restaurant). People don't sit down and stay for a meal.
- We have a massive homeless problem in the neighborhood. Alcohol and food left on tables in an outdoor patio creates special problems. Homeless people will take the food and drinks left on outdoor tables.
- Not saying no to project only saying let them come in the Village and operate the business for 1-2 years to prove themselves before granting an alcohol permit.

- Request the file remain open until July 22nd to allow the Community Council to review project request.
- The parking garage across the street is not for businesses. We have a massive parking problem in the Village. The garage parking is not for employee parking. The applicant will need a parking plan for employees.

REBUTTAL: Margaret Taylor, applicant's representative:

- The applicant did meet with PLUM Committee and concerns of over concentration were taken into account.
- The applicant agreed to reduce the hours of on-site sale of beer and wine by reducing the operating hours to modify closing time, Sunday through Thursday at 10:00 p.m., Friday and Saturday at 11:00 p.m.
- Alcohol permit allocation is based on the Census Tract. It's typical for a high concentration license with a high density. This area is a high concentrated area, not a high density residential zone.
- Internet operators make it difficult for property owners to attract retail operators with overhead and employee cost. More property owners are converting businesses to restaurants who sell alcohol.
- The applicants are experienced restaurant operators. All parties are acting in good faith to be good neighbors.
- The Zoning Administrator's determination addressed likely impact(s) of use and there are provisions in place such as, if the property changes hands the new owner will be required to file a Plan Approval application and an electronic age device to detect under age patrons and deter fake I.D.'s. The additional State allocated resources to deploy extra LAPD patrol in the Village is also a plus.
- We will have a menu
- Employees will be trained in alcohol service and to recognize intoxicated patrons.
- SpireWorks has additional locations in Eagle Rock and Downtown LA. They have a fully developed business plan.
- We outreached to LAPD who did not respond negatively and to every stakeholder. Outreach also included the Westwood Community Council.
- We have a separate plan for employee parking which included bicycle parking. However we cannot stop employees from parking in a public lot.
- The project is following the Design Review Process as required for signage. Procedures are in place with the Department of City Planning for enforcement of Conditions.
- This restaurant will not be just a quick service model, there has been an investment in the project.
- We plan to be responsive to Mr. Sann.

The Zoning Administrator closed the public hearing however, took the case under advisement until August 1, 2016, pending receipt of possible comments from the Westwood Neighborhood Council and the Community Council.

Correspondence:

- Letter emailed on July 19, 2016, from the Westwood Neighborhood Council, in support of the project with recommended conditions.
- Letter dated June 30, 2016, received on July 27, 2016, from Captain Tina M. Nieto, Commanding Officer West Los Angeles Area, stated no opposition to the approval with recommended conditions.

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.

- There shall be no sale or service of alcoholic beverages without a meal order.
- There shall be no "Happy Hour" during which time beverages are sold at discounted prices.
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverages from any customer while in the premises-
- There shall be no minimum drink required of patrons.
- The quarterly gross sale of alcoholic beverages shall not exceed the gross sales of food during the same period. The Petitioner(s) shall at all times maintain records which reflect separately the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the police department upon demand.

- There shall be no exterior advertising of any kind of type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages, except that the restaurant may post a menu.
- Petitioner(s) shall not have a cover charge for admission. There shall not be a requirement to purchase a minimum number of drinks.
- Sales and delivery of alcoholic beverages to consumers shall be made from behind a counter where an employee will obtain the product. No self-service of alcoholic beverages by patrons will be permitted. A waitress or waiter shall conduct all alcoholic beverage service.
- No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
- The subject alcoholic beverage license shall not be exchanged for a public premise type license nor operated as a public premise.
- Alcohol shall not be sold by the pitcher or in kegs. Beer and wine shall be served in glasses or individual bottles.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.

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 beer and wine 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.

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 property is zoned C4-2D-O with a Community Commercial land use designation in the Westwood Community Plan Area. The surrounding properties are zoned C4-2D-O and developed with one to three story commercial buildings with retail, cinema, office, and restaurant uses. The project is located in Westwood Village. The Westwood Community Plan describes it as a pedestrian-oriented low-rise Community Center with unique historic architecture, dining, retail, and entertainment facilities generally located between the University of California, Los Angeles (UCLA) and Wilshire Boulevard.

The subject site is developed with a 2-story building with an exterior balcony and patio. The first story includes the proposed restaurant and a retail store. The second story includes office and storage uses. The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,753 square-foot restaurant with 45 interior seats, a 366 square-foot covered patio and a 177 square-foot uncovered patio, both along the front of the subject restaurant, with 34 exterior seats. Proposed hours of operation are 11:00 a.m. to 12:00 a.m., daily. At the public hearing held on July 11, 2016 and as a result of meetings with the Los Angeles Police Department and the Westwood Neighborhood Council Land Use and Planning Committee the applicant has modified the hours of operation of the restaurant and patio areas to include Sunday through Thursday from 10:00 a.m. to 10:00 p.m., Friday and Saturday 10:00 a.m. to 11:00 p.m.

The proposed project will provide a service to the community by providing a dining option for employees, students, and residents of Westwood. The proposed restaurant will enhance the built environment by occupying a vacant store fronting Broxton Avenue, designated as a pedestrian corridor in the Westwood Village Specific Plan. The proposed use in conjunction with the imposition of conditions addressing operation and alcohol-related conduct to include an on-duty manager on the premises at all times and a signed statement by the manager and all employees being made aware of the conditions in addition to several other operational conditions, will assure the use enhances 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 property is zoned C4-2D-O with a Community Commercial land use designation in the Westwood Community Plan Area. The surrounding properties are zoned C4-2D-O and developed with one to three story commercial buildings with retail, cinema, office, and restaurant uses. The project is located in Westwood Village. The Westwood Community Plan describes it as a pedestrian-oriented low-rise Community Center with unique historic architecture, dining, retail, and entertainment facilities generally located between the University of California, Los Angeles (UCLA) and Wilshire Boulevard.

The subject site is developed with a 2-story building with an exterior balcony and patio. The first story includes the proposed restaurant and a retail store. The second story is office and storage space. On August 16, 2001, the Director of City Planning adopted the recommendation of the Westwood Community Design Review Board and approved a Certificate of Appropriateness for a facade renovation and signs for the subject site. No changes to the location, size, and height are proposed. The site is compatible with the surrounding land uses.

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,753 square-foot restaurant with 45 interior seats, a 366 square-foot covered patio and a 177 square-foot uncovered patio, both along the front of the subject restaurant, with 34 exterior seats. Proposed hours of operation including the patio areas are Sunday through Thursday 10:00 a.m. to 10:00 p.m., Friday and Saturday 10:00 a.m. to 11: 00 p.m.

The grant with the imposed conditions provides for mitigation of any potential effects from the sale and on-site consumption of beer and wine, including the implementation of a camera surveillance system, age verification device, a 24-hour hot line, lighting installed to ensure clear visibility of objects and persons on property, restricting patron access to business with a front door only entry with all other doors closed and locked and at least one on-duty manager with authority over activities within the business shall be present on the premises at all times the business is open. During the public hearing concerns were raised related to a lack of available parking in the Westwood Village and the possible impact a new business with several employees would bring. As this project is located within the Westwood Village it is highly impacted by vehicular traffic. No additional parking was required by Building and Safety and therefore no reduction in parking was requested. However, in recognizing this area of the community is heavily traveled by both foot and vehicle and to encouraged less vehicle parking thereby mitigating potential traffic impacts to the area the applicant shall be required to prepare and implement an incentive program which encourages employees to walk, bike use public transit or carpool to work. These operating conditions in combination with the Monitoring, Verification and Inspection Program (MViP) will allow the City the opportunity to continue to monitor the operation of the restaurant and ensure compliance with imposed conditions. Therefore as conditioned, the sale and dispensing of beer and wine will not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety of the Westwood 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 City's General Plan consists of eleven elements that establish policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The subject site is located in the Westwood Community Plan, the Westwood Village Specific Plan, and the Westwood Village Design Review Board. According to the Community Planning Referral Form, dated

May 10, 2016, the proposal is not considered a project under the Westwood Village Specific Plan and Westwood Village Design Review Board.

