

1 RESOLUTION NO. 2016-P011

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER  
3 CITY, CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT, P2016-  
4 0100-AUP, TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE  
5 CONSUMPTION INCIDENTAL TO A RESTAURANT AT 11060 WASHINGTON  
6 BOULEVARD IN THE COMMERCIAL GENERAL (CG) ZONE.

7 (Administrative Use Permit, P2016-0100-AUP)

8 WHEREAS, on June 6, 2016, Swell 77, LLC (the "Applicant") filed an application for an  
9 Administrative Use Permit to allow the sale of alcoholic beverages (beer and wine) for on-site  
10 consumption, incidental to an approved restaurant use located within a mixed use  
11 development; and

12 WHEREAS the sale of alcoholic beverages for on-site consumption of beer and wine,  
13 requires approval of a Type 41 License (On-Sale Beer and Wine for a Bona Fide Public Eating  
14 Place) from the California Department of Alcoholic Beverage Control (ABC) (the "Project"). The  
15 Project site is legally described as PM 374-43-47 Lot 1 in the City of Culver City, County of Los  
16 Angeles, State of California; and

17 WHEREAS, The proposed use is located within a property subject to a Development  
18 and Disposition Agreement (DDA) between the property owner and the Successor Agency to  
19 the former Culver City Redevelopment Agency (CCRA) which gives the SA commercial tenant  
20 approval authority; and

21 WHEREAS, in order to implement the proposed Project, approval of the following  
22 application is required:

- 23
- 24 1. Administrative Use Permit, P2016-0100-AUP: To ensure that the allowance of  
25 beer and wine sales for on-site consumption, incidental to an approved restaurant use, is in  
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1 compliance with all required standards and City ordinances and establish conditions of  
2 approval to ensure the use is compatible with the Project site and surrounding area; and

3 WHEREAS, pursuant to CEQA Section 15301, Class 1 – Existing Facilities, the Project  
4 is Categorically Exempt; and

5 WHEREAS, on September 14, 2016, after conducting a duly noticed public hearing on  
6 the subject application, including full consideration of the application, plans, staff report,  
7 environmental information and all testimony presented, the Planning Commission (i) by a vote  
8 of \_ to \_, adopted a Categorical Exemption, in accordance with the California Environmental  
9 Quality Act (CEQA), finding the Project will not result in significant adverse environmental  
10 impacts; and (ii) by a vote of \_ to \_, conditionally approved Administrative Use Permit, P2016-  
11 0100-AUP, as set forth herein below.  
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15 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER  
16 CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

17 SECTION 1. Pursuant to the foregoing recitations and the provisions of Culver City  
18 Municipal Code (CCMC), the following findings are hereby made:  
19

20 **Administrative Use Permit**

21 As outlined in CCMC Section 17.530.020, the following required findings for an Administrative  
22 Use Permit are hereby made:

23 **A. The proposed use is allowed within the subject zoning district with approval of an  
24 Administrative Use Permit and compliance with all other applicable provisions of the  
25 Title and the CCMC.**

26 The proposed sales of alcoholic beverages for on-site consumption, incidental to a  
27 restaurant use, is consistent with CCMC Section 17.400.015, as permitted in the  
28 Commercial General (CG) zone, and is subject to the approval of an Administrative Use  
29 Permit (AUP) when within three hundred (300) feet of any residentially zoned property  
or an elementary/secondary school. The findings required for approval of the proposed  
AUP have been made herein. The proposed use as conditioned will comply with all

1 other applicable provisions of Title 17 – Culver City Zoning Code and the Culver City  
2 Municipal Code (CCMC).

