CITY PLANNING DIVISION

ALCOHOL EXEMPTION ZONING CONFORMANCE PERMIT DETERMINATION

PROJECT INFORMATION	
Permit:	20ENT-0102 (Alcohol Exemption)
Address:	1355 Ocean Avenue (a.k.a 101 Santa Monica Blvd.)
Applicant:	Blue Plate Oysterette, LLC (Jen Rush)
Property Owner:	Belle Vu Plaza
Case Planner:	Ivan Lai, Assistant Planner
PROJECT DESCRIPTION:	Request to allow a Type 47 (On Sale General for a Bona Fide Public Eating Place) alcohol license in conjunction with a 1,620 square-foot full-service restaurant (Blue Plate Oysterette) with 65 seats (42 indoor and 23 outdoor seats) within the Ocean Transition (OT) District.
CEQA STATUS:	Ministerial, exempt (Issuance of a license)

PROPERTY INFORMATION	
Zoning District:	Ocean Transition (OT)
Parcel Area (SF)/Dimensions:	30,000 SF / 200’ (W) x 150’ (D)
Relevant Prior Permits:	06CUP009

ZONING ADMINISTRATOR ACTION	
APPROVED as requested based on findings and subject to conditions.	May 27, 2020
Expiration Date:	November 27, 2022
Length Of Any Possible Extension:	Six months

FINDINGS AND CONDITIONS

Pursuant to Ordinance Number 2637 (CCS), restaurants that offer alcoholic beverages associated with meal service shall be exempt from the provisions of the Conditional Use Permit requirement of Section 9.31.040(B) if such a permit is approved in writing by the Director and if the applicant agrees in writing to comply with all of the following criteria and conditions:

1. If a counter service area is provided, food service shall be available at all hours the counter is open for patrons, and the counter area shall not function as a separate bar area.

2. Window or other signage visible from the public right-of-way that advertises beer or alcohol shall not be permitted.

3. Customers shall be permitted to order meals at all times and at all locations where alcohol is being served. The establishment shall serve food to patrons during all hours the establishment is open for customers.

4. The premises shall maintain a kitchen or food-serving area in which a variety of food is prepared on the premises.

5. Take out service shall be only incidental to the primary sit-down use.

6. Sale of alcoholic beverages for consumption beyond the premises shall be permitted if authorized by the premises' California Alcohol Beverage Control ("ABC") license.

7. No video or other amusement games shall be permitted on the premises.

8. Entertainment may only be permitted in the manner set forth in Section 9.31.290, Restaurants with Entertainment.

9. The primary use of any outdoor dining area shall be for seated meal service. Patrons who are standing in the outdoor seating area shall not be served.

10. The premises shall at all times conduct operations in a manner not detrimental to surrounding properties by reason of lights, noise, activities or other actions. The operator of the premises shall control noisy patrons leaving the premises.

11. The permitted hours of alcoholic beverage service shall be 8:00 a.m. to 12:00 a.m. with complete closure and all employees vacated from the building by 1:00 a.m. All alcoholic beverages must be removed from any outdoor dining area no later than 11:00 p.m. Sunday through Thursday. No after-hours operation is permitted.

12. Liquor bottle service shall be prohibited. Wine and beer bottle service shall not be available to patrons unless full meal service is provided concurrent with the bottle service. For purposes of this paragraph, “bottle service” mean the service of any full bottle of liquor, wine, or beer of more than 375 ml, along with glass ware, mixers, garnishes, or other items used for the mixing of drinks, which patrons are able to then use to make their own drinks or pour their own wine or beer. All food items shall be available from the premises’ full-service menu.

13. No organized queuing of patrons at the entry or checking of identification to control entry into and within the premises shall be permitted. There shall not be any age limitation imposed restricting access to any portion of the restaurant.

14. The premises shall not organize or participate in organized “pub-crawl” events where participants or customers pre-purchase tickets or tokens to be exchanged for alcoholic beverages at the premises.

15. Premises with amplified music shall be required to comply with Section 4.12, Noise, of the Santa Monica Municipal Code.

16. Prior to occupancy, a security plan for the premises shall be submitted to the Chief of Police for review and approval. The plan shall address both physical and operational security issues.

17. Prior to occupancy, the operator shall submit a plan for approval by the Director regarding employee alcohol awareness training programs and policies. The plan shall outline a mandatory alcohol-awareness training program for all employees having contact with the public and shall state management's policies addressing alcohol consumption and inebriation. The program shall require all employees having contact with the public to complete an ABC-sponsored alcohol awareness training program within ninety days of the effective date of the exemption determination. In the case of new employees, the employee shall attend the alcohol awareness training within ninety days of hiring. In the event the ABC no longer sponsors an alcohol awareness training program, all employees having contact with the public shall complete an alternative program approved by the Director. The operator shall provide the City with an annual report regarding compliance with this requirement. The operator shall be subject to any future citywide alcohol awareness training program affecting similar establishments.

18. Within 30 days from the date of approval of this exemption, the applicant shall provide a copy of the signed exemption to the local office of the State ABC.

19. Prior to occupancy, the operator of the premises shall submit a plan describing the premises’ designated driver program, which shall be offered by the operator of the premise to the premises’ patrons. The plan shall specify how the operator will inform patrons of the program, such as by offering on the menu a free non-alcoholic drink for every party of two or more ordering alcoholic beverages.

20. Notices shall be prominently displayed urging patrons to leave the premises and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood.

21. Employees of the premises shall walk a 100-foot radius from the premises at some point prior to 30 minutes after closing and shall pick up and dispose of any discarded beverage containers and other trash left by patrons.

22. The exemption shall apply to approved and dated plans on January 1, 2012, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval. Minor amendments to the plans shall be subject to approval by the Director.

23. In the event of a conflict between the regulations of this Section and regulations issued by the ABC, the ABC regulations shall control and be deemed to have modified contrary provisions of this Section.

For Alcohol Exemption Zoning Conformance Permits for restaurants with over 50 seats, within two business days from the date when the determination has been made concerning the application and posted on the City's website, the Director shall transmit a notice of determination that summarizes the determination and provides a website link to the Statement of Official Action to the applicant at the address shown on the application and to all property owners and residential and commercial tenants within a radius of 750 feet from the exterior boundaries of the property involved in the application.

APPLICANT NOTICE

- This determination shall be effective for a period of 2 ½ years from its approval date, after which time, a new determination is required if relevant State Alcoholic Beverage Control permits have not been obtained or if alcohol service is not actively pursued.

- Commencement of operations on the premises under this exemption shall constitute Permit Holder's acknowledgement and acceptance: 1) of all conditions contained herein; and 2) that failure to comply with any and all conditions shall constitute grounds for potential revocation of the exemption approval.

- This determination shall supersede Conditional Use Permit 06CUP009. Once this determination is effective, 06CUP009 shall be null and void.

Tony Kim

Tony Kim
Acting Zoning Administrator

05/27/20

Date