

**REQUIRED FINDINGS AND QUESTIONS RELATING TO ALCOHOL
(CUB) AND ADULT ENTERTAINMENT (CUX) CASES**

A] Describe briefly how the proposed project will be proper in relation to adjacent uses or the development of the community.

An existing one-story 5,470 sf masonry and stucco structure was built on the subject property in 1948. The subject property is located in downtown Westchester, part of the Westchester-Playa Del Rey Community Plan. A restaurant was established and operating at this location since 1992. The existing restaurant is currently licensed for the sale and dispensing of beer and wine per ZA 1998-0337(CUB). The applicant merely seeks to extend the existing beer and wine license into an adjacent lease space area and an outdoor patio area on the subject property that is not currently licensed. Approval of the extension will not have a detrimental impact.

Restaurants are a permitted use in the underlying C2 Zone and are in conformance with the type of development normally permitted in a regional center. The existing restaurant contributes to the revitalization of the economic welfare of the surrounding community by providing several jobs as well as increasing tax revenues in the surrounding area. Therefore, the location is proper in relation to adjacent uses or the development of the community in that the subject site is within an area of considerable planning efforts.

The restaurant is suitably located since it is located in an established downtown commercial area far removed from any sensitive land uses. The applicant merely seeks to extend the existing beer and wine license into portions of the restaurant that are not currently licensed.

B] Why does the applicant believe the location of the project will be desirable to the public convenience.

The existing restaurant location is desirable to the public convenience due to the location of the subject site in downtown Westchester that is in proximity to LAX as well as its proximity to other places of interest. Furthermore, alcoholic beverages are integral to the operation of a restaurant of this character which would serve visitors flying to and from LAX, business people patronizing hotels and other business establishments in the surrounding area, workers and their guests and commuters traveling into and out of the area.

Existing and proposed entertainment establishments enable patrons to enjoy alcoholic beverages with their meals that become an intrinsic part of the dining and entertainment experience. The applicant merely seeks to extend the existing beer and wine license into portions of the restaurant that are not currently licensed.

C] Describe how the proposed project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

The Zoning Administrator has imposed conditions related to the sale and dispensing of alcoholic beverages which are standard conditions typically recommended by Los Angeles Police Department, required by the Department of Alcoholic Beverage Control, and/or as routinely imposed through discretionary actions for such uses, if volunteered by the applicant.

The use will not be materially detrimental to the character of the development in the immediate area as evidenced by similar uses in the City. Moreover, the existing restaurant is currently licensed for the sale and dispensing of beer and wine per ZA 1998-0337(CUB). The applicant merely seeks to extend the existing beer and wine license into an adjacent lease space area and an outdoor patio area on the subject property that is not currently licensed. Approval of the extension will not have a detrimental impact. Conditions related to the sale of alcoholic beverages reduce the potential for crime and nuisance activities and are normally imposed to ensure the establishment does not require additional resources of the Los Angeles Police Department to monitor and enforce the conditions of approval.

The primary objective of the Plan is to rehabilitate and strengthen the area and to return it to its rightful place as the Community's civic, economic and social center. The Plan recognizes the need for commercial viability and neighborhood businesses that serve the local community. Approval of the extension will enhance the viability of the local area without creating significant adverse impacts to any surrounding properties, and as such, is consistent with the spirit, intent and objectives of the General Plan.

The overall goal of the Community Plan is to promote an arrangement of land uses, circulation and services which will encourage and contribute to the economic, social, physical health, safety, welfare and convenience of the people who live and work in the plan area and to guide the development of the district to meet existing and anticipated needs and conditions. This area has traditionally been the economic and social focal point of the community.

The applicant merely seeks to extend the existing beer and wine license into portions of the restaurant that are not currently licensed. The existing restaurant use and the proposed use will not be detrimental to the immediate neighborhood and is in harmony with the General Plan.

D] Will the approval of the Conditional Use at this location adversely affect the economic welfare of the community ? Why ?

No. The existing restaurant brings clientele into the area thereby patronizing nearby businesses. The approval of the Conditional Use will benefit the community through the generation of additional business dollars, as well as, tax revenue for the City of Los Angeles.

The public benefits from the proposed use through additional tax revenues from the increase in food and alcohol sales, business license fees, parking and utilities fees. The authorization for the extension of sale and dispensing of alcoholic beverages would aid the success of the applicant in utilizing the converted space for a restaurant.

