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September 17, 2015

J. Anthony Kouba (A)(O)(R)
Wilshire & Bundy Group, LLC
1445 Fifth Street
Santa Monica, CA 90401

CASE NO. ZA 2015-0298(CUB)
CONDITIONAL USE
12081 West Wilshire Boulevard
(12083 West Wilshire Boulevard)
Brentwood–Pacific Palisades
Planning Area
Zone : [Q]C4-1L-CDO
D. M. : 126B145
C. D. : 11
CEQA : ENV-2015-299-CE
Legal Description: FR Lot 1 ARB 1 and
FR Lot 2 ARB 1, San Vicente Park Tract

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

a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing 5,109 square-foot restaurant,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be

printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

6. 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 or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.
7. Approved herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing 5,109 square-foot restaurant.
 - a. The restaurant shall have a maximum seating of 132 indoor seats and 42 outdoor seats, for a total of 174 seats.
 - b. Outdoor seating for not more than 12 patrons shall be permitted along the Wilshire Boulevard frontage, with the remaining outdoor seating to be within with patio dining area along the Bundy Drive frontage. The boundaries of the patio dining area shall be clearly defined and designated by physical barriers in accordance with requirements established by the California Department of Alcoholic Beverage Control.
 - c. The hours of operation shall not exceed 7 a.m. to 12 midnight on Monday through Friday, and 8 a.m. to 12 midnight on Saturday and Sunday.
 - d. The primary use of the restaurant shall be for sit-down service. Take-out service shall be incidental to the primary sit-down service.
8. The subject premises shall be maintained as a bona fide eating place (restaurant) with an operational kitchen, as defined in Section 91.0403 of the Municipal Code, and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during operating hours.
9. A revocable permit issued by the City Engineer shall be maintained for the outdoor patio which encroaches into the public right-of-way. The revocable permit shall include the ability to maintain a 6-foot high combination masonry wall, with tempered glass above, to enclose the outdoor patio. The outdoor patio shall be removed in the event that the permit is revoked by the City Engineer, Department of Public Works.
10. Except for routine clean-up maintenance, after-hours use of the restaurant, including private parties or promotional events, is not permitted.
11. There shall be no dancing, karaoke, disc jockey or similar entertainment anywhere on the premises. The only authorized form of entertainment shall be limited to three unamplified musicians.

12. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under the control of the petitioner shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
13. The authorization granted herein for the on-site sale and dispensing of a full line of alcoholic beverages is for a period of **ten (10) years** from the effective date of this grant. Thereafter, a new authorization to allow the on-site sale and dispensing of a full line of alcoholic beverages will be required. The applicant is advised that he/she should allow appropriate time for a new entitlement application to be processed and the application should be approved prior to the expiration date of this grant in order to continue the sale of a full line of alcohol at the restaurant.
14. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Zoning Administrator may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.
15. Off-street parking shall be provided as follow:
 - a. No less than 18 striped, individually accessible on-site parking spaces shall be provided on-site for the exclusive use of the restaurant's patrons and employees, as shown on the approved site plan marked Exhibit "A, attached to the case file.
 - b. Additional tandem or stack parking for approximately 12 vehicles shall be provided on-site whenever necessary and with the assistance of at least one parking attendant.
 - c. The applicant shall maintain the off-site parking lease agreement submitted on August 27, 2015, to the case file, binding the applicant under the name of Wilshire & Bundy Group, LLC and the parking lot provider ABM Onsite Service West, Inc. for no less than 30 off-street parking spaces to be provided off-site at 12100 Wilshire Boulevard, and reserved for the exclusive use of the subject premises by the applicant.
 - 1) Said parking spaces must be provided on a lot within 750 feet of the subject property

