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Conditional Use Permit-Alcohol (CUB) Conditional Use Permit Additional Information/Findings 1140 S. Gayley

Lemonade Restaurant Group, LLC (A)
10000 Culver Blvd.
Los Angeles, CA 90232

H5 Capital Westwood LLC (O)
9320 Wilshire Blvd. #300
Beverly Hills, CA 90212

FE Design & Consulting (R)
327 E. 2nd St. #222
Los Angeles, CA 90012

1140 S. Gayley Blvd
Westwood Community Plan Area
Zone: C4-2D-O
D.M: 132B149
C.D: 5
Legal Description: Lot: 5-6, Block: None,
Tract: TR 25678

REQUEST

A Conditional Use Permit to allow the sale of beer and wine for on-site consumption in conjunction with a new 3,000square foot restaurant having 62 seats inside, and 12 seats outside in a 338 square foot patio area located on private property, for a total of 74 seats and having hours of operation from 11:00am to 11:00pm daily.

BACKGROUND

The subject property is a level, irregularly-shaped 16,528 square foot parcel comprised of lots 5 and 6 in Tract 25678. It is bounded by Lindbrook Drive to the south, Gayley to the west, an alley to the north, and another parcel to the east. On 10/4/2012, the West Los Angeles Planning Commission approved APCW-2010-1087-SPE-ZV-ZAA-DRB-SPP to allow a Project Permit Compliance within the Westwood Village Specific Plan; a Specific Plan Exception to allow 34 dwelling units, a zero foot setback along the street frontages, 33% of the ground floor area frontage along Gayley Avenue to be occupied by retail, restaurant or other food service uses; a Variance to allow a portion of the required residential parking to be located within the public right-of-way under the sidewalk on Gayley Avenue and Lindbrook Drive; a Yard Adjustment to permit a zero foot side yard instead of the seven (7) foot side yard required; and a Design Review for the building exterior.



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On 8/5/2013, the Department of Building and Safety approved permit number 12010-10000-01903 to allow construction of a four-story, mixed use building with 34 residential units on floors two through four, commercial uses on the ground floor, and seventy-two parking stalls on two subterranean levels. The building was under construction at the time of filing the subject case. There will be an additional 32 parking stalls provided off-site by covenant and complying with all provisions of the Westwood Specific Plan and the LAMC.

On 4/16/2014, the Director of Planning approved DIR-2014-251-SPP to allow two restaurant uses to occupy 5,250 square feet of the total 6,500 square feet of commercial space on the ground floor. On 2/6/2015, the West Los Angeles Area Planning Commission denied an appeal to DIR-2104-251-SPP and sustained the Director of Planning’s original determination.

On 1/15/2015, the applicant submitted an application to the Department of Building and Safety to change the use of a portion of the ground floor space to a restaurant; 15016-10000-00910. The subject request is to add the sale and dispensing of beer and wine to this specific unit.

Details of our project are as follows:

	New Approval
Use	Restaurant
Square Footage	3,000 sq. ft.
Unit/Address	1240 S. Gayley, Los Angeles, CA 90024
Patio	Yes, on private property
Hours of Operation	11 a.m. to 11 p.m. daily
Type of Alcohol	Type 41 License- On Sale Beer and Wine Eating Place
Food	Yes
Interior Seats	62
Exterior Seats	12
Total Seats	74
Live Entertainment	No
Dancing	No
Off-Site Sales	Only food and non-alcoholic beverages
Private Parties	Yes <i>(for birthday parties, corporate events, etc.)</i>
Parking	21 on-sites stalls and 32 off-site stalls
Census Tract	2652.02
Neighborhood Council	Westwood
Council District	CD-5 Paul Koretz



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SURROUNDING PROPERTIES

The property to the north across the alley is zoned C4 and improved with a one-story, 17,904 square foot commercial building housing restaurant uses.

The property to the south across Lindbrook Drive is zoned C4 and is improved with a two-story, 36,830 square foot commercial building housing a UCLA Extension and restaurant uses.

The to the east across Gayley Ave is zoned C4 and is improved with two-story, 81,478 square foot commercial building housing retail, office, and a UCLA Extension.

The abutting property to the west is zoned C4 and is improved with the Westwood Village Square building housing retail, restaurant and parking.

