

**ZONE VARIANCE**  
**1073 S Broxton Ave., Los Angeles, CA 90024**

<b>Representative:</b> <b>Elizabeth Peterson</b> <b>Elizabeth Peterson Group, Inc.</b> <b>400 S. Main Street, Suite 808</b> <b>Los Angeles, CA 90013</b> <b>T: 213-620-1904</b> <b>F: 213-620-1587</b> <b>elizabeth@epgla.com</b>	<b>Applicant:</b> <b>Broxton Two, LLC</b> <b>Leon Schneider</b> <b>1801 Century Park East</b> <b>25<sup>th</sup> Floor</b> <b>Los Angeles, CA 90067</b> <b>323-658-8080</b> <b>LSRealtyCo@aol.com</b>
--	--

**REQUEST(S):**

Pursuant to the Los Angeles Charter Section 562 and Los Angeles Municipal Code, section 12.27, B; the applicant is requesting a Zone Variance to allow relief from Los Angeles Municipal Code section 12.26-E,5 to allow 10 parking spaces to be provided off-site via lease in lieu of covenant. Off-site parking will be provided at 1060 S. Glendon Avenue. No reduction in the amount of required parking is required.

**RELATED CASES:**

DIR-2013-2035-SPP approved the change of use from retail to fast food restaurant in the Westwood Village Specific Plan.

**BACKGROUND:**

According to the Gruen Report, the building was built in 1936 with a Classical Revival with Moderne influences architectural style. The subject site was originally built as a restaurant, and utilized as such until a change of use from restaurant to retail space occurred in 1991. The “fast food” definition in Westwood involves patrons placing orders at a counter rather than waiter service.

The subject site is within 1500’ of a City of Los Angeles Bicycle Corral.

See attached parking memo prepared by Civic Enterprises Inc. that demonstrates the availability of parking at 1060 S. Glendon Avenue.

**ZONE VARIANCE FINDINGS:**

1. That 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.

Denial of the request would unfairly impair/prevent the applicant from enjoying reasonable use of the subject site at 1073 Broxton. The zoning regulations allow certain lands uses in the various zones in order to achieve compatibility between respective uses. Such regulations, however, are written on a City-wide basis and cannot take into account unique characteristics, which a specific parcel and its intended use may have. In this instance, the Code's desire to insure the availability of C4 community commercial Zones and the applicant's desire to maintain a consistent and valuable use that can be accommodated in a manner consistent with the intent and purpose of the zoning regulations.

The subject site, if used to its fullest potential, can continue to add to the vibrancy and character of Westwood. The prior restaurant usage at this subject site, which existed and operated as such from 1936 until 1991, did not have any on-site parking or other parking arrangements, and this was never problematic to the site or the adjacent areas. If the change of use had not occurred in 1991, the subject site would have grandfathered existing nonconforming parking. The applicant has secured parking in a nearby lot, but is requested that the off-site parking be allowed via a lease in lieu of a variance.

Additionally, the Westwood neighborhood functions similar to a mall- serving students, employees, and residents who commute or reside in the area, park once, and walk throughout the neighborhood attending to all of their destinations and activities. This fast food establishment will not be a destination location that someone would drive to this neighborhood for- instead it will serve people already in the area, functioning as a food court would in a mall.

The strict application of the provisions of the Zoning Ordinance would clearly result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations since the fast food establishment use is a historical usage at the site and is substantially compatible with the uses in the surrounding area.

The fast food establishment will serve as a positive addition to the community, which is currently underutilized by quality dining options, and facing many storefront vacancies. The proposed project will allow visitors in the Westwood area a convenient dining option, and as many visitors in the area are there for work or school, parking is not necessary at this site specific location.

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

The unique attribute of this site is that it will not operate as a destination restaurant. Rather, its primary demographic will be those already in the Westwood/UCLA area for other purposes. The Westwood area is walkable and functions as a mall, with dining options functioning similar to a food court- attracting visitors already in the area for another purpose.

