

CONDITIONAL USE PERMIT-ALCOHOL (CUB) ADDITIONAL INFORMATION/FINDINGS 1661 ABBOT KINNEY BLVD.

BACKGROUND

Executive Chef and Owner, Alan Jackson has successfully opened Jackson's, followed a year later by Jackson's Farm as well the Downtown eatery, El Coche . These restaurants earned Alan his colleagues' respect along with widespread media coverage in respected publications such as Gourmet, LA magazine, Buzz, and The New York Times. The move to catering was a natural next step and a success from the outset. The business has attracted clients such as the Screen Actor's Guild Awards, Christie's Auction House, Directors Guild of America, Museum of Television & Radio, Louise Vuitton, J. Ben Bourgeois Production, and the TV Land Award show.

The opening of Lemonade allows Alan to reach a wider audience, an opportunity that offers new and refreshing menu items to the public. A delicious and healthy change of pace, Lemonade marries quality and convenience beautifully.

The subject property is a level, irregular-shaped, corner parcel of land, being 16,878 sq. ft., and having a frontage of 140 feet on the northeast side of Abbot Kinney Blvd with a depth of 105 feet zoned (T)(Q)CM-1-O (Lot 35 Block 23, Tract Venice of America, ARB None, Map Reference MB 109-30/31 & Lot 1-4 Block None, Tract TR 2299). The tied lots are improved with a 16,800 square foot, four story commercial building with parking lot built in 2009.

SURROUNDING PROPERTIES

Properties to the northeast are zoned M1-1-O and developed one-story commercial.

Properties to the southeast located across Venice blvd, are zoned M1-1-0 and C2-1-0 and developed retail and residential.

Properties to the southwest are zoned C2-1-0-CA and are developed one-story commercial.

Properties to the northwest are zoned M1-1-0 and are developed one-story and two-story commercial.

CIRCULATION

Abbot Kinney Boulevard, adjoining the subject site, is designated as a Secondary Highway with an 70-foot wide dedication and all improvements including curbs, gutters, sidewalk, streets, planters and street lights.

Venice Boulevard, adjacent to the property to the southeast, is a Major Highway-Class II dedicated a width of 52 feet and is fully improved with curb, gutter and sidewalks.

RELATED PRIOR CASES

Subject Property:

None

Surrounding Properties:

Case No. ZA 2000-0343(CUB)- *On April 27, 2000, the Zoning Administrator approved a conditional use to permit the sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 1,165 sq ft restaurant with hours of 11:00am to 12:00am daily and seating 44 patrons.*

Case No. ZA 2004-4297(CUB) - *On October 14,2004, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine only for on-site consumption, in conjunction with a 1,320 sq ft restaurant with outdoor seating of 50, and hours from 11:00am to 12:00am daily.*

Case No. APCW-2005-5122-SPE-CDP-CUB-SPP - *On August 7, 2006, the West Los Angeles Area Planning Commission approved a Conditional Use to permit the sale and dispensing of a full-line of alcoholic beverages for consumption on the premises with hours of 11 a.m. to midnight, Monday through Saturday, and 11:00 a.m. to 10:00 p.m. on Sunday with 20 seats inside and 28 outside.*

Case No. ZA 2006-6646(CDP)(CUB)(SPP) - *On April 19th, 2007, the Zoning Administrator approved a Conditional Use Permit to allow an upgrade for the sale and dispensing of a full line of alcoholic beverages for on-site consumption at an existing 1,440 sq ft restaurant with new patio dining use, and 39 seats inside and 10 on the patio with hours of operation from 11:00am to 12:00am daily.*

FINDINGS

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

This case pertains to a request for a Conditional Use Permit (Beverage) to allow the sale of beer and wine only for on-site consumption in conjunction with an existing 2,544 sq ft restaurant seating 44 patrons and observing hours of operation from 11:00am to 11:00pm daily. The building which houses the restaurant was built in 2009 to accommodate commercial spaces on the ground floor with artist work/lofts above. 87 parking spaces are provided for said uses with 24 reserved for the restaurant.

The subject restaurant, "Lemonade," is situated along Abbot Kinney in the eclectic and bustling Venice neighborhood of Los Angeles. The Venice Community Plan states that it has an opportunity to, "*Promote existing commercial areas on Abbot Kinney Boulevard between Venice Boulevard and Main Street as an art craft center. Encourage broad range of community serving commercial uses and services.*"¹ Restaurants are crucial elements of vibrant commercial areas whereas accommodations should be made to buttress their attempts at remaining viable in the long run. The option for patrons to order the time honored amenity of beer and wine is a crucial element for the success of any restaurant.

