

CITY OF LOS ANGELES

CALIFORNIA



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July 2, 1998

Gus Kazemi (A)
The Coffee Company
8751 La Tijera Boulevard
Los Angeles, CA 90045

Stanley Arinsberg (O)
6066 West Manchester Boulevard
Los Angeles, CA 90045

Nieves and Associates (R)
115 South Juanita Avenue
Redondo Beach, CA 90277

CASE NO. ZA 98-0337(CUB)
CONDITIONAL USE
8751 La Tijera Boulevard
Westchester-Playa Del Rey
Planning Area
Zone : C2-1
D. M. : 96B165
C. D. : 6
CEQA : CE 98-0311-CUB
Fish and Game: Exempt
Legal Description: Lot 20,
Tract 14012

Department of Building and Safety

Pursuant to Los Angeles Municipal Code Section 12.24-C,42, I hereby APPROVE:

a conditional use permit the sale and dispensing of beer and wine for on-site consumption, in the C2-1 Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan 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 in the same color as the surface to which it is applied within 24 hours of its occurrence.
5. Alcohol sale and dispensing is limited to the sale and dispensing of beer and wine for on-site consumption.
6. No bar or lounge is permitted.
7. Hours of operation of the subject facility shall not exceed the following: 7 a.m. to 10 p.m., seven days per week.
8. The number of patrons permitted in the subject facility at any one time shall not exceed 132.
9. Coin operated game machines, pool tables or similar game activities or equipment are not permitted. Official California State lottery games and machines are allowed.
10. The primary use of the subject facility shall be a restaurant. The primary use of the restaurant shall be sit down meal service.
11. Beverages must be served incidental to meal/ food service.
12. Because the subject property is for sale of beer and wine for on-site consumption, beer and wine shall not be sold or dispensed for consumption outside the subject facility.
13. The applicant shall be responsible for discouraging loitering on the subject (facility, ownership, property)
14. The licensee shall maintain the subject property in an attractive condition and shall keep it free of trash and debris.
15. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein.

The following alcohol-related conditions have been volunteered by the applicant (Condition Nos. 16-18):

16. Sale of beverages at discounted prices which are less than standard prices is not permitted.
17. There shall be no exterior advertising, including in the name of the facility, of beverages of any type, including advertising directed to the exterior from within. The restaurant may post a menu on an exterior wall or door.
18. Alcoholic beverages shall not be consumed on any property adjacent to the licensed premises under the control of the licensee. The restaurant operator

shall take appropriate action to prevent and discourage loitering adjacent to the restaurant.

19. The restaurant will obtain a City permit decal from the Planning Department denoting approval of alcoholic beverage sales. The applicant shall mount the decal on either the inside of the window of the subject site on the outside of the building (if inside mounting is not possible). The decal must face the street and be visible on the exterior of the restaurant.
20. The licensee shall be responsible for maintaining free of litter the area adjacent to the premises, including any sidewalk and alley, over which he has control.
21. A sign or signs shall be posted on the site within a clear view of any interested person containing a telephone number and a name of a person to be contacted in the event that the operation of the restaurant is causing concerns or problems in the adjacent neighborhood.
22. There shall be no live entertainment or dancing proposed for the applicant's premises, except that the licensee may provide non-amplified music played by no more than one musician. Pre-recorded background music shall be permitted and shall not be audible beyond the restaurant premises.
23. No dancing or dance floor is permitted.
24. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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 that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.24-J,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 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 JULY 17, 1998, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. 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 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. SUCH OFFICES ARE LOCATED AT:

Figueroa Plaza
201 North Figueroa Street
Room 300, Counter N
Los Angeles, CA 90012
(213) 977-6083

6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596

NOTICE

THE APPLICANT IS FURTHER ADVISED THAT ALL SUBSEQUENT CONTACT WITH THIS OFFICE REGARDING THIS DETERMINATION MUST BE WITH THE

ZONING ADMINISTRATOR WHO ACTED ON THE CASE. THIS WOULD INCLUDE CLARIFICATION, VERIFICATION OF CONDITION COMPLIANCE AND PLANS OR BUILDING PERMIT APPLICATIONS, ETC., AND SHALL BE ACCOMPLISHED BY APPOINTMENT ONLY, IN ORDER TO ASSURE THAT YOU RECEIVE SERVICE WITH A MINIMUM AMOUNT OF WAITING. YOU SHOULD ADVISE ANY CONSULTANT REPRESENTING YOU OF THIS REQUIREMENT AS WELL.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on June 18, 1998, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-C of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a level, irregular-shaped, corner, parcel of land (Lot 20, Tract 14012), consisting of approximately 0.16 acres (approximately 6,969.6 square feet), having a frontage of approximately 66.88 feet on the north side of La Tijera Boulevard sides along Sepulveda Eastway for approximately 77.94 feet and has a depth varying from 77.94 to 100 feet.

The subject property is developed with a one-story multi-tenant commercial building covering the major portion of the lot. A small loading area is used for parking (that appears to be large enough to park four automobiles if parked tandem). Vehicular ingress/egress is solely via the adjoining 20-foot wide improved alley.