The existing restaurant and ancillary uses can only benefit the economic welfare of the community by ensuring the full occupancy of the commercial building. Therefore, the proposed use will not adversely affect the economic welfare of the community.

E] Will the approval of the Conditional Use result in or contribute to an undue concentration of such establishments ? Why ?

According to the State's Department of Alcoholic Beverage Control licensing criteria, 2 on-site and 1 off-site licenses are allocated to subject Census Tract No. 2077.10. There are currently 41 on-site and 13 off-site licenses in this census tract. Within 600 feet of the subject property, there are 21 on-site and 3 off-site existing licenses.

Statistics from the Los Angeles Police Department reveal that in the subject Crime Reporting District No. 1487 which has jurisdiction over the subject property, a total of 201 crimes were reported in 2006, compared to the citywide average of 263 crimes and the high crime reporting district average of 316 crimes for the same period.

The apparent over-concentration of licenses based solely on the population of the particular census tract is overstated. In fact, the labor force and visitors in the area are much larger than the residential population. If the day/evening working and visiting population were taken into account the demand and number of allowed licenses would be much higher.

The census tract is located within a commercial area with a high concentration of offices, retail, and entertainment uses. Therefore, as such, the population is very low which affects the statistic. This is not unusual for such a densely populated urban area and commercial core. In fact, the subject site is not unlike other venues which draw from populations throughout the City and beyond.

The high concentration of establishments that sell alcoholic beverages does not always directly correlate to adverse affects for the area. In this instance, the sale of alcoholic beverages helps fulfill a community need for more conveniently located eating and entertainment options within the area. Nevertheless, the authorization would not result in an "undue concentration" since conditions of approval are appropriate safe guards to reduce the potential of the subject project becoming a nuisance.

The existing restaurant is currently licensed for the sale and dispensing of beer and wine per ZA 1998-0337(CUB). The applicant merely seeks to extend the existing beer and wine license into an adjacent lease space area and an outdoor patio area on the subject property that is not currently licensed. Approval of the extension will not have a detrimental impact. Approval of the instant request will result in no appreciable net gain of alcoholic beverage licenses since the entire Westchester area is a well- recognized entertainment area capable of attracting patronage from areas beyond the immediate and neighboring census tracts.

F] Will the approval of the Conditional Use detrimentally affect nearby residentially zoned properties ? Why ?

This area of downtown Westchester contains a high intensity of varied urban activities in a compact built environment including commercial, industrial, residential, cultural, and recreational. It is the focal point of the region containing a mass transit hub, high-rise office buildings, department stores, hotels, theaters and other places of entertainment, restaurants, cultural facilities, and government offices. Because of the subject sites proximity to the LAX complex the area has a much higher intensity of use of day and night populations than any other area of the City and as such, the downtown area of the City must provide a comprehensive range of uses, activities, and services.

The restaurant currently serves beer and wine with its food menu. The applicant merely seeks to expand the sale and dispensing of alcohol to a section of the subject property not currently licensed. Conditions previously established herein are a protective measure for residents, businesses, and visitors to the area and to clearly define the operation parameters for the use of the site. These conditions will continue to protect the community and there will be no adverse impact to the community and its residents. Therefore, self policing and enforcement by the property owner and management are an important aspect of insuring the community welfare.

G] What are the proposed hours of operation and which days of the week will the establishment be open ? What are the proposed hours of alcohol sales ?

7 AM until 10 PM everyday. The proposed hours of beer and wine sales are the same as the hours of operation.

H] What is the occupancy load as determined by the Fire Department (number of patrons) ? What is the proposed seating in all areas ?

One hundred and sixty six (166) indoor seating, eight (8) patio seating and twenty six (26) sidewalk seating with a grand total of 200 seats combined. The existing restaurant was authorized to accommodate 132 seats per ZA 1998-0337 (CUB).

I] Is parking available on the site? (If so how many spaces?) If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant ? Where ? How many off-site spaces ?

Yes. There are 3 on-site parking spaces directly behind the restaurant building. In addition, there are off-parking spaces available by lease arrangement with the Westchester Association that has many established parking lots throughout the downtown Westchester commercial core.

