

LAW OFFICES OF
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November 26, 2008

Patricia Brown
Associate Zoning Administrator
Office of Zoning Administrator
200 N. Spring St. Room 763
Los Angeles, CA 90012

RE: City Case No. DIR 2008-2468 (BSA) Building and Safety concerning
The Townhouse, 52 E. Winward Ave., Venice, CA 90291

To Associate Zoning Administrator Brown:

Upon review of the Zoning Administrator determination dated November 21, 2008, I note that two findings under Los Angeles Municipal Code Section 12.26-K were made:

1. that the Department of Building and Safety did not err in citing the establishment for failure to secure a Certificate of Occupancy for use of the basement.
2. that the Department of Building and Safety did not err in its determination that a Conditional Use Permit for the service of alcohol is required for the basement portion of the establishment.

Upon further reading of the determination in its entirety, I note that these findings are, apparently, predicated upon a serious misapprehension of the status of licensure by the Department of Alcoholic Beverage Control.

At issue before the Zoning Administrator was whether the basement portion of the premises had been properly licensed earlier by the Department of Alcoholic Beverage Control in advance of the 1977 period when conditional use permitting became a requirement in the Los Angeles Municipal Code.

The misapprehension is that there is a requirement for a separate license for the basement area. This is an incorrect statement and belief. Rather, the existing license issued by the Department of Alcoholic Beverage Control for the premises is simply to be extended into the basement area. The Department of Alcoholic Beverage Control will do so upon notification from the City of Los Angeles that it is not in violation of the Los Angeles Municipal Code to so extend the *existing* license.

Attached hereto is a copy of the California Department of Alcoholic Beverage Control License Query System showing that the above-referenced premises have been licensed under the current

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ownership since March of 2003. The present license renewal is due February 28, 2009. Previous license history would obviously date back into the era even pre-dating the ABC itself.

There is no question but the above-referenced premises at 52 Winward Ave. have been licensed by the Department of Alcoholic Beverage Control since the Department of Alcoholic Beverage Control began issuing licenses.

A significant determination leading to the incorrect finding provides:

“If no records exist, and the license has not been renewed and the ABC decision on “re-establishment” is pending, there is no license.”

The license issued by the Department of Alcoholic Beverage Control is 397230. That license number was issued upon transfer from one owner to the next owner March 7, 2003 and is only the latest edition of unbroken licensure for many decades. As is reflected by the License Query System summary, the next renewal is February 2009. Licensure for the basement would be inclusive under license 397230, and it would not be a new, separate or different ABC issued license. What is presently pending before the Department is a “recognition of licensure” for the basement under the already existing license.

It is my hope that given this information which corrects the misapprehension concerning licensure, that the Zoning Administrator would reach findings that Building and Safety did err as to the Certificate of Occupancy and the necessity of the Conditional Use permit for service of alcohol in the basement portion of the establishment.

Thank you for your continuing consideration in this matter.

Very truly yours,

SOLOMON, SALTSMAN & JAMIESON



RALPH BARAT SALTSMAN

Enclosures

Cc: Client

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**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 11/26/2008*

License Information	
License Number: 397230	Status: ACTIVE
Primary Owner: TOWNHOUSE COCKTAILS LLC THE	
ABC Office of Application: LA/METRO	
Business Name	
Doing Business As: TOWNHOUSE COCKTAILS THE	
Business Address	
Address: 52 WINDWARD AVE Census Tract: 2735.	
City: VENICE County: LOS ANGELES	
State: CA Zip Code: 90291	
Licensee Information	
Licensee: TOWNHOUSE COCKTAILS LLC THE	
Company Officer Information	
Officer: RONALD F BENNETT TRUST THE, MEMBER	
License Types	
1) License Type: 48 - ON-SALE GENERAL PUBLIC PREMISES	
License Type Status: ACTIVE	
Status Date: 07-MAR-2003	Term: Month(s)
Original Issue Date: 07-MAR-2003	Expiration Date: 28-FEB-2009
Master: Y Duplicate: 0 Fee Code: P40	
License Type was Transferred On:	From: 369454
2) License Type: 77 - EVENT PERMIT	
License Type Status: ACTIVE	
Status Date: 29-JUL-2008	Term: Month(s)
Original Issue Date: 29-JUL-2008	Expiration Date: 28-FEB-2009
Master: N Duplicate: 1 Fee Code: NA	
3) License Type: 58 - CATERER PERMIT	
License Type Status: ACTIVE	
Status Date: 21-OCT-2008	Term: Month(s)
Original Issue Date: 21-OCT-2008	Expiration Date: 28-FEB-2009
Master: N Duplicate: 1 Fee Code: NA	
Current Disciplinary Action	
... No Active Disciplinary Action found ...	

Disciplinary History	
Violation Date: 01-SEP-2006 Reg. Number: 06064648 Cleared On:24-AUG-2007	
Reporting Agency: L.A.P.D. - PACIFIC	
1) Charge Date: 01-SEP-2006	Section Violated: 24200(a)(b)
Charge: GROUNDS FOR ACTION	
2) Charge Date: 01-SEP-2006	Section Violated: 25602
Charge: SALE TO OBV. INTOX'D PERSON	
3) Charge Date: 01-SEP-2006	Section Violated: 647(f)
Charge: PMT'D OBV. INTOX'D PERSON TO RMN. IN PREM.	
Proceeding Status: COMPLETE Decision: SUSPENDED	
Suspension Days: 15 Stayed Days POIC/Fine: 3000	
Suspension Start Date: Suspension End Date:	
Violation Date: 10-AUG-2007 Reg. Number: 07067261 Cleared On:04-MAR-2008	
Reporting Agency: ABC - SOUTHERN DIVISION	
1) Charge Date: 10-AUG-2007	Section Violated: 24200(a,b)
Charge: GROUNDS FOR ACTION	
2) Charge Date: 10-AUG-2007	Section Violated: 23300 & 23355
Charge: EXERCISED LIC. PRIVILEGES W/O AN A/B LIC.	
Proceeding Status: COMPLETE Decision: OFF CALENDAR	
Suspension Days: Stayed Days POIC/Fine:	
Suspension Start Date: Suspension End Date:	
Proceeding Status: COMPLETE Decision: SUSPENDED	
Suspension Days: 10 Stayed Days 10 POIC/Fine:	
Suspension Start Date: Suspension End Date:	
Hold Information	
<i>... No Active Holds found ...</i>	
Escrow	
<i>... No Escrow found ...</i>	

--- End of Report ---

For a definition of codes, view our [glossary](#).