

Special Instructions for:

### ALCOHOL EXCEPTION (CUE)

**CODE SECTION - 12.24X2: used only for on-site consumption of beer and wine under specific conditions as part of a restaurant service.**

1. The **MASTER LAND USE APPLICATION FORM GP-7771** must be filled out completely, typed or printed in black ink, with full answers to every statement and question. The application must be signed by the property owner or owners, lessee (only if the entire site is leased), authorized agent of the owner with power of attorney, or officers of a corporation (submit proof). A single application can be used for most projects that have multiple requests.

The application instructions also contain an **AGREEMENT TO COMPLY**. Carefully read the attached form before signing. The existing or proposed restaurant must fully comply with all of the conditions on this form to qualify for the exemption. The facility must be a bona fide restaurant with sit-down service to not more than 50 patrons and patrons must be served at tables or sit-down counters by employees of the restaurant. The off-site sale of alcoholic beverages is only permitted at delicatessens. **If there are any other restaurants serving alcoholic beverages on the same site, a full conditional use may be required and only a total of 50 conditional use exception seats are permitted per site.**

2. Adjacent property owners who approve the request may sign the application or a supplemental sheet.
3. The required **RADIUS MAP** accompanying the application must be drawn as explained in the "Radius Map Requirements" pamphlet available from the Department of City Planning Cartography Unit. Fifteen (15) prints plus the original tracing of the "500-foot radius map" and an 8½ x 11 inch reproducible transparency of the approved radius map. Please be aware that radius maps and property owner's lists must not be more than 90 days old.

FOR ZONING ADMINISTRATOR CASES (ZA): 36 copies for cases in Central City

FOR CITY PLANNING COMMISSION CASES (CPC): Five additional copies will be required for applications involving property in the Central City area (20 total); 31 total copies for applications involving Exceptions from Geographically Specific Plan.

4. One 8 ½ x 11 inch **VICINITY MAP**; a Thomas Brothers map page is acceptable.
5. A list of **PROPERTY OWNERS' AND OCCUPANTS**, corresponding to the radius map. **BTC**, the City's mailing contractor, and the Planning Department each get a set. Please refer to **MAILING PROCEDURES** handout. Names of the owners shall be secured from the City Clerk's Map and Lot Records. **Be sure to include the applicant's and representative's names on the lists.** A **PERJURY STATEMENT** certifying the lists' accuracy is also required.
6. **For ZA cases only -- ABUTTING PROPERTY OWNERS' LIST**; three sets, one on self-adhesive labels, plus two copies, must be typewritten, (3 across, 11 down, no skipped labels) on a full sheet prepared according to the **MAILING PROCEDURE** handout. **Be sure to include the applicant's and the representative's names on the labels.** Abutting owners include those properties adjacent, across a street or alley and to the rear of the subject property. A **PERJURY STATEMENT** certifying the lists' accuracy is also required.
7. **PHOTOGRAPHS** of the property involved, not over 8½ by 11 inches, but of adequate size to illustrate the property and issues involved are helpful to the decision maker and are requested as exhibits with this application. These photographs should be mounted on 8½- by 11-inch card stock or the equivalent.