Approving the request for beer and wine conforms to another portion of the Community Plan which states, "*To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.*"² The Community Plan takes into consideration that the commercial area in question, and ones similar to it, are dependent on the preservation of their uses allowed them by-right as well as their approved entitlements. Constricting the existing zoning designations or related entitlements will have a negative impact on the surrounding community and the Boulevard itself. As one of the functions of the Plan is, "*Preserving and promoting existing uses, particularly small businesses and artisan which characterize Venice various neighborhoods,*"³ the approval of the instant request would

certainly be in proper relation to adjacent uses as well as the development of the community at large.

1. Venice Community Plan, Chapter I, Introduction, Community Issues and Opportunities, Opportunities, Page I-4
2. Venice Community Plan, Chapter 3, Land Use Policies and Programs, General Commercial, Objective 2-1, Page III-8
3. Venice Community Plan, Chapter 2, Function of the Community Plan, Role of the Community Plan, Page II-1,2

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

In supporting an alcohol request at 1633 Abbot Kinney, The West Los Angeles Area Planning Commission wrote, *“As stated previously, the proposed restaurant is located in an area that is undergoing a transformation and will, likely, be a continuation of the pedestrian-oriented area along the Abbot Kinney Boulevard Community Center. As such, the proposed location of the restaurant will be desirable to the public convenience and welfare and will ultimately add to the area's unique pedestrian-orientation.”*¹ Given its proximity to the subject property, it can be assumed that this statement certainly applies in this case.

The subject site is conveniently located near numerous commercial and residential uses. The location of the restaurant enjoys convenient access from said locations. Many of these patrons enjoy the option of having beer, wine or a cocktail with their meal. As stated above, the subject location is situated in a diverse and important area of the community. This brings foot traffic and attention to the area which, in turn, results in a safer and desirable neighborhood.

The applicant will operate a bonafide restaurant under all applicable codes and guidelines. The kitchen will remain open the entire time the restaurant is and there will be no live entertainment. This assures a use which is both convenient to patrons and respects the welfare of the community.

1. West Los Angeles Area Planning Commission, APCW-2005-5122-SPE-CDP-CUB-SPP, Page 16

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.

“Lemonade” is a restaurant with a bonafide kitchen on site as defined in section 12.03 of the LAMC with a comprehensive dinner menu. Its presence is positive to the character and development of the immediate neighborhood. The restaurant improves the function, design, and vitality of the area.

The property is zoned commercial which allows for uses such as restaurants and, moreover, the project is on a busy corridor that houses other commercial uses. A restaurant fits in with this zoning designation. In this way, the project is beneficial to the character of the neighborhood and serves the aims of the Plan.

In approving an alcohol request at 1633 Abbot Kinney, Robert Janovici wrote, *The purpose and intent of this request is to provide an amenity and service to the community, as a convenience to them, some which depend on public transportation to get around, in close proximity to where they visit, live, and work. As such, it is a benefit, not a detriment to residents in the area.*¹ The area in which Mr. Janovici is referring to and the area in the subject request is one in the same, therefore, the statement applies to this case well.

The restaurant is in conformance with this element of the Community Plan as it remains true to its zoning designation and with the surrounding area of commercial shops and restaurants.

1. Robert Janovici, ZA 2004-4297(CUB), Page 15

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

No, the approval of the Conditional Use is fully in line with other uses in the area, and will benefit the economic welfare of the community. As stated above, the subject site is surrounded by commercial and residential uses. The high density of retail and residential uses necessitates a commensurate number of service establishments of which restaurants are indispensable. The proposed project is fully in line with this as approval of the application will result in revitalization of the site, and secondarily of the neighborhood. Furthermore, in supporting a neighborhood request the West Los Angeles Area Planning Commission wrote, *"The granting of a Conditional Use to permit the sale and dispensing of a full-line of alcoholic beverages for consumption on the premises in conjunction with a new restaurant use will not adversely affect the welfare of the community. While the proposed restaurant is located in an area planned and zoned for Limited Manufacturing uses, it will not adversely affect the welfare of the pertinent community. As indicated in the Venice Community Plan, the Abbot Kinney Boulevard Community Center is a unique pedestrian-oriented area with retail shops, restaurants and art galleries."*¹

Approving the request allows a continued use that supports the needs of the neighborhood and operates without any detrimental affects.