- 2) Said parking shall be provided for the duration of this grant.
 - 3) In the event that the off-site parking location(s) becomes no longer available, the applicant shall be responsible for securing the same number of parking spaces at another location subject to all the terms and conditions listed herein.
 - 4) Upon expiration or termination of any existing parking agreement, a copy of a new or renewed parking agreement shall be provided to the Zoning Administrator within 30 days of its execution.
 - 5) Failure to maintain an active off-site parking agreement under these terms shall be deemed as non-compliance with this Condition and grounds for potential revocation of this grant.
16. The applicant shall maintain on file with the Office of Zoning Administration a copy of an active valet parking service agreement.
- a. Valet parking customer drop-off and pick-up shall only on the subject property and not be permitted on either Wilshire Boulevard or Bundy Drive.
 - b. The valet(s) shall not be permitted to double-park, block traffic or park vehicles on any public street or alley, except valet parked vehicles may be permitted at metered spaces if available.
 - c. Signage shall be clearly posted inside the premises or information be included on the menu and on the restaurant's website (if any) to encourage patrons arriving by private vehicle to utilize the valet parking service and to discourage them from parking their vehicles on surrounding streets within the residential neighborhood.
 - d. Persons driving onto the parking lot with loud music or amplified sound shall be advised to lower or turn off the audio.
 - e. Upon expiration or termination of any valet parking agreement, a copy of a new or renewed signed agreement(s), subject to the same terms specified herein, shall be provided to the Zoning Administrator within 30 days of its execution.
 - f. Failure to maintain an active valet parking service shall be deemed as noncompliance with these Conditions and grounds for potential revocation of this grant.
 - g. Parking provided by the business operator shall be for patron and employee parking only. In order to secure the parking spaces for patrons and employees, a parking fee may be charged.
17. 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 responsibility shall include the monitoring of the premises to ensure compliance with all applicable State Laws, Municipal Code requirement and the conditions imposed by the Department of Alcoholic Beverage Control 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 an effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

18. All license, permits and conditions shall be posted in a conspicuous location at the facility. Additionally, a copy shall be provided to all employees who shall sign an acknowledgement form stating that they have read and understood all of the ABC and conditional use permit conditions. Said form shall be maintained at the location by the owner and/or manager who shall present it to the Police Department, ABC investigators or any other City agency upon request.
19. There shall be no pool or billiard tables, coin-operated game machines or video machines, or similar game activities or equipment permitted on the premises at any time. No pay phone may be maintained on the exterior of the premises.
20. No adult entertainment of any type as defined in Section 12.70 of the Municipal Code shall be permitted, nor shall any wet-shirt contests, leg contest, mud or oil wrestling, lap dancing or similar adult-type entertainment be permitted.
21. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
22. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.
23. Any exterior lighting shall be installed such that the light is directed onto the subject site and shielded to prevent the light source from being viewed from adjacent residential properties. The parking area of the premises shall be equipped with sufficient light to illuminate and make easily discernible, the appearance and conduct of all persons on or about the parking lot.
24. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the restaurant.

25. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
26. The applicant/restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
 - Posted at the entry, and the cashier or customer service desk,
 - Responded to within 24-hours of any complaints/inquiries received on this hot line, and
 - The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Zoning Administrator upon request.
27. The applicant shall comply with Section 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
28. 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 temporary access for delivery of supplies and trash removal. These doors shall be solid.
29. 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.
30. Petitioner(s) shall install and maintain security cameras (if none already exist) and a one-month DVR that covers all common areas of the business, high-risk areas, entrances and exits. The DVRs shall be made available to the Los Angeles Police Department upon request.
31. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Zoning Administrator for attachment to the case file.
32. **Within 30 days of the effective date of this determination**, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject: of the email to include the case number, "**ZA-2015-0298-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.

33. **Within 30 days of the effective date of this determination**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction the restaurant, known as Literati Cafe, and agree to abide and comply with said conditions.

34. 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 has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit 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 Condition Compliance Unit 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.
35. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or If at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit 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 a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
36. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may 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.

37. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of 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.
- c. 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 (b).
- d. 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. (b)
- e. If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

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 2, 2015, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, 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 subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on August 27, 2015, 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 permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The project site consists two parcels located on the northeast corner of Wilshire Boulevard and Bundy Drive. The site consists of 10,383 square feet of lot area and is developed with a 5,109 square-foot building, which is the subject restaurant, and surface parking lot. The building has an approximately 680 square-foot second story. The project site is located in the Brentwood–Pacific Palisades Community Plan with a land use designation of Community Commercial and is zoned [Q]C4-1L-CDO. The site is located in the West Los Angeles Transportation Improvement and Mitigation Specific Plan and is located in the West Wilshire Boulevard Community Design Overlay.

Pursuant to Ordinance 173,680 subarea 3, the project site is subject to the following permanent "Q" Qualified Condition: Off-Site signs, Pole Signs, Mural Signs and Supergraphic Displays are prohibited.

As the requested action does not include a change of use or addition of floor area, the project is not subject to review by the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The project has been reviewed by the Project Planner of the West Wilshire Boulevard Community Design Overlay and has been deemed not a project.

The subject restaurant was most recently approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption on February 19, 2010. Prior to that approval, the restaurant was approved on June 16, 2004 to sell a full line of alcoholic beverages in lieu of the previously approved beer and wine. At this time, the subject restaurant expanded to occupy the entire building. The operation of the restaurant includes a café on the eastern portion of the building.

