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August 3, 2018

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CASE NO. ZA 2018-3008(PAB)  
PLAN APPROVAL  
Related Case: CUB 81-452  
8500 West Beverly Boulevard, #119  
Wilshire Planning Area  
Zone: C2-1, C2-1-O  
D.M.: 138B173  
C. D.: 5  
CEQA: ENV-2018-2320-CE  
Legal Description: Arb 18, Portion of  
Rancho La Brea

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

a plan approval to allow the sale and dispensing of a full line of alcoholic beverages in conjunction with a proposed lounge in the C2-1 and C2-1-O Zones,

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 and floor 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. 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 ("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.

5. **MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant**, 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. Within 12 to 18 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. The owner/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.
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. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, 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.
- c. 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).

- d. 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 in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, 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, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include 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.

8. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 2,864 square-foot lounge the effective date of this grant; subject to the following limitations:

- a. The hours of operation shall be limited to 7:00 a.m. to 12:00 midnight, Sunday through Thursday and 7:00 a.m. to 2:00 a.m., Friday and Saturday.
  - b. Indoor seating shall be limited to a maximum of 42 seats provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
  - c. 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 which are issued film permits by the City.
9. 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 floor plan, seating arrangement or number of seats of the new operation.
10. The Zoning Administrator reserves the right to require that the new 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 within 30 days of the date of legal acquisition by the new owner or operator. 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.
11. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
12. **Prior to the utilization of this grant**, contact information (phone number and/or email address) shall be provided for complaints or concerns from the community regarding the operation. The contact information shall be posted at the following locations:
- a. Entry, visible to pedestrians
  - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls/emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within twenty four hours.

13. Within the **first six months of utilizing the grant** at this establishment, all employees involved with the sale of full line 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 referencing Case No. ZA-2018-3008(PAB), from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
14. Prior to the utilization of this grant, a camera surveillance system shall be installed to monitor all common areas of the business, high-risk areas, the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded images shall be maintained for a minimum period of 30 days. The recordings shall be furnished to the Los Angeles Police Department upon request. The plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the DEPARTMENT OF CITY PLANNING and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
15. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
16. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs in English and the predominant language of the facility's clientele shall be posted in and outside of the subject facility.
17. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
18. Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A, 4(g) and 12.26-E, 1(b). No variance from the parking requirements has been granted herein.
19. 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.

20. 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.
21. **Prior to the utilization of this grant**, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages 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.
22. 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 facility to discourage illegal and criminal activity on the subject premises 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.
23. A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.
24. **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 notifying patrons of the program. The signs/cards 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 in the menus.
25. Any music, sound or noise including amplified or acoustic music 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.
26. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
27. Any use of the lounge 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.

28. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises during the course of their scheduled shift.
29. No employee or agent shall be permitted to accept money or 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 customers.
30. The applicant shall not require an admission charge or cover charge, or shall there be a requirement to purchase a minimum number of drinks or other manner similar to a nightclub or afterhours establishment.
31. **Prior to the utilization of this grant**, the applicant shall submit the restaurant's menu to document that the premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.
32. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
33. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows. Any background music or other recorded ambient music shall not be audible beyond the area under the control of the applicant.
34. Entertainment in conjunction with the restaurant is limited to ambience music to compliment the dining experience, shall be limited to background music at a low volume such that it is not audible beyond the premises. Independent, professional or amateur disc jockeys are not allowed.
35. The main entrance/access of the restaurant shall be from within the mall and other doors to the public street shall be for emergency exiting only.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

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 **August 20, 2018**, 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:

**Downtown**  
Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

**San Fernando Valley**  
Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard,  
Room 251  
Van Nuys, CA 91401  
(818) 374-5050

**West Los Angeles**  
West Los Angeles Development  
Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2598

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 subsequent contact regarding this determination must be with the staff assigned to this 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 and the plans submitted therewith, 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 for authorizing an approval of plans under the provisions of Section 12.24-M have been established by the following facts:

### BACKGROUND

The subject property is a large, irregular parcel of land, approximately 7 acres in area and bounded by Beverly Boulevard on the north, 3rd Street on the south, La Cienega Boulevard on the east, and San Vicente Boulevard on the west within the C2-1 and C2-1-O Zones. The site is improved with an eight-story shopping center known as the "Beverly Center" and has approximately 1,087,600 square feet of floor area and 2,896 on-site parking spaces within five levels of parking. The center is currently undergoing an extensive renovation that is focused on better connecting the center to the surrounding neighborhood as well as attracting new restaurants that will serve neighboring residents and office workers. The renovation includes new exterior treatments and extensive sidewalk improvements.