1. West Los Angeles Area Planning Commission, APCW-2005-5122-SPE-CDP-CUB-SPP, Page 15

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

Alcohol Beverage Control stats show that the subject Census Tract has 4 on-sale and 1 off-sale establishment. The approval of the conditional use will not result in or contribute to an undue concentration of such establishments.

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

The approval of the Conditional Use will not detrimentally affect nearby residentially zoned properties. The restaurant will operate a bonafide kitchen that will be open during all hours of operation. There is no live entertainment proposed for the project and there will be no after hours uses of the property. The prohibition of entertainment, dancing and a bar or lounge preclude a change in the existing character of the facility from being anything other than simply a restaurant with accessory alcohol service.

f. 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 shall be from 11:00 a.m. to 11:00 p.m. daily. Alcohol hours are to be the same.

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

The maximum indoor seating for the restaurant shall not exceed 44 seats unless a smaller occupancy is determined applicable by the Fire Department and the department of Building and Safety.

h. 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?

24 parking spaces are reserved on-site for this restaurant.

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

No. There will be low level ambient music played on a sound system not to violate any applicable Municipal Codes regarding noise.

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

Only beer and wine will be served.

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

No.

l. 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)

No cocktail lounge will be maintained.

m. 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?

No.

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

No.

- o. Will you have signs visible on the outside which advertise the availability of alcohol?**

No.

- p. 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?**

Alcohol will not be sold without a food order. There will be a kitchen on site as defined in section 12.03 of the LAMC and a comprehensive dinner menu will be offered.

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

No beverages will be sold or served in single cans. Wine will be sold by the bottle and by the glass, with glasses being in quantities of less than 750 ml. Wines by the bottle may include desert wines, fortified wines or half bottles which may be less than 750 ml as well.

- r. Will "fortified" wine (greater than 16% alcohol) be sold?**

No.

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

There will be minimal off-site sales of wine in conformance with all applicable requirements of the Alcohol Beverage Control.

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

No.

- u. Will security guards be provided and if so, when and how many?**

No. The proposed project is operating strictly as a restaurant.

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

No.

- w. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?**

No, gross sales of alcoholic beverages will not exceed gross sales of food on a quarterly basis. The applicant/operator shall at all times maintain records which reflect separately the

gross sales of food and the gross sales of alcoholic beverages of the applicant/operator. Said records shall be kept no less frequently than a quarterly basis and shall be made available to the Planning Department upon request.

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

See attached.

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

6-10 employees will be on site at any given time.

z. What security measures will be taken including:

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

Rules and regulations shall be posted prominently on the walls adjacent the entrances.

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

Staff and management shall monitor and discourage the above activities. Any such activity will be addressed, documented and if necessary, the appropriate authorities will be contacted.

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

No.

(4) Other measures.

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.

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. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.

ADDITIONAL MEASURES AS VOLUNTEERED BY THE APPLICANT:

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 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 Administrators opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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.
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.
6. Hours of operation shall not exceed 11:00 a.m. to 11:00 p.m. daily.
7. No dancing is allowed.
8. No after hours use of the facility is permitted, including any private events.
9. No pool or billiard tables or coin operated electronic, video or mechanical amusement devices shall be maintained on the premises.
10. No adult entertainment of any type as defined in Section 12.70 of the Municipal Code nor any wet-shirt contests, leg, contest, mud or oil wrestling, lap dancing or similar adult-type entertainment shall be permitted.
11. Petitioner(s) shall not require an admission charge or cover charge, nor shall there be a requirement to purchase a minimum number of drinks.
12. The subject alcoholic beverage license shall not be exchanged for a public premise type license.
13. The premises shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during normal operating hours.
14. No pay phone will be maintained on the exterior of the premise.
15. The Petitioner(s) shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.
16. The quarterly gross sale of alcoholic beverages shall not exceed the gross sales of food during the same period. The petitioner(s) shall at all times maintain records which reflect separately the gross sales of food and gross sales of alcoholic beverages of the licensed 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.
17. 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.

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

No, however any patrons wishing to purchase alcoholic beverages must be 21 years of age and over. This will be monitored by staff who will check identification for proof of age before sale of alcohol. There will be no minimum age requirement for patrons who do not wish to purchase alcoholic beverages. The establishment will function as a restaurant and as such, will cater to patrons of all ages.

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

See attached.

cc. 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)?

Not applicable.

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

Not applicable.