



**ALCOHOL EXEMPTION
ZONING CONFORMANCE PERMIT
DETERMINATION**

PROJECT INFORMATION	
Permit:	20ENT-0039 (ALCOHOL EXEMPTION)
Address:	1705 Ocean Avenue, Unit 110
Applicant:	Sarelyn Radecke
Property Owner:	I&G Direct Real Estate 42, LP
Case Planner:	Rathar Duong, Associate Planner
PROJECT DESCRIPTION:	Request to allow a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) alcohol license in conjunction with a new 4,492 square-foot pop-up restaurant (Fetch) and a 710 square-foot outdoor dining patio with a total of 100 seats (50 indoor and 50 outdoor seats) located within the Civic Center (CC) District.
CEQA STATUS:	Ministerial, exempt (Issuance of a license)

PROPERTY INFORMATION	
Zoning District:	Civic Center (CC)
Parcel Area (SF)/Dimensions:	40,866 SF / 90' W x 520' D
Relevant Prior Permits:	14CUP-015

ZONING ADMINISTRATOR ACTION	
APPROVED as requested based on findings and subject to conditions.	March 10, 2020

Effective Date of Action (If Not Appealed):	March 24, 2020
Expiration Date:	September 24, 2022
Length Of Any Possible Extension:	Six months

FINDINGS AND CONDITIONS

Pursuant to SMMC Section 9.31.040(D)(1), limited and full-service restaurants that offer alcoholic beverages incidental to 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. The primary use of the premises shall be for sit-down meal service to patrons.
2. 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.
3. Window or other signage visible from the public right-of-way that advertises beer or alcohol shall not be permitted.
4. 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.
5. The establishment shall maintain a kitchen or food-serving area in which a variety of food is prepared on the premises.
6. Take out service shall be only incidental to the primary sit-down use.
7. No alcoholic beverage shall be sold for consumption beyond the premises.
8. Except for special events, alcohol shall not be served in any disposable containers such as disposable plastic or paper cups.
9. No more than three television screens including video projectors or similar audio/visual devices shall be utilized on the premises. None of these televisions or projection surfaces shall exceed 60 inches measured diagonally.
10. No video or other amusement games shall be permitted on the premises.
11. Entertainment may only be permitted in the manner set forth in Section 9.31.290, Restaurants with Entertainment.
12. 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.
13. The operation shall at all times be conducted in a manner not detrimental to surrounding properties by reason of lights, noise, activities or other actions. The operator shall control noisy patrons leaving the restaurant.

14. The permitted hours of alcoholic beverage service shall be 9:00 a.m. to 11:00 p.m. Sunday through Thursday, and 9:00 a.m. to 12:00 a.m. Friday and Saturday with complete closure and all employees vacated from the building by 12:00 a.m. Sunday through Thursday, and 1:00 a.m. Friday and Saturday. All alcoholic beverages must be removed from the outdoor dining area no later than 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday. No after-hours operation is permitted.
15. No more than 35 percent of total gross revenues per year shall be from alcohol sales. The operator shall maintain records of gross revenue sources, which shall be submitted annually to the Planning Division at the beginning of the calendar year and also available to the City and the California Department of State Alcoholic Beverage Control (ABC) upon request.
16. Bottle service shall mean the service of any full bottle of liquor, wine, or beer of more than 375 ml, along with glass ware, mixers, garnishes, etc., in which patrons are able to then make their own drinks or pour their own wine or beer. 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. All food items shall be available from the full-service menu.
17. No organized queuing of patrons at the entry or checking of identification to control entry into and within the establishment shall be permitted. There shall not be any age limitation imposed restricting access to any portion of the restaurant.
18. The establishment 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 restaurant.
19. Establishments with amplified music shall be required to comply with Section 4.12, Noise, of the Santa Monica Municipal Code.
20. Prior to occupancy, a security plan shall be submitted to the Chief of Police for review and approval. The plan shall address both physical and operational security issues.
21. 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.

22. 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.
23. Prior to occupancy, the operator shall submit a plan describing the establishment's designated driver program, which shall be offered by the operator to the establishment's patrons. The plan shall specify how the operator will inform patrons of the program, such as offering on the menu a free non-alcoholic drink for every party of 2 or more ordering alcoholic beverages.
24. Notices shall be prominently displayed urging patrons to leave the premises and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood.
25. Employees of the establishment shall walk a 100-foot radius from the facility 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.
26. The exemption shall apply to approved and dated plans on March 9, 2020, 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.

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. The applicant or any property owners and residential and commercial tenants within a radius of 750 feet from the exterior boundaries of the property involved in the application may appeal the decision within fourteen (14) days to the Planning Commission following the procedures set forth in SMMC Section 9.37.130(B-D) and subject to the findings of SMMC Section 9.31.040(C).

APPLICANT NOTICE

- This determination shall be effective for a period of two (2) years from its effective 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.
- This determination shall supersede Conditional Use Permit 14CUP-015. Once this determination is effective, 14CUP-015 shall be null and void.



Roxanne Tanemori, AICP
Acting Zoning Administrator

3-10-2020

Date

Acknowledgement by Permit Holder (1705 Ocean Avenue, Unit 110 / 20ENT-0039)

I agree to the above conditions of approval and acknowledge that failure to comply with any and all conditions shall constitute grounds for potential revocation of the exemption approval. I also agree to supply a copy of this determination to the State Alcoholic Beverage Control Department within 30 days from its issuance.



Signature

3/10/2020

Date

Sarelyn Radecke

Print name here

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