

LUPC Staff Report

Dated: 5/22/2014

Case No.: ZA-2014-152-CUB

Project Location: 9 Dudley

Business Name: Dudley Café/Market

Staff Person: James Murez

Motion: Recommendation, to approve the proposed with the following conditions (all inclusive)

Conditions of Approval:

Conditional Use Beverage (CUB)

1. Hours of operation shall remain as follows: 7A-11P, 7 Days
2. In addition to the business name or entity, the name of the individual Applicant(s) shall appear on the alcohol license and any related permits.
3. Any future operator or owner for this site must file a new Plan Approval Application to allow the City of Los Angeles to review the "mode and character" of the usage.
4. No branded alcohol advertisements shall be visible from the outside of the premises.
5. There shall be no coin-operated games, video machines, pool tables or similar game activities maintained upon the premises at any time.
6. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrators opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
7. No live music.
8. No off-site sales of alcohol shall be permitted.
9. Maximum of 20 seats.

General Conditions

10. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of being applied, and the paint shall match the original color.
11. The Applicant shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.
12. Noise generated on-site shall not exceed the decibel levels stated in the Citywide Noise Ordinance.
13. The use and development of the property shall be in substantial conformance with the floor plan submitted.
14. No tobacco or smoking related paraphernalia sales shall be allowed on the premises.
15. The Applicant shall adhere to Best Management Practices as they pertain to the location.
16. To encourage a walk-friendly environment, the applicant will install bicycle racks.

17. Exterior lighting on the building shall be maintained and provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible. Said lighting shall be directed in such a manner so as not to illuminate any nearby residence.
18. The Applicant shall regularly police the area under their control in an effort to prevent loitering.
19. The entitlement will run with the applicant, not the property.
20. Trash receptacles used will be designed to contain odors per Best Management Practices.
21. Cleanup and all trash removal will be performed in such a manner as to prevent debris from entering the storm drain system, and will not interfere in any way with surrounding uses.
22. No exterior work-related activity will occur either before opening or over one hour after closing.
23. Offsite advertising signage will be prohibited.
24. Trash pickup will occur between the hours of 8am and 6pm on weekdays as necessary.
25. Loading and unloading hours will be arranged to avoid conflict with surrounding uses, and will in no case occur after 4pm or during peak traffic hours as specified by LADOT for this region.
26. The storage/changing room will be clearly marked as such on plans submitted to the City, and will not be used as service area.
27. The applicant will appear before LUPC twelve months after opening.
28. Upon change or termination of any lease regarding satisfaction of the Conditions of Approval, the applicant will notify the Department of Planning and the Venice Neighborhood Council, and will comply within thirty days.
29. Upon change of ownership, the new owner must appear before the City within 30 days of the close of escrow, with a plan approval application to renew the conditions and demonstrate that the required parking can be provided.
30. The applicant must obtain approval for all outside signage, or must remove nonconforming signage.
31. All bottles will be recycled upon removal from the premises.
32. A laminated copy of these Conditions shall be posted in a conspicuous place.
33. Operator to give incentives to employees who bike, walk, ride the bus or take alternate means of transportation to work.

Outreach Notes: The meeting was called for 6:30 PM on Tuesday 4/8/2014. The applicant on this case is also representing 5 Dudley, a project currently under review two doors apart on the same side of the street. The same business owners/operators are involved in both sites. As a courtesy to the neighbors the Outreach meetings for both projects were combined into one meeting longer meeting to address both sites.

The first project to be heard was scheduled to be 5 Dudley, however, the turnout seemed to be primarily for 9 Dudley. Several of the stakeholders at the meeting commented they were really only interested in the 9 Dudley project so we started to conduct the meeting talking about what the applicants were proposing.

By 7:30P about 12 people were attending so we looped back to talk about the application for 5 Dudley. Once the conversations on 5 Dudley were finished we continued to talk about this site. People continued to arrive until there were about 16 persons in the room. The applicant explained the project to everyone in attendance. The concept of the market is to provide the local neighborhood with an essentials market (toilet paper, fruit, produce, cereal, etc.) in addition to offering a deli counter which will be food driven. The deli counter will serve both cold and hot food, sandwiches, coffee and snacks.

One of the applicant/owners commented that his customers at the Cadillac Hotel across the street want some place to get a reasonable priced meal that they can bring back to their room, and has become an owner of this business to serve his customers need.

The applicant explained that they wanted to offer on-site sales for beer and wine only – no distilled spirits. This raised several questions from the community about why the applicant wanted this. Included in the questions were things like would singles be permitted to be sold, what was the price point of the typical sale (cheap boozes to take to the beach) and would sidewalk dining be allowed to have alcohol service. The neighbors all felt that any sales that might bring more intoxicated people to the beach or up their walk street would be a big problem. However, once everyone understood the sales of alcohol would be limited to beer and wine and not distilled spirits and these sales would be confined to the interior of the market/café and would only occur in conjunction with food sales where the majority of the revenue from the sale would be generated from the food sales and not the alcohol, they seemed ok with the proposal.

One neighbor on the walk street complained about trash from the area where this project is located and from Speedway blowing up their walk street. One of the applicants responded that since he opened his restaurant business at 5 Dudley about 10 years ago, he has had his staff, when they arrive at work cleaning up all the trash and debris on a daily bases. Because the on shore wind carries any