Presently, the applicant is requesting to continue the operation of the restaurant as previously approved with the sale and dispensing of a full line of alcoholic beverages for a maximum of 132 indoor seats and 42 outdoor seats. The applicant has submitted a copy of a recorded document with conditions as issued by the Bureau of Engineering in regards to the outdoor patio that is located within the public right-of-way. The agreement was recorded on April 11, 2000. The restaurant has live entertainment, which was previously conditioned to maximum of three unamplified musicians. There is currently parking on-site at the rear of the building and the restaurant provides valet services as well as additional parking off-site located at 12100 West Wilshire Boulevard, located on the southwest corner of Wilshire Boulevard and Bundy Drive. The parking use agreement which was submitted is for the use of 30 spaces until April 30, 2015. The applicant has stated that they are in negotiations to extend the contract an additional 10 years.

The applicant does not propose any changes to the operation of the restaurant and has requested that, if approved, the term grant be approved for 10 years in lieu of the previously approved 5-year grants.

The adjacent property to the east is zoned [Q]C4-1L-CDO is developed with a single-story multi-tenant commercial building. The adjacent property to the north is zoned P-1 and is developed with a trash and recycling area and loading area for the Ralph's grocery store which is located approximately 80 feet east of the subject site. The property to the west, across Bundy Drive, is zoned [Q]C4-1VL-CDO and is developed with a multi-story office building. On the southwest corner, the property is zoned [Q]C2-1VL-CDO and is also developed with a multi-story office building. To the south, across Wilshire Boulevard, the property is zoned [Q]C2-1L-CDO and is developed with a surface parking lot.

The site is serviced by City of Santa Monica Big Blue Bus Lines 2 and 14 and by Metro Local Line 20 and Rapid Line 720.

Wilshire Boulevard, adjoining the ownership to the south, is a Major Highway dedicated to a right-of-way width of 100 feet and improved with curb, gutter and sidewalk.

Bundy Drive, adjoining the ownership to the west, is a Collector Street dedicated to a right-of-way width of 80 feet and improved with curb, gutter and sidewalk.

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

Subject Property

Case No. ZA 2009-0908(CUB) - On February 19, 2010, the Zoning Administrator approved a Conditional Use for the sale and dispensing of a full line of alcohol for on-site consumption in conjunction with an existing 5,109 square-foot restaurant.

Case No. DIR 2006-9427(CDO) - On November 14, 2006, the Director approved a Design Overlay Plan for the removal of an existing fabric awning and metal frame and the installation of a new fabric awning and structural metal frame, 40 feet in length and 10 feet in width, along the Bundy Drive frontage and a portion of the Wilshire Boulevard frontage at an existing one-story building, and the re-facing of existing awnings along Wilshire Boulevard. The new awning was to have a business identification sign which reads "Literati 11". The property is located on the northwest corner of Wilshire Boulevard and Bundy Drive.

Case No. ZA 2004-1329(CUB) - On June 16, 2004, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages as a use accessory to a restaurant.

Case No. ZA 2000-5227(CUB) - On May 3, 2001, the Zoning Administrator approved the sale of a beer and wine for on-site consumption, in conjunction with an existing 2,100 square-foot restaurant seating 70 patrons in the interior and 19 seats in the patio along Wilshire Boulevard, as well as 20 seats shared in common with Koo Koo Roo along Bundy Drive.

Building Permit No. 06016-20000-173411/06VN 10027 - Issued December 1, 2006, for an awning for outdoor dining (910 feet by 0 feet), 8 feet clear height. Revocable permit for awning provided.

Building Permit No. 04016-20000-035271/04VN 48847 - Issued April 16, 2004, for interior remodel in the existing restaurant: non-bearing partitions. No change in occupancy load.

Surrounding Properties

Case No. DIR-2014-4722-CDO-DB – Pending application to permit a mixed use development with 14 residential units, with 2 units set aside for affordable housing, and requesting two on-menu incentives for reduced rear yard and additional FAR located at 12071 West Wilshire Boulevard.

Case No. ZA 2006-8506(CUE) - On December 26, 2006, the Zoning Administrator approved a conditional use to permit the sale and dispensing for consideration of beer and wine for on-site consumption as an accessory use to a restaurant, located at 12222 Wilshire Boulevard.

Public Hearing

On July 30, 2015, notices for public hearing were mailed to owners/occupants within a 500-foot radius of the site. The public notice was posted at the subject site on August 12, 2015. The notice was executed for publication in the Los Angeles Daily

Journal on August 3, 2015. A public hearing was conducted by Associate Zoning Administrator, Jack Chiang, on August 27, 2015 in West Los Angeles Municipal Building, 1645 Corinth Avenue, Room 200, Los Angeles, CA 90025.