CIRCULATION

Gayley Ave is a Secondary Highway with a 95 foot dedication improved with asphalt roadway, landscaped concrete curb, gutter, sidewalk, street lights, and parking meters.

Lindbrook Drive a Secondary Highway with an 85 foot dedication improved with asphalt roadway, landscaped concrete curb, gutter, sidewalk, street lights, and parking meters.

GENERAL CONDITIONAL USE FINDINGS

a. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.

The applicant is requesting a conditional use permit to allow the sale of beer and wine for on-site consumption in a proposed 3,000 square-foot Lemonade Restaurant in Westwood Village with proposed hours of operation from 11:00 a.m. to 11:00 p.m., daily. Lemonade currently operates seventeen locations in the Southern California and the Middle East; eight of which operates Alcoholic Beverage Control licenses in California and have done so without incident.

The restaurant is located on the ground floor of a new four-story, mixed-use building at the corner of Gayley and Lindbrook. There are seventy-two on-site parking stalls on two subterraneous levels. Fifty-one of these stalls are reserved for the thirty-four residential units and twenty-one are reserved for the commercially permitted ground floor. An additional thirty-two parking stalls will be secured off-site and by covenant as



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required by the LAMC and the Westwood Specific Plan. Gayley and Lindbrook have metered parking stalls and there are several parking lots in the vicinity, including one on the abutting property to the east. 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 Westwood itself. Restaurants are an intrinsic part of the amenities necessary for the development of a vibrant pedestrian-oriented retail center and it follows that accommodations ought to be made in order to buttress their attempts at remaining viable in the long run, such as the subject request. The addition of an alcohol entitlement at the subject establishment conforms to these aims as it provides an additional amenity for residents, visitors, and workers in the neighborhood. The applicant's history of responsible restaurant oversight illustrates that they can conduct alcoholic beverage operations in a manner that is compatible with the surrounding community.

b. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The building and its uses have been approved by both the West Los Angeles Area Planning Commission and the Director of Planning. This particular unit has also been approved by these governing bodies to operate the subject use. The restaurant is located in an area with a large number of restaurants, offices and retail uses. The proposed restaurant will provide a public convenience during the day and evening for area residents and employees. The adjacent properties located to the north, south, east and west are zoned C4-2D-0 and improved with restaurant, retail and office uses. The hours of operation are reasonable and there will be no live entertainment or dancing. As conditioned, the restaurant's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety..

c. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The property is located within the West Los Angeles Transportation Improvement Mitigation Specific Plan, the Westwood Community Design Review Board Specific Plan, and is within the Westwood Village Specific



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Plan. Approved cases APCW-2010-1087-SPE-ZV-ZAA-DRB-SPP and DIR-2014-251-SPP set the parameters of what is allowed to occur at the subject site. The subject establishment will operate in a manner that is consistent with these approvals, the LAMC, and the Specific Plan. Proposed façade changes will be requested under a separate case and will adhere to the required procedure to obtain approval.

ADDITIONAL FINDINGS - CUB

i. Explain how the proposed use will not adversely affect the welfare of the pertinent community.

The proposed project is a full-service sit-down restaurant that will have food service at all times. There will not be any live entertainment or dancing, there is no proposed happy hour, and all noise ordinances will be adhered to. The restaurant will close at 11:00 p.m. and beer and wine sales will be a small percentage of the establishment's total sales. It can therefore be assumed that this restaurant will not adversely affect the welfare of the pertinent community, but will instead enhance the community by offering a new dining option.

ii. Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments.

The number of on-site licenses exceeds the number allotted based on ABC criteria; however, it should be noted that this scenario is typical of areas like Westwood that service large resident and commuter populations. The ABC establishes the allotted number of licenses per census tract based on population estimates and cannot take into account these other crucial neighborhood specific factors. The ABC does, however, continue to approve new licenses in these areas if issuance serves public convenience and necessity and will interfere with quality of life in the neighborhood.

iii. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.

The restaurant is located in Westwood, a bustling commercial corridor which houses many similar uses. The specific operations of the establishment clearly set the parameters of the subject use in such a way that it will not detrimentally affect residential uses.

QUESTIONS REGARDING THE PHYSICAL DEVELOPMENT OF THE SITE

a. What is the total square footage of the building or center the establishment is located in?

