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Conditional Use Permit-Alcohol (CUB) Additional Information/Findings 6261 W 87th Street

Natalie Dial (A)
8929 S Sepulveda Blvd Unit 130
Los Angeles, CA 90045

Westchester-Playa Del Rey Community Planning Area
Zone: [Q]C2-1-CDO
C.D.: 11- Mike Bonin
Legal Description: Tract TR 14012, Lot 14

Jewel Investment LLC (O)
8929 S Sepulveda Blvd Unit 130
Los Angeles, CA 90045

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

REQUEST

A Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages in conjunction with a new 5,364 s.f. restaurant (1,788 s.f. ground floor, 1,770 s.f. second floor, 1,806 s.f. rooftop uncovered terrace) with 157 total seats (60 ground floor interior, 49 second floor interior, 48 rooftop uncovered terrace), having hours of operation from 7 a.m. to 11 p.m. daily.

BACKGROUND

The subject property is a rectangular parcel having approximately 60 feet of frontage on the north side of 87th Street. It is located in the Westchester Neighborhood. The entire property was renovated through building permit 17016-10000-34177 and planning case DIR-2018-6868-CDO, which authorized a change of use from retail and produce market to restaurant and bookstore as well as exterior and interior renovations and improvements. The front half of the building is The Book Jewel, a newly opened bookstore. The restaurant, which is the purpose of the subject request, will be in the rear of the building. Restauranters Natalie Dial and Harry Posner intend to open a new concept in the space called Tomat. The restaurant will be farm to table, and they will grow and source their menu from a 4,000 s.f. garden that they run close to the restaurant. The restaurant will offer three meals a day. For breakfast and lunch, Tomat will have a fast casual concept with a focus on vegetables and house made ferments. For dinner, Tomat will have a higher-end menu that will



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highlight local producers and suppliers in combination with their garden. Harry attended the Ballymaloe cookery school in Ireland, and has previously worked at one-Michelin starred “The Clove Club” in London, (which was also named a Top 50 best restaurant) and at two-Michelin starred Inua in Tokyo. He is very excited to work with his partner Natalie to bring high-quality food to the Westchester community.

Details of the project are as follows:

	New Approval
Use	Restaurant
Square Footage	5,364 s.f. (1,788 s.f. ground floor, 1,770 s.f. second floor, 1,806 s.f. uncovered rooftop terrace)
Unit/Address	6261 W 87 th Street, Los Angeles, CA 90045
Hours of Operation	7 a.m. to 11 p.m. daily
Type of Alcohol	Type 47 License – Full line eating place
Food	Yes
Interior Seats	109 total seats (60 ground floor interior, 49 second floor interior)
Exterior Seats	48 rooftop terrace seats
Total Seats	157 seats
Live Entertainment	No
Dancing	No
Off-Site Sales	No
Private Parties	Yes (for birthdays, holiday parties, receptions, etc.)
Census Tract	2780.01
Neighborhood Council	Westchester/Playa del Rey
Parking	None required. There are 6 spaces on-site.

SURROUNDING PROPERTIES

The properties to the North, across the alley (No. 46 on the radius map) are zoned [Q]C2-1D-CDO and improved with a surface parking lot.

The abutting properties to the West, (No.’s 18 and 36 on the radius map) are zoned [Q]C2-2D-CDO and are improved with a surface parking lot.

The property to the South (No. 22 on the radius map) is zoned [Q]C2-2D-CDO and is improved with a one-story commercial building.

The abutting property to the East (No. 50 on the radius map) is zoned [Q]C2-1D-CDO and is improved with a one-story commercial building.



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CIRCULATION

West 87th Street, adjoining the property to the south, is a designated Boulevard II dedicated to a right-of-way width of 60 feet and improved with curb, gutter and sidewalk.

RELATED PRIOR CASES

Subject Property:

Case No. DIR-2018-6868-CDO - On February 4, 2019, the Director of Planning approved a Community Design Overlay (COO) Plan Approval for the exterior remodel of an existing building, consisting of new building facade materials, new and reconfigured storefronts and entries, new rooftop terrace, new rooftop mechanical equipment, new exterior stairwells, and new utility and service areas, in conjunction with interior tenant improvements and an expanded sidewalk. No signage is included as part of this approval.

Surrounding Property:

Case No. ZA-2013-3236-CUB - On February 19, 2014, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the expansion of an existing restaurant (new total: 5,170 s.f.) having 137 indoor seats with hours of operation from 6 a.m. to midnight Sunday to Wednesday, 6 a.m. to 1 a.m. Thursday, and 6 a.m. to 2 a.m. Friday and Saturday, located at 6245-6249 W 87th Street.