The applicant is requesting the Approval of Plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 2,864 square-foot lounge with 42 indoor seats. The proposed premise will also serve light refreshments, food and snacks. Proposed hours of operation are from 7:00 a.m. to 12:00 midnight, Sunday through Thursday and 7:00 a.m. to 2:00 a.m., Friday and Saturday.

The Beverly Center was previously authorized under a conditional use to sell alcoholic beverages for consumption on the premises in conjunction with 21 restaurants, cafes, and delicatessens and to permit public dancing in not more than five restaurants under extant Case No. CUB 81-452, on the condition that, among other things, such sale of alcoholic beverages for on-site consumption and public dancing shall be incidental to the service of food in the restaurants, cafes, and delicatessens. The lease spaces expressly described in that action were Nos. 119, 128, 136, 148, 157, 159, 800-807, 814, 818, 820, 822, 824, 826, 828, 830, 847, 849, 852, 854, 855, 860-868 and a cafe delicatessen located within the Broadway Department Store. Over the years, the configuration and numbering of lease spaces have been modified, and certain spaces have been authorized under additional grants which were not expressly described in the original action. The proposed lounge will be located on the ground floor of the Beverly Center near the entrance from La Cienega Boulevard.

Properties to the east are zoned [T][Q]C2-1VL and improved with commercial uses including the Beverly Connection Shopping Center which has a variety of commercial uses including discount department stores, restaurants, a drug store, a bank, and smaller retail outlets and fast food restaurants. The site has been approved for up to eight establishments serving alcoholic beverages.

Properties to the north are zoned C2-1-O and improved with a hotel.

Properties to the west are zoned C2-2D-O and improved with the regional serving Cedars Sinai Medical Center.

Properties to the south are zoned C2-1VL-O and improved with a mini-shopping center (Plaza La Cienega) and on-site parking. Tenants of the center include fast food restaurants and small retail establishments.

San Vicente, adjoining the property to the west is a Boulevard II and dedicated to a width of 110 feet and improved with curb, gutter, and sidewalk.

Beverly Boulevard, adjoining the subject property to the north is an Avenue I and dedicated to a width of 100 feet and improved with curb, gutter and sidewalk.

La Cienega Boulevard, adjoining the subject property to the east is an Avenue I with a dedicated width of 100 feet and improved with curb, gutter, and sidewalk.

3rd Street, adjoining the subject property to the south is an Avenue II and is dedicated to a width of 86 feet and improved with curb, gutter, and sidewalk

**Previous relevant cases, affidavits and orders on the subject property:**

Case No. ZA 2017-1688(PAB) - On April 24, 2018, the Zoning Administrator approved plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 1,880 square-foot restaurant and a 128 square-foot covered outdoor patio in the C2-1 and C2-1-O Zones (Space No. 107).

Case No. ZA 2017-1686(PAB) - On December 15, 2017, the Zoning Administrator approved plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 7,075 square-foot restaurant in the C2-1 and C2-1-O Zones (Space No. 117).

Case No. ZA 2017-2239(PAB) – On November 22, 2017, the Zoning Administrator approved plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 21,101 square-foot restaurant and a 4,306 square-foot covered outdoor patio in the C2-1 and C2-1-O Zones (Space No. 860).

Case No. ZA 2017-1733(PAB) - On August 29, 2017, the Zoning Administrator approved plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 5,777 square-foot restaurant and a 873 square-foot covered outdoor patio in the C2-1 and C2-1-O Zones (Space No. 113).

Case No. ZA 2017-1683(PAB) - On July 28, 2017, the Zoning Administrator approved plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 3,384 square-foot restaurant in the C2-1 and C2-1-O Zones (Space No. 602).

Case No. ZA 2017-1670(PAB) - On July 28, 2017, the Zoning Administrator approved plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption

in conjunction with a proposed 5,398 square-foot restaurant in the C2-1 and C2-1-O Zones (Space No. 112).

Case No. ZA 2017-1732(PAB) (PENDING) - On May 22, 2017, the Department of City Planning accepted an application for a plan approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 5,283 square-foot restaurant in the C2-1 and C2-1-O Zones (Space No. 160).

