



PACIFIC PALISADES COMMUNITY COUNCIL

Statement Regarding Recent CUB Applications

In light of recent comments in local news media regarding PPCC's July 27, 2017 Board meeting, PPCC wishes to clarify its role and to explain to the community what actually occurred with respect to applications with the City by Sam's Restaurant and Chipotle for Conditional Use Beverage (CUB) permits.

In the case of Sam's (which already had a permit to sell hard liquor and was seeking permission only to extend its operating hours and to operate an in-restaurant bar), after hearing statements of support and no statements in opposition, and acknowledging that the restaurant owner has long been known to be a responsible operator, the Board unanimously voted to take a position of "no objection" to the CUB request (not affirmative support).

Consistent with past practices, PPCC took *no position* on the Chipotle CUB application (for onsite beer sales and consumption) -- it neither opposed nor supported the request. In fact, PPCC is not a governmental body and has no authority to issue or "pass" any permits or licenses; any position that PPCC might take in these matters -- and it took none in the case of Chipotle -- would be advisory only to the actual decision-makers (the City in the case of CUBs, the State in the case of alcohol or "ABC" licenses).

Taking a "non-position" on a CUB application is not unusual for PPCC and to our knowledge has not resulted in denial of a CUB permit in the past. In fact, as a practical matter, it is not necessary for PPCC to affirmatively support a CUB application in order for the permit to be granted. An example is the case of Taste, which sought a CUB in 2014 to serve a full line of alcohol and came to PPCC to explain its request. The Board took no position on the matter. Taste was later able to inform the City hearing officer that the Council did not take a position in opposition; the permit was granted and the community now enjoys alcoholic beverages at Taste.

In Chipotle's case opinions were varied, with several meeting participants (board and audience members alike) expressing concerns and others indicating support (including two of the undersigned). The positions expressed were certainly not monolithic against Chipotle, as some of the subsequent commentary has suggested.

In the end, *no motion was offered either to support or oppose the Chipotle application* and the Board did not take any position one way or the other. A policy motion requires a 2/3 vote in order to become a PPCC position; it was clear from statements made at the meeting that a 2/3 vote could not be achieved *either to support or oppose* the requested CUB. The Board's non-action on July 27 was responsible and proper in light of the varying opinions and evident lack of consensus at its meeting. Based on experience, we believe that in the absence of affirmative opposition reflected at the PPCC, permission for onsite beer sales will eventually be granted to Chipotle to responsibly sell beer (and wine, although we have been assured this is not planned) at the Sunset location Chipotle in Pacific Palisades.

For information about other recent PPCC positions on CUB applications, please see Motions & Positions at <http://pacpalicc.org/index.php/organizations/>.

August 19, 2017

Maryam Zar, Chair
George Wolfberg, Vice-Chair
Richard Cohen, Treasurer
Chris Spitz, Chair Emeritus