

CONDITIONAL USE PERMIT FINDINGS

SUBJECT SITE: 4029 S. Lincoln Boulevard
Wharo's Korean BBQ
Venice Community Plan Area

REQUESTS:

A Conditional Use to permit the continuation of the sale of beer and wine for on-site consumption in conjunction with the operation of an existing 1,850 square foot, 48-seat Wharo's Korean BBQ restaurant (as required under condition 22 of case number ZA 2004-0952 CUB).

BACKGROUND:

On June 4, 2004 the City of Los Angeles Office of Zoning Administration approved a Conditional Use to Permit the sale of beer and wine for on-site consumption. The grant was for 5 year, hence the filing of the subject application.

FINDINGS:

Explain how the location of the project will be desirable to the public convenience and welfare, proper in relation to adjacent uses of the development in the community, and not detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

The subject property is a level, irregularly-shaped, corner, through lot, with frontages on the westerly side of South Lincoln Boulevard, the southerly side of South Washington Boulevard, and the easterly side of South Carter Avenue. The lot has a varying width of approximately 384 feet (along Lincoln Boulevard) to 379 feet (along Carter Avenue) and the length of 86 feet (along Washington Boulevard) to 98 feet (along the southerly lot line).

The lot is split-zoned, with the northerly one-third being zoned C2-1, and the remainder zoned C4 (OX)-2D. The subject site is located within the C4 (OX)-2D Zone, which includes designations in the Oxford Triangle Specific Plan. The instant application is unaffected by this Specific Plan. It is also located in the Venice Community Plan, the Los Angeles Coastal Plan, and the Venice Coastal Zone (hence the filing of the Coastal Development Permit).

The property is developed with two one-story commercial buildings and surface parking. The subject site building is a multi-tenant shopping center with a mixture of uses including a cellular telephone store, a watch repair store, a dry cleaners and the subject restaurant. The surface parking lot is developed with xx striped spaces (9 of which are designated for restaurant use) and improved with landscaping, shade-producing trees and irrigation.

Adjoining properties to the northwest (across Washington Boulevard) are zoned C2-1 and are developed with one-story automotive repair and fast-food uses.

Adjoining properties to the east (across Lincoln Boulevard) are zoned C2-1 and M1-1 and are developed with one-story corner commercial, restaurant, fast-food, and surface parking uses.

The adjoining property to the southeast is zoned C4(OX)-2D and is developed with a one-story art gallery.

The adjoining properties to the west (across Carter Avenue) are zoned C2-1 and R1-1 and developed with a two-story office building with surface parking and one- and two-story single-family residences.

Lincoln Boulevard, adjoining the property to the east, is a northwest-southeast substandard Major Highway, Class I dedicated to a variable width of 100 to 116 feet and fully improved with curb, gutter and sidewalks.

Washington Boulevard, adjoining the property to the north, is a northeast –southwest substandard Major Highway, Class II dedicated to a variable width of 97 to 100 feet and fully improved with curb, gutter and sidewalks.

Carter Avenue, adjoining the property to the west, is a northwest-southeast substandard Local Street dedicated to a variable width of 40-60 feet and fully improved with curb, gutter and sidewalk.

The successful operation of the use at the subject site has been proven. There have been no negative impacts on the surrounding neighborhood from the sale of alcohol. There have been no incidents, and only one single citation in the five years of operation. This was a recent citation for a sale to a minor. In response, the owner sent restaurant staff to the March 11, 2009 to the STAR (Standardized Training for Alcohol Retailers) training conducted by the Detective Support and Vice Division (DSVD) of the Los Angeles Police Department to reinforce their training. (See letter submitted with application.)

The grant includes a number of conditions, such as those related to the sale of alcohol and prohibitions, which have helped and will continue to safeguard the community and provide for a responsible operation. Employees undergo standardized training regarding sale of alcoholic beverages which is reinforced through the STAR training program. Alcohol is served by responsible operators in a controlled 48-seat environment. At least one on-duty manager with authority over the activities within the restaurant is on the premises during all operating hours.

Alcohol is provided only as a secondary convenience to the enjoyment of a highly reviewed, high quality Korean BBQ cuisine. Those coming to the restaurant enjoy the

convenience of purchasing alcohol, which enhances a quality dining experience. However, it is not a comfortable environment, nor economical, for taking up precious table time with customers who are not also ordering lunch or dinner.