Case No. ZA 2017-1731(PAB) (PENDING) - On May 22, 2017, the Department of City Planning accepted an application for a plan approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 3,247 square-foot restaurant in the C2-1 and C2-1-O Zones (Space No. 111).

Case No. ZA 2017-1684(PAB) (PENDING) - On May 17, 2017, the Department of City Planning accepted an application for a plan approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 2,065 square-foot restaurant in the C2-1 and C2-1-O Zones (Space No. 105).

Case No. ZA 2016-3042(PAB) - On December 23, 2016, the Zoning Administrator approved plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant in the C2-1 and C2-1-O Zones (Space No. 115).

Case No. ZA 2009-2967(PAB) - On October 22, 2009, the Zoning Administrator approved plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the use and maintenance of a 356-seat restaurant, with a total floor area (including a covered patio) of 13,584 square feet in the C2-1 and C2-1-O Zones (Space No. 115).

Case No. ZA 2001-1200(PAB) - On August 8, 2001, the Zoning Administrator approved the sale and dispensing of a full line of alcoholic beverages for on-site consumption for a restaurant (Space No. 111).

Case No. ZA 94-0656(PAB)(PA) - On February 7, 2001, the Zoning Administrator approved plans to expand an existing food court to include a new rooftop patio for the sale and dispensing of beer and wine, and dismissed a Zoning Administrator's Determination for approval of plans to replace a portion of the grand court with a new cafe kiosk, a transfer of the entitlement from Space No. 847 to the new cafe kiosk for a full line of alcoholic beverages as the applicant had withdrawn the case.

Case No. ZA 99-0204(ZAI) - On December 29, 1994, the Chief Zoning Administrator issued an interpretation to clarify the effect of previous entitlement actions on the Beverly Center site with respect to floor area, restaurants, and parking inconsistencies between prior determinations.

Case No. ZA 92-0862(CUB) - On January 26, 1993, the Zoning Administrator approved the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a restaurant and billiard parlor (Westside Billiards Cafe) for Space No. 157 which later became Todai Restaurant.

Case No. CUB 81-452 - On March 2, 1982, the Zoning Administrator authorized the sale of alcoholic beverages (for consumption on the premises) in conjunction with 21 restaurants, cafes, and delicatessens to be located within the Beverly Center Shopping Mall, and to permit public dancing in not more than five restaurants within the shopping center, subject to five terms and conditions. (This is the parent CUB).

**Cases on Surrounding Properties:**

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. Eight Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages were found.

Case No. ZA 2016-3861(CUB) – On April 3, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with an existing 1,130 square-foot convenience store and service station in the C2-1VL-O Zone, located at 8483-8489 West Beverly Boulevard.

Case No. ZA 2016-3822(CUB) – On March 10, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant and a Conditional Use Permit to allow hours of operation from 11:00 a.m. to 12:00 midnight, daily, in lieu of 7:00 a.m. to 11:00 p.m. daily, as restricted by Commercial Corner Development Standards, in conjunction with a restaurant, in the C2-1VL-O Zone; located at 8459 West Beverly Boulevard.

Case No. ZA 2015-1048(CUB) – On February 12, 2015, the Zoning Administrator approved a Conditional Use Permit to allow the continued sale and dispensing of a full line of alcoholic beverages in conjunction with an existing 2,106 square-foot restaurant in the C2-1VL-O Zone located at 8486 West 3<sup>rd</sup> Street.

Case No. ZA 2012-2307(PAB) – On October 26, 2012, the Zoning Administrator approved Plans to permit the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a new City Target retail store consisting of 99,937 square feet, in the [T][Q]C2-1VL-O Zone, located at the Beverly Connection shopping center at 100 North La Cienega Boulevard.

Case No. ZA 2011-3304(CUB) – On April, 27, 2012, the Zoning Administrator approved a Conditional Use Permit to permit the sale of a full line of alcoholic beverages for off-site and on-site consumption in conjunction with an 8,429 square-foot specialty store in the C2-1VL-O Zone, located at 330 North La Cienega Boulevard.

Case No. ZA 2009-2653(CUB)(ZV)(1A) – On June 8, 2010, the Central Area Planning Area Commission denied an appeal and approved a Conditional Use to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant and bar located at 8480-82 West 3rd Street.