Another unique attribute of this site is that it has formerly been utilized as a legally permitted restaurant without parking, and operated in this manner with no negative impacts on the surrounding community. The applicant is providing 10 parking spaces at 1060 S. Glendon Avenue, which has an excess of 102 parking spaces beyond code requirements. If the parking analysis is limited to commercial and public parking, the Site has at least 73 parking spaces beyond code requirements. The garage is well-known by Westwood Visitors, and the path from the parking lot to the restaurant is easily walkable.

The unique features of this site include its surroundings, the unique function of the Westwood community as a walkable area, catering largely to students who study at UCLA and possibly live in the area, and workers both at UCLA and the UCLA Medical Center. Additionally, the size, shape, and configuration of the site as well as the location of existing improvements thereon, and surrounding uses, making the request as proposed,

logical, as it would allow for the functional integration with existing improvements on the site. The architectural design elements contribute to the historical character of Broxton Ave. Without approval of the requested variance, the building would lose viability. The historic usage of the building as a restaurant without parking proved that the space could function adequately without adverse impacts on the community in this manner. Additionally, Broxton Avenue features a particularly wide sidewalk, 25 ft wide, which is rare in this area. The wide sidewalk invites a street activating usage such as sidewalk dining. A restaurant usage is particularly suited to this property because of this.

The features and history of this site, including the location of the property, make the proposed request logical, as it will allow for the use of a previously underutilized property, and will provide a high quality and much needed establishment.

**3. That 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 special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The right to maintain and make modest changes to the location of parking has been affirmed in prior Zoning actions throughout the area. The subject site in question has been operating as a retail establishment since 1991, but each tenant has gone out of business and closed their doors, demonstrating that retail uses are not desirable nor feasible in this location. The applicant wishes to revert back to the restaurant usage that once existed at this site, to keep pace with changing demand and characteristics of Westwood Village. As Westwood village struggles with revitalization, the parking requirement that prevents this subject site to function as a high quality, convenient fast food restaurant is a burdensome impediment preventing a use that will infuse the Broxton Avenue streetscape with positive activity, and meeting the needs and desires of students, workers, and residents. The building was built in 1936, predating parking requirements. The subject site only has one parking space on site, and the physical configuration of the building and adjacent buildings prevents the addition of further parking spaces on-site. The change of use to a fast food restaurant at this site has been approved by Case No. DIR-2013-2035-SPP. This property was utilized as a restaurant in 1967, which in fact predates other restaurant uses in the area. The property owner simply wishes to revert back to this usage, but is prevented in doing so by the new parking requirements and historical arrangement of the subject site, which limit on site parking. The applicant has secured parking at a nearby lot, which is easily accessible and has excess capacity for parking.

**4. That 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.**

Granting of the variance will not be materially detrimental to the public welfare or to surrounding neighborhoods. In fact, approving the request permits the rehabilitation of a vacant building to its best and highest use to serve the area. Broxton Avenue is admirably suited to restaurant usages, with its wide sidewalk, it invites outdoor dining, which would positively impact the street's ambiance and character. The proposed restaurant is a fast food, casual restaurant, and not a destination restaurant. It will cater to people already visiting Westwood Village for another purpose, such as work, school, or shopping. It is not expected that customers will drive to this restaurant, but will rather walk from their other business in the village and complement their visit to the area. Rather than harming property or improvements in this zone, allowing and encouraging this use with the requested variance will support the revitalization of an area that features high rates of vacancy and strengthen the local economy. The parking being leased is located in a nearby lot that is currently underutilized and well known to Westwood Visitors.

**5. That the granting of such variance will not adversely affect any element of the General Plan.**

The granting of this variance will compromise no element of the Master Plan. The underlying Community Commercial designation will remain intact.

The use of this property for off-site parking will not inhibit its implementation. It will not hinder the achievement of community redevelopment goals, nor will it affect the character of development in the immediate neighborhood. Furthermore, the General Plan supports the maintenance of the commercial base of the City and occupancy of vacant leaseholds and the request is consistent with such goals.

We, therefore, respectfully request approval of the subject variance application.