The Westwood Community Plan Map designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, and RAS4 and Height District No. 2D. The land use designation and commercial zoning permits a wide variety of mixed commercial and residential uses including the subject restaurant. The Westwood Community Plan text is silent in regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan. The purpose of the Westwood Community Plan is to preserve and strengthen commercial developments to provide a diverse job producing-economic base and through design guidelines and physical improvements, enhancing the appearances of these areas. The existing use is consistent with and advances the following goals, objectives, and policies identified in the Westwood Community Plan:

Goal 2: A strong and competitive commercial sector which promotes economic vitality, and services the needs of the community through well designed, safe and accessible areas while preserving the community's unique commercial, historic and cultural character.

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide opportunities for new, compatible commercial development and services within existing commercial areas.

The existing use conforms with the intent, purpose, and provisions of the General Plan and the Westwood Community Plan.

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

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,753 square-foot restaurant with 45 interior seats, a 366 square-foot covered patio and a 177 square-foot uncovered patio, both along the front of the subject restaurant, with 34 exterior seats. Proposed hours of operation are 10:00 a.m. to 11:00 p.m. Sunday through Thursday, 10:00 a.m. to 11:00 p.m. Friday and Saturday. The project does not include any form of live entertainment and dancing is prohibited. The approved floor plan shall not permit partitions, obstructions or areas within the restaurant which will restrict limit or obstruct the clear observation of the occupants. The absence of these specific activities and the floor plan as designed will reinforce the primary use as a restaurant.

As conditioned by this grant, the request for 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

such as a surveillance system and adequate lighting be implemented to mitigate the negative impacts commonly associated with the sale of alcoholic beverages. In addition, the grant requires that the Applicant install an age verification device at all points-of-sale, to deter underage purchases and drinking. Employees will undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. In addition, the condition requiring by a 24-hour hot line will allow the community to communicate with the operator regarding any complaints or concerns due to the operation. Other conditions related to minimizing noise, preventing litter and loitering will ensure the welfare of the Westwood Village community.

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.**

The Project Site is located within Census Tract 2652.02. According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, 3 on-sale and 2 off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2652.02. Data provided on the ABC's License Query System indicate that there are 31 existing on-site and 6 existing off-site alcoholic beverage licenses within the subject Census Tract.

Within a 1,000-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

- (2) Type 20 - Off-Sale Beer and Wine
- (4) Type 21 - Off-Sale General
- (1) Type 40 - On-Sale Beer – Bar or Tavern
- (13) Type 41 - On-Sale Beer and Wine – Eating Place
- (11) Type 47 - Off-Sale General – Eating Place

According to statistics provided by the LAPD, which has jurisdiction over the subject property within Crime Reporting District No. 817, a total of 119 crimes were reported in 2015, compared to the citywide average of 181 crimes and the high crime reporting district average of 217 crimes for the same period.

In 2015, there were 1 Narcotics, 1 Liquor Law, 2 Public Drunkenness, 1 Disorderly Conduct, and 2 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.

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 a license benefits the public welfare and convenience. The subject site is located in a commercial corridor where a concentration of restaurants is evident and thus the higher number of alcoholic beverage licenses are anticipated. Concerns were raised during the public hearing process addressing an overconcentration of both on-site and off-site alcohol sales in the area. The Zoning Administrator has imposed several conditions on the operation which are designed to allow the business operator an opportunity to demonstrate responsible business practices. Should the operator fail to adhere or fully comply with operating conditions as imposed by the grant the City has an opportunity to require a public review of the operation and in extreme cases may require a discontinuance of the use.

In these active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers and designation points within a community are supported by a significant employee population. The Department of Alcohol Beverage Control has the 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 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 and deterrents against loitering. The conditions will safeguard the welfare of the community.

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:

- Westwood Medical Center, 1100 Veteran Avenue
- Swartwood, 911 Westwood Boulevard
- Princeton Review, 923 Westwood Boulevard
- UCLA School of Medicine, 10911 Weyburn Avenue Unit No. 300
- Christian Science Reading Room, 1125 Glendon Avenue
- LA Fire Station #37, 1090 Veteran Avenue
- Ronald Reagan UCLA Medical Plaza, 10945 Le Conte Avenue

The project is located in Westwood Village, which is a pedestrian-oriented low-rise Community Center with unique historic architecture, dining, retail, and

entertainment facilities. This grant has placed conditions on the use to ensure the project is compatible with surrounding uses. As conditioned, the grant allow the City to impose corrective conditions, modify conditions, or terminate the use, if determined necessary in the event the operation becomes a nuisance.

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 June 13, 2016, the project was issued a Notice of Exemption Log No. ENV-82016-2094-CE. Pursuant to Section 15300 et seq. of the State CEQA Guidelines and Article III, Sec 1, Class 5, Category 34 of the City CEQA Guidelines, the above referenced project has been determined not to have a significant effect on the environment and shall therefore be exempt from the provisions of CEQA. I hereby adopt that action.

Inquiries regarding the matter shall be directed to the Project Planner Kristen Gordon at (213) 202-5445.



ALETA D. JAMES
Associate Zoning Administrator

AJ:KG

cc: Councilmember Paul Koretz
5th Council District
Adjacent Property Owners

MASTER LAND USE APPLICATION



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number 2A-2010-2093-CUB
 Env. Case Number ENV 2010-2094-CE
 Application Type Conditional Use
 Case Filed With (Print Name) Lisette Covarrubias Date Filed 6/13/14

Application includes letter requesting:

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

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.

All terms in this document are applicable to the singular as well as the plural forms of such terms.

1. PROJECT LOCATION

Street Address¹ 1061 Broxton Avenue Unit/Space Number _____
 Legal Description² (Lot, Block, Tract) Lot 7, and Por. of Lot 8, arb 1, Block 6, Tract 10600
 Assessor Parcel Number 4363-024-005 Total Lot Area 4,950 sq. ft.

2. PROJECT DESCRIPTION

Present Use Restaurant with outdoor dining
 Proposed Use Same, with beer and wine consumption
 Project Name (if applicable) SpireWorks
 Describe in detail the characteristics, scope and/or operation of the proposed project Tenant improvement and CUP to add beer/wine consumption. No change to floor area of permitted restaurant interior and outdoor patio dining area.

Additional information attached YES NO

Complete and check all that apply:

Existing Site Conditions

- | | |
|---|--|
| <input type="checkbox"/> Site is undeveloped or unimproved (i.e. vacant) | <input type="checkbox"/> Site is located within 500 feet of a freeway or railroad |
| <input checked="" type="checkbox"/> Site has existing buildings (provide copies of building permits) | <input checked="" type="checkbox"/> Site is located within 500 feet of a sensitive use (e.g. school, park) |
| <input type="checkbox"/> Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial) | <input type="checkbox"/> Site has special designation (e.g. National Historic Register, Survey LA) |

¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

Proposed Project Information

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree

- New construction: _____ square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

Housing Component Information

Number of Residential Units: Existing _____ - Demolish(ed)³ _____ + Adding _____ = Total 0

Number of Affordable Units⁴ Existing _____ - Demolish(ed) _____ + Adding _____ = Total 0

Number of Market Rate Units Existing _____ - Demolish(ed) _____ + Adding _____ = Total 0

Mixed Use Projects, Amount of Non-Residential Floor Area: 0 _____ square feet

3. ACTION(S) REQUESTED

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

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

Authorizing section _____ Section from which relief is requested (if any): 12.24 W 1

Request: Conditional Use Permit to allow the sale of beer and wine for on-site consumption in conjunction with the operation of a new tenant in an existing restaurant tenant space with outdoor patio dining. 2,753 interior sq. ft. with 45 seats, plus 366 covered and 177 uncovered outdoor dining area sq. ft. with 34 seats for a total of 3,296 sq. ft. and 79 seats. Hours of operation from 11 am - 12 am, 7 days/week.

Authorizing section _____ Section from which relief is requested (if any): _____

Request: N/A

Authorizing section _____ Section from which relief is requested (if any): _____

Request: N/A

Additional Requests Attached YES NO

³ Number of units to be demolished and/or which have been demolished within the last five (5) years.