Case No. ZA 2009-2644(CUB)(ZV) – On February 2, 2010, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages in conjunction with an existing restaurant in the C2-1VL-O Zone; and, a variance

from Section 12.26-E, 5 of the LAMC to permit 11 required parking spaces through a lease agreement in lieu of a covenant, located at 8486 West 3rd Street.

Case No. CPC-2009-0113-VZC-CUB-CU-ZAD – On May 14, 2009, the City Planning Commission approved a conditional use to permit the sale and/or dispensing of alcoholic beverages for consumption on or off the site in conjunction with eight existing and proposed uses at the Beverly Connection shopping center at 100 North La Cienega Boulevard.

### **PUBLIC CORRESPONDENCE**

- Letter dated July 1, 2017, from Captain Anthony Oddo, LAPD Wilshire Community Police Station Area Commanding Officer, with 30 recommended conditions to assist in keeping public safety problems to a minimum and to help protect the surrounding community's quality of life.

### **PUBLIC HEARING – WAIVED**

On July 24, 2018, the Chief Zoning Administrator acted to waive the required public hearing stating in part that:

Based on a preliminary review of the attached application, including plans and exhibits submitted therewith, and a review of the zoning and land use patterns in the area, I find that the nature of the request is such that it appears that the proposal:

1. will not have a significant effect on adjoining properties or on the immediate neighborhood and
2. is not likely to evoke public controversy.

On the basis of this determination, and as provided in the Los Angeles Municipal Code, the public hearing on this application is hereby WAIVED (including if otherwise required for this type of case a radius map and 500-foot ownership label list).

Address labels for the applicant, applicant's representative and property owners of all properties abutting the site and those directly across the street or alley from the site are still required.

### **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.

The following conditions are submitted for consideration:

- The premises shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during normal operating hours.
- 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 advertisement or sign of any kind or type, including advertising directed to the exterior from within, promoting "happy hour" type of reduced price alcoholic beverages.
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverages from any customer while in the premises during the course of their scheduled shift.
- The sale of readily consumable alcoholic beverages for consumption off the premises is strictly prohibited. (e.g., "To Go Cup")
- The subject alcoholic beverage license shall not be exchanged for a public premise type license nor operated as a public premise.

### **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 **plan approval** from the Zoning Administrator are located within **Section 12.24-M** of the Los Angeles Municipal Code. In order for the sale of a **full line of alcoholic beverages for on-site consumption** 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.

### **AUTHORITY FOR PLAN APPROVAL**

Section 12.24-M of the Los Angeles Municipal Code provides in pertinent part:

"M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site. On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in

Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ...".

## **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 subject restaurant is proposed for Space No. 119 of Beverly Center. The Beverly Center was previously authorized under a Master Conditional Use to sell alcoholic beverages for consumption on the premises in conjunction with 21 eating establishments under extant Case No. CUB 81-452 approved in 1982. The lease spaces expressly described in that action were for Space Nos. 119, 12B, 136, 148, 157, 159, 800-B07, 814, 818, 820, 822, 824, 826, 828, 830, 847, 849, 852, 854, 855, 860-868 and a restaurant located within the Broadway Department Store (now Macy's). Over the years, the configuration and numbering of lease spaces have been modified and authorized under the grant and other new spaces have been authorized which were not described in the original action. However, at all times the center has operated with 21 lease spaces authorized to dispense alcohol for on-site consumption. Seven spaces (107, 112, 113, 115, 117, 602, and 860) are currently approved for the sale and dispensing of a full line of alcoholic beverages in conjunction with a restaurant. As of July 1, 2018, eleven applications (including this request) for Plan Approvals under Case No. CUB 81-452 have been submitted to the Department of City Planning. Seven applications (Case Nos. ZA 2016-3042(PAB), ZA 2017-1670(PAB), ZA 2017-1683(PAB), ZA 2017-1733(PAB), ZA 2017-2239(PAB), ZA 2017-1686(PAB), ZA 2017-1688(PAB)) have been approved and the remaining four are pending determinations.

The request is for an approval of plans to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 1,880 square-foot lounge with 42 indoor seats. Proposed hours of operation are from 7:00 a.m. to 12:00 midnight, Sunday through Thursday and 7:00 a.m. to 2:00 a.m., Friday and Saturday.