The multi-tenant one-story commercial building is occupied by the following tenants.

- Unit 8751 La Tijera Boulevard - subject restaurant
- Unit 8749 La Tijera Boulevard - office (Westchester Financial Services, Inc.)
- Unit 8747 La Tijera Boulevard - office
- Unit 8745 La Tijera Boulevard - print shop (Printing Spot)
- Unit 8728 Sepulveda Eastway - unit associated with the subject restaurant and appears to be used for storage.

Surrounding properties are within the C2-2D, C1-2D, C2-1, C1-1 and R1-1 Zones and are developed with one-story commercial buildings and large associated surface parking areas northerly of La Tijera Boulevard. Southerly of La Tijera Boulevard and easterly of Sepulveda Eastway is developed with one-story single-family dwellings along the interior streets.

Property to the north of the subject property across the 20-foot wide improved alley is zoned C1-1 and is improved with a mid-size striped surface parking area (see Analyst photos). Vehicular ingress/egress is via the two adjoining alleys. Term limit parking associated with the parking area is 3 hours. Property to the south of the subject

property across La Tijera Boulevard is zoned R4-1 and is developed with a one-story church complex (Westchester Christian Church) in addition to a sanctuary and one-story church school. Beyond that to the south is developed with a one-story private school (Montessori Escuela) from preschool to 6th grade. Adjoining property to the east of the subject property is zoned C2-1 and is developed with a one-story multi-tenant commercial building occupied by an auto parts business (Comet Auto Supply), small gym (Form Private Fitness Club), and a small BBQ restaurant that does not dispense alcoholic beverages. Beyond that is developed with a one-story commercial building occupied by a beauty salon and a uniform business. Properties to the west of the subject property across Sepulveda Eastway are zoned C1-2D and are developed with a large striped surface parking area utilized by Ownership Nos. 6, 7, 8, 9, 20, 21 and 22 which are developed with one- and two-story commercial buildings fronting on Sepulveda Boulevard.

La Tijera Boulevard, adjoining the subject property to the south, is a designated Major Highway dedicated a width of 100 feet and improved with curb, gutter and sidewalk.

Sepulveda Eastway, adjoining the subject property to the west, is a Local Street dedicated a width of 50 feet and improved with curb, gutter and sidewalk on the east side of the street. The west side of the street is improved with curb and gutter.

The alley, adjoining the subject property to the north, is a through alley that is improved with asphalt pavement and concrete gutter within a 20-foot dedication.

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

Subject Property:

Permit No. 92WL00830, issued March 19, 1992 to convert retail to restaurant and the addition of approximately 520 square feet to the new restaurant.

Certificate of Occupancy accompanying Building Permit No. 92WL00830, issued September 17, 1998 to convert 24.5-foot by 77.9-foot portion of an existing one-story, Type V, 24.5- by 100-foot retail building to a restaurant and add 520 square feet. B2 occupancy three additional parking spaces required and provided.

Surrounding Properties:

Case No. ZAI 82-099(E), approved by the Zoning Administrator on June 2, 1982. The Zoning Administrator determined the restaurant located at 8735 La Tijera Boulevard to be exempt from the requirements of Sections 12.21 and 12.24 of the L.A.M.C.

Case No. ZA 86-0434(E), approved by the Zoning Administrator on May 30, 1986. The Zoning Administrator determined that the restaurant located at 8739 La Tijera Boulevard to be exempt from requirements of Sections 12.21 and 12.24 of the L.A.M.C.

Case No. ZA 94-0124(CUB), denied by the Zoning Administrator on April 26, 1994. The Zoning Administrator denied a request to permit the sale and dispensing of alcoholic beverages (i.e., beer and wine) for off-site consumption in conjunction with an existing market, with said market having hours of operation from 8 a.m. to 8 p.m., seven days per week. On August 3, 1994 the Board of Zoning Appeals (BZA) determined via BZA Case No. 4990 that the Zoning Administrator erred in denying Case No. ZA 94-0124(CUB).

Case No. ZA 94-0443(CUB), approved by the Zoning Administrator on September 1, 1994 to permit the sale and dispensing of beer and wine for on-site consumption, in conjunction with the relocation of an existing restaurant (Korner Deli).

PUBLIC HEARING

The public hearing on the matter was held on June 18, 1998 at the West Los Angeles Municipal Building, 1645 Corinth Avenue in West Los Angeles. One person was present: the applicant's representative. Several letters of support were submitted to the case file, including one from the Council member, one from the Westchester/LAX Chamber of Commerce, one from a nearby Montessori Elementary School, one from a property management firm, and one from a nearby church.

BASIS FOR CONDITIONAL USE

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 review by the Zoning Administrator under additional authority are located within Section 12.24-C of the Los Angeles Municipal Code. In order for a particular request to be authorized, certain designated findings have to be made. In certain cases, specific conditional use categories have additional or unique findings only applicable to that specific use beyond the four standard findings for other conditional use categories.

