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March 3, 2022

Tawa, Inc. (A)
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Westwood CDIT, LLC and Westwood
Dome, LLC (O)
120 Robertson Blvd, 3rd Floor
Los Angeles, CA 90048

Liliger Damaso (R)
Liquor License Agents
5243 E. Beverly Blvd
Los Angeles, CA 90022

CASE NO. ZA 2021-2139-CUB-ZV
CONDITIONAL USE/ZONE VARIANCE
1360 South Westwood Boulevard
Westwood Community Plan

Zone: C4-1VL-POD

D. M.: 132B153

C. D.: 5 - Koretz

CEQA: ENV 2021-2140-CE

Legal Description: Lot FR 1, Lot 2, Lot 3,
and Lot 4 (Arb 2); Block 5; Tract 7803

Pursuant to CEQA Guidelines Section 15601, I hereby **DETERMINE**:

based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15301, Class 1 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Pursuant to Los Angeles Municipal Code (LAMC) 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 off-site consumption in conjunction with a new 49,393 square-foot grocery store and

as well as the sale and dispensing of beer and wine for on-site consumption in conjunction with a new 1,854 square-foot restaurant.

Pursuant to Charter Section 562 and LAMC Section 12.27, I hereby **APPROVE**:

a Zone Variance from LAMC Section 12.16-A to permit the use of an existing 1,036 square-foot patio located on the second floor as an outdoor eating area.

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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation 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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per LAMC Section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a new 49,393 square-foot grocery store. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. daily.

- b. Delivery may be permitted 24 hours a day, seven days a week. Deliveries shall be subject to the following limitations:
 - i. All deliveries between 8:00 p.m. and 7:00 a.m. Monday through Friday and between 4:00 p.m. and 10:00 am on Saturday and Sunday shall be made through the front door of the store and no deliveries shall be permitted in the alley during these hours.
 - ii. Deliveries in the alley may be made between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 10:00 a.m. and 4:00 p.m. on Saturday and Sunday consistent with LAMC Section 12.22-A,23(b)(3).
 - iii. A minimum of 50% of the total freight deliveries to the grocery store shall be delivered through the front door and a maximum of 35 freight deliveries per week shall be permitted in the alley.
 - iv. Delivery trucks in the alley shall be limited to a maximum length of 28 feet.
 - v. Smaller trucks and vans will make deliveries through the front door.
 - vi. All grocery store employees responsible for the loading/unloading of trucks will be instructed on noise reduction techniques and ensure that no truck engine or generator remains running while the truck is parked in the alley. Additionally, these conditions will be available in both English and Spanish for employees.
 - vii. A sign shall be posted in the alley that states, "Don't roar engines. Shut down reefer while delivering. Don't slam doors. Delivery hours Mon-Fri 7am-8pm and Sat-Sun 10am-4pm."
 - viii. No outdoor audible devices or systems or truck horns or outdoor buzzers shall be utilized for deliveries.
 - ix. Alley deliveries will be made as quickly as reasonably possible to reduce delivery time and will adhere to the 30-minute delivery timeline required by ordinance.
 - x. No deliveries or loading activity shall be permitted in the alley during garbage pick-up time for the residential uses on the west side of the alley. The applicant shall coordinate with the Bureau of Sanitation and with vendors/suppliers to ensure full clearance and access to the alley for garbage pick-up by sanitation trucks.
- 8. Authorized herein is the sale and dispensing of beer and wine for on-site consumption in conjunction with a new 1,854 square-foot restaurant. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 11:00 a.m. to 11:00 p.m., daily.

- b. Indoor seating shall be limited to a maximum of 73 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. Outdoor seating shall be limited to a maximum of 44 seats. The final number of seats and their location may be modified by the Department of Building and Safety in order to provide accessibility and required clearances from existing structures.
- 9. No after-hour use is permitted, except routine clean up. This includes but is not limited to private or promotional events, special events, excluding any activities that are issued film permits by the City.
- 10. The 1,874 square-foot in-door eating area and the 1,036 square-foot patio area shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
- 11. The operator shall retain full control of all events within the subject premises.
- 12. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
- 13. The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of debris or litter.
- 14. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones
- 15. Entertainment in conjunction with the restaurant is limited to background ambient music to compliment the dining experience. No live entertainment or amplified music is permitted on the premises. Independent, professional or amateur disc jockeys are not allowed.

16. There shall be no speakers or music permitted in the outdoor dining area.
17. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
18. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
19. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
20. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
21. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
22. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
23. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the host station

Complaints shall be responded to within 24 hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint; and (3) the manner in which the complaint was resolved.

24. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
25. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
26. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
27. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
28. The Applicant(s) shall comply with 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.
29. These conditions of approval shall be retained on the premises at all times and produced immediately upon the request of the Police Department, Department of Alcoholic Beverage Control, or Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
30. 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, including insuring that no activities associated with narcotics sales, use or possession, gambling or prostitution occur.
31. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer

and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement on the menus, a website, or on social media.

ADMINISTRATIVE CONDITIONS

32. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
33. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
34. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and

included in the administrative file.