In addition, the purpose of this zoning district is to provide services for a diverse mix of land uses designed to create a vibrant City. Providing this convenience to the community only enhances this mixture of uses. If a community is going to allow alcohol sales it is good planning policy to concentrate such uses in locations where it is a mitigated, controlled and secondary use, such as this one.

The Venice Community Plan has designated the subject site for General and Community Commercial uses which includes the subject site zoning. The Los Angeles Municipal Code permits the requested uses within the zones corresponding to this land use designation. In addition, there are no restrictions or inhibitions placed on the on-site sale of alcoholic beverages mentioned in the Community Plan. Therefore, the request is consistent with the adopted Plan.

CONDITIONS COMPLIANCE:

GENERAL 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.

Compliance documented at time of Planning Department sign-off to effectuate grant.

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" (attached), except as may be revised as a result of this action.

Compliance documented at time of Planning Department sign-off to effectuate grant.

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.

Compliance documented at time of Planning Department sign-off to effectuate grant.

4. All graffiti on the site shall be removed or painted over within 24 hours of its occurrence.

The site has not had a graffiti problem. However, they do have a general contracting service on call to address contracting needs, including graffiti, with the ability to respond and provide said services within 24 hours.

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.

Compliance documented at time of Planning Department sign-off to effectuate grant.

PROJECT SPECIFIC CONDITIONS:

6. Maximum seating and square footage for the restaurant shall not exceed 48 seats nor 1,850 square feet, respectfully.

Compliance documented at time of Planning Department sign-off to effectuate grant and continues in compliance (see floor plans submitted).

7. Hours of operation for the restaurant shall not exceed 11 a.m. to 11 p.m. daily.

Compliance documented at time of Planning Department sign-off to effectuate grant.

8. MODIFIED - A minimum of nine (9) parking spaces shall be provided for restaurant patrons.

Compliance documented at time of Planning Department sign-off to effectuate grant. Also note photographs provided.

9. No live entertainment, dancing or a piano bar is permitted. Any music shall not be audible beyond the restaurant premises.

Compliance has been consistent.

10. No pool tables or coin operated electronic, video or mechanical amusement devices.

Compliance documented at time of Planning Department sign-off to effectuate grant. Also note photographs provided.

11. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon request of the Zoning Administrator, the Police Department or the Department of Building and Safety.

Copy of grant is on site at all times.

12. The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of litter, including any parking area used specifically for patrons.

Area is maintained.

13. Any exterior lighting shall be installed such that the light is directed onto the subject site and shielded to prevent the light source from being viewed by any adjacent residential uses. Lighting shall be adequate to identify anyone in the front or rear of the building at night.

Compliance documented at time of Planning Department sign-off to effectuate grant. Also note photographs provided.

14. 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.

Restaurant was voted among the "Top 10 New Restaurants" in Los Angeles Magazine in 2006 and "Best Korean Restaurant" in Citysearch.com in 2005 and 2007. Clearly this is a well-regarded, quality operation.

15. Within six months of the effective date of this action, all employees involved with the sale 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 from the Police Department to the Zoning Administrator as evidence of compliance.

Compliance was completed recently (see letter from Police Department).

16. A kitchen shall be maintained in the restaurant in accordance with the definition of such in the Los Angeles Municipal Code. Food service shall be available at all times that the restaurant is open for business.

Compliance documented at time of Planning Department sign-off to effectuate grant.

Conditions Nos. 17 through 21 are alcohol-specific conditions which have been volunteered by the applicant.

17. No cocktail lounge and no fixed bar shall be permitted.

None on site.

18. No off-site sales of alcohol as a secondary use to the on-site sales is permitted.

None provided.

19. No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.

None allowed.

20. No "Happy Hour" or reduced price drinks or promotional nights shall be permitted.

None permitted.

21. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand.

Available upon demand. (See statement submitted.)

22. **MODIFIED** – The authorization granted herein for the sale of alcohol, specifically beer and wine, is for a period of 5 years from the effective date of this grant, which is June 21, 2004 and which expires on June 21, 2009. Thereafter, this authorization shall become null and void and a new conditional use to allow the sale of alcohol will be required.

Applicant is filing the subject application accordingly.

23. All conditions contained in MND 94-0297 CUB (attached) shall be considered conditions of this grant as though written herein.

Compliance documented at time of Planning Department sign-off to effectuate grant.

24. The grant shall be limited to the sale of beer and wine.

Compliance documented at time of Planning Department sign-off to effectuate grant.

25. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales and/or dancing from a Planning Department public counter subsequent to the Zoning Administrator's signature on the Planning Department sign-off form and mount it on either the inside of the window of the subject site facing the front street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.

***Compliance documented at time of Planning Department sign-off to effectuate grant.
Also note photograph provided.***

For these reasons, we respectfully request approval.

ADDITIONAL INFORMATION/FINDINGS:

a. Describe briefly how the proposed project will be proper in relation to adjacent uses or the development of the community.

See Attached Findings.

b. Why does applicant believe the location of the project will be desirable to the public convenience and welfare.

See Attached Findings.

c. Describe how the proposed project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

See Attached Findings.

d. Will the approval of the Conditional Use at this location adversely affect the economic welfare of the community? Why?

No. The opposite is true. This has been a well-reviewed, unique, high-quality restaurant operation which provides employment and tax revenue for the city. Furthermore, it has been a stable tenant for this shopping center without incident.

e. Will the approval of the Conditional Use result in or contribute to an undue concentration of such establishments? Why?

Use is existing for the last 5 years so there is no increased concentration.

f. Will the approval of the Conditional Use detrimentally affect nearby residentially zoned properties? Why?

See Attached Findings.

g. What are the proposed hours of operation and which days of the week will the establishment be open? What are the proposed hours of alcohol sales?

Hours of operation for the restaurant shall not exceed 11 a.m. to 11 p.m. daily. Alcohol sales are the same as operating hours.

h. What is the occupancy load as determined by the Fire Department (number of patrons)? What is the proposed seating in all areas?

48 seats.

i. Is parking available on the site? If so, how many spaces? If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? Where? How many off-site spaces?

71 striped spaces (9 of which are designated for restaurant use).

j. Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, etc.? (Specify?) (On-site only)

No.

k. Is a full line of alcoholic beverages to be served or just beer and wine?

Beer and wine only.

l. Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises? (Off-site only)

N/A

m. 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. (On-site only)

N/A

n. 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?

Yes, sale of alcohol to a minor. First offense, fine paid. Copy of citation submitted with application.

o. Will video game machines be available for use on the subject property and if so, how many such machines will be in use?

No.

p. Will you have signs visible on the outside which advertise the availability of alcohol?

No.

q. Will alcohol be sold without a food order? Will there be a kitchen on the site as defined in Section 12.03 of the Los Angeles Municipal Code?

There is a kitchen on site compliant with the Municipal Code and even though alcohol can be sold without a food order, this is a full scale, well-reviewed restaurant, not a bar and revenue depends on food service, with alcohol a secondary use.

r. Will beer or wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)?

N/A

s. Will "fortified" wine (greater than 16% alcohol) be sold?

No.

t. Will off-site sales of alcohol as a secondary use to on-site sales occur (i.e., take out)?

No.

u. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?

No.

v. Will security guards be provided and if so, when and how many?

No.

w. Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant?

No.

x. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?

No.

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

Provided.

z. How many employees will you have on the site at any given time?

5 maximum.

aa. What security measures will be taken including:

(1) Posting of Rules and Regulations on the premises.

All rules and regulations are posted per requirements of the Los Angeles City Planning Department and Department of Alcoholic Beverage Control Board.

(2) To prevent such problems as gambling, loitering, theft, vandalism and truancy.

Continued good management and quality training will prevent on-site problems, as well as compliance with codes and regulations.

(3) Will security guards be provided and if so, when and how many?

No.

(4) Other measures.

bb. Will there be minimum age requirements for patrons? If so, how will this be enforced.

There are no minimum age requirements for patrons, but alcohol sales will be subject to State law age requirements with operational and management training to support.

cc. Are there any schools (public or private and including nursery schools) churches or parks within 1,000 ft. of your proposed business? Where?

600' Radius Sensitive Uses

Morning Glory Pre-School 2552 Lincoln Blvd.

Marina Shul Jewish Center 2532 Lincoln Blvd.

600'-1000' Radius Sensitive Uses

Chabad of Marina 2929 Washington Blvd.

dd. For massage parlor or sexual encounter establishment applicants: are there any other adult entertainment businesses within 1,000 feet of your proposed establishment (i.e., adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater)?

N/A.

ee. For off-site sales, where will the alcohol be stored and displayed (indicate on floor plan)?

N/A