The proposed lounge will be full-service and, as such, offer a full menu for meal service as well as snacks. The sale and dispensing of a full line of alcoholic beverages will be incidental to the lounge operation. As proposed, the availability of alcoholic beverages will enable the lounge to offer cocktails, mixed drinks, wine, and beer, a desired amenity to the shopping and dining experience.

Considering the regional nature of the shopping center, the number of food establishments within the center, and the existing master entitlement authorizing the sale of alcohol for consumption on the premises, the proposed plan approval to authorize entitlement at a new establishment is in keeping with the findings originally made for the overall entitlements that such service at this location is desirable to the public convenience and welfare. The location is proper in relation to adjacent uses

and development as evidenced by the history of the site being successfully used as a major shopping center with restaurants including alcohol service.

The proposed lounge is located on the ground floor, near the entrance from La Cienega Boulevard, both heavily traveled commercial corridor surrounded by other commercial uses and would benefit from pedestrian traffic from the nearby Cedars Sinai Medical Center and residential neighborhood. The center has operated successfully with restaurants serving alcohol without incident or negative impact for 34 years. The previously stated conditional use findings of the Zoning Administrator in the original approval dated March 2, 1982, for the sale of alcoholic beverages for on-site consumption remain applicable for the current request. The request is within the authority originally approved and should not result in any additional or different impacts on the immediate neighborhood. The location of the lounge is on the ground floor with direct street access of a major shopping center and will provide for public convenience by offering a lounge use to serve patrons and visitors to the center and allowing for alcohol consumption as part of the dining and shopping experience.

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

Properties to the east are zoned [T][Q]C2-1VL and improved with commercial uses including the Beverly Connection Shopping Center which has a variety of commercial uses including discount department stores, restaurants, a drug store, a bank, and smaller retail outlets and fast food restaurants. Properties to the north are zoned C2-1-O and improved with a hotel. Properties to the west are zoned C2-2D-O and is improved with the regional serving Cedars Sinai Medical Center. Properties to the south are zoned C2-1VL-O and improved with a mini shopping center (Plaza La Cienega) and on-site parking. Tenants of the center include fast food restaurants and small retail establishments.

The location is proper in relation to adjacent uses and development as evidenced by the history of the site being successfully used as a major shopping center. The new restaurant is located on the ground floor of the Beverly Center near the entrance from La Cienega Boulevard, a commercial corridor surrounded by other commercial uses. The proposed new lounge will create a new dining option at the ground level of the shopping center and be desirable in maintaining a pedestrian friendly use at the street level.

The previously stated conditional use findings of the Zoning Administrator in the original approval dated March 2, 1982, for the sale of alcoholic beverages for on-site consumption remain applicable for the current request. The request is within the authority originally approved and should not result in any additional or different impacts on the immediate neighborhood. The sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the proposed lounge is secondary to the service of food and snacks. The Zoning Administrator has imposed a number of conditions addressing alcohol-related issues that will safeguard public welfare and enhance public convenience. Based on the existing surrounding uses which are primarily commercial, the location of a customer lounge serving a full



line of alcoholic beverages is appropriate given the surrounding uses and the character of development of the community. Therefore, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade the 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.**

There are 11 elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City of Los Angeles and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code. Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject restaurant is located within the Wilshire Community Plan, which designates the subject property as Regional Commercial land use with the corresponding zones of C2-1 and C2-1-O. The subject property is also located within a Transit Priority Area in the City of Los Angeles (ZI-2452).

The Wilshire Community Plan Map designates the property for Regional Commercial land uses with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5 and Height District No. 1. The subject property is planned and zoned for commercial uses.

- *Goal 2: Encourage strong and competitive commercial sectors, which promote economic vitality and serve the needs of the Wilshire community through well-designed, safe, and accessible areas while preserving historic and cultural character.*
  - *Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.*
    - *Policy 2-1.1: New commercial uses should be located in existing established commercial areas or shopping centers.*
    - *Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*
  - *Objective 2-2: Promote distinctive commercial districts and pedestrian oriented areas*

- *Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.*
- *Objective 2-3: Enhance the visual appearance and appeal of commercial districts.*

In concert with the above findings, granting of this Plan Approval will support existing and new commercial establishments to preserve and strengthen the economic vitality of the district. The project is located at the viable ground floor of the Beverly Center which is heavily traveled by pedestrian traffic as prescribed by the Plan Policy 2-2.3. Therefore, the proposed project will be consistent with the intent of the General Plan and Community Plan.