⁴ As determined by the Housing and Community Investment Department

4. RELATED DEPARTMENT OF CITY PLANNING CASES

Are there previous or pending cases/decisions/environmental clearances on the project site? YES NO

If YES, list all case number(s) _____

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

Case No. _____

Ordinance No.: _____

Condition compliance review

Clarification of Q (Qualified) classification

Modification of conditions

Clarification of D (Development Limitations) classification

Revision of approved plans

Amendment to T (Tentative) classification

Renewal of entitlement

Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? YES NO

Have you filed, or is there intent to file, a Subdivision with this project? YES NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

5. OTHER AGENCY REFERRALS/REFERENCE

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please check all that apply and provide reference number if known.

Are there any outstanding Orders to Comply/citations at this property? YES (provide copy) NO

Are there any recorded Covenants, affidavits or easements on this property? YES (provide copy) NO

Development Services Case Management Number _____

Building and Safety Plan Check Number _____

Bureau of Engineering Planning Referral (PCRF) _____

Bureau of Engineering Hillside Referral _____

Housing and Community Investment Department Application Number _____

Bureau of Engineering Revocable Permit Number _____

Other—specify _____

6. PROJECT TEAM INFORMATION (Complete all applicable fields)

Applicant⁵ name c/o Robert Kaufman
Company/Firm Dignified Foods International, LLC
Address: 14320 Ventura Boulevard Unit/Space Number 147
City Sherman Oaks State CA Zip Code: 91423
Telephone (917) 575-0486 E-mail: jeffr@SpireWorks.com
Are you in escrow to purchase the subject property? YES NO

Property Owner of Record Same as applicant Different from applicant
Name (if different from applicant) Westwood Partners, LLC
Address 9990 Santa Monica Boulevard Unit/Space Number _____
City Beverly Hills State CA Zip Code: 90212
Telephone (310) 551-5424 E-mail: christian.irwin@dominorealty.com

Agent/Representative name Margaret Taylor
Company/Firm Apex LA
Address: 5419 Hollywood Boulevard Unit/Space Number C747
City Los Angeles State CA Zip: 90027
Telephone (818) 398-2740 E-mail: margaret@apex-la.com

Other (Specify Architect, Engineer, CEQA Consultant etc.) _____
Name _____
Company/Firm _____
Address: _____ Unit/Space Number _____
City _____ State _____ Zip Code: _____
Telephone _____ E-mail: _____

Primary Contact for Project Information Owner Applicant
(*select only one*) Agent/Representative Other _____

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

⁵ An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

PROPERTY OWNER

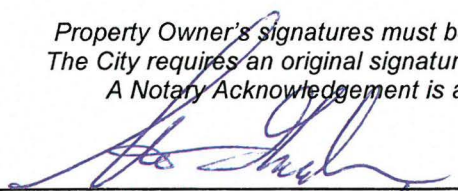
9. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

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

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

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

Signature



Date

5-11-2016

Print Name

Steven Gordon

Signature _____

Date _____

Print Name _____

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

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

State of California

County of Los Angeles

On May 11, 2014 before me, Cheryl A. Moothart Notary Public
(Insert Name of Notary Public and Title)

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

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

WITNESS my hand and official seal.
Cheryl A. Moothart
Signature

(Seal)



APPLICANT

10. APPLICANT DECLARATION. A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.

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

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

Signature: _____

Date: _____

Print Name: _____

**OPTIONAL
NEIGHBORHOOD CONTACT SHEET**

SIGNATURES of adjoining or neighboring property owners in support of the request are not required but are helpful, especially for projects in single-family residential areas. Signatures may be provided below (attach additional sheets if necessary).

NAME (PRINT)	SIGNATURE	ADDRESS	KEY # ON MAP

REVIEW of the project by the applicable Neighborhood Council is not required, but is helpful. If applicable, describe, below or separately, any contact you have had with the Neighborhood Council or other community groups, business associations and/or officials in the area surrounding the project site (attach additional sheets if necessary).

REQUEST AND FINDINGS

SpireWorks

Request:

Subject Site:
SpireWorks
1061 Broxton Avenue, Westwood

Request: Conditional Use Permit to allow the sale of beer and wine for on-site consumption in conjunction with the operation of a new tenant in an existing restaurant tenant space with outdoor patio dining.

Square footage and seating:

Interior: 2,576 sq. ft. with 45 seats
Outdoor: 366 covered and 177 uncovered with 34 seats
Total: 3,119 sq. ft. and 79 seats

Hours: Operation and alcohol sales 11 am - 12 am, 7 days/week.

About SpireWorks:

SpireWorks is a build your own meal restaurant concept. Guests will order their choice of protein with a proprietary SpireWorks bread, a gluten-free bread, over wild rice or over a lettuce blend. Menu offerings are centered around the Turkish style of vertical spit roasted meats called Döner, paired with a wide selection of internationally inspired and unique toppings and sauces. It's Döner American Style!



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 subject site is located on the west side of Broxton Avenue in the Westwood Community of the City of Los Angeles. The subject site includes 40 feet of lot 7 and the southerly 5-feet of Lot 8, Block 6 of Tract

10600. The proposed restaurant with on-site beer and wine sales will be taking over 26 linear feet of frontage – a tenant space and outdoor dining area currently occupied by Five Guys restaurant.

The project proponent is seeking a Conditional Use Permit for the on-site sale and consumption of beer and wine in conjunction with a proposed SpireWorks restaurant. Beer and wine are secondary but important to the SpireWorks menu offerings as they are common to offer and enhance the dining experience with Turkish cuisine.

The restaurant is a convenient location that area customers can reach by walking, driving, biking, or public transit. The use is a benefit to those who reside, work or visit the area. The enclosed patio dining area enhances both the customer and pedestrian experience.

Enjoying a nice glass of beer or wine is a dining-enhancing component of this high quality healthy cuisine. By providing this kind of family and neighborhood-friendly atmosphere, the application and the applicant support the vitality of the district.

Therefore, approval of the Conditional Use Permit is desirable to the public convenience and welfare of the community.

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 SpireWorks is a new restaurant taking over an existing restaurant tenant space in the heart of Westwood.

Building Permits for the SpireWorks tenant space:

The applicant will file for the SPP and DRB in compliance with the Westwood Village Specific Plan under a separate application.

Building Permit: 12/27/2011 – 11016-10000-19594

Proposed tenant improvement for five guys burgers and fries with outdoor dining within an existing restaurant space. Work includes removal of existing non-structural walls, existing stairs, existing ceiling/soffits, existing fixtures, and existing rooftop.

Building Permit: 02/02/2012 – 11016-10002-19594

Proposed revisions to the plan for a building TI that is under construction. Revising the restroom plan. Original work description = tenant improvement for five guys burgers and fries with outdoor dining within an existing restaurant space.

C of O: 11/01/1965 – WLA56558/65

One story, Type III-B, 45' x 45' Enlarge dining area, maximum occupants 99, B-2 G-1 occupancy.

Surrounding Site Development:

Adjoining properties to the north are zoned C4-2D-0 and are developed with the retail, restaurant and entertainment uses including the Shop House restaurant, Le Pain Quotidien, Ami Japanese restaurants, Landmark's Regent movie theater, Barney's Beanery, and public parking lot.

Adjoining properties to the south are zoned C4-2D-0 and are developed with a retail store, Marine recruiter station and restaurants with outdoor patio dining.

Properties to the east are zoned C4-2D-0 and are developed with the course reader outlet for UCLA and a public parking garage.

Properties to the west are zoned C4-2D-0 and are developed with a Whole Foods Market and a parking structure.

The proposed project will offer a variety to the retail, restaurant and entertainment uses in an area of the City that provides public mass transit access but lacks a sufficient number of businesses to maintain and sustain a vibrant business district. There have been turn overs and vacancies in this area of Westwood, making a stable quality restaurant operation an important element to the viability of the neighborhood.

In this regard, providing a full range of neighborhood serving uses, including food and beverage establishments, increases the economic viability and vitality of downtown Westwood.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The subject property is located in the adopted Westwood Community Plan area and designated for Community Commercial land uses consistent with the existing C4 Zoning.

The issue of alcoholic beverage sales is not specifically addressed in the Plan Text.

The Community Plan does, however, identify the following for the properties identified for Community Commercial serving uses:

"The Village is a unique historical/cultural, pedestrian-oriented area with retail shops, restaurants and entertainment facilities. It is conveniently located to serve the Westwood Community and surrounding areas, but has historically attracted people from the entire region. It was initially developed in the early 1930s as a "Mediterranean Village" of primarily two-and-three story buildings with frequent use of domes, towers and courtyards. The Westwood Village Specific Plan has been amended to address land use, development standards, cultural resources, urban design and streetscape improvements. The emphasis of the Plan is on maintaining and enhancing the image

and function of the Village as a pedestrian-oriented, architecturally unique environment." P. iii-6

Policies

2-1.1 New commercial uses should be located in existing established commercial areas or shopping centers.