The applicant is only required to provide an additional 21 parking spaces and has obtained a ten (10) year lease arrangement as a member of the Association that commenced on January 1, 2000. At the expiration of each calendar year during the term of the lease, the term is automatically extended for one year period unless either party gives notice not to extend such term.

By reason of this provision, the lease shall perpetually have a ten year remaining term as of the first calendar day of the calendar year, unless a party elects to not extend such term. The applicant has non-exclusive access for his employees and patrons to all of the 1500 plus parking spaces controlled by the Westchester Association.

J] Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, etc. ? (Specify ?) (On-Site only)

No.

K] Is a full line of alcoholic beverages to be served or just beer and/or wine ?

Beer and wine only. The existing restaurant is currently licensed for the sale and dispensing of beer and wine per ZA 1998-0337(CUB). The applicant merely seeks to extend the existing beer and wine license into an adjacent lease space area and an outdoor patio area on the subject property that is not currently licensed.

L] Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises ? (Off-site only)

N/A.

M] If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities. (On-site only)

No cocktail lounge provided.

- N]** **Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons ?**
No.
- O]** **Will video game machines be available for use on the subject property and if so, how many such machines will be in use ?**
No.
- P]** **Will you have signs visible on the outside which advertise the availability of alcohol ?**
No.
- Q]** **Will alcohol be sold without a food order ? Will there be a kitchen on the site as defined in the Los Angeles Municipal Code ?**
No. Alcohol will not be sold to patrons without a food order. There will be a kitchen on site as defined in Section 12.03 of the LAMC and a comprehensive dinner menu will be offered.
- R]** **Will beer and/or wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml) ?**
Yes. Beer may be sold in bottles of individual serving size to accompany sit-down dining. Wine will be served in appropriate glassware of less than 1 liter to accompany sit-down dining.
- S]** **Will "fortified" wine (greater than 16% alcohol) be sold ?**
Yes.
- T]** **Will off-site sales of alcohol as a secondary use to on-site sales occur (i.e., take out) ?**
No.
- U]** **Will discount alcoholic drinks or a "Happy Hour" be offered at any time ?**
No.
- V]** **Will security guards be provided and if so, when and how many ?**
No.
- W]** **Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant ?**
No.
- X]** **Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis ?**
No, it is expected that gross food sales shall exceed gross alcohol sales. The applicant/operator shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the applicant/operator. Said records shall be kept no less frequently than a quarterly basis and shall be made available to the Planning Department upon request.
- Y]** **Provide a copy of the proposed menu if food is to be served.**
See attached.
- Z]** **How many employees will you have on the site at any given time ?**
A maximum of 10 staff personnel shall be on site at any given time, consisting of 1 manager, 5 wait staff and 4 kitchen staff.
- AA]** **What security measures will be taken including:**
(1) Posting of Rules and Regulations on the premises.
Yes. Rules and regulations shall be posted prominently on the walls adjacent the entrances.

(2) To prevent such problems as gambling, loitering, theft, vandalism and truancy.

Staff and management supervision shall monitor and discourage the above activities. Any such activity will be addressed, documented and if necessary, the appropriate authorities will be contacted.

(3) Will security guards be provided and if so, how many ?

None provided.

(4) Other measures.

The applicant shall prepare a security plan to the satisfaction of the Los Angeles Police Department. A copy of said plan, approved by the Police Department, shall be submitted to the Zoning Administrator for inclusion in the file prior to any issuance of a temporary or permanent Certificate of Occupancy for the restaurant use or prior to the commencement of the sale of alcoholic beverages, whichever occurs first. The security plan shall include but not be limited to addressing such features as the provision of a surveillance system, installation of alarms on entryways, security lighting.

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

All employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.

BB] Will there be minimum age requirements for patrons ? If so, how will this be enforced ?

Yes, any patrons wishing to purchase alcoholic beverages must be 21 years of age and over. This will be monitored by staff who will check identification for proof of age before sale of alcohol. There will be no minimum age requirement for patrons who do not wish to purchase alcoholic beverages. The establishment will function as a restaurant and as such, will cater to patrons of all ages.

CC] Are there any schools (public or private and including nursery schools) churches, libraries, parks or playgrounds within 1,000 feet of your proposed business ? Where ?

See attached.

DD] For massage parlor or sexual encounter establishment applicants: are there any other adult entertainment businesses within 1,000 feet of your proposed establishment (i.e., adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater) ?

N/A.