The restaurant is located within a 48,517 square foot building.



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b. What is the total square footage of the space the establishment will occupy?

The restaurant will occupy 3,000 square feet of interior space.

c. What is the total occupancy load of the space as determined by the Fire Department?

Final occupancy will be determined by the Fire Department following the issuance of the C of O for the tenant improvements.

d. What is the total number of seats that will be provided indoors? Outdoors?

There are 62 interior seats and 12 exterior seats.

e. If there is an outdoor area, will there be an option to consume alcohol outdoors?

Yes.

f. If there is an outdoor area, is it on private property or the public right-of-way, or both?

Private property.

i. If an outdoor area is on the public right-of-way, has a revocable permit been obtained?

N/A.

g. Are you adding floor area? If yes, how much is enclosed? Outdoors?

No.

h. Parking

i. How many parking spaces are available on the site?

72.

ii. Are they shared or designated for the subject use?

Shared between the residential units and the commercial ground floor.



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iii. If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety?

N/A

iv. Have any arrangements been made to provide parking off-site?

Yes, as of the date of this filing, arrangements are underway to provide thirty-two parking stalls by covenant on a site that meets all of the requirements of the LAMC and the Specific Plan.

1. If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety? Note: Required parking must be secured via a covenant pursuant to LAMC 12.26 E 5. A private lease is only permitted by a Zone Variance.

It will be secured by a covenant.

2. Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.

This will be provided once secured.

3. Will valet service be available? Will the service be for a charge?

No.

i. Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or parks?

See attached radius maps.

j. For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other Adult Entertainment Businesses as defined by LAMC 12.70 B17?

N/A

QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT



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a. What are the proposed hours of operation and which days of the week will the establishment be open and Proposed Hours of Alcohol Sales?

Proposed hours of operation and alcohol sales are from 11:00 a.m. to 11:00 p.m. daily

b. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify: Note: An establishment that allows for dancing needs a conditional use pursuant to 12.24 W.18.

No.

c. Will there be minimum age requirements for entry? If yes, what is the minimum age requirement and how will it 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 that 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.

d. Will there be any accessory retail uses on the site? What will be sold?

Yes. Lemonade sells cookbooks, clothing, cups, and other cooking and brand accessories.

e. Security

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

There will be 18 employees on-site at any given time. The applicant 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).

ii. Will security guards be provided on-site?

No, however there will be security cameras.



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1. If yes, how many and when?

N/A.

iii. Has LAPD issued any citations or violations? If yes, please provide copies.

No.

f. Alcohol

i. Will there be beer & wine only, or a full-line of alcoholic beverages available?

Beer and wine only.

ii. Will “fortified” wine (greater than 16% alcohol) be sold?

Yes.

iii. Will alcohol be consumed on any adjacent property under the control of the applicant?

In the patio area.

iv. Will there be signs visible from the exterior that advertise the availability of alcohol?

No, though the restaurant may post a menu which includes the drink list.

v. Food

1. Will there be a kitchen on the site?

Yes.

2. Will alcohol be sold without a food order?

Most customers will come for a meal, though there may be the occasional customer who only wishes to order a drink. Food service will be available at all times.

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



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No.

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

Attached.

vi. On-Site

1. Will a bar or cocktail lounge be maintained incidental to a restaurant?

No.

a. If yes, the floor plans must show the details of the cocktail lounge and the separation between the dining and lounge facilities.

N/A.

2. Will off-site sales of alcohol be provided accessory to on-site sales (“Take Out”)?

No.

a. If yes, a request for off-site sales of alcohol is required as well.

N/A.

3. Will discounted alcoholic drinks (“Happy Hour”) be offered at any time?

No.

vii. Off-Site

1. Will cups, glasses or other containers be sold which might be used for the consumption of alcohol on the premises?

N/A.



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2. 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.

viii. Contact the CA Department of Alcoholic Beverage Control (ABC) regarding its requirements.

CALDERA BILL (CA Business and Professions Code Section 23958 and 23958.4)

a. Is this application a request for on-site or off-site sales of alcoholic beverages?

On-site.

i. If yes, is the establishment a bona-fide eating place (restaurant) or hotel/motel?

N/A

6/9/15 MD