#### **ADDITIONAL MANDATORY FINDINGS**

4. 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 in Zone AO, areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements and floodplain management standards apply.
5. DETERMINED based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 5, Category 23, 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 **Nicholas Ayars**, Planning Staff for the Office of Zoning Administration at **(213) 978-1347**.



FRANKLIN N. QUON  
Associate Zoning Administrator

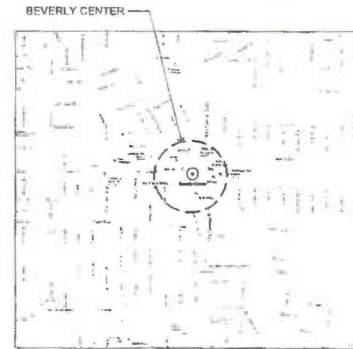
FNQ:NA

cc: Councilmember Paul Koretz  
Fifth Council District  
Adjoining Property Owners

# TENANT #119

**PAB ENTITLEMENT APPLICATION PACKAGE**  
**8500 BEVERLY BLVD, SUITE 119 BEVERLY CENTER**  
**LOS ANGELES, CA 90048**

ASSEMBLED & PRESENTED BY: OCA ARCHITECTS, INC.



**KEY PLAN**


TITLE SHEET	A0.0
PLOT PLAN	A1.0
ARCHITECTURAL PARKING PLAN	A1.2
ARCHITECTURAL PARKING PLAN	A1.3
FLOOR PLAN	A2.0
EXTERIOR SITE PHOTOS	A3.0

**EXHIBIT "A"**  
 Page No. 1 of 4  
 Case No. ZA-2018-3008 (PAB)

*70*

**ZA-2018-3008**

SHEET INDEX



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**oca architects**  
 3700 WILSHIRE BOULEVARD SUITE 615 LOS ANGELES, CA 90010  
 TEL: (310) 427-8850 FAX: (310) 427-0949

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**TENANT #119**

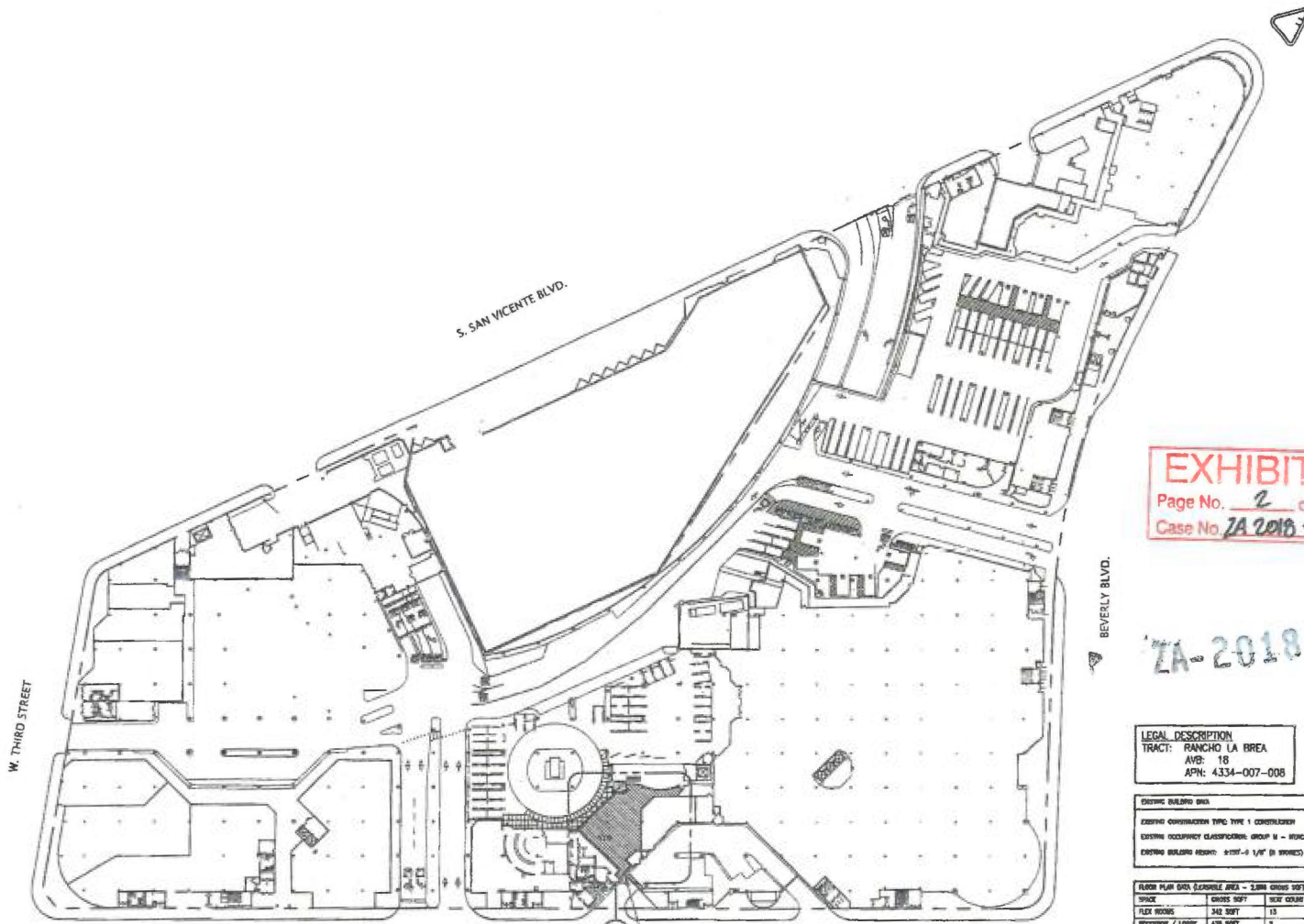
8500 BEVERLY BLVD, SUITE 119, BEVERLY CENTER, LOS ANGELES, CA 90048