- b. The owner and operator shall be notified of the deficiency or violation and 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, may result in additional corrective conditions imposed by the Zoning Administrator.
- 35. The Zoning Administrator reserves the right to require that the 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 documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes
- 36. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to

notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (ii).
- v. 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 - 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 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 **March 18, 2022**, 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 Blvd., Room 251
Van Nuys, CA 91401
(818) 374-5050

**West Los Angeles
Development Services Center**
1828 Sawtelle Blvd., 2nd Floor
West Los Angeles, CA 90025
(310) 231-2912

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with 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 plans submitted therewith, and the statements made at the public hearing on January 13, 2022, 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 and prerequisites for granting a conditional use permit under the provisions of Section 12.24-W.1 and a zone variance under the provisions of Section 12.27, have been established by the following facts:

BACKGROUND

The subject property is located in the Westwood Community Plan, which designates it for Neighborhood Office Commercial Land Uses that allows the corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4. The property is zoned C4-1VL-POD, which is a corresponding zone. The property is in the Westwood Boulevard Pedestrian Oriented District specific plan. The property is also located in the West Los Angeles Transportation Improvement and Mitigation Specific Plan; review pursuant to this Specific Plan is conducted by the Department of Transportation. The property is not located within any other specific plans, overlays, or interim control ordinances.

Surrounding properties are improved with a mix of commercial and residential uses. The properties to the north, south, and west of the project site along Westwood Boulevard are also zoned C4-1VL-POD and improved with commercial structures ranging from one to three stories in height. Adjacent properties to the east are separated by an alley, zoned R1-1 and improved with single-family dwellings.

Westwood Boulevard, adjoining the property to the west is a designated Boulevard II, with a designated right-of-way width of 110 feet and improved with a curb, gutter, sidewalk and street trees.

Rochester Avenue, adjoining the property to the north is designated as a Local Street - Standard, with a designated right-of-way width of 60 feet and improved with a curb, gutter, sidewalk, and street trees.

Alley (Unnamed), adjoining the property to the east, is dedicated to a 20-foot width and is improved with asphalt paving and a concrete centerline "v" gutter.

The subject property is a level, irregularly shaped, corner parcel, comprised of four lots having a frontage of approximately 214 feet on the east side of Westwood Boulevard and an approximate depth of 134 feet on the south side of Rochester Avenue, resulting in a total lot area of 28,926 square feet.

The property is currently developed with a two-story, 49,393 square-foot Commercial Shopping Center with a 207-space subterranean parking garage, constructed in 1991. The site was most recently utilized as a Ross Dress for Less Department Store. Vehicular access to the subterranean parking garage is provided along Rochester Avenue at the northeastern corner of the property.

The proposed project is the repurpose of the 49,393 square-foot shopping center building into a grocery store, of which 1,854 square-feet will be a restaurant with 1,036 square-foot of outdoor dining. The grocery store will occupy two levels, while the restaurant, and outdoor eating area will be located along the upper level. The proposed restaurant will provide 73 seats inside the grocery store as well as provide an uncovered outdoor eating area with 44 seats.

The proposed project seeks a conditional use to permit the grocery store operation to sale and dispense a full line of alcoholic beverages for off-site consumption (Type 21 ABC Liquor License) and, to allow a restaurant on the second level to permit the sale and dispensing of beer and wine for on-site consumption (Type 41 ABC Liquor License). Also, the project seeks a zone variance to permit the use of an existing 1,036 square-foot patio located on the second floor as an outdoor eating area in the C4-1VL-POD Zone. [The requested actions are not a project pursuant to the Westwood Boulevard Pedestrian Oriented District regulations; therefore, a review pursuant to that plan is not required.]

Permit History:

Permit No. 20016-10000-06517 – On May 20, 2020, a building permit was issued for early start demolition to remove non-bearing partitions, ceiling, doors, fixtures, and millwork (no exterior work).

Certificate of Occupancy No. 214097 – On February 19, 2021, a Certificate of Occupancy was issued for disabled access upgrades to the ground floor entry and re-striping on parking levels P1 and P2.

Permit No. 20016-10000-24699 – On October 6, 2021, a building permit was issued for a tenant improvement and change of use of an existing, two-story retail building to a grocery store and restaurant.

Previous related zoning related actions on-site include:

Case No. ZA-1990-958-CUB – On January 23, 1991, the Zoning Administrator approved a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages in conjunction with a restaurant with 150 seats.

Case No. ZA-1989-827-CUB – On December 1, 1989, the Zoning Administrator approved a Conditional Use Permit for the sale and dispensing of beer and wine in conjunction with two restaurants, serving a maximum of 550 patrons.

Previous zoning related actions in the surrounding area include:

Case No. ZA-1996-632-CUB – On September 18, 1996, the Zoning Administrator approved a Conditional Use Permit for the sale of beer and wine in conjunction with an existing 1,500 square foot restaurant located at 1393 Westwood Boulevard.