2-1.3 Ensure the viability of existing stores and businesses which support the needs of local residents and are compatible with the neighborhood.

2-2.1 Encourage Pedestrian-oriented design in designated areas and in new development.

Beer and wine sales in conjunction with the restaurant use meets the purposes and objectives of the Community Plan, including reinvestment into an existing vacant commercial restaurant space, supporting pedestrian-oriented design and activity and providing healthy eating alternatives that support the needs of the substantial local UCLA student population, Westwood residential population and visitor customer needs.

The primary objective of the Community Plan is the preservation and enhancement of the project area. The proposed use will help meet this objective and will contribute to a successful corridor as envisioned by the Community Plan.

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

Neighborhood orientation is a core element of SpireWorks' ethic and the welfare of the community is essential to their planning.

Beer and wine is an expected amenity with this brand. Management has a proven track record in the food service industry and the expectation for the same level of operation at this location should allay any concerns that the establishment will become a gathering place or generate vice-related problems. Management operates with a mandate of being family friendly, environmentally and community enhancing, with a corporate image to protect. They have created operating procedures and guidelines which ensure consistency in their service. Alcohol sales are provided at the request and convenience of their customers. They are compatible with the reasonable concerns and policies of the Los Angeles Planning Department and the California State Alcohol Beverage Control Board, and within current operating guidelines, will be provided in a responsible manner.

It is good planning policy to entrust them with the subject request.

5. The granting of such application will not result in an undue concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, 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 such establishments within a one thousand feet 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 subject restaurant is located in an area which is planned and designed to provide shopping center retail and restaurant uses, with a pedestrian friendly atmosphere. Investment from well-operated, neighborhood-oriented venues supports the vitality of the community.

Permitting the sale of alcoholic beverages as conditioned should not substantially impact the economic welfare of the area given the stated focus of the restaurant on the sale of moderate-priced, quality food with the sale of alcoholic beverages playing a secondary and occasional role.

The subject use balances the need for healthy dining experiences with an orientation and buffering mitigating impacts on any sensitive use. The proposed restaurant use suggests reasonable operating hours. The addition of this license will, when weighed against the added dining capacity to be provided and when compared to the nature and intensity of commercial and transit development in the surrounding area, does not unduly concentrate licenses for the sale of alcoholic beverages.

6. The proposed use will not detrimentally affect nearby residentially zoned communities in the area after giving consideration to the distance of the proposed use from the following: 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 nearest residential use is located nearly 500 feet to the northwest at the corner of Gayley and Weyburn Avenues and extending further north along Levering Avenue.

Sensitive uses within a 600-foot radius of the subject property includes medical and educational institutions for adults.

Within 600-1,000 feet is the Christian Science Reading room at 1125 Glendon Avenue, the LA Fire Station at 1090 Veteran Avenue and the Ronald Reagan Medical Plaza at 10945 Le Conte Avenue.

The menu offers a healthy, affordable variety to those wanting a quick bite to eat, and the proposed beer and wine will be a secondary amenity to support a community-friendly use.

It is important to emphasize the convenience to an urban, mixed-use planned residential population to have this authentic, responsible, high quality restaurant in their community. It will become a focal point of connection for the community and benefits the neighborhood

overall. During high traffic hours, it is especially convenient to be able to walk to the location and walk home.

The sale of beer and wine for on-site consumption is in conjunction with a quality restaurant with a substantial menu prepared by highly regarded chefs. Permitting the sale of beer and wine with standard conditions will not substantially impact the welfare of the area given the history of compliance and operation at other locations.

For these reasons, we respectfully request approval of the subject request.

MT:m
5/21/16

ZONING ADMINISTRATOR PUBLIC HEARING - FACT SHEET
July 11, 2016 11:30 am

- ZA 2016 2093 CUB
- SpireWorks
- 1061 Broxton Avenue - Westwood

**SUBMITTED
AT HEARING
BY Margaret Taylor**



REQUEST:

- On-site sale of beer/wine – Type 41
- New tenant (SpireWorks) taking over former Five Guys Restaurant

Square footage and seating (no change):

Interior: 2,753 sq. ft. with 45 seats
Outdoor: 366 covered and 177 uncovered with 34 seats
Total: 3,296 sq. ft. and 79 seats

Hours: Operation and alcohol sales 11 am - 12 am, 7 days/week.

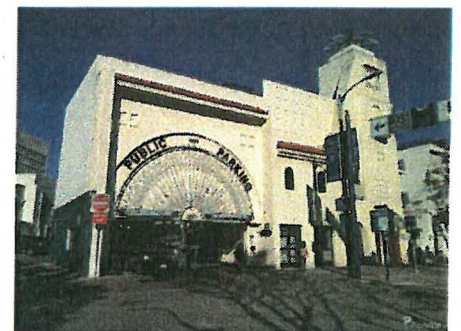


ABOUT SpireWorks:

SpireWorks is a build your own meal restaurant concept. Guests will order their choice of protein with a proprietary SpireWorks bread, a gluten-free bread, over wild rice or over a lettuce blend. Menu offerings are centered around the Turkish style of vertical spit roasted meats called Döner, paired with a wide selection of internationally inspired and unique toppings and sauces. It's Döner American Style!

Parking:

- Certificate of Occupancy for restaurant issued November 1, 1965
- No parking required
 - Street metered parking 2 hours until 8:00 pm
 - Westwood Village Where to Park App: <http://www.thewestwoodvillage.com/where-to-park/>
 - Parking garage with 366 spaces located across the street
 - 1036 Broxton Avenue
 - Hours of Operation Sun-Thu 7am-12am, Fri-Sat 7am-2:30am
 - First two hours free + \$ 2.00 for every 15 minutes (max \$9.00)
\$3.00 flat fee after 6pm.



Outreach:

- Westwood Neighborhood Council:
 - Land Use Planning Committee presentation – 7/5/16 (no quorum)
 - Board presentation – 7/13/16
 - Applicant and NC PLUM Chair both request file to be kept open until 7/14/16 in order to permit Westwood NC Board to act on the item 7/13/16

LAPD: West Los Angeles Division Vice Officer Sami Azmy Serial 40667, 310-444-1514

- See attached email – LAPD submitted a letter of non-opposition directly to public file

Council Office:

- Have kept Paul Koretz CD 5 updated – Faisal Alserri (Field Deputy) and John Darnell (District Director)

**ENVIRONMENTAL
REPORT
ND, MND, CE**

COUNTY CLERK'S USE

CITY CLERK'S USE

CITY OF LOS ANGELES
 OFFICE OF THE CITY CLERK
 200 NORTH SPRING STREET, ROOM 360
 LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
 (California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT 5
--	------------------------------

PROJECT TITLE • CUB - Beer and Wine	LOG REFERENCE ENV
---	----------------------

PROJECT LOCATION
• **1061 Broxton Avenue**

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
• **On-Site sale of beer and wine for new tenant in existing restaurant tenant space**

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
• **Apex LA on behalf of SpireWorks**

CONTACT PERSON • Margaret Taylor	AREA CODE • 818	TELEPHONE NUMBER • 398-2740	EXT.
--	---------------------------	---------------------------------------	------

EXEMPT STATUS: (Check One)

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
• MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
•• DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
•• EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
• CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
Class <u>5</u> Category <u>34</u> (City CEQA Guidelines)		
•• OTHER	(See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)	

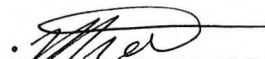
JUSTIFICATION FOR PROJECT EXEMPTION: Granting of a conditional use for the on-site consumption of alcoholic beverages pursuant to L.A.M.C. sections 12.24 W 1 and 12.24 X 2; beverages will be dispensed and consumed do not exceed an occupant load of 200 persons, and provided that the premises will not also require an original dancehall, skating rink or bowling alley permit from the Los Angeles Police Commission.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 	TITLE Planning Assistant	DATE 6/13/16
FEES 81.00	RECEIPT NO. 30235	REC'D BY P. Hermosillo
		DATE 6/13/16

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
 Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:
Margaret Taylor
 NAME (PRINTED)


 SIGNATURE

4/30/2016
 DATE

**MISCELLANEOUS
REPORTS**

Community Planning Referral Form



This form, completed and signed by appropriate Community Planning staff, must accompany any *Master Land Use Application* submitted at the Department of City Planning Public Counters regarding proposed projects located in Specific Plan areas, Historic Preservation Overlay Zones (HPOZs), Design Review Board (DRB) areas, Community Design Overlay (CDO) districts, Pedestrian Oriented Districts (PODs), Neighborhood Oriented Districts (NODs), or Sign Districts (SN).

1. Name of Specific Plan, HPOZ, DRB, CDO, POD, NOD, or SN

If this is a Density Bonus case, please write "Density Bonus" and the name of the Community Plan area

Westwood Village Specific Plan and Westwood Design Review Board Specific Plan

1a. Sub-Area (if applicable)

2. Address of Proposed Project:

1061 Broxton Avenue

3. Description of Proposed Project:

Project limited to CUB for on-site sale of alcohol only.

(No construction, addition, alteration, facade improvement and/or signage is permitted without a Project Permit Compliance and Design Review application.)

Project Type: New construction Addition Renovation Sign Change of use Grading

If change of use, what is existing use? _____ Proposed use? _____

4. Note to Applicant: Other Approvals

Applicant is advised to obtain a pre-plan check consultation with the Department of Building & Safety to determine any other necessary approvals from other City departments, including City Planning. Potential City Planning approvals in addition to Director's Determination are listed below. This list includes the most common approvals and is not exhaustive.

Zoning Administration

Adjustment or Variance
Conditional Use Permit (e.g. sale of alcohol)
Coastal Development Permit
Determination

CPC/APC/Director

Site Plan Review
Zone Change/General Plan Amendment
Conditional Use Permit
(e.g. educational institutions)
Density Bonus

Advisory Agency

Tract Map/Parcel Map
Small Lot Subdivision

City of Los Angeles Department of City Planning WEBSITE: www.cityplanning.lacity.org

DOWNTOWN OFFICE

City Hall - 200 N Spring St.
Rooms 621 & 667

VALLEY OFFICE

Marvin Braude Construction Center - 6262 Van Nuys Bl.
Rooms 351 & 430

Questions 5 & 6 below to be filled out by Community Planner

5. Approved Filing (check all that apply):

Specific Plan/SN

N/A

- Project Permit
 - Minor** (3 signs or less OR change of use)
 - Standard** (Remodel or renovation in which additions are no greater than 200sf., more than 3 signs, and/or wireless equipment)
 - Major** (All other projects, e.g. new buildings, remodels that include an addition of more than 200sf.)
- Modification

- Adjustment
- Exception
- Amendment
- Interpretation
- Other
- Not a project per Specific Plan or SN

DRB

N/A

- Final Review
- Preliminary Review

CDO/POD/NOD

N/A

- Discretionary Action
 - Minor** (3 signs or less OR change of use)
 - Standard** (Remodel or renovation in which additions are no greater than 200sf., more than 3 signs, and/or wireless equipment)
 - Major** (All other projects, e.g. new buildings, remodels that include an addition of more than 200sf.)

- Sign-off only
- Not a project

HPOZ

- COA
- CCMP
- Amendment
- Demolition
- Other

Is the project located in a Federal District/ National Register Historic District or a California Register Historic District? Yes¹ No

Does the project involve demolition of a Contributing building or structure? Yes¹ No

¹ Certificate of Appropriateness (COA) on properties located in Federal Districts/ Nation Register Historic Districts or in California Register Historic Districts do not qualify for Categorical Exemptions. Projects involving the demolition of Contributing buildings or Structures do not qualify for Categorical Exemptions. Check "Environmental Assessment Form," below and direct applicant to apply for an EAF.

Density Bonus

N/A

- Density Bonus and/or parking reduction only
- Density Bonus Referral Form attached
 - On-menu incentives requested
 - Off-menu incentives requested


GPA and/or ZC

N/A

- Consultation completed

6. Environmental Clearance (check one):

- Categorical Exemption
(Not for Specific Plan Exception cases, unless the project is a sign)
- Environmental Assessment Form (EAF)
- Reconsideration of: _____
- Existing ENV Case Number: _____
- Public Counter to determine environmental clearance
- Other entitlements needed

Community Planning Staff Signature: 	Phone Number: (213) 978-1376
Print Name: Sheila Gershon	Date: 5-10-16
Base fee (List each entitlement base fee separately): To be determined by the Conditional Compliance Unit or planning public counter staff.	

1061 BROXTON AVE.
SENSITIVE USES WITHIN 600' RADIUS

WEST MEDICAL CENTER 1100 Veteran Ave.

SWARTWOOD 911 Westwood Blvd.

PRINCETON REVIEW 923 Westwood Blvd.

UCLA SCHOOL OF MEDICINE 10911 Weyburn Ave. #300

1061 BROXTON AVE.
SENSITIVE USES WITHIN 600' – 1000' RADIUS

CHRISTIAN SCIENCE READING ROOM 1125 Glendon Ave.

L A FIRE STATION #37 1090 Veteran Ave.







RONALD REAGAN UCLA MEDICAL PLAZA 10945 Le Conte Ave.

OMITTED
AT HEARING
BY MARGARET Taylor

1061 BROXTON AVE.
ALCOHOL USES WITHIN 600' RADIUS

- B** AMI SUSHI 1051 Broxton Ave.
On-site consumption of beer and/or wine
- B** TLT FOOD 1116 Broxton Ave.
On-site consumption of beer and/or wine
- C** BARNEY'S BEANERY 1037 Broxton Ave.
On-site consumption of full line alcoholic beverages
- B** GYPSY CAFÉ 940 Broxton Ave.
On-site consumption of beer and/or wine
- C** CALIFORNIA PIZZA KITCHEN 1001 Broxton Ave.
On-site consumption of full line alcoholic beverages
- B** B J's RESTAURANT 939 Broxton Ave.
On-site consumption of beer and/or wine
- B** WHOLE FOODS MARKET 1050 Gayley Ave
Off-site consumption of beer and/or wine
- B** MUSASHIYA UDON NOODLE 1049 Gayley Ave.
On-site consumption of beer and/or wine
- B** HOUSE OF MEATBALLS 1076 Gayley Ave.
On-site consumption of beer and/or wine
- B** NATIVE FOOD CAFÉ 1114 Gayley Ave.
On-site consumption of beer and/or wine
- B** TOMODACHI SUSHI 10975 Weyburn Ave.
On-site consumption of beer and/or wine
- C** TANINE RISTORANTE 1043 Westwood Blvd.
On-site consumption of full line alcoholic beverages
- C** THE GLENDON BAR / KITCHEN 1071 Glendon Ave.
On-site consumption of full line alcoholic beverages
- B** EXTREME PIZZA 1067 Glendon Ave.
On-site consumption of beer and/or wine
- B** THE BOILING CRAB 11875 Kinross Ave.
On-site consumption of beer and/or wine
- C** RITE AID 1001 Glendon Ave.
Off-site consumption of full line alcoholic beverages

1061 BROXTON AVE.
ALCOHOL USES WITHIN 600' – 1000' RADIUS

-  STOP MARKET 958 S. Gayley Ave.
Off-site consumption of beer and/or wine
-  TARGET 10861 Weyburn Ave.
Off-site consumption of full line alcoholic beverages
-  TRADER'S JOE 1000 Glendon Ave.
Off-site consumption of full line alcoholic beverages
-  NAPA VALLEY GRILLE 1100 Glendon Ave.
On-site consumption of full line alcoholic beverages
-  SKYLIGHT GARDENS 1139 Glendon Ave.
On-site consumption of full line alcoholic beverages
-  800 DEGREES PIZZA 10889 Lindbrook Dr.
On-site consumption of beer and/or wine



California Department of Alcoholic Beverage Control
License Query System Summary
as of 5/30/2016

License Information
License Number: 483736
Primary Owner: A&J RESTAURANTS INC
ABC Office of Application: 04 - LA/METRO
Business Name
Doing Business As: D & P RESTAURANT
Business Address
Address: 1061 BROXTON AVE Census Tract: 2653.01
City: LOS ANGELES County: LOS ANGELES
State: CA Zip Code: 90024
Licensee Information
Licensee: A&J RESTAURANTS INC
Company Information
OFFICER: KIM, ANDREW YI (PRESIDENT/SECRETARY)
OFFICER: KIM, JENNIFER (TREASURER)
STOCKHOLDER: KIM, ANDREW YI
STOCKHOLDER: KIM, JENNIFER
License Types
1) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: AUTO REVOKED
Status Date: 23-MAR-2012 Term: 12 Month(s)
Original Issue Date: 30-DEC-2009 Expiration Date: 30-NOV-2011
Master: Y Duplicate: 0 Fee Code: P40
Condition: OPERATING RESTRICTIONS
License Type was Transferred On: 30-DEC-2009 FROM: 41-428025
Current Disciplinary Action
<i>... No Active Disciplinary Action found ...</i>
Disciplinary History
<i>... No Disciplinary History found ...</i>
Hold Information
<i>... No Active Holds found ...</i>
Escrow
<i>... No Escrow found ...</i>

--- End of Report ---

For a definition of codes, view our [glossary](#).



California Department of Alcoholic Beverage Control
License Query System Summary
as of 5/30/2016

License Information
License Number: 428025
Primary Owner: DP WESTWOOD CA LLC
ABC Office of Application: 04 - LA/METRO
Business Name
Doing Business As: DAMON & PYTHIAS
Business Address
Address: 1061 BROXTON AVE Census Tract: 2653.01
City: LOS ANGELES County: LOS ANGELES
State: CA Zip Code: 90024
Licensee Information
Licensee: DP WESTWOOD CA LLC
Company Information
OFFICER: VALTAIRO, PHILLIP BUHAY (MANAGING MEMBER)
License Types
1) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: CANCELED
Status Date: 30-DEC-2009 Term: 12 Month(s)
Original Issue Date: 26-SEP-2005 Expiration Date: 31-AUG-2010
Master: Y Duplicate: 0 Fee Code: P40
Condition: OPERATING RESTRICTIONS
License Type was Transferred On: 26-SEP-2005 FROM: 41-374384
License Type was Transferred On: TO: 41-483736
Current Disciplinary Action
<i>... No Active Disciplinary Action found ...</i>
Disciplinary History
<i>... No Disciplinary History found ...</i>
Hold Information
<i>... No Active Holds found ...</i>
Escrow
<i>... No Escrow found ...</i>

- - - End of Report - - -

For a definition of codes, view our [glossary](#).



California Department of Alcoholic Beverage Control
License Query System Summary
 as of 5/30/2016

License Information
License Number: 374384
Primary Owner: QSR CONCEPTS INC
ABC Office of Application: 01 - INGLEWOOD
Business Name
Doing Business As: DAMON & PYTHIAS
Business Address
Address: 1061 BROXTON AVE Census Tract: 2653.01
City: LOS ANGELES County: LOS ANGELES
State: CA Zip Code: 90024
Licensee Information
Licensee: QSR CONCEPTS INC
Company Information
OFFICER: BROWER, STEVEN MARK (CHIEF EXECUTIVE OFFICER)
OFFICER: MCNEAL, JEFFREY JOHN (CHIEF FINANCIAL OFFICER)
STOCKHOLDER: BROWER, STEVEN MARK
STOCKHOLDER: MCNEAL, JEFFREY JOHN
License Types
1) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: CANCELED
Status Date: 26-SEP-2005 Term: 12 Month(s)
Original Issue Date: 11-JUN-2001 Expiration Date: 31-MAY-2006
Master: Y Duplicate: 0 Fee Code: P40
Condition: OPERATING RESTRICTIONS
License Type was Transferred On: 11-JUN-2001 FROM: 41-291668
License Type was Transferred On: TO: 41-428025
Current Disciplinary Action
. . . <i>No Active Disciplinary Action found . . .</i>
Disciplinary History
. . . <i>No Disciplinary History found . . .</i>
Hold Information
. . . <i>No Active Holds found . . .</i>
Escrow
. . . <i>No Escrow found . . .</i>

--- End of Report ---



California Department of Alcoholic Beverage Control
License Query System Summary
as of 5/30/2016

License Information
License Number: 291668
Primary Owner: DOUGH INC
ABC Office of Application: 01 - INGLEWOOD
Business Name
Doing Business As: SCHLOTZSKYS DELI
Business Address
Address: 1061 BROXTON AVE Census Tract: 2653.01
City: LOS ANGELES County: LOS ANGELES
State: CA Zip Code: 90024
Licensee Information
Licensee: DOUGH INC
Company Information
OFFICER: SCHEKMAN, ALFRED (PRESIDENT)
OFFICER: SCHEKMAN, TRACEY (VICE PRESIDENT)
STOCKHOLDER: SCHEKMAN, ALFRED
STOCKHOLDER: SCHEKMAN, TRACEY
License Types
1) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: CANCELED
Status Date: 11-JUN-2001 Term: 12 Month(s)
Original Issue Date: 21-JAN-1994 Expiration Date: 31-DEC-2001
Master: Y Duplicate: 0 Fee Code: P40
Condition: OPERATING RESTRICTIONS
Current Disciplinary Action
<i>... No Active Disciplinary Action found ...</i>
Disciplinary History
<i>... No Disciplinary History found ...</i>
Hold Information
<i>... No Active Holds found ...</i>
Escrow
<i>... No Escrow found ...</i>

- - - End of Report - - -

For a definition of codes, view our [glossary](#).



California Department of Alcoholic Beverage Control
License Query System Summary
as of 5/30/2016

License Information
License Number: 29587
Primary Owner: BON APPETIT INC
ABC Office of Application: 01 - INGLEWOOD
Business Name
<i>... No Active DBA found ...</i>
Business Address
Address: 1061 BROXTON AVE Census Tract: 2653.01
City: LOS ANGELES County: LOS ANGELES
State: CA Zip Code: 90024
Licensee Information
Licensee: BON APPETIT INC
<i>Company Information</i>
OFFICER: GIMPEL, DONALD J (PRESIDENT)
OFFICER: GIMPEL, PAULA L (VICE PRESIDENT)
License Types
1) License Type: 47 - ON-SALE GENERAL EATING PLACE
License Type Status: CANCELED
Status Date: 17-AUG-1982 Term: 12 Month(s)
Original Issue Date: 17-AUG-1982 Expiration Date: 31-DEC-1993
Master: Y Duplicate: 0 Fee Code: P40
Condition: OPERATING RESTRICTIONS
Current Disciplinary Action
<i>... No Active Disciplinary Action found ...</i>
Disciplinary History
<i>... No Disciplinary History found ...</i>
Hold Information
<i>... No Active Holds found ...</i>
Escrow
<i>... No Escrow found ...</i>

- - - End of Report - - -

For a definition of codes, view our [glossary](#).



California Department of Alcoholic Beverage Control
License Query System Summary
as of 5/30/2016

License Information
License Number: 451981
Primary Owner: SKK INTERNATIONAL INC
ABC Office of Application: 01 - INGLEWOOD
Business Name
Doing Business As: DAMON & PYTHIAS
Business Address
Address: 1061 BROXTON AVE Census Tract: 2653.01
City: LOS ANGELES County: LOS ANGELES
State: CA Zip Code: 90024
Licensee Information
Licensee: SKK INTERNATIONAL INC
<i>Company Information</i>
OFFICER: OH, CHANG WON (PRESIDENT)
OFFICER: KIM, SUNG KON (SECRETARY/ASST SEC)
OFFICER: KIM, CHANG HWAN (VICE PRESIDENT)
STOCKHOLDER: KIM, CHANG HWAN
STOCKHOLDER: OH, CHANG WON
License Types
1) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: WITHDRAWN
Status Date: Term: 12 Month(s)
Original Issue Date: Expiration Date:
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: FROM: 41-428025
Current Disciplinary Action
<i>. . . No Active Disciplinary Action found . . .</i>
Disciplinary History
<i>. . . No Disciplinary History found . . .</i>
Hold Information
Hold Date: 26-MAR-2007 Type: FORM 220
Escrow
Escrow: HANMI ESCROW CO INC, 3130 W OLYMPIC BLVD STE 400 LOS ANGELES, CALIFORNIA 90006

--- End of Report ---

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

P.O. Box 30158
Los Angeles, CA 90030
Telephone: (213) 473-0558
TDD: (213) 485-2122
TDD: (877) 275-5273
Ref #: 6.3

June 30, 2016

Linn Wyatt
Chief Zoning Administrator, Office of Zoning Administration
City of Los Angeles
200 North Spring Street, 7th Floor
Los Angeles, California 90012

RECEIVED
CITY OF LOS ANGELES

JUL 21 2016

CITY PLANNING DEPT.
ZONING ADMINISTRATION

To Administrator Wyatt:

The West Los Angeles (WLA) Area Vice Unit, Los Angeles Police Department, has reviewed the Conditional Use Beverage (CUB) staff report (ZA 2016-2093-CUB) for 1061 Broxton Ave (Spire Works). Spire Works is requesting a conditional use permit to allow the sale of beer and wine for on-site consumption in conjunction with the operation of a new tenant in an existing restaurant tenant space with outdoor patio dining. Spire Works restaurant is a 2576 square foot building with an inside seating capacity of 45 seats, in addition to 366 covered seats and 177 uncovered seats in an outside dining area. Hours of operation will be from 11 AM to 12 AM, seven days/week.

The Los Angeles Police Department is not opposed to the CUB, but requests that the conditions, on the attached pages, be imposed on the location. These conditions will assist the Department in maintaining the quality of life of the surrounding residential and business communities.

If further information is needed, please contact Sergeant II James Gaffney, Officer in Charge, WLA Area Vice Unit, at (310) 444-1514.

Very truly yours,

CHARLIE BECK
Chief of Police

A handwritten signature in blue ink, appearing to read "Tina M. Nieto".

Tina M. Nieto, Captain
Commanding Officer
West Los Angeles Area

RECEIVED
CITY OF LOS ANGELES

JUL 27 2016

CITY PLANNING DEPT
CONDITION COMPLIANCE UNIT

ATTACHMENT

CONDITIONS REQUESTED

1. 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.
2. Hours of Operation shall not exceed 11AM to 12 AM, Monday-Sunday.
3. The establishment shall not be operated where an admission is charged at the door or other manner similar to a nightclub or after-hours establishment.
4. No live entertainment or dancing is permitted, unless the business has a valid Café Entertainment/Show Permit granted by the City of Los Angeles Police Commission.
5. A 24-hour "hot line" phone number shall, be provided for the receipt of complaints from the community regarding the subject facility and shall be:
 - Posted at the entry.
 - Posted at the Customer Service desk.
 - Provided to the immediate neighbors, schools, and local neighborhood council groups.
6. The property owner/operator shall keep a log of complaints received, the date and time received, and the disposition of the response. This shall be available for inspection by the Department.
7. Within 6 months of the effective date of this determination, all personnel acting in the capacity of a manager, bartender, and server of the premises shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. The applicant shall contact the WLA Vice Unit of the Los Angeles Police Department and make arrangements for such training.
8. The premises shall be maintained as a bona-fide restaurant with an operating kitchen and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during normal operating hours.
9. Any alcoholic beverage sold or dispensed for consideration shall only be for consumption on the premises and shall be served at tables or sit-down counters by employees of the restaurant.
10. Alcohol sales shall be incidental to food orders only. Drink orders shall only be taken in conjunction with a food order.

11. The only on-site advertisement indicating the availability of alcoholic beverages shall be the posting on a menu.
12. There shall be no bar or lounge area upon the licensed premises. The main purposes and use of the facility shall always be a full service restaurant.
13. No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
14. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department and City Planning.
15. No pennants, banners, ribbons, streamers, spinners or balloon signs shall be permitted.
16. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The applicant shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be available to the Department upon demand.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide, permit, or make available, either gratuitous or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
19. Applicant shall not allow the premises to be used for private parties.
20. Applicant shall not require an admission charge or a cover charge, nor shall there be a requirement to purchase a minimum number of drinks.
21. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows.
22. Amplified recorded-music shall not be audible beyond the area under the control of the applicant.
23. There shall be no pool tables, coin-operated games, or video machines permitted on the premises at any time.
24. There shall be no dancing allowed on the premises.

25. The subject alcoholic beverage license shall not be exchanged for a public premise type license nor operated as a public premise.
26. No obstructions shall be attached, fastened or connected to the partitions or ceiling to separate the booths/dining areas within the interior space of the licensed premises.
27. The applicant shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose, except for the restrooms. There shall not be any type of VIP Room or similar type of room on the premises.
28. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises. No open alcoholic beverages shall be taken out of the restaurant, except in an enclosed patio area.
29. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
30. Applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment.
31. Applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes / cigar butts.
32. Loitering is prohibited on or around these premises or the area under the control of the applicant.
33. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
34. The business operator shall install and maintain at each point-of-sale an age-verification device to preclude sales to minors.
35. A 6-month review/inspection shall be conducted to ensure permittee's compliance with all operating conditions.

RADIUS MAP



CONDITIONAL USE - A.B. ON SITE

CASE NO.
 DATE MAY 11, 2016
 D.M. 135 B149, 135 B153
 132 B149, 132 B153
 SCALE 1"=100'
 USES FIELD

LEGAL: NW 10' OF LOT 5, LOTS 6, 7 AND SE 5' OF LOT 8, BLOCK 6,
 TRACT NO. 10600 MB 161-1/2

T.B.
 PAGE 632 GRID A-3
 C.D. 5 C.T. 2652.02
 P.A. 326 WWD

- LEGEND
- ☐ ON-SITE CONSUMPTION OF FULL LINE ALCOHOLIC BEVERAGES
 - ☐ ON-SITE CONSUMPTION OF BEER AND/OR WINE
 - △ OFF-SITE CONSUMPTION OF FULL LINE ALCOHOLIC BEVERAGES
 - △ OFF-SITE CONSUMPTION OF BEER AND/OR WINE

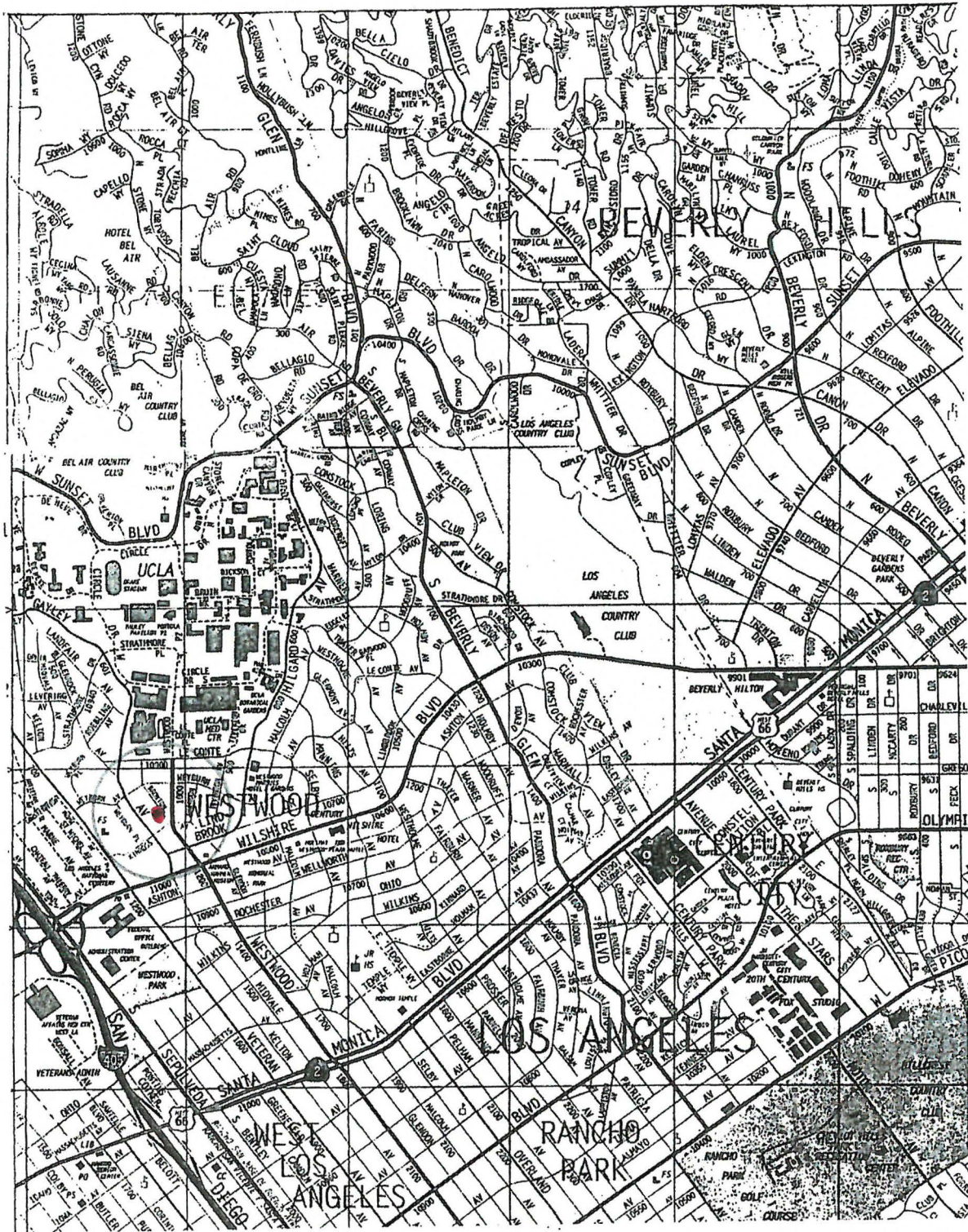
OWNERSHIP NO. 1

DIR-2001-3098-DRB	ENV-2001-3099-CE
2002-5730-DI	2006-4924-CE
2006-4523-SFP	2006-7786-CE
2007-1296-DRB-SFP	2007-1297-CE
2008-407-DRB-SFP	2008-408-CE
2011-2736-DRB-SFP	2011-2737-CE
2011-3245-DRB-SFP	2011-3246-CE
2012-892-DRB-SFP	2012-893-CE

OWNERSHIP NO. 26

DIR-2001-2366-DRB	ENV-2001-2367-CE
2001-2737-DRB	2001-2737-CE
2001-3033-DRB	2001-3036-CE
2002-2980-DRB	2004-6025-CE
2002-5730-DI	2006-9695-DRB
2004-6024-DRB-SFP	2006-4472-SFP
2006-9695-DRB	2006-4472-SFP
2006-4472-SFP	ZA-1998-73-CUX-0.24 AC.
2010-2627-DRB-SFP	1998-74-CUX-YV
2013-3651-DRB-SFP	2002-4589-FAB

T.M.G. SOLUTIONS, INC.
 19401 S VERMONT AVE. #B201-H
 LOS ANGELES, CA 90502
 (310) 532-0446



VICINITY MAP
SCALE 1" = 2800'



PLOT PLANS & OTHER PLANS



Address: 1061 S BROXTON AVE
APN: 4363024005
PIN #: 132B149 64

Tract: TR 10600
Block: 6
Lot: 7
Arb: None

Zoning: C4-2D-O
General Plan: Community Commercial



PHOTO EXHIBIT

SpireWorks Westwood

1061 S. Broxton Avenue



APEX LA

5419 Hollywood Boulevard, Suite C747

Los Angeles, CA 90027

www.apex-la.com

Photo Reference Index





1. View from the south looking towards subject site



2. Subject site and abutting properties



3. Front view of subject site



4. View of subject site from parking lot entrance across the street



5. View of abutting properties looking northwest



6. View of subject site patio area looking southwest



7. View south on Broxton Ave. of subject site patio and abutting properties.



8. View south on Broxton of abutting properties.



9. Northeast view of directly abutting properties



10. South view of directly abutting properties and subject site



SUMMARY TABLE

PARCEL: 4363024005
 ZONE: C4-2D-O
 TRACT: TR 10600
 LOT: 7
 BLOCK: 6
 COMMUNITY PLAN AREA: WESTWOOD
 AREA PLANNING COMMISSION: WEST LOS ANGELES
 ZONING INFORMATION (ZI): ZA-2452 TRANSIT PRIORITY AREAS IN THE CITY OF LOS ANGELES
 ZA2443 NEIGHBORHOOD CONSERVATION ICO- LOWER COUNCIL DISTRICT 5

(E) BUILDING AREA: 3,119 S.F.
 GROUND FLOOR: 2,081 S.F.
 MEZZANINE: 672 S.F.
 COVERED PATIO: 366 S.F.
 (UNCOVERED) PATIO: 177 S.F.

OCCUPANCY: A-2,
 BUILDING TYPE: V-B

SEATING: INDOOR 45 SEATS
 OUTDOOR 34 SEATS
 TOTAL SEATING: 79 SEATS



1920 VIOLET STREET #201
 LOS ANGELES, CA 90021
 t: 323-275-4859
 e: info@studiounltd.com

Written dimensions on these drawings shall have precedence over scaled dimensions. Drawings shall not be scaled. Contractors shall verify, and be responsible for, all dimensions and conditions shown by these drawings. Any discrepancy between field dimensions and dimensions herein shall be reported to the Designer prior to commencing work.

DATE	ISSUE

PROJECT:
SPIREWOKS WESTWOOD
 1061 Broxton Ave
 Los Angeles, Ca 90024

CLIENT: Client Name
 Client Address

PROJECT #: 161003
 DRAWN BY: GB/
 REV'D BY: GB/
 DATE: 00/00/2000
 SCALE:

DRAWING TITLE:

SITE PLAN
ZA-2016-2093

SHEET:
A1.0

CORRESPONDENCE

WESTWOOD NEIGHBORHOOD COUNCIL
P.O. Box 24802 Los Angeles, CA 90024-9998
WWNC.ORG

JULY 19, 2016

VIA EMAIL TO Kristen.gordon@lacity.org and vanessa.soto@lacity.org

Condition Compliance Unit

Department of City Planning

City of Los Angeles

**RE: HEARING DATE JULY 11, 2016 11:30 AM WLA MUNICIPAL BUILDING
SPIREWOKS**
Case Number: ZA 2016 2093 CUB
Project Title: SPIREWOKS RESTAURANT
Project Address: 1061 South Broxton, Los Angeles, CA 90024
Project Owner: Westwood Partners, LLC
Contact Info: Margaret Taylor, 818-398-2740

Greetings:

The Westwood Neighborhood Council at their Regular Board Meeting last Wednesday, July 13, 2016 passed the following Motion:

THE WESTWOOD NEIGHBORHOOD COUNCIL supports the application of SPIREWOKS for a Conditional Use Permit to allow the sale of beer and wine for on-site consumption in conjunction with the operation of a new tenant in an existing restaurant tenant space with outdoor patio dining subject to SPIREWOKS filing a Petition for a Conditional License (due to the undue concentration of on-site consumption alcohol licenses within the subject Census Tract) with the California Department of Alcoholic Beverage Control relative to their sale and distribution of alcoholic beverages that incorporates the CONDITIONS set forth in the Attachment entitled Case No. ZA 2014-1191(CUB)1-A.

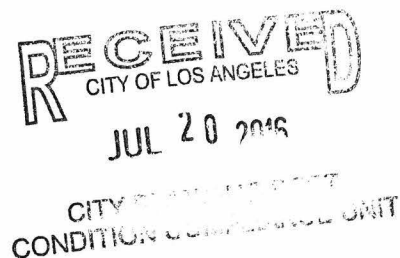
The Representatives for Spireworks, Jeffrey Rosenthal and Margaret Taylor also confirmed at the meeting that they would volunteer the following hours of operation for the restaurant: 10 am – 10 pm Sunday through Thursday, 10 am – 11 pm Friday and Saturday.

Thank you.

Very truly yours,

Constance Boukidis

Constance Boukidis
Chair, Land Use and Planning Committee
Westwood Neighborhood Council



WESTWOOD NEIGHBORHOOD COUNCIL
P.O. Box 24802 Los Angeles, CA 90024-9998
WWNC.ORG

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Thank you.

Very truly yours,

Constance Boukidis

Constance Boukidis
Chair, Land Use and Planning Committee
Westwood Neighborhood Council

THE WEST LOS ANGELES AREA PLANNING COMMISSION RECOMMENDS THAT THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL INCLUDE THE FOLLOWING CONDITIONS RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES IN THE ALCOHOL LICENSE FOR THIS ESTABLISHMENT.

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 or "2 for 1" promotion shall be allowed at any time.
- Alcohol shall not be sold by the pitcher or in kegs. Beer and wine shall be served in glasses. Beer may be served in individual bottles.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.