8. **PLANS REQUIRED:** a) **Plot Plan**, drawn to a standard scale (see Plot Plan Instruction Sheet) with three copies for ZA Cases or 14 for CPC cases. Additionally, for CPC cases please submit one reproducible 8½ x 11 inch plot plan reduction and transparency; b) If the nature of the request involves knowing the interior lay-out of a project, two copies of a **Floor Plan** showing proposed arrangement of rooms and location of various activities, should also be submitted (See Floor Plan Instruction Sheet). c) Similarly, if the request involves height issues, two copies of **Elevations** should be submitted.
9. Two copies of the **DISTRICT MAP** for the area are required and which may be obtained at time of filing.
10. The California Environmental Quality Act (CEQA) requires that an **ENVIRONMENTAL CLEARANCE** be obtained for this application. Under CEQA projects can be found to be either: Categorically Exempt, have a Negative Declaration or Mitigated Negative Declaration, or require a full Environmental Impact Report (EIR). If a project is not Categorically Exempt an Environmental Assessment Form (EAF) may be filed prior to or simultaneously with the application. Filing the EAF determines if the project will be found to have a Negative Declaration or Mitigated Negative Declaration. **SITE PLAN REVIEW** is an additional finding under CEQA that applies to certain projects. Please indicate if your project needs Site Plan Review in the project description of the EAF and in the application.
11. **A FILING FEE** must be paid at the time of filing the application (Section 19.01, Los Angeles Municipal Code). The fee is partially to cover the cost of processing the application.
12. **COPY OF LEASE.** When the applicant is the lessee of the entire site, a copy of the lease agreement between the owner of the property and the lessee must be provided at the time of filing. If the applicant is leasing a portion of the site, the owner of the property must sign the application or, the applicant must provide a signed statement from the owner consenting to the application.
13. **HEARING NOTICE.** If you anticipate being out of town or absent during a certain period of time, please notify the decision makers in writing at the time of filing . Once the hearing date has been established, it will not be rescheduled. Alternatively, you may have someone represent you at the hearing.
14. **FILING APPLICATION.** When all the above requirements are met, please make sure the following procedures and materials are provided for before submitting an application:
  - a. **BTC receipt.** **BTC** must be visited first, their fee paid, and a receipt obtained from them. Check their hours of operation and allow time for this visit.
  - b. As part of the application intake process, radius maps, plot plans, and legal descriptions on applications are reviewed by Planners to ensure accuracy and consistency of information about the subject property. If these are not clear it may be necessary to refer your application to the Department's Cartography section in order to clarify materials. Please be prepared for this by checking your information and materials as this can delay filing your application.
  - c. The **ENVIRONMENTAL CLEARANCE** is adequate.
  - d. The proper signatures on the application have been obtained (item 1).
  - e. Any additional exhibits, special instructions, copies of relevant cases, etc. should be included. Nothing in the file should be larger than 8½ x 14 inches, otherwise fold it. Any information relevant or helpful to your case may also be included.
  - f. Please allow sufficient time to complete all filing procedures. One morning a week downtown staff attend a training meeting for approximately 1-1 1/2 hour. Call for times. Applicants are advised that if filing cases after 4 p.m., it may be necessary to return the following business day to complete the process.

- g. Projects located in certain areas of the City require that one or more duplicate files be created. THIS NECESSITATES PROVIDING ADDITIONAL COPIES OF ALL DOCUMENTS AND A CASE CANNOT BE FILED WITHOUT THEM. Please call for the number of copies required in the project area.
- h. The processing of this application is regulated by policy and statutory requirements that include time limits, notification, and quasi-judicial authorities. Failure to meet these requirements negatively impacts the processing of all applications and therefore applications will not be considered officially on file until it is complete and required plans and information are found to fulfill all filing requirements.
- i. Please consider submitting documents beyond the requirements outlined in this form. If there are other circumstances which may further a more complete understanding of the project, do not hesitate to submit such information. The documents submitted with the application and the public hearing constitute the **primary opportunity** to clarify and define the project.

The application may be filed at the Planning Counter, Construction Service Center, 201 North Figueroa Street or Valley Office, 6251 Van Nuys Blvd., Van Nuys.

15. **ADDITIONAL INFORMATION/FINDINGS:** The following questions should be answered either on the form or on additional sheets.
- a. If the restaurant is existing, approximately how long has it been in this location? N/A.
- b. How many stories are in the building? One. What story is the restaurant on? First.
- c. At all times when the premises are open for business, will the sale of alcoholic beverages be incidental to the sale of food? yes/no Yes. If no, explain N/A.
- d. Will the quarterly gross sales of alcoholic beverages exceed the gross sales of food, meals or other commodities during the same period? yes/no No. Approximately what percent of quarterly gross sales will be alcoholic beverages? 10% percent.
- e. Is the kitchen a "room" defined as an unsubdivided portion of the interior of a building? yes/no Yes. What type of cooking facilities does the kitchen have? Those normally associated with a full service restaurant. Approximately how many square feet are in the kitchen? 450 sq.ft.
- f. Will alcoholic beverages be sold for off-site consumption? yes/no yes. If yes, answer the following three questions. What percent of the restaurant floor area is for sit-down service of food and beverages (exclusive of the kitchen, restroom, storage and utility areas)? Approx. 80 percent. Is prepared and unprepared food sold at the restaurant? yes/no no. Is this restaurant a delicatessen? yes/no No.
- g. Are all alcoholic beverages to be served at tables or sit-down counters by employees of the restaurant? yes/no Yes. Approximately what percent of the gross sale of food will be take-out? 5% percent. Will all food be served to patrons at tables and sit-down counters by employees of the restaurant? yes/no Yes.
- h. Is there an outdoor eating area? yes/no no. If yes, how many square feet are in this area? N/A. How many seats? N/A.