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NO.	DESCRIPTION	DATE
1	DESIGN REVIEW	01.24.18
2	REVISION	02.01.18

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TITLE SHEET
DATE: 02/01/17
SCALE:
SHEET NO.: A0.0



W. THIRD STREET

S. SAN VICENTE BLVD.

BEVERLY BLVD.

N. LA CIENEGA BLVD.

VIP LOUNGE - 8500 WEST  
BEVERLY BOULEVARD, UNIT 119  
(2,864 SQ. FT.)

LEVEL 1  
ARCHITECTURAL PLOT PLAN  
SCALE: 1:500

**EXHIBIT "A"**  
Page No. 2 of 4  
Case No. ZA 2018 - 3008 (DAB)

**ZA-2018-3008**

LEGAL DESCRIPTION  
TRACT: RANCHO LA BREA  
AVB: 18  
APN: 4.334-007-008

EXISTING BUILDING DATA  
EXISTING CONSTRUCTION TYPE: TYPE I - CONCRETE  
EXISTING OCCUPANCY CLASSIFICATION: GROUP M - MERCHANDISE  
EXISTING BUILDING HEIGHT: 2'-0" (1 1/2" IS SHOWN)

FLOOR PLAN AREA (SCHEMATIC AREA - 2,864 GROSS SQFT)			
SPACE	GROSS SQFT	NET GROSS	OCCUPANCY LOAD
TELE ROOM	342 SQFT	15	4 OCCUPANTS
RECEPTION / LOBBY	426 SQFT	2	3 OCCUPANTS
STORAGE / AC	181 SQFT	-	1 OCCUPANTS
STORAGE	444 SQFT	-	3 OCCUPANTS
TRUNK ROOM	155 SQFT	-	3 OCCUPANTS
CONFERENCE	363 SQFT	-	4 OCCUPANTS
LOUNGE	608 SQFT	31	15 OCCUPANTS
TOTALS	2,864 SQFT	51	28 OCCUPANTS