PUBLIC HEARING

A Notice of Public Hearing was mailed to property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested parties were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. Due to concerns over COVID-19, the Office of Zoning Administration Public Hearing was conducted telephonically on January 13, 2022, at approximately 10:00 am. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The hearing was conducted by Associate Zoning Administrator Theodore Irving for Case No. ZA-2021-2139-CUB-ZV and CEQA No. ENV-2021-2140-CE. The following testimony was provided at the hearing:

The applicant's representative provided a detail description of the proposed project and the request to be considered by the Zoning Administrator. The following is a summary the information shared:

Liliger Damaso – Applicant's Representative

- We are located 5243 East Beverly Boulevard, LA CA 90022,
- This is an existing 2-story building, where the Ross was previously located,
- The proposed grocery store and restaurant uses want to promote pedestrian activity,
- The proposed project's aim is to create a welcoming pedestrian friendly commercial development; this is in line with the Community Plan's goal,
- 99 Ranch Market was established in 1984 by Roger Chen,

- 99 Ranch Market intends to offer a wide selection of Asian and American alcoholic beverages on its shelves,
- The ability to offer beer, wine and other alcoholic beverages for off-site consumption is an important part of its success,
- The consumption of food with the option of order alcoholic drinks is an important part of the dining experience,
- Parking is complimentary for shoppers,
- The type of beer and wine is the typical mainstream Asian variety,
- For the menu on the second floor, it will be more of a quick service restaurant,
- Proposing to hire up to 80 employees, and two security guards,
- 70 security cameras on the first floor and 50 on the second floor,
- Planning on opening May 2022; the delivery of trash is to be determined,
- They have two other stores with the same concept,
- I met with the Neighborhood Council last year; they submitted a support letter yesterday,
- I spoke with Robert Fisher of the Council Office, and he submitted letter of non-opposition
- LAPD reviewed the packet and had no opposition,

Steve Resnick – Westwood Homeowners

- I have had a couple of conversation with George Chen,
- We discussed this briefly,
- While there is underground parking, I think it is restricted and that is a concern,
- I wasn't aware the building had a patio, but as long as there is no noise issue, I would see any issue,
- The off-site alcohol is the issue for all these types of business,
- The off-site with the homeless just a block away, is a concern,
- Other grocery stores nearby sell alcohol, and I want to bring up the issue alcohol sales and the homelessness.

Communication

On January 12, 2022, the North Westwood Neighborhood Council submitted a letter supporting the proposed project and the requests being considered by the Zoning Administrator. The letter was drafted by Sachi Cooper, of the Land Use Committee.

On June 24, 2021, staff received a letter from the Los Angeles Police Department – West Los Angeles Area Vice Unit stating their non-opposition to the granting of the CUB, and recommended conditions of approval.

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.

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office, etc.)

- Any alcoholic beverage sold or dispensed for on-site consumption shall be served by employees of the establishment. No self-service of alcohol is allowed.
- There shall be no minimum drink required of patrons.
- No person under 21 years of age shall sell or serve alcoholic beverages.
- There shall be no exterior advertising of any kind of type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
- There shall be no bottle service.
- No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
- There shall be no "bottle service" of distilled spirits; "Magnum" sized wine/champagne, nor "Buckets" of beer allowed.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no "Happy Hour" or reduced-price drinks.

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 the sale of a full line of alcoholic beverages for on-site consumption and for extended hours of operation 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.

CONDITIONAL USE FINDINGS

Following is a delineation of the findings and the application of the relevant facts to same:

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

The property is currently developed with a two-story Commercial Shopping Center with a 207-space subterranean parking garage. The site was most recently utilized as a Ross Dress for Less Department Store. Vehicular access to the subterranean parking garage is provided along Rochester Avenue at the northeastern corner of the property. Surrounding properties are improved with a mix of commercial and residential uses. The properties to the north, south, and west of the project site along Westwood Boulevard are also zoned C4-1VL-POD and improved with commercial structures ranging from one to three stories in height. Adjacent properties to the east across the alley are zoned R1-1 and improved with single-family dwellings.

The proposed project is the repurpose of a 49,393 square-foot shopping center building into a grocery store, of which 1,854 square-feet will be a restaurant with 1,036 square-foot of outdoor dining. The grocery store will occupy two levels, while the restaurant, and outdoor eating area will be located along the upper level. The proposed restaurant will provide 73 seats inside the grocery store as well as provide an uncovered outdoor eating area with 44 seats.

The proposed project seeks a conditional use to permit the grocery store operation to sale and dispense a full line of alcoholic beverages for off-site consumption (Type 21 ABC Liquor License) and, to allow a restaurant on the second level to permit the sale and dispensing of beer and wine for on-site consumption (Type 41 ABC Liquor License). The proposed hours of operation at the grocery store are 8:00 am – 11:00 pm daily, while the restaurant will be open from 11:00 am – 11:00 pm daily. Proposed seating at the restaurant is limited 73 indoor seats and 44 outdoor seats. The proposed outdoor seating will be located at an existing patio on the second level that faces Westwood Boulevard. Additionally, the project will maintain the existing, 207-space subterranean parking garage. No entertainment or other features which would characterize the project as anything other than a grocery store and restaurant have been proposed.

A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The availability of alcoholic beverages ancillary to a grocery store and/or restaurant is consistent with the pattern of many neighborhood grocery stores or restaurants in Los Angeles. The addition of the proposed alcohol amenities will also likely draw in more patrons, thus increasing the viability and longevity of the grocery store and restaurant. The project provides an essential service by preserving and strengthening a viable mixed-use development within

the community. The grocery store and restaurant will offer an authentic food and beverage experience and promote pedestrian activity by providing nearby residents and the local workforce with a key neighborhood amenity. The project will also benefit the community by drawing in visitors from around the city and bringing in new revenue for local businesses along Westwood Boulevard. Furthermore, the restaurant will not feature any live music or dancing on its premises. Security personnel and cameras will be required to be installed to ensure safety and compatibility with the surrounding residential areas. Therefore, in conjunction with the imposition of operational conditions, the request should result in a use which is compatible with and an asset to the local neighborhood and community at large.

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.**

Currently, the property is improved with a two-story Commercial Shopping Center with a 207-space subterranean parking garage, constructed in 1991. The site was most recently utilized as a Ross Dress for Less Department Store. Vehicular access to the subterranean parking garage is provided along Rochester Avenue at the northeastern corner of the property. Surrounding properties are improved with a mix of commercial and residential uses. The properties to the north, south, and west of the project site along Westwood Boulevard are also zoned C4-1VL-POD and improved with commercial structures ranging from one to three stories in height. Adjacent properties to the east across the alley are zoned R1-1 and improved with single-family dwellings.

The proposed project repurposes a large, vacant Commercial Shopping Center into a grocery store and restaurant. No additional floor area or building height are proposed, and the structure will remain consistent with the surrounding commercial buildings. The proposed hours of operation at the grocery store are 8:00 am – 11:00 pm daily, while the restaurant will be open from 11:00 am – 11:00 pm daily. Proposed seating at the restaurant is limited 73 indoor seats and 44 outdoor seats. The proposed outdoor seating will be located at an existing 1,036 square-foot patio on the second level. The outdoor eating area will be oriented towards surrounding commercial uses on Westwood Boulevard. Thus, the location of the restaurant will not adversely affect any adjacent properties. The project will maintain the existing, 207-space subterranean parking garage. No entertainment or other features which would characterize the project as anything other than a grocery store and restaurant have been proposed.

The request herein includes a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption, as well as the sale and dispensing of beer and wine for on-site consumption at an 1,854 square-foot restaurant within a new 49,393 square-foot grocery store.

Conditions including noise control, security measures and good management have been imposed that will continue to safeguard the community and insure an operation consistent with its previous operation. Therefore, as conditioned, it is not anticipated that the request will 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 in the Westwood Community Plan, which designates the site for Neighborhood Office Commercial Land Uses with corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4. The property is zoned C4-1VL-POD, which is a corresponding zone. The site is in the Westwood Boulevard Pedestrian Oriented District, a Specific Plan, but the scope of work is not a project per the Westwood Boulevard Pedestrian Oriented District (POD). While review pursuant to that plan is not required, the project is consistent with the intent of the Westwood Boulevard POD to encourage people to walk and shop along this section of Westwood Boulevard. The site is also located in the West Los Angeles Transportation Improvement and Mitigation Specific Plan; review pursuant to this Specific Plan is conducted by the Department of Transportation. The site is not located within any other specific plans, overlays, or interim control ordinances.

The Westwood Community Plan is silent with regard to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Community Plan. The proposed grocery store, restaurant, and outdoor eating area are consistent with the following objectives of the Westwood Community Plan.

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

Objective 2-2: To promote distinctive commercial districts and pedestrian-oriented areas.

Objective 2-3: To enhance the appearance of commercial districts.

The proposed project is also consistent with the following policies and objectives identified in the General Plan:

Objective 7.2: Establish a balance of land uses that allows for commercial and industrial development which meets the needs of residents, sustains economic growth, and ensures maximum feasible environmental quality.

Objective 7.3: Maintain and enhance existing businesses in the City.

Policy 7.3.2: Retain existing neighborhood commercial activities within walking distance of a residential area.

The proposed project will enhance the appearance of the surrounding commercial district by converting a vacant, two-story building into a grocery store and restaurant – within walking distance of a residential area. Granting this request will strengthen the viability of the restaurant and grocery store uses and promote the goals of the Westwood Pedestrian Oriented District by encouraging people to walk and shop along this section of Westwood Boulevard. As such, the project substantially conforms with the purpose, intent, and provisions of the General Plan and Westwood Community Plan.

CONDITIONAL USE BEVERAGE FINDINGS

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

The grant authorized herein incorporates several conditions which have been imposed upon the project. These conditions will continue to make the use compatible with other uses in the surrounding community. The proposed hours of operation for the restaurant and grocery store proposed are reasonable. The outdoor eating area for the restaurant faces Westwood Boulevard and does not abut any residential uses. No live entertainment is proposed or permitted. The grocery store and restaurant will utilize the existing 207-space, subterranean parking garage. As such, the project will not result in any adverse impacts to available street parking in the community.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to.

Furthermore, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been included to ensure the operation provides adequate security measures, includes a surveillance system, and adequate lighting, adherence to the City's Noise Ordinance, and responsible management practices. Both the Conditions of Approval and the requirements of the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, as conditioned herein, the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the proposed restaurant will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, two on-site and one off-site licenses are allocated to Census Tract No. 2655.22, based on a population of 2,090 people. There are currently 11 existing on-site and one existing off-site licenses in this Census Tract.

- (1) Type 21 – Off-site – Full Line
- (6) Type 41 – On-site – Beer and Wine (Restaurant)
- (3) Type 47 – On-site – Full Line (Restaurant)
- (2) Type 58 – On-site – Caterer's Permit

The following are alcohol-serving establishments within a 1,000-foot radius of the site:

- 7-Eleven – 1400 Westwood Boulevard
- Le Grand Courtage – 1281 Westwood Boulevard
- Westwood Thai Café – 1375 Westwood Boulevard
- Emporium Thai Cuisine – 1275 Westwood Boulevard
- Sprazzo Cucina Italiana – 1389 Westwood Boulevard
- Delphi Greek – 1383 Westwood Boulevard
- Fresh Corn Grill – 1266 Westwood Boulevard
- Shaherzad Restaurant – 1420 Westwood Boulevard
- La Table De Sophie – 1386 Westwood Boulevard
- Pomodoro Trattoria – 1393 Westwood Boulevard
- Mahraja Cuisine of India – 1321 Westwood Boulevard
- Mary & Robbs Westwood Café – 1453 Westwood Boulevard
- Bristol Farms – 1515 Westwood Boulevard

According to statistics provided by the Los Angeles Police Department's West Los Angeles Division Vice Unit, within Crime Reporting District No. 833, which has jurisdiction over the subject property, a total of 141 crimes were reported in 2020 (119 Part I and 22 Part II crimes), compared to the Citywide Average of 141 crimes and compared to the High Crime Reporting District Average of 169 crimes. Alcohol related Part II Crimes reported include Driving Under the Influence (2), and other offenses (11). These numbers do not reflect the total number of arrests in the

subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Approval of the request will result in a net increase of one off-site and one on-site ABC license, exceeding ABC guidelines by 10 on-site licenses and one off-site licenses. However, the project site fronts Westwood Boulevard, a highly developed commercial corridor near a major university (UCLA) and a large residential population. There are a variety of restaurants and retail establishments which have resulted in the existing on and off-site alcohol licenses to exceed the maximum number allocated. In this case, the proposed project will provide a convenience to workers, visitors, and residents in the immediate neighborhood and, as conditioned, will not negatively impact the area. The project will not adversely affect community welfare because a restaurant and grocery store with alcohol sales is a desirable use in an area designated for commercial activity. The commercial use's normal operations will not interfere with the quiet enjoyment of property by residents, nor is it anticipated to result in nuisance or criminal activity. In addition, the Zoning Administrator is imposing conditions of approval to prevent public drinking and public drunkenness, excessive noise, and to address safety and security.

Furthermore, the sale of alcoholic beverages will be closely regulated to prevent sales to minors. The conditions of the grant address noise, security, loitering, and maintenance to deter any nuisance activity on or adjacent to the site. The conditions of the grant require STAR/LEAD/RBS training for employees, adequate site maintenance, installation of surveillance cameras, and the maintenance of age verification devices. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate and will not result in an undue concentration of establishments providing alcoholic beverages.

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 project site is zoned for commercial uses and will continue to be utilized as such with the proposed grocery store and restaurant use. The following sensitive uses are located within a 1,000-foot radius of the site:

- Single and multi-family residences
- Westwood Presbyterian Church (10822 Wilshire Boulevard)
- Westwood Gardens Park (10853 Wellworth Avenue)
- Westwood Branch Library (1246 Glendon Avenue)
- Pierce Brothers Westwood Village Memorial Park & Mortuary (1218 Glendon Avenue)

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Furthermore, the project will contribute to the neighborhood and will serve neighboring residents and the local workforce. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by any of the proposed conditional uses. Therefore, with the imposition of such conditions, the sale of alcoholic beverages for on and off-site consumption at this location will not be materially detrimental to the neighboring residences or sensitive uses in the neighborhood.

ZONE VARIANCE FINDINGS

In order for a variance to be granted, all five of the mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following is a delineation of the findings and the application of the relevant facts of the case:

7. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The property is a level, irregularly shaped, corner parcel, comprised of four lots having a frontage of approximately 214 feet on the east side of Westwood Boulevard and an approximate depth of 134 feet on the south side of Rochester Avenue, resulting in a total area of 28,926 square feet. The property is currently developed with a two-story Commercial Shopping Center with a 207-space subterranean parking garage, constructed in 1991.

The applicant seeks a Zone Variance to permit the use of an existing 1,036 square-foot patio located on the second floor as an outdoor eating area within the C4-1VL-POD zone. LAMC Section 12.16-A permits all uses allowed in the C2 Zone (LAMC Section 12.14-A) but prohibits outdoor eating areas above ground level. The intent of prohibiting this use in the C4 Zone was to ensure that the general welfare is preserved as well as limiting negative externalities to surrounding properties, particularly in residential areas.

The subject building is existing with limited opportunities for outdoor dining and alcohol service. These limitations create difficulties in allowing for the applicant to be competitive with other viable operations that offer similar amenities. The proposed project adapts an existing structure to accommodate the revitalization of the building and proposes to utilize the existing second-floor outdoor space. The code's limitation on outdoor dining limits the viability of the building and creates a hardship of not allowing the applicant to utilize this existing space for outdoor dining.

Strict application of the Zoning Ordinance would deny the applicant the opportunity to take full advantage of the existing second floor patio and is inconsistent with the general purpose and intent of the zoning regulations. First, the second-floor patio fronts Westwood Boulevard to the west and the surrounding commercial uses in that corridor. As such, any negative externalities to the surrounding residential uses to the east, such as noise, are unlikely. Additionally, the proposed outdoor eating area would bring visual interest and enhance the pedestrian experience along this corridor. This is consistent with the intent of the Westwood Boulevard POD, which sought to encourage people in the surrounding neighborhoods to walk and shop along Westwood Boulevard. Finally, limiting restaurant patrons to indoor seating, where transmission of infectious disease is more likely, does not preserve the general welfare.

8. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The property is a level, irregularly shaped, corner parcel, comprised of four lots having a frontage of approximately 214 feet on the east side of Westwood Boulevard and an approximate depth of 134 feet on the south side of Rochester Avenue, resulting in a total area of 28,926 square feet. The property is currently developed with a two-story commercial shopping center with a 207-space subterranean parking garage, constructed in 1991. The site was most recently utilized as a Ross Dress for Less Department Store. Vehicular access to the subterranean parking garage is provided along Rochester Avenue at the northeastern corner of the property. Surrounding properties are improved with a mix of commercial and residential uses. The properties to the north, south, and west of the project site along Westwood Boulevard are also zoned C4-1VL-POD and improved with commercial structures ranging from one to three stories in height. Adjacent properties to the east across the alley are zoned R1-1 and improved with single-family dwellings.

The physical features of this site, including the existing outdoor patio area on the second floor within the existing building allows for a unique experience and destination for the community in which the subject site will function as an anchor for new and continued growth. The proposed grocery store and eatery will provide a variety in where guests and customers can go to enjoy themselves while allowing ample distance between sensitive uses in the area. To fully capitalize on the potential of their site as ground floor grocery store and second floor proposed restaurant area, this entitlement is necessary. Additionally, the size, shape, and existing configuration of the site make the proposed request logical, as it would allow for the functional integration with existing improvements on the site.

As previously noted, the proposed second floor outdoor eating area will be oriented towards the surrounding commercial uses on Westwood Boulevard. It will not front any residential uses. As conditioned, there will be no live entertainment, amplified music, or dancing permitted at the proposed restaurant. The proposed hours of the

restaurant are 11:00 a.m. to 11:00 p.m.

Therefore, as conditioned, the proposed second floor outdoor eating area would diversify land uses and is a special circumstance, and the project would contribute to the economic and social well being of the surrounding neighborhood.

9. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The applicant is requesting a Zone Variance from LAMC Section 12.16-A to permit the use of an existing 1,036 square-foot patio located on the second floor as an outdoor eating area in the C4-1VL-POD zone. The applicant is also seeking a conditional use permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a new 49,393 square-foot grocery store, as well as the sale and dispensing of beer and wine for on-site consumption at an 1,854 square-foot restaurant.

This proposed use will allow the applicant to cultivate an environment for individuals to allow positive social outdoor innovation to gather as a community, share ideas and experience more joy in their lives. Proposed outdoor seating allows patrons to take advantage of the unique siting of the building along Westwood Boulevard, creating a feature that is both enjoyable for patrons and positive for Los Angeles.

A denial of the requested variance would create a special hardship on the applicant by compromising the viability of the proposed project and its goal of providing special amenities appropriate to its location and surrounding area. Approval of the variance, as conditioned, advances the objectives of the underlying zoning by promoting pedestrian activity and contributing to the economic vitality of Westwood Boulevard. Therefore, such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity.

10. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The property is a level, irregularly shaped, corner parcel, comprised of four lots having a frontage of approximately 214 feet on the east side of Westwood Boulevard and an approximate depth of 134 feet on the south side of Rochester Avenue, resulting in a total area of 28,926 square feet. The property is currently developed with a two-story Commercial Shopping Center with a 207-space subterranean parking garage, constructed in 1991. The site was most recently utilized as a Ross Dress for Less Department Store. Vehicular access to the

subterranean parking garage is provided along Rochester Avenue at the northeastern corner of the property. Surrounding properties are improved with a mix of commercial and residential uses. The properties to the north, south, and west of the project site along Westwood Boulevard are also zoned C4-1VL-POD and improved with commercial structures ranging from one to three stories in height. Adjacent properties to the east across the alley are zoned R1-1 and improved with single-family dwellings.

The applicant proposes to repurpose a vacant, two-story commercial building into a 49,393 square-foot grocery store with an 1,854 square-foot restaurant and 1,036 square-foot outdoor eating area on the second floor. No additional floor area or building height are proposed, and the structure will remain consistent with the surrounding commercial buildings. Conditions including noise control, security measures and good management have been imposed that will continue to safeguard the community and insure an operation consistent with its previous operation. Therefore, as conditioned, it is not anticipated that the request will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

11. The granting of the variance will not adversely affect any element of the General Plan.

The project site is in the Westwood Community Plan, which designates the site for Neighborhood Office Commercial Land Uses with corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4. The property is zoned C4-1VL-POD, which is a corresponding zone. Outdoor eating areas at ground level are permitted in the C4 zone, but the proposed outdoor eating area on the second level must be permitted through a variance process subject to specific findings as noted herein. The proposed grocery store, restaurant, and outdoor eating area are consistent with the following policies and objectives of the Westwood Community Plan.

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

Objective 2-2: *To promote distinctive commercial districts and pedestrian-oriented areas.*

Objective 2-3: *To enhance the appearance of commercial districts.*

The proposed project is also consistent with the following policies and objectives identified in the General Plan:

Objective 7.2: *Establish a balance of land uses that allows for commercial and industrial development which meets the needs of residents, sustains economic growth, and ensures maximum feasible environmental quality.*

Objective 7.3: *Maintain and enhance existing businesses in the City.*

Policy 7.3.2: *Retain existing neighborhood commercial activities within walking distance of a residential area.*

The proposed project will enhance the appearance of the surrounding commercial district by converting a vacant, two-story building into a grocery store and restaurant – within walking distance of a residential area. As noted in the applicant's findings, granting this variance will strengthen the viability of the restaurant use while also promoting the goals of the Westwood Pedestrian Oriented District by encouraging people to walk and shop along this section of Westwood Boulevard. As such, granting this variance will not adversely affect any element of the General Plan.

ADDITIONAL MANDATORY FINDINGS

12. 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 outside of the flood zone.
13. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15301 (Class 1), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

Inquiries regarding this matter shall be directed to Kevin Fulton, Planning Assistant for the Department of City Planning at kevin.fulton@lacity.org.