- i. Explain how the proposed use will not be detrimental to the public health, safety or welfare. Please see attachment.  
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\_\_\_\_\_
- j. Explain how the use will be compatible with the surrounding neighborhood. Please see attachment.  
\_\_\_\_\_  
\_\_\_\_\_
- k. What are the existing or proposed hours of operation and which days of the week will the establishment be open? 8:00 AM to 12:00 midnight seven days a week.  
\_\_\_\_\_
- l. What is the maximum occupancy load (number of patrons)? \_\_\_\_\_ What is the maximum number of seats? 50
- m. What is the number of employees on the largest work shift? eight
- n. Give total number of parking spaces on the site none. How many spaces are assigned to restaurant? N/A. If spaces are not available on the site, have arrangements been made for off-site parking? yes/no Yes. If yes, where are they located? \_\_\_\_\_  
on the parcel directly adjacent to the restaurant.
- o. Are there any video game machines in the restaurant? yes/no No. If yes, how many? N/A.
- p. Is there a juke box or other type of music machine? yes/no Yes. Is there any dancing or live entertainment? yes/no No. If yes, please explain \_\_\_\_\_  
There will be background music offered for the patrons. It will be kept at a reasonable level.
- q. Is a full line of alcoholic beverages to be served or beer and wine only? Beer and wine only.  
\_\_\_\_\_
- r. Are there other facilities on this site that sell alcoholic beverages for consumption on the premises? yes/no No. If yes, list the address of each and give maximum number of patrons for each address N/A.  
\_\_\_\_\_
- s. What type of alcoholic beverage (ABC) license is being requested from State? yes. Give license type No. 41.
- t. Did this facility have a prior license to sell alcoholic beverages? yes/no yes. If it has, when was it last licensed? 11/1998. Give license history below. Obtain this information from the State of California Alcoholic Beverage Control Office (in the area of the City where the site is located). ABC License type #21. Off-Sale General. License # 69390. Originally issued June 1964. Transferred in November 1998.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Accuracy of information submitted will speed the processing of your application. If, during the processing of your application, it is discovered that it has been improperly prepared or that required information has not been submitted, the application will be held in abeyance until it has been corrected or the omitted information furnished in a proper manner.

16. **AGREEMENT TO COMPLY**

That (we) (I) Vittorio Viotti, Ponte Milvio, Inc.  
 (are)(am) responsible for the operation of a restaurant at:

712 Lincoln Blvd., Venice, CA 90291

Street Address

and have read and fully understand Section 12.24X2 of the Municipal Code under which a Zoning Administrator may except certain restaurants from the zoning regulations regarding sale of alcoholic beverages for on-site or off-site consumption and that (we) (I), do hereby promise, covenant and agree to and with the City of Los Angeles and the City Zoning Administrator that said restaurant will conform and its operation will be conducted in full compliance with the following conditions:

- a. The restaurant contains a separate room with kitchen to be used for cooking and preparing of food;
- b. The primary use of the restaurant is for sit-down service to patrons;
- c. Adequate seating arrangements for sit-down patrons are provided in the restaurant not to exceed seating capacity for 50 persons (as determined by Dept. of Building and Safety for building occupancy);
- d. Any take-out service is only incidental to the primary sit-down use;
- e. Alcoholic beverages shall not be sold or dispensed or allowed to be consumed on the premises between the hours of midnight and 6 o'clock a.m.
- f. Alcoholic beverages are sold or dispensed for consideration for consumption on the premises only, and only when served at table or sit-down counters by employees of the restaurant, except that beer and wine only may be sold or dispensed for consideration for consumption beyond the premises in a delicatessen (restaurants having regular take-out sales of prepared and unprepared foods) where the primary sit-down food and beverage service occupies in excess of 50 percent of the floor area (exclusive of kitchens, restrooms, storage, utility areas) of the premises;
- g. No dancing or live entertainment is permitted in the restaurant;
- h. No separate cocktail lounge or bar is located in the restaurant;
- i. No alcoholic beverages or beer or wine are served in conjunction with the operation of any billiard or pool hall, bowling alley or adult entertainment business as defined in Section 12.70 of this Code;
- j. The restaurant must not be located within 600 feet of a hospital, church, school (including day care center), public park or playground or youth facility.
- k. Parking is provided at the rate of at least one space per 500 square feet of gross floor area, except when located in the Downtown Business District. When located in the Downtown Business District, parking shall be provided as required by Section 12.21A 4 (i)(3) of the Code.

That this covenant and agreement shall be binding only as long as (we are) (I am) responsible for the operation of the restaurant or until other arrangements have been made with the Zoning Administrator of said City.

Applicant/Licensee

[Signature]  
Signed

Print Name

VITTORIO VIOTTI

Mailing Address

5 DUDLEY AVE  
VERICE, CA 90291

Day Time Phone No.

310-560-3594

[Signature]  
Notary Public

Subscribed and sworn to before me this

2nd day of July, 2008