3 **B. The proposed use is consistent with the General Plan and any applicable Specific  
4 Plan.**

5 The subject site is located within the General Corridor land use designation of the  
6 General Plan; the proposed use, a restaurant with incidental on-site sale of alcoholic  
7 beverages (beer and wine), is consistent with this designation, which envisions small to  
8 medium scale commercial uses with an emphasis on community serving retail. The  
9 restaurant is 1,450 square feet and is expected to be a community oriented destination,  
10 primarily serving local residents and visitors. The proposed alcohol service incidental  
11 to food service will enable the small restaurant to complement surrounding uses and  
12 help ensure that it is economically viable, consistent with the General Plan land use goal  
13 of achieving economic vitality that serves the community and protects quality of life. As  
14 conditioned, the quality of life for the surrounding residential neighborhood will be  
15 protected. In addition, the establishment of the restaurant with the proposed incidental  
16 on-sale of beer and wine is consistent with Objective 5, specifically land use policies 5.B  
17 and 5.G, which encourage small business ownership and the establishment of high  
18 quality retail and restaurant uses. There is no applicable Specific Plan for this area.

19 **C. The design, location, size, and operating characteristics of the proposed use are  
20 compatible with the existing and future land uses in the vicinity of the subject site.**

21 The project site is located on the south side of Washington Boulevard, a major  
22 commercial corridor within the City, between Tilden Avenue and Harter Avenue, and is  
23 surrounded by a mix of various commercial uses, including several existing restaurants,  
24 as well as a local park and residential uses. The subject tenant space is located at the  
25 northwest corner of the building oriented towards Washington Boulevard, away from  
26 nearby residential uses. The use will be small-scale and occupy a space that is 1,450  
27 square feet. The design, location, and size of the physical improvements/building and  
28 primary commercial use (restaurant) are in compliance with mixed use development  
29 standards. The business will require tenant improvements to make the space suitable  
for the operation of the new business. Operationally, the proposed alcohol service at  
the restaurant will be incidental to food service. Alcohol service will be available during  
the restaurant business hours only, with the last service occurring at 10:00 pm, thirty  
(30) minutes before closing time. In this manner, the proposed alcohol service will be  
incidental and compatible with the surrounding land uses, including future uses along  
the commercial corridor. The project has been conditioned to further ensure  
compatibility with the neighborhood and with future land uses in the vicinity of the subject  
site. Should any unexpected negative impacts arise from the operation of the proposed  
use, this Administrative Use Permit may be subject to revocation or modification as  
deemed necessary.

1 **D. The subject site is physically suitable for the type and intensity of use being**  
2 **proposed, including access, compatibility with adjoining land uses, shape, size,**  
3 **provision of utilities, and the absence of physical constraints.**

4 The subject site is located on a major commercial corridor, developed within a multi-  
5 story mixed use building with associated site improvements, including access and  
6 utilities. The on-site sale and consumption of alcoholic beverages is incidental to a  
7 restaurant consisting of 1,450 square feet of floor area. The primary restaurant use is  
8 allowed by the Zoning Code without discretionary review. The proposed alcohol service  
9 will be incidental to the restaurant and will not result in an intensification of use and no  
10 additional utilities are required to service the site in connection with the proposed use.  
11 The operation will be compatible with the similar restaurant operations in the  
12 surrounding area, including the adjacent commercial land uses that include a food retail  
13 store and restaurant to the east, an office building to the west, and a 2-story office  
14 building to the north. In addition, the use has been conditioned so as to prevent any  
15 compatibility issues with the residential use(s) on-site and in the neighborhood to the  
16 south. Therefore, the subject site is physically suitable for the proposed use subject to  
17 compliance with the conditions of approval contained herein.

18 **E. The establishment, maintenance or operation of the proposed use will not be**  
19 **detrimental to the public interest, health, safety, or general welfare, or injurious to**  
20 **persons, property, or improvements in the vicinity and zoning district in which the**  
21 **property is located.**

22 The restaurant is a small-scale business, primarily serving the surrounding  
23 neighborhood; therefore, the proposed alcohol service will serve the public convenience.  
24 The on-site sale and consumption of alcoholic beverages, (beer and wine) incidental to  
25 an approved restaurant, will not negatively impact the mixed use development or  
26 surrounding neighborhood. In addition, alcohol service will be provided only in  
27 compliance with the conditions of approval contained herein and subject to any  
28 additional requirements and/or operating restrictions imposed by the ABC. Conditions  
29 of approval have been included that allow alcohol service only when provided in  
30 conjunction a meal in order to ensure the use continues to operate primarily as a  
31 restaurant. Further, the use is consistent with the subject property Disposition and  
32 Development Agreement (DDA) between the Successor Agency of the former Culver  
33 City Redevelopment Agency (SA) and the property owner, and the DDA contains  
34 provisions for approving ground level uses that are compatible with the surrounding  
35 neighborhood. Therefore the project, subject to the conditions of approval, will ensure  
36 that the operation of the restaurant will not be detrimental to the public interest, health,  
37 safety, or general welfare, or injurious to persons, property, or improvements in the  
38 vicinity and zoning district in which the property is located.

39 SECTION 2. Pursuant to the foregoing recitations and findings, the Planning  
40 Commission of the City of Culver City, California, hereby (1) adopts a Categorical Exemption,

1 in accordance with the California Environmental Quality Act (CEQA), finding the Project will not  
2 result in significant adverse environmental impacts; and (2) approves Administrative Use  
3 Permit, P2016-0100-AUP, subject to the conditions of approval set forth in Exhibit A attached  
4 hereto and incorporated herein by this reference.  
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6 APPROVED and ADOPTED this 14th day of September, 2016.  
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10 \_\_\_\_\_  
11 DAVID VONCANNON - CHAIRPERSON  
12 PLANNING COMMISSION  
13 CITY OF CULVER CITY, CALIFORNIA

14 Attested by:

15 \_\_\_\_\_  
16 Yvonne Hunt  
17 Administrative Secretary  
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EXHIBIT A  
 RESOLUTION NO. 2016-P011  
 Case No. P2016-0100-AUP  
 11060 Washington Boulevard

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
1.	These Conditions of Approval are being imposed on the on-site sale and consumption of alcoholic beverages (i.e. beer and wine) incidental to a restaurant (the "Project"), for the property located at 11060 Washington Boulevard (the "Property").	All	Standard	
2.	<p>The applicant shall be required to submit to the Planning Division the following:</p> <ul style="list-style-type: none"> <li>a. California State Department of Alcoholic Beverage Control (ABC) application simultaneously with the submittal of said application to ABC or prior to the issuance of the ABC license if it has already been submitted;</li> <li>b. Zoning Affidavit, as may be required by ABC;</li> <li>c. Copy of the ABC license upon issuance of said license.</li> <li>d. Copy of each license suspension or citation issued by ABC upon such issuance.</li> </ul>	Planning	Special	
3.	The land use permit to which these Conditions of Approval apply (the "Land Use Permit") shall expire one year from the date of final approval of said Land Use Permit, if the use has not been exercised. As provided in CCMC Section 17.595.030 – "Time Limits and Extensions", an applicant may request an extension of said expiration date by filing a written request with the Planning Division prior to the expiration of the land use permit.	Planning	Standard	
4.	Changes to the Project or use approved as part of the Land Use Permit may only be made in accordance with the provisions of CCMC Section 17.595.035 – "Changes to an Approved Project".	Planning	Standard	
5.	The City reserves the right to request of ABC additional conditions, such as hours of operation restrictions, restriction of the type of alcohol sold, or other conditions that the City may deem	Planning	Special	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
	necessary in order to reduce potential impacts.			
6.	Pursuant to CCMC Section 17.650.020 - "Inspection", the Property Owner and Applicant shall allow authorized City officials, or their designees, access to the Property where there is reasonable cause to believe the Property is not in compliance with these Conditions of Approval or other requirements of the CCMC.	All	Standard	
7.	Pursuant to Zoning Code Chapter 17.660, the Administrative Use Permit may be revoked or modified if the conditions of approval herein are not complied with or if there are adverse impacts to the surrounding community or nuisances result from this approval. Prior to any such revocation, timely notice and response opportunities shall be given to the property owner.	Planning	Special	
8.	The Project, and the use and development of the Property, shall be in substantial conformance with the plans and materials submitted with the application for the Land Use Permit as reviewed by the Planning Commission at its meeting on September 14, 2016, excepted as modified by these Conditions of Approval.	Planning	Standard	
9.	Consumption of alcohol shall meet and at all times be in compliance with the requirements of the ABC and CCMC Section 17.400.015 – Alcoholic Beverage Sales.	Planning	Special	
10.	Alcohol sales/service and consumption shall be limited to beer and wine, as specified by the ABC license type, Type 41 – On-sale beer and wine for Bona Fide Eating Place.	Planning	Special	
11.	The premises shall be maintained as a bona fide restaurant. The kitchen shall be open and food service shall be available during all hours of operation of the restaurant. A copy of the menu shall be provided to the Director prior to opening.	Planning	Special	
12.	Alcohol shall not be sold or served without a	Planning	Special	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
	food order. The sale of alcoholic beverages shall be incidental to the sale of food.			
13.	Hours of operation of the restaurant shall not exceed 11:00 AM to 10:30 PM Monday through Friday, and 5:30 AM to 10:30 PM Saturday and Sunday.	Planning	Special	
14.	Alcoholic beverages shall be available for purchase and consumption within the designated dining areas and only during the approved restaurant hours, with the last service occurring at 10:00 PM.	Planning	Special	
15.	The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The restaurant owner/operator shall at all times maintain records which reflect separately the gross sales of food and the 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 Planning Division upon demand.	Planning	Special	
16.	There shall be no exterior advertising or sign of any kind, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. This condition is not meant to preclude an interior display of alcoholic beverage containers within the interior of the restaurant space.	Planning	Special	
17.	There shall be no live entertainment on the premises at any time.	Planning	Special	
18.	Restaurant management shall be responsible for governing the number of alcoholic beverages provided to patrons in accordance with applicable State statutes	Planning	Special	
19.	The restaurant shall operate with regard for the	Planning	Special	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
	character of the surrounding neighborhood, and the right is reserved to the Director to impose additional corrective conditions, if, in the Director's opinion, such conditions are proven necessary for the protection of tenants of the subject building, persons in the neighborhood or occupants of adjacent properties.			
20.	The Property shall be maintained daily so that it is free of trash and litter, and is continuously maintained in an overall attractive condition.	Building	Standard	
21.	All graffiti shall be removed from the Property within 48 hours of its application.	Building/ Planning/ Public Works	Standard	
22.	In the event of a change in tenancy of the existing restaurant to a different restaurant, the operator of the new restaurant shall submit a request to modify this Administrative Use Permit prior to issuance of any building permit, approval of any business tax certificate and/or occupancy. The Director shall review said modification request and may modify, add, or delete conditions contained herein or may refer the matter to the Planning Commission for consideration of any modification.	Planning	Special	
23.	Follow-up review of the operation of the restaurant, which may include a site visit or review of sales receipts, as determined by the Director shall be conducted after six months and after one year of full operation. If it is determined that the restaurant is not operating to the satisfaction of the Director, additional conditions may be imposed.	Planning	Special	
24.	A copy of the conditions of approval shall be kept on the premises at all times	Planning	Special	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
25.	<p>The Applicant shall:</p> <ul style="list-style-type: none"> <li>▪ Install of a commercial grade trash compactor with deodorizing system in the trash room</li> <li>▪ Place business generated waste in double bags</li> <li>▪ Place double bagged business generated waste in the trash compactor</li> <li>▪ Use commercial-grade, non-leaking receptacles when transporting business generated waste to the trash room compactor</li> <li>▪ Immediately remove any waste residue (liquid or solid) that accumulates on walkways between the tenant space and trash room</li> <li>▪ Thorough clean the compactor, trash room, and walkways (including adjacent walls) between the tenant space and trash room not less than every six months</li> <li>▪ Annually submit to the Director a maintenance contract for the use, cleaning and operation for the compactor</li> <li>▪ Install self-closing mechanism on the trash room doors so they remain closed at all times</li> <li>▪ Implement annually a professionally administered pest control program</li> </ul>	CDD		