FINDINGS

In order for a conditional use permit for the sale and dispensing of beer and wine for consumption on-site to be approved the mandated findings delineated in Municipal Code Section 12.24-C must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. The proposed location will be desirable to the public convenience or welfare and the location is proper in relation to adjacent uses or the development of the community.**

The applicant is seeking a conditional use permit for the on-site sale of beer and wine in conjunction with an existing 3,134 square-foot restaurant in the C2 Zone. The proposed service will occur at the "Coffee Company," a restaurant which has been operated at its present location for 6 years. It occupies a portion of a mini-

shopping center which also includes commercial offices, a print shop and storage for the restaurant.

The restaurant will permit 132 patrons, rendering it comparatively small to medium size. Service will be sit down meal service only observing hours of operation from 7 a.m. to 10 p.m., seven days per week.

The subject premises is located within the Westchester Community Center, a local commercial district with a concentration of offices, commercial retail and personal services.

According to the State's Department of Alcoholic Beverage Control licensing criteria, 3 on-site and 2 off-site licenses are allocated to subject Census Tract No. 2780. There are currently 35 on-site and 15 off-site licenses in this census tract. Within 600 feet of the subject property, there are 0 on-site and 1 off-site existing license.

The high concentration of on-site sales is largely explained by the nature and location of the Westchester community center. It is located near the regional center of the Los Angeles International Airport, and itself contains a number of office and retail commercial development. A very high percentage of daytime office workers utilize the area's restaurants for breakfast, lunch and dinner. Secondly, the site's proximity to LAX also accounts for service to travelers, visitors or others who may be staying in hotels along Century Boulevard, nearby. While the numbers would give the appearance of an over concentration of on-site establishments, the nature, location and use of the Westchester Community Center make it reasonable to expect a higher number of such establishments.

The high ratio of such establishments compares favorably with other regional centers within the City, such as Century City, Warner Center and the Westwood Village.

The restaurant is conveniently located. La Tijera Boulevard is a designated Major Highway and serves as the primary "gateway" to the area. Sepulveda East, a Local Street, serves the surrounding area as well. Adjoining properties to the north, east, south and west are improved with commercial retail, service and office, making the subject location suitable given its proximity to workers and shoppers. A church within proximity to the proposed on-site service has signaled their support for the proposed project.

For the aforementioned reasons, I find that the location of the proposed project will be desirable to the public convenience and welfare, and proper in relations to adjacent uses and the development of the community.

2. **The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

The proposed 3,215 square-foot restaurant is located in the Westchester Business District where there are a great number of workers, commuters, visitors and residents who regularly visit the area. Prior to the public hearing several letters in support were received from a wide range of interests, including the Council Office, the Chamber of Commerce and a property management firm. In addition and significantly, The Escuela de Montessori (8820 Sepulveda East) and the Westchester Christian Church (8740 La Tijera Boulevard) support the subject request. This range of support is a clear indication that the community-at-large is in favor of the request for beer and wine license.

The proposed use will be accessory to the main use as a restaurant. The Coffee Company has been operating at the subject site for six years.

Statistics from the Police Department reveal that in the subject Crime Reporting District No. 1487, which has jurisdiction over the subject property, a total of 163 crimes were reported in 1997 compared to a citywide average of 362 crimes and the high crime reporting district of 434 crimes for the same period. The low rate of crime in the area speaks well of the security and management of the Westchester businesses and the community. The modest hours of the proposed use are also in keeping with a community-oriented business.

The applicant has volunteered a number of restrictions in their application and these have been incorporated into the instant grant. Beer and wine will be served only on conjunction with food service. The applicant will maintain a kitchen as defined by the Municipal Code; there will be no "Happy Hours", alcohol must be sold incidental to meal service and no stand alone bar is permitted.

For the aforementioned reasons, I find that the use will not be materially detrimental to the character of the development in the immediate neighborhood.

3. The proposed location will be in harmony with the various elements and objectives of the General Plan.

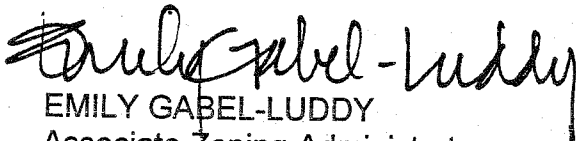
The Westchester-Playa Del Rey Plan designates the subject property for Community Commercial corresponding to the C2, C4, and CR Zones and Height District No. 1.

A conditional use permit for the on-site sale and dispensing of beer and wine may be issued provided the required findings can be made. Such findings have been made and are incorporated herein.

ADDITIONAL MANDATORY FINDINGS

5. 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. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)

6. On April 15, 1998, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference CE 98-0311-CUB, for a Categorical Exemption, Class 5, Category 34, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby certify that action.
7. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.


EMILY GABEL-LUDDY
Associate Zoning Administrator

EGL:Imc

cc: Councilmember Ruth Galanter
Sixth District
Adjoining Property Owners
County Assessor