**oca architects**  
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TEL (213) 427-8850 FAX (213) 427-8849

TENANT #119

8500 BEVERLY BLVD, SUITE 119, BEVERLY CENTER, LOS ANGELES, CA 90048

NO.	REVISIONS	DATE
1	ISSUED FOR PERMITS	07/25/17
2	REVISED	08/04/18
3	REVISED	07/26/18
4	REVISED	08/03/18

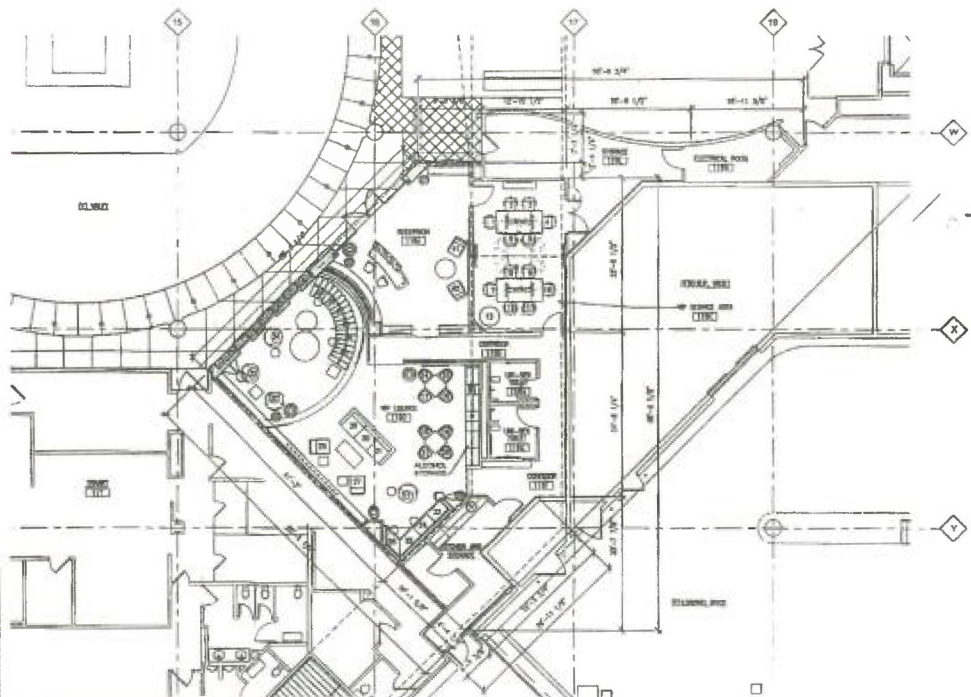
PLOT PLAN

DATE: 07/25/17  
SCALE: 1:500  
SHEET NO.: A1.0

ZA-2018-3008

**EXHIBIT "A"**  
 Page No. 3 of 4  
 Case No. ZA-2018-3008(PAS)

SPACE	AREA SQFT	SEAT COUNT	OCCUPANCY LOAD
PLAZA	242 SQFT	12	4 OCCUPANTS
RECEPTION / LOBBY	428 SQFT	2	4 OCCUPANTS
BOOTH / JC	121 SQFT	-	2 OCCUPANTS
STORAGE	441 SQFT	-	2 OCCUPANTS
TOILET ROOMS	128 SQFT	-	4 OCCUPANTS
CONFERENCE	265 SQFT	-	4 OCCUPANTS
LOBBY	995 SQFT	27	10 OCCUPANTS
<b>TOTAL</b>	<b>2,864 SQFT</b>	<b>42</b>	<b>38 OCCUPANTS</b>



VIP LOUNGE - 8500 WEST BEVERLY BOULEVARD, UNIT 119  
 (2,864 SQ. FT.)

LEVEL 1 FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



**ocd architects**  
 1700 WALSHIRE BOULEVARD, SUITE 514, LOS ANGELES, CA 90010  
 TEL (213) 427-8959 FAX (213) 427-2848

TENANT #119  
 8500 BEVERLY BLVD, SUITE 119, BEVERLY CENTER, LOS ANGELES, CA 90048

NO.	DESCRIPTION	DATE
1	REVISION FOR P&S	08/20/17
2	REVISION	08/22/17
3	REVISION	08/22/17
4	REVISION	08/22/17

FLOOR PLAN  
 DATE: 08/20/17  
 SCALE: 1/8" = 1'-0"  
 SHEET NO.: **A2.0**



ZA-2018-3008



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EXHIBIT "A"  
Page No. 4 of 4  
Case No. ZA 2018-3008 (PAB)

ocd architects

3703 WILSHIRE BOULEVARD SUITE 911 LOS ANGELES, CA 90010  
Tel: (310) 844-8888 Fax: (310) 487-1888

TENANT #19

8800 BEVERLY BLVD, SUITE 118, BEVERLY CENTER, LOS ANGELES, CA 90048

NO.	DESCRIPTION	DATE
EXISTING KETCHUP SITE PHOTOS		
DATE: REVISED		
SCALE:		
SHEET NO.:		A3.0