Case No. ZA-2009-24924-CUB - On February 3, 2010, the Zoning Administrator approved a conditional use to allow an upgrade of beer and wine to a full line of alcoholic beverages for on-site consumption in conjunction with an existing 2,252 square-foot restaurant with 46 seats interior and 22 seats within an outdoor patio, with hours of operation from 10 a.m. to 12 midnight, daily, located at 8738-8740 South Sepulveda Boulevard, #140.

Case No. ZA 2007-4755-CUB - On March 3, 2008, the Zoning Administrator approved a conditional use for a term of five years to permit the sale of beer and wine only for off-site consumption, in conjunction with an existing 3,695 square-foot neighborhood market, with hours of operation from 7 a.m. to 9 p.m., daily, located at 6245-6249 W 87th Street.

Case No. ZA-2008-0952-CUB - On July 16, 2006, the Zoning Administrator approved a conditional use to permit the sale of beer and wine only for on-site consumption, in conjunction with a new 2,252 square-foot restaurant with 63 seats total (41 seats interior and 22 seats within an outdoor patio) with hours of operation from 10 a.m. to 12 midnight, daily, located at 8738-8740 South Sepulveda Boulevard, #140.



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Case No. ZA-2004-6154-CUB - On March 31, 2005, the Zoning Administrator approved a conditional use to permit the sale of beer and wine only for on-site consumption, in conjunction with a restaurant with 72 indoor seats and hours of operation from 11 a.m. to 10 p.m. Sunday through Thursday, and 11 a.m. to 12 midnight Friday and Saturday, located at 6245-6249 W 87th Street.

Case No. ZA-2008-4872-CUB - On April 30, 2012, the Zoning Administrator approved a conditional use for 6 years to permit the sale of beer and wine only for on-site consumption, in conjunction with a 5,121 square-foot existing restaurant with 163 seats total (149 seats interior, 14 seats within an outdoor patio within the public right-of-way), with hours of operation from 7 a.m. to 10 p.m., daily, located at 8751 La Tijera Boulevard.

Case No. ZA-2001-4253-CUB - On April 3, 2002, the Zoning Administrator approved a conditional use for a term of 10 years to permit the sale of beer and wine only for on-site consumption, in conjunction with an existing, approximately 3,400 square-foot restaurant with seating for 44 patrons, and hours of operation from 6 a.m. to 12 midnight, daily, located at 8620 South Sepulveda Boulevard.

Case No. ZA-2000-5323-CUB - On July 2, 2001, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing 6,600 square-foot restaurant and banquet/meeting rooms facility. On September 20, 2002, a Letter of Clarification was issued, which requested the removal of alcohol sales from the restaurant (IHOP), and to allow its continued 24 hour daily operation, and clarified operating hours of 6 a.m. to 11 p.m., Sunday through Thursday, and 6 a.m. to 12 midnight Friday and Saturday for the meeting/banquet facility, located at 8600 South Sepulveda Boulevard.

GENERAL CONDITIONAL USE FINDINGS

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

The subject establishment is a two-story commercial building located in a dense commercial area that surrounds the Sepulveda corridor in the Westchester neighborhood. All of the abutting properties are also one- and two-story commercial properties or associated surface parking. The nearest residential neighbors are about a block away in the north, south, and east directions, and there are busy streets separating residential properties from the commercial area. This commercial area contains a mix of retail and restaurant uses and this project will complement neighboring properties. The restaurant will be able to serve shoppers and local residents alike. Restaurants are a desired amenity in communities, and many diners would like to have an alcoholic beverage with their meal. This request will therefore provide an amenity to the community. Due to the above, it can be found that the project will enhance the built environment in the surrounding neighborhood and will perform a function and provide a service that is essential or beneficial to the community.



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

The project's location, size, height and operations will be compatible with the immediate neighborhood due to the fact that this property is located in a commercial area with other commercial buildings of about the same size. The nearest residents are located at least a block away, and there are busy commercial corridors between this commercial area and the closest residential neighbors. When all of the above is taken into consideration, it can be seen that the project will be compatible with the surrounding neighborhood.

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

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

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Westchester-Playa del Rey Community Plan Map designates the property for Community Commercial land uses and the property is zoned [Q]C2-1D-CDO. Restaurants are a Community Commercial land use, and the subject site is zoned C2, wherein restaurants are allowed by-right. Furthermore, Objective 2-1 of the Community Plan is "Preserve and strengthen viable commercial development in the community, and provide additional opportunities for new commercial development and services within existing commercial areas."¹ The Plan specifically calls out Downtown Westchester as a designated commercial area where commercial development should be encouraged. Approval of the subject request would help a new business within this existing commercial center succeed.