The applicant and the applicant's representative were able to testify that the project is a request to renew an on-site service for a full line of alcoholic beverages for Literati Café. The applicant indicated that there is no change in the restaurant layout, seating numbers, hours of operation, service floor area, and parking space number. A new off-site parking lease has been secured to provide 30 off-site parking space for ten years which terminates in 2025. The applicant is also requesting to increase the term of the approval to ten years from five years as granted in the previous determination since the operation has been in good standing with no condition violation and complaints to the police department.

Nancy Freedman, representing the Brentwood Community Council was available to comment requesting that 30 off-site parking spaces are to be maintained and the "volunteered" conditions from the previous grant in 2010 to be incorporated in to the new determination.

Marilyn Krell, President of South Brentwood Residents Association indicated a support of the application and also requested that the "volunteered" conditions to be maintained.

No other interested party or opposition attended the public hearing.

After the closing of the public comment period, the Zoning Administrator indicated that he will approve the project. The Zoning Administrator also stated that he will grant a ten-year term as the restaurant maintained a good operation for the last five years, and he would be able to preserve the many of the previous "volunteered" conditions and transfer them into conditions under California Department of Alcoholic Beverage Control (ABC) authority as requested by the Brentwood Community Council and the South Brentwood Residents Association.

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

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

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

- No cocktail lounge shall be maintained on the premises separate from the dining area.
- 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.
- The sale of alcohol shall be incidental to the sale of food.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The quarterly gross sales of alcohol shall not exceed the quarterly gross sales of food. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- Any "Happy Hour" type of reduced price alcoholic beverage promotion shall be limited to the hours between 4 p.m. and 6 p.m. and complemented by food or appetizers.
- Alcohol may only be served to patrons who are seated at a table or seated at the bar and only in conjunction with a food order. Patrons shall not be served while standing or while waiting to be seated.
- 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.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for sale of a full line of alcoholic beverages for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

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 existing restaurant has maintained its existing operation since an expansion in 2004, in which the original café was expanded into a higher end restaurant in the adjoining unit. Currently, the applicant seeks to maintain the existing restaurant and to continue the sale and dispensing of a full line of alcoholic beverages for on-site consumption. The restaurant also has limited live entertainment, as approved in the previous grant.

The subject site is located on the northeast corner of Wilshire Boulevard and Bundy Drive. The surrounding properties are developed with commercial uses, as well as two multi-story office buildings. The subject site is also located within walking distance of multi- and single-family developments. The restaurant use provides a service for employees and residents in the area and the incidental sale of a full line of alcoholic beverages will be an added amenity to patrons of the restaurant.

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 project site is located on the northeast corner of Wilshire Boulevard and Bundy Drive and is developed with a 5,109 square-foot building, with a 680 square-foot second story, used as a restaurant with surface parking located to the rear. There is an outdoor patio located along Bundy Drive, which has obtained a revocable permit and is enclosed with a 6-foot wall that is part masonry and glass. Currently, the applicant is not requesting any physically changes to the building and will maintain the operation of the restaurant as is.

In 2004, when the subject restaurant was expanded into the adjacent unit, the Zoning Administrator conditioned the approval to require valet service and the availability of 30 parking spaces off-site. In 2009, the Zoning Administrator continued to require the additional 30 parking spaces to be provided with valet service. In order to continue the operation of the restaurant with on-site sale and dispensing of a full line of alcoholic beverages and to not disrupt or adversely affect the surrounding commercial and residential development, the approval has been conditioned to maintain the 30 parking spaces off-site with valet services. As conditioned herein, the continued operation of the restaurant with the sale and dispensing of a full line of alcoholic beverages will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The project site is located in the Brentwood–Pacific Palisades Community Plan with a land use designation of Community Commercial and is zoned [Q]C4-1L-CDO. The site is located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan. As the requested action to continue the sale and dispensing of a full line of alcoholic beverages does not include a change of use or additional floor area, it is not considered a project within the Specific Plan. The project site is also located in the West Wilshire Boulevard Community Design Overlay. As the requested action does not include additional floor area or façade changes, it is not considered a project within the Overlay area.

Pursuant to Ordinance 173,680 subarea 3, the project site is subject to the following permanent “Q” Qualified Condition: Off-Site signs, Pole Signs, Mural Signs and Supergraphic Displays are prohibited. The current request does not propose to add signage to the site.

