



# City of Culver City

## Staff Report

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**File #:** 20-974, **Version:** 1

**Item #:** PH-2.

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**PC - Consideration of a Conditional Use Permit to allow the Off-site Consumption and Sale of Alcoholic Beverages as part of a Bar/Tap Room (Project) located within the Ivy Station Development at 8809 Washington Boulevard, Suite 132-133.**

**Meeting Date:** May 27, 2020

**Contact Person/Dept:** Michael Allen, Current Planning Manager;  
Gabriela Silva, Associate Planner;  
William Kavadas, Assistant Planner

**Phone Number:** (310) 253-5736 / (310) 253-5727

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☒

**Action Item:** ☐

**Attachments:** ☒

**City Council Action Required:** Yes ☐ No ☒ **Date:** N/A

**Public Notification:** (Mailed) Property owners and occupants within a 500-foot radius (05/06/2020); (Email) Master Notification List (05/07/2020), Meetings and Agendas - Planning Commission (05/21/2020); (Posted) City website (05/07/2020), Onsite Sign (05/06/2020).

**Department Approval:** Sol Blumenfeld, Community Development Director (05/21/2020)

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### **RECOMMENDATION**

Staff recommends that the Planning Commission 1) Adopt a Class 3 Categorical Exemption for this project, pursuant to California Environmental Quality Act Section 15303 New Construction or Conversion of Small Structures, and 2) Approve Conditional Use Permit, P2020-0030-CUP, subject to the Conditions of Approval as stated in Resolution No. 2020-P008 (Attachment No. 1).

### **PROCEDURES**

1. Chair calls on staff for a brief staff report and Planning Commission poses questions to staff as desired.
2. Chair opens the public hearing, providing the applicant the first opportunity to speak, followed by the general public.
3. Chair seeks a motion to close the public hearing after all testimony has been presented.
4. Planning Commission discusses the matter and arrives at its decision.

## **BACKGROUND**

### **Request**

On January 28, 2020, an application was submitted by Los Angeles Ale Works, LLC (the Applicant) for a Conditional Use Permit (CUP) requesting the following:

- Alcoholic beverage sales for a bar, for consumption on-site, including within a designated outdoor seating area, and
- Alcoholic beverage sales for a retail store, for consumption off-site.

Although outdoor dining areas are subject to an administrative conformance review as part of the Ivy Station Comprehensive Plan, it is presented for consideration by the Planning Commission as part of the Conditional Use Permit, since alcohol beverage consumption is also proposed in that area.

### **Project Site/Existing Conditions**

The overall Project Site is located at 8801-8809 Washington Boulevard, on the northwest corner of Washington Boulevard and National Boulevard, with the specific Project tenant space located at 8809 Washington Boulevard, Suite 132-133 (see Vicinity Map, Attachment No. 2). The parcel is flat in topography and irregular in shape, measuring 5.53 acres. Currently, the site is improved with three (3) 5 to 6-story structures in varying stages of construction, including hotel, office, retail, restaurant, and residential uses, with multiple parking areas and site improvements including landscape and hardscape, collectively known as Ivy Station. The development was approved through a Comprehensive Plan, adopted by the City Council in March 2016, which established the zoning and the allowable uses for the site, and anticipated various types of uses compatible with transit-oriented development. Per the approved Permitted Uses table of the Comprehensive Plan for the Ivy Station Planned Development District No. 11 (PD-11), a bar may be permitted at the subject site with the approval of a Conditional Use Permit.

The subject tenant space is located on the ground floor of the residential mixed-use building, along the façade that faces the Metro Culver City Station. Pedestrian access to Ivy Station is provided at several points along the Venice, National, and Washington Boulevard street frontages and from the Metro Station. Three driveways, accessed from Venice, National, and Washington Boulevards, provide vehicular access.

The Project is located within the Ivy Station development that is part of an emerging transit focused neighborhood. Ivy Station's mix of uses complements existing developments in the vicinity including Access Culver City Mixed-Use Development, 8888 Washington Boulevard Office Building, and Platform mixed commercial complex.

The Land Use Element of the City's General Plan designates this site and surrounding properties along Washington Boulevard as General Corridor, which is consistent with the site's zoning designation of Planned Development District No. 11 (PD-11).

The surrounding zoning and land uses are:

- North: City of Los Angeles (across Venice Boulevard) (General Commercial Uses)
- South: Open Space (OS)/Transportation (T) (across Washington Boulevard) (City Park)
- East: Planned Development (PD), and Industrial General (IG) (across National Boulevard) (General Retail and Office Uses)
- West: Industrial General (IG) (Light Industrial Uses)

### Project Description

As illustrated in the Preliminary Development Plans (Attachment No.3), the applicant proposes to make tenant improvements to an approved 1,685 sq. ft. commercial space in order to establish a bar with outdoor seating measuring approximately 440 sq. ft. and offering packaged alcoholic beverages for purchase to go.