The project is also located within the Downtown Westchester Community Design Overlay and a case, DIR-2018-6868-CDO was approved for the renovation work done to the entire property. The property was designed specifically with the goals of the CDO in mind. The subject request is not a project per the CDO but approval of this Conditional Use will allow this commercial business to further the goals of the Plan and the CDO.

¹ Westchester-Playa del Rey Community Plan, Page III-11



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ADDITIONAL FINDINGS

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

The subject site is in a commercial corridor with a variety of similar commercial uses. The proposal is for a full-service restaurant and neither live entertainment nor patron dancing are requested. The restaurant intends to keep modest hours of 7 a.m. to 11 p.m. daily. All of this in turn assures a use which is convenient to patrons and respects the welfare of the community.

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

There are currently 14 on-site retail licenses in census tract 2780.01. The intensity of commercial development in the immediate area explains the large number of on-site alcoholic licenses within the census tract. Although the number of on-site licenses exceeds the number permitted based upon ABC criteria, it should be noted that this scenario is typical of areas that attract large number of people who hail from outside of the census tract. This commercial corridor services a large residential area which may be in another census tract that is under-concentrated. The ABC establishes the allotted number of licenses per census tract by population and cannot take into account these other crucial neighborhood specific factors; however, they do continue to approve new licenses in these types of areas due to those circumstances mentioned above.

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

The approval of the Conditional Use will not detrimentally affect nearby residentially zoned properties due to the fact that the business is located at least a block from the nearest residence, and there are busy commercial streets separating the commercial area from the residential areas. The distance plus the noise from a wide street will muffle any noise from this business. In addition, the applicant is proposing modest hours of operation of 7 a.m. to 11 p.m. daily, so there will not be any early morning or late night noise. Self-policing by the owner is essential for an establishment to not adversely impact the community. The applicant-owners will monitor all areas of the establishment in order to prevent loitering, public drunkenness, and noise. All employees involved in the sale of alcoholic beverages will attend a training such as STAR or LEAD, and a certificate or similar document of proof will be kept on-site at all times. In addition, security cameras and sufficient night lighting will be maintained on the property in order to create an environment conducive to a responsible establishment.



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QUESTIONS REGARDING THE PHYSICAL DEVELOPMENT OF THE SITE

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

The building is 7,112 square feet.

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

The establishment will occupy 5,364 square feet of the building, which includes a 1,806 square foot rooftop terrace.

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

The final occupant load of the space will be determined by the Fire Department and the department of Building and Safety upon issuance of the Certificate of Occupancy for the restaurant use.

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

There will be 104 seats indoors and 48 seats outdoors.

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

Yes.

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

Private property. It is on the rooftop of the building.

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

N/A

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

No.



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h. Parking

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

There are no parking stalls on-site, however, the property next door has a large parking lot which is available for the patrons of any of the commercial businesses in the area.

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

N/A

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

There is no required parking for the use per 17016-10000-34177.

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

No, however, the property next door has a large parking lot which is available for the patrons of any of the commercial businesses in the area.

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

N/A

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

N/A

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

N/A



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

See attached radius maps.

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

N/A.

QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT

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

Hours of operation and alcohol sales are proposed to be 7 a.m. to 11 p.m. daily.

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

No.

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

No. This is a bona-fide eating establishment.

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

Yes, restaurant merchandise such as bags of coffee, tote bags, and shirts may be sold.

e. Security

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

There will be approximately 8 employees on-site at any given time.

ii. Will security guards be provided on-site?

No.



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1. If yes, how many and when?

N/A

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

No.

f. Alcohol

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

There will be a full line of alcoholic beverages available for on-site consumption only.

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

Yes, high-end fortified wine such as port, marsala, cherry, or vermouth may be available.

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

No.

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

No, except that the restaurant may post a menu.

v. Food

1. Will there be a kitchen on the site?

Yes.

2. Will alcohol be sold without a food order?

There will be a kitchen on site as defined in section 12.03 of the LAMC and meals will be offered during all hours of operation. Generally, alcoholic beverages will not be served without a food order; however, there are times when a patron may be served an alcoholic beverage without one.



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

It may, simply because alcohol is sold at a premium so it may make up a large percentage of revenue, even though there are substantial sales of food.

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

The menu is still in development.

vi. On-Site

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

No.

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

N/A

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

No.

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

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

No.

vii. Off-Site

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

No.

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

No.



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

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

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

On-Site.

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

This is a bona-fide eating establishment.

12/1/2020 DG