The Community Plan text does not specifically address the requested conditional use for the sale of alcoholic beverages. However, the continued use of the site as a restaurant is consistent with the permitted uses in the C4 Zone and is consistent with the intent of the Community Commercial land use designation of the Community Plan. The sale of a full line of alcoholic beverages will continue to be an ancillary use to the restaurant, which will continue to serve and provide an amenity to the surrounding community. Therefore, the project is in substantial conformance with the intent of the General Plan, Community Plan, Specific Plan, and the Community Design Overlay.

ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES

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

As previously stated, the current restaurant has been in operation since 2004 and was previously in operation as a café since 2000. The current request will maintain the current operation of the restaurant and seeks to continue the ability to sell a full line of alcoholic beverages for on-site consumption. The restaurant use is consistent with the allowed uses in the C4 Zone and is consistent with the current commercial development along Wilshire Boulevard. To address possible traffic impacts and limited available parking, the Zoning Administrator has conditioned the approval to require that the restaurant maintain the existing 30 off-site parking spaces and valet services. The Zoning Administrator has also imposed other conditions that will limit any impacts caused from the additional noise as to not adversely affect the welfare of the pertinent community.

The grant is authorized for a term of ten years, after which time the applicant will need to file for a new Conditional Use Permit or a Plan Approval for the continued sale of alcoholic beverages for on-site consumption. The limited term of the grant allows the City to review the operation of the establishment and consider any changes in the surroundings. The operator’s conduct and any negative impacts it causes will be considered when an application is requested.

5. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration

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

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, there are 5 on-site and 3 off-site licenses allocated to the subject Census Tract Number 2643.02, based on a population of 5,683. Presently, there are 17 active licenses within this census tract, including the subject restaurant. The active licenses include: 4 on-site for full line, 8 on-site for beer and wine, 2 for off-site full line, 1 off-site for beer and wine, 1 for a club, and 1 for limited off-sale retail wine. There are 8 active establishments within 600 and 1,000 feet of the subject site with on-site and/or off-site alcohol licenses.

Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. While there is an over-concentration in the census area, the subject site is currently licensed with the Department of Alcoholic Beverage Control and the approval of the conditional use will not increase the number of licenses in the area. The approval will permit the continued sale and dispensing of a full line of alcoholic beverages within the existing restaurant.

Statistics from the Los Angeles Police Department reveal that the Crime Reporting District No. 831, which has jurisdiction over the subject property, a total of 146 crimes were reported in 2014, compared to the citywide average of approximately 163 crimes and the high crime reporting district average of approximately 196 crimes for the same period. Part I Crimes reported by LAPD include: Rape (1), Robbery (4), Aggravated Assault (3), Burglary (18), and Auto Theft (5), and Larceny (100). Part II Crimes include: Other Assaults (1), Narcotic (4), Drunk (1), DWI Related (3), and Other Offenses (6).

The above statistics indicate that the crime rate in the census tract where the subject site is located is lower than the city average. There has been no evidence submitted for the record indicating the subject site has been the subject of any nuisance or criminal activity. Wilshire Boulevard is a commercial corridor that is developed with a variety of commercial use, which is consistent with the existing use of the restaurant. As conditioned, the use is not expected to negatively impact the surrounding uses and is not expected to increase or contribute to the area's crime rate.

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

The following sensitive uses are located within 600 and 1000 feet of the project site:

- Tenth Church of Christ, Scientist (1133 South Bundy Drive)

The church is located approximately 380 feet north of the site along Goshen Avenue. The subject site is also located within the proximity of multi- and single-family development. While the restaurant is located within the proximity of a sensitive use, the current request is to continue the sale of a full line of alcoholic beverages for on-site consumption. The applicant does not propose to change the operation of the restaurant, since it was approved in 2004. The restaurant has limited live entertainment, which is indoors. Noise is not anticipated to detrimentally affect the church or the residential development nearby as the live entertainment is conditioned to be limited to unamplified performers. The current development in the area is consistent with the land use designation of Community Commercial and the restaurant use is consistent with the land use designation, zone, and existing uses in the area. With the conditions imposed by the Zoning Administrator, the impacts of the on-site consumption and dispensing of a full line of alcoholic beverages will be reduced and will not detrimentally affect nearby residentially zoned communities and other sensitive uses within the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
8. On January 28, 2015, the project was issued a Notice of Exemption pursuant to Article III, Section I of the City CEQA Guidelines, ENV-2014-299-CE, for a Categorical Exemption, Class 5, Category 34, City CEQA Guidelines, Article III, Section 1, State EIR Guidelines, Section 15300. I hereby adopt that action.

Inquiries regarding this matter shall be directed to Nora Dresser, Planning Staff for the Office of Zoning Administration at (213) 978-1346.



JACK CHIANG
Associate Zoning Administrator

JC:ND:lmc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners