

APPLICATION FOR DETERMINATION OF  
"PUBLIC CONVENIENCE OR NECESSITY"  
ALCOHOL SALES

2017 AUG 23 AM 11:27

Pursuant to Section 23958 and 23858.4  
California Business and Professions Code

CITY CLERK

TO BE SUBMITTED TO CITY CLERK'S OFFICE BY \_\_\_\_\_ DEPUTY  
ROOM 395, CITY HALL

COUNCIL FILE NO. 17-0954

BACKGROUND INFORMATION

TIME LIMIT FILE: \_\_\_\_\_

As part of the application, the applicant must submit the names and addresses of property owners of all property adjacent (including across the street/alley) to the subject property on gummed labels. Applicant must also submit the following information: 1) notarized signature, 2) a site plan prepared by a map maker (see Planning Department for map maker's list), 3) one 4- by 6-inch picture of the property from each side of the site, and 4) a copy of all previous building permits for the site (Room 400, 201 North Figueroa Street). When you meet with ABC to get the crime and license concentration information for your site, you must bring back the ABC information (on the ABC form) to the City Clerk.

Project Name	<u>Apotheke LA</u>
Address	<u>1746 North Spring Street, Los Angeles, CA 90017</u>
Type of Business	<u>Bar</u>
Applicant	<u>Christopher Tierney</u>
	Name <u>2248 Far Oak View Terrace, Los Angeles, CA 90039</u>
	Address <u>917-392-6748</u>
	Phone Number/Fax Number _____
Property Owner	<u>DP 1726/1756 SPRING STREET LLC</u>
	Name <u>818 W 7th Street #410, Los Angeles, CA 90017</u>
	Address <u>213-213-8600</u>
	Phone Number/Fax Number _____
Representative	<u>Alex Woo</u>
	Name <u>3530 Wilshire Boulevard #1170, Los Angeles, CA 90010</u>
	Address <u>217-471-2359</u>
	Phone Number/Fax Number _____

A. PROJECT DETAILS

THE FOLLOWING QUESTIONS ARE TO BE ANSWERED BY ALL APPLICANTS:

1. Has the City previously approved a conditional use permit for alcoholic beverage sales at this site?  
Yes X No    If Yes, what is the City case number(s) ZA-2016-2558(CUB) ;  
\_\_\_\_\_
2. Have you recently filed for a new conditional use permit? Yes    No X . If Yes, provide the City case number(s) \_\_\_\_\_

3. Has a previous ABC license been issued? Yes  No . If Yes, when and what type of license  
\_\_\_\_\_
4. Type of Alcohol Sales Requested (on- or off-site, beer and wine, full alcohol, etc.):  
On-Sale, full alcohol
5. Size of Business 3,380 Square Feet
6. % of floor space devoted to alcoholic beverages 40%
7. Hours of Operation:
- a. What are the proposed hours of operation and which days of the week will the establishment be open? 2 p.m.-2 a.m., daily (Patio 2 p.m.-2 a.m.)
- b. What are the proposed hours of alcohol sales? 2 p.m.-2 a.m., daily (Patio 2 p.m.-2 a.m.)
8. Parking:
- a. Is parking available on the site? (If so, how many spaces?) Yes, 17 assigned, 70 next door in overflow site
- b. If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? Yes
- c. Where? On premises
- d. How many off-site spaces? 70
9. 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? Provide ABC case number and a copy of final ABC action.  
No
10. Will video game machines or pool or billiard tables be available for use on the subject property and if so, how many? No
11. Will you have signs visible on the outside which advertise the availability of alcohol?  
No
12. How many employees will you have on the site at any given time? 5-10
13. Will all employees who sell alcohol attend the local State ABC training class on how to properly sell alcohol? Yes
14. What security measures will be taken including:
- a. Posting of rules and regulations on the premises to prevent such problems as gambling, loitering, theft, vandalism and truancy.
- b. Will security guards be provided and if so, when and how many?  
Yes, in addition to the campus security guard, Apotheke will have 1-2 guards  
pending occupancy

15. Will there be minimum age requirements for patrons? If so, how will this be enforced?  
Yes, minimum age 21. Will be enforced with security with age verification device
16. Are there any other alcoholic beverage outlets within a 600-foot radius of the site? Provide names and address of such business and type of business.  
No
17. Are there any schools (public or private and including nursery schools) churches or parks within 1,000 feet of your proposed business? Where? (Give Address)  
Yes. See Attachment "A"
18. Will the exterior of the site be fenced and locked when not in use?  
Yes, also 24-hour security
19. Will the exterior of the site be illuminated with security lighting bright enough to see patrons from the street? Yes

B. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED WHERE ONLY THE OFF-SITE SALE OF ALCOHOLIC BEVERAGES IS SOUGHT:

1. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?  
N/A
2. Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises? N/A
3. Will beer and wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)? N/A
4. Will "fortified" wine (greater than 16% alcohol) be sold? N/A

C. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED WHERE ONLY THE ON-SITE SALE OF ALCOHOLIC BEVERAGES IS SOUGHT:

1. What is the occupancy load as determined by the Fire Department (number of patrons)?  
60 indoor, 91 on patio
2. What is the proposed seating in all areas? 95
3. Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, etc.? (Specify?) Live Entertainment in the form of a disc jockey or live band with maximum 4 performers
4. 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.

5. Food Service
- a. Will alcohol be sold without a food order? Yes
  - b. Will there be a kitchen on the site as defined in the Los Angeles Municipal Code?  
No
6. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?  
No

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

D. PUBLIC CONVENIENCE AND NECESSITY EVALUATION

The City of Los Angeles is very concerned if a new request to sell alcohol is subject to one of the conditions below. There is a strong likelihood that the City will deny your "public convenience or necessity" application if one of the above listed conditions apply to your site. (It is strongly suggested that you contact your Council Office and discuss your project. If the Council Office does not oppose your project, you should then check with your local area police vice unit as well as the Planning Department Public Counter at (213) 977-6083 for the determination of whether the proposed site is within a Specific Plan area, and the Community Redevelopment Agency (CRA) project staff at (213) 977-1682 or 977-1665, to determine if your site is in a CRA Project Area. If any of the five conditions listed below apply to your site, you should carefully consider if you want to file for a Public Convenience or Necessity finding.

1. The proposed site is in an area with a long-term level of undue concentration of alcoholic beverage outlets.
2. The geographic area is the target of special law enforcement activity, i.e., police task force is working on reducing vice in the area, or eliminating juvenile crime (such as cruising or graffiti) or gang activity.
3. The proposed site is in close proximity to sensitive uses, including schools, parks, churches, youth activities, homeless shelters, mental health or alcohol or drug treatment centers.
4. The geographic area has elevated levels of alcohol-related crimes, including but not limited to: public intoxication, driving under the influence, assault, vandalism, prostitution, drug violations, loitering.
5. The proposed site is located in a Specific Plan or Community Redevelopment Agency Project area which specifically includes a policy to control future alcoholic beverage sales.

E. If the project site is not subject to one of the above criteria, your project will be evaluated by the City Council with consideration given to the following possible benefits and detriments to the community:

1. Possible Benefits

Would the business:

- a. Employ local residents (how many)
- b. Generate taxes (provide estimate)
- c. Provide unique goods and services (which ones)
- d. Result in an aesthetic upgrade to the neighborhood (in what exact way)
- e. Contribute to the long term economic development (how)
- f. Provide a beneficial cultural/entertainment outlet (specify)



F. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof).
- b. The information presented is true and correct to the best of my knowledge.

Applicant signature

Date

08/16/17

Signature of property owner if tenant or lessee is filling application

.....

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
Date Name of Notary Public

personally appeared \_\_\_\_\_  
Name(s) of Signer(s)

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

\* The Planning Department has a list of private map makers who will prepare the names and addresses for you. This list is available at the public counter, Room 300, Counter N, 201 North Figueroa Street or 6251 Van Nuys Boulevard, Van Nuys. Alternatively, you may obtain a list of such adjoining owners from the City Clerk's Office (Room 730, 201 North Figueroa Street) or from a title company and prepare the labels yourself.

\*\* You may add additional pages to your response if needed. Please utilize numbering system of this form to assist in the review of the responses.



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Los Angeles )  
On August 16, 2017 before me, Yvette Tamayo Valenzuela (Notary Public)  
Date Here Insert Name and Title of the Officer  
personally appeared Christopher Robert Tierney  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

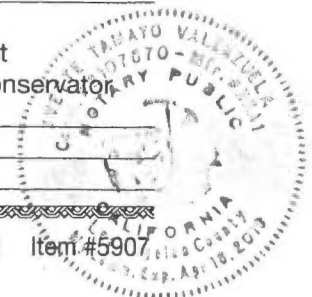
**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

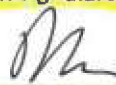


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- b. The information presented is true and correct to the best of my knowledge.

8/16/17  
 Date

Applicant signature  
  
 Signature of property owner if tenant or lessee is filling application

State of California

County of Los Angeles

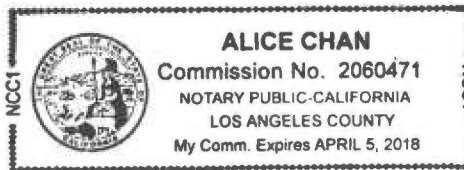
On August 16<sup>th</sup>, 2017 before me, Alice Chan  
Date Name of Notary Public

personally appeared Dan Lee  
Name(s) of Signer(s)

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

  
 Signature of Notary Public



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