THEODORE L. IRVING, AICP
Associate Zoning Administrator

TLI:ES:KF

cc: Councilmember Koretz
Fifth Council District
Adjoining Property Owners

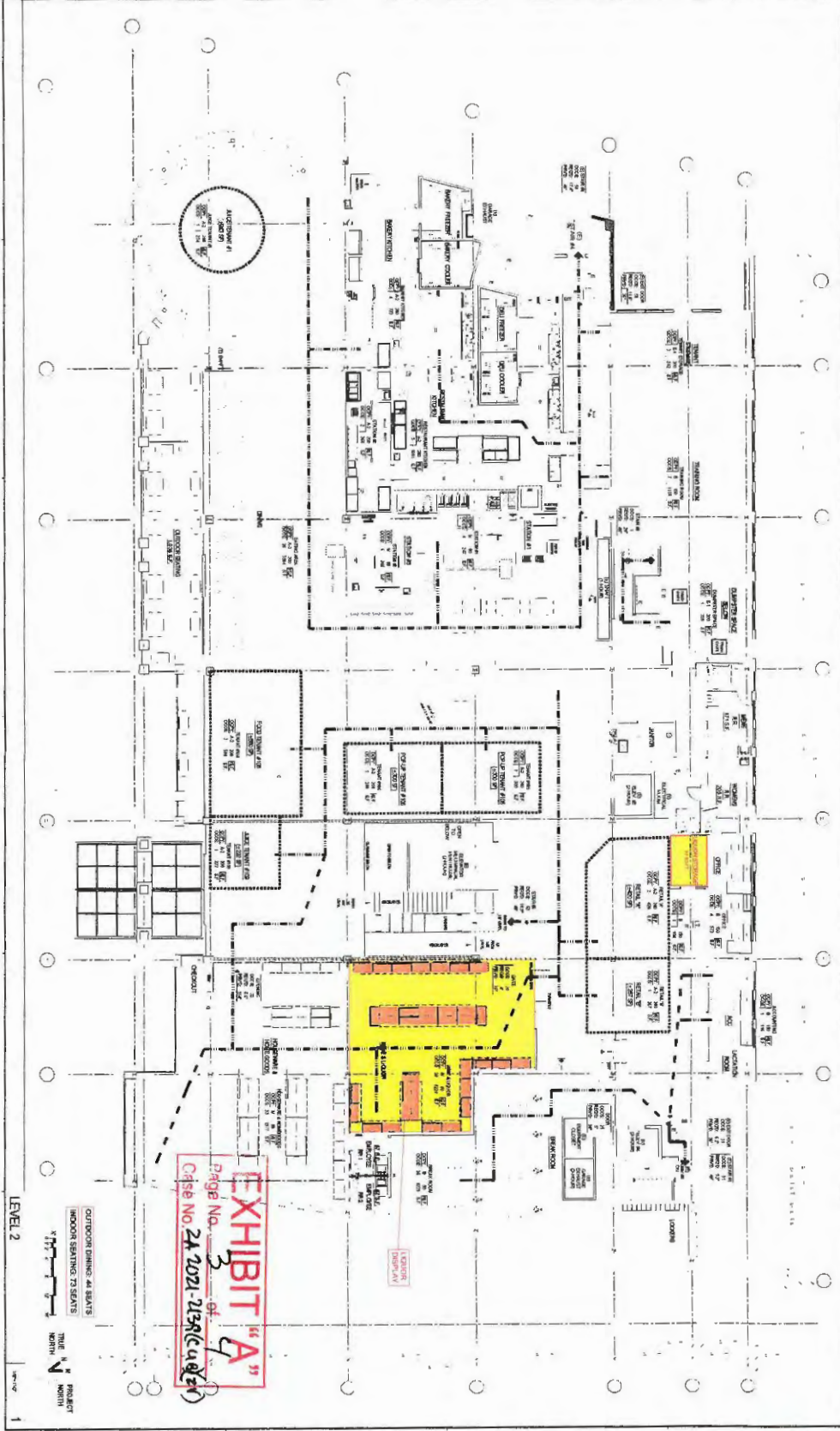


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AREA SUMMARY			
NO.	DESCRIPTION	AREA	PERCENT
1	RESTROOM	10	1.0
2	KITCHEN	10	1.0
3	DINING AREA	10	1.0
4	BAR	10	1.0
5	LOBBY	10	1.0
6	ELEVATOR	10	1.0
7	STAIRS	10	1.0
8	TOILET	10	1.0
9	CLOSET	10	1.0
10	HALL	10	1.0
11	CORRIDOR	10	1.0
12	ELECTRICAL ROOM	10	1.0
13	MECHANICAL ROOM	10	1.0
14	PAINT ROOM	10	1.0
15	GLASS ROOM	10	1.0
16	CERAMIC ROOM	10	1.0
17	WOOD ROOM	10	1.0
18	METAL ROOM	10	1.0
19	PLASTER ROOM	10	1.0
20	CONCRETE ROOM	10	1.0
21	GROUT ROOM	10	1.0
22	SEALANT ROOM	10	1.0
23	PAINT ROOM	10	1.0
24	GLASS ROOM	10	1.0
25	CERAMIC ROOM	10	1.0
26	WOOD ROOM	10	1.0
27	METAL ROOM	10	1.0
28	PLASTER ROOM	10	1.0
29	CONCRETE ROOM	10	1.0
30	GROUT ROOM	10	1.0
31	SEALANT ROOM	10	1.0
32	PAINT ROOM	10	1.0
33	GLASS ROOM	10	1.0
34	CERAMIC ROOM	10	1.0
35	WOOD ROOM	10	1.0
36	METAL ROOM	10	1.0
37	PLASTER ROOM	10	1.0
38	CONCRETE ROOM	10	1.0
39	GROUT ROOM	10	1.0
40	SEALANT ROOM	10	1.0
41	PAINT ROOM	10	1.0
42	GLASS ROOM	10	1.0
43	CERAMIC ROOM	10	1.0
44	WOOD ROOM	10	1.0
45	METAL ROOM	10	1.0
46	PLASTER ROOM	10	1.0
47	CONCRETE ROOM	10	1.0
48	GROUT ROOM	10	1.0
49	SEALANT ROOM	10	1.0
50	PAINT ROOM	10	1.0
51	GLASS ROOM	10	1.0
52	CERAMIC ROOM	10	1.0
53	WOOD ROOM	10	1.0
54	METAL ROOM	10	1.0
55	PLASTER ROOM	10	1.0
56	CONCRETE ROOM	10	1.0
57	GROUT ROOM	10	1.0
58	SEALANT ROOM	10	1.0
59	PAINT ROOM	10	1.0
60	GLASS ROOM	10	1.0
61	CERAMIC ROOM	10	1.0
62	WOOD ROOM	10	1.0
63	METAL ROOM	10	1.0
64	PLASTER ROOM	10	1.0
65	CONCRETE ROOM	10	1.0
66	GROUT ROOM	10	1.0
67	SEALANT ROOM	10	1.0
68	PAINT ROOM	10	1.0
69	GLASS ROOM	10	1.0
70	CERAMIC ROOM	10	1.0
71	WOOD ROOM	10	1.0
72	METAL ROOM	10	1.0
73	PLASTER ROOM	10	1.0
74	CONCRETE ROOM	10	1.0
75	GROUT ROOM	10	1.0
76	SEALANT ROOM	10	1.0
77	PAINT ROOM	10	1.0
78	GLASS ROOM	10	1.0
79	CERAMIC ROOM	10	1.0
80	WOOD ROOM	10	1.0
81	METAL ROOM	10	1.0
82	PLASTER ROOM	10	1.0
83	CONCRETE ROOM	10	1.0
84	GROUT ROOM	10	1.0
85	SEALANT ROOM	10	1.0
86	PAINT ROOM	10	1.0
87	GLASS ROOM	10	1.0
88	CERAMIC ROOM	10	1.0
89	WOOD ROOM	10	1.0
90	METAL ROOM	10	1.0
91	PLASTER ROOM	10	1.0
92	CONCRETE ROOM	10	1.0
93	GROUT ROOM	10	1.0
94	SEALANT ROOM	10	1.0
95	PAINT ROOM	10	1.0
96	GLASS ROOM	10	1.0
97	CERAMIC ROOM	10	1.0
98	WOOD ROOM	10	1.0
99	METAL ROOM	10	1.0
100	PLASTER ROOM	10	1.0