The proposed operator, Los Angeles Ale Works, is an established alcoholic beverage manufacturer with a focus on craft beer, currently operating an existing manufacturing facility and taproom in Hawthorne, CA. As part of the proposed bar/taproom at Ivy Station, the applicant will sell beer that has been produced at the Hawthorne location and transported to the Project location; no beverage manufacturing will occur at the Project. The beer will be available for on-site consumption; packaged/sealed beer containers will also be available to purchase for off-site consumption. Beer sold for off-site consumption will include multi-packs (4-packs and 24-packs), as well as higher end single containers, including 500ml and 750ml bottles, and 32oz cans. A selection of non-alcoholic beverages and pre-packaged snacks will also be made available for purchase. In addition, the applicant also proposes to allow patrons to bring in their own food from off-site. Branded merchandise, such as shirts, sweaters, bottle openers, etc. will also be sold at the subject location.

The Project also includes an outdoor patio with a line of seating facing the pedestrian walkway adjacent to the Metro Station, where patrons will be allowed to consume the beer. The patio will include perimeter railing; large roll-up doors will provide a connection between the interior and exterior tenant space. The proposed operating hours are 11:00 am to midnight, daily. The bar/taproom will only be open to patrons of 21 years of age and older. The applicant will operate under a Type 23 license from the California Department of Alcoholic Beverage Control (ABC) as a bar/taproom and employ approximately 10 to 12 fulltime employees. Said employees will undergo various training and certification to ensure responsible service and operation.

### **ANALYSIS/DISCUSSION:**

Per Culver City Municipal Code (CCMC) Chapter 17.700 a “Bar” is defined as a business where alcoholic beverages are sold for on-site consumption, which are not a part of a larger restaurant. Per the Permitted Uses Table of the Ivy Station Comprehensive Plan, bars require a Conditional Use Permit (CUP) in order to operate at the subject site.

#### **1. CONDITIONAL USE PERMIT**

##### **Alcoholic Beverage Sales**

The bar/taproom will only conduct alcoholic beverage sales/service of beer per a Type 23 ABC license, a license privilege associated with a Small Beer Manufacturing license type. The subject site is located within Census Tract 7024.00, which is the area generally bound by Washington and Venice Boulevard on the north, La Cienega Boulevard on the east, the Ballona Creek on the south, and Duquesne Avenue on the west. According to the California Department of Alcoholic Beverage Control (ABC) records, the subject tract has a total of 71 retail licenses, including on-site and off-site consumption (Attachment No. 4). This Census Tract includes several business districts within Culver City including the Art’s District, Helms Bakery, the TOD District, and Downtown Culver City. ABC will decide whether the tract is “over concentrated”; and if deemed as such a statement of “public convenience or necessity” regarding the subject business will be required pursuant to California Business and Progressions Code, Section 23958.4. A statement of “public convenience or necessity” could be made for this use since the business is in a census tract with three (3) major retail and entertainment districts in Culver City. Based on ABC record, the most common retail licenses include Type 41 and 47 for incidental alcohol ancillary to a restaurant use. The census tract does not have any Type 23 licenses for a bar/taproom; therefore, it can be concluded that there is not an overabundance of the proposed

use in the surrounding vicinity.

#### Neighborhood Compatibility

The subject business is located adjacent to the Metro E Line Culver City Station as part of the larger Ivy Station Mixed-Use Development. Ivy Station is in a larger Transit Oriented District that seeks to create a mix of uses that increase the ability to obtain multiple goods and services in one central location. The subject bar/taproom will help to achieve this by providing a unique use at the site.

The interior bar/taproom area will have large rollup doors that can operate in an open or closed position to connect the outdoor patio to the interior tenant space. The outdoor patio is approximately 440 square feet in area with a depth of approximately six (6) feet. The outdoor patio will not encroach into the required fire lane, dedicated pedestrian pathways through the development, or the adjacent rail station. The outdoor patio will be conditioned to not affect the adjacent residential uses, including the prohibition of any amplified sound. After 8:00 pm, the outdoor patio shall be closed to patrons and only one of the three roll-ups will be allowed to remain open. This will help to reduce any business-related noise that may affect residents of the mixed-use building above. In addition, signs informing patrons to minimize their noise levels in consideration of on-site residential uses will be posted at the tenant space.

Per ABC requirements, staff of the proposed use will complete the Licensee Education on Alcohol and Drugs (LEAD) program, and the business must implement the Responsible Beverage Service Training Program. Accordingly, said staff and management will ensure patrons are not overserved and that the business operates in a manner that is respectful of the neighborhood and does not have the tendency to create any nuisance conditions.

Due to the small-scale character of the operation, no large trucks are expected for delivery of alcoholic beverages. Overall, the operational characteristics of the proposed use make it compatible with the surrounding mixed-use transit-oriented neighborhood, and consistent with the zoning standards of the CG Zone, and intent of the CUP required findings.

#### Traffic, Parking, and Circulation

As part of the original project review for the Ivy Station Development, traffic and circulation issues were studied and addressed to ensure the Mixed-Use project would not have adverse impacts on surrounding roadways and meet all applicable parking needs. The subject business is not expected to attract additional vehicle trips that would require additional studies regarding parking provisions or local traffic patterns.

## 2. OUTDOOR SEATING CONFORMANCE REVIEW

The Comprehensive Plan for Ivy Station includes provisions for the design of outdoor seating/dining areas. Such areas and associated amenities must comply with the area allocation plan for the site, as well as the following standards.

- A minimum four (4) foot wide clear and unobstructed pedestrian pathway shall be maintained between the outside boundary of the outdoor dining area(s) and any obstruction
- Outdoor dining amenities, such as barriers, furniture, equipment, etc., shall be of a high quality design and harmonious and compatible with the overall project architecture and site furniture in the Ivy Station development/complex
- Any proposed inclement weather enclosure shall be constructed of clear glass folding or stacking panels and must be stored unobtrusively within the interior of the tenant space; plastic or acrylic enclosures are not permitted.

- Umbrellas shall have a minimum vertical clearance of 6'-8" and shall not exceed a maximum height of thirteen (13) feet
- Space heaters and/or fixed heaters shall be allowed with installation of gas-line and of a uniform design, shall not project beyond the limits of the outdoor dining area, and shall require written approval from the Landlord, Culver City Planning Division, and the Culver City Fire Marshal prior to placement
- Portable or temporary space heaters shall not be allowed.
- Outdoor dining proposed to include alcoholic beverage service shall provide a physical barrier, which shall not exceed 3'-6" in height and shall maintain at least 70% transparency
- Outdoor dining shall be accessible in accordance with ADA standards
- Outdoor dining shall be operated in a manner that meets all requirements of the Los Angeles County Health Department
- Outdoor dining areas shall be kept clear of litter, food scraps, and soiled dishes and utensils; trash receptacles shall be provided in outdoor dining areas used for consuming take-out items
- Additional requirements and/or restrictions may apply for the purpose of screening any proposed equipment and in maintaining the high quality visual appeal of the development

The proposed outdoor seating area is planned to measure approximately 440 sq. ft. and will include a perimeter barrier in the form of a "drink rail". The proposed drink rail is a steel fence-like structure with a shallow teak wood counter where patrons can place their drinks while sitting or standing outside. Seating will consist of one type of stool, characterized by a simplistic design with metal legs and a wooden seat. A projecting awning will be installed over the storefront openings and will be the same design, material, and color as the awnings on the rest of the subject building façade. No enclosures, umbrellas, or outdoor heaters will be provided.

The outdoor seating area will meet the above requirements. As seen in the proposed site and floor plan, pedestrian pathways of adequate width are provided in and around the seating area. The design of the patio is architecturally compatible with the design of the subject business. The proposed barrier will be no more than three feet six inches (3'-6") in height and will be of an openwork design that will maintain transparency throughout.

## **PUBLIC OUTREACH**

As part of the public notification process, the site was posted with two (2) public notice signs and notices were mailed to owners and occupants within five hundred (500) feet of the subject site on May 6, 2020. In addition, the notice was posted on the City website and distributed through the GovDelivery system on May 7, 2020. As of the writing of this report, staff has not received any public comments in response to the public notification of the public hearing for this item.

## **CONCLUSION/SUMMARY**

The applicant is proposing to operate a bar/taproom in a mixed-use development. The business is in a larger Transit Oriented District that seeks to provide a wide range of uses within its boundaries. The approved Ivy Station Comprehensive Plan allows a variety of uses, including bars through a Conditional Use Permit, per the adopted Permitted Uses table of the PD No. 11 Zone. The applicant has worked with Staff to ensure the use contributes to and is compatible with the Ivy Station Development and surrounding neighborhood. Based on the proposed preliminary development plans, operations description, and recommended conditions of approval, staff considers the project to be compatible with the surrounding neighborhood, consistent with the

Culver City General Plan and the requirements of the Zoning Ordinance. Staff believes the findings for Conditional Use Permit, P2020-0030-CUP, can be made as outlined in Resolution No. 2020-P008 (Attachment No. 1).

### **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, initial review of the project by staff established that there are no potentially significant adverse impacts on the environment and the proposed project has been determined to be categorically exempt per Section 15303, Class 3 - "New Construction or Conversion of Small Structures". Specifically, as outlined herein, the project involves the establishment of retail sales of alcoholic beverages as part of a bar and a retail store (for off-site consumption) within an existing and previously approved 1,685 sq. ft. commercial tenant space within a mixed-use development site.

### **ALTERNATIVE OPTIONS:**

The following alternative actions may be considered by the Planning Commission:

1. Approve the proposed project with the recommended conditions of approval if the applications are deemed to meet the required findings.
2. Approve the proposed project with additional and/or different conditions of approval, if deemed necessary to meet the required findings and mitigate any new project impacts identified at the meeting.
3. Disapprove the proposed project if the applications do not meet the required findings.

### **ATTACHMENTS:**

1. Draft Resolution No. 2020-P008 with Exhibit A: Conditions of Approval
2. Vicinity Map
3. Preliminary Development Plans dated May 1, 2020
4. Census Tract 7024.00 ABC Retail Licenses

### **MOTION**

That the Planning Commission:

Adopt a Class 3 CEQA Categorical Exemption and Approve a Conditional Use Permit to allow the Off-site Consumption and Sale of Alcoholic Beverages as part of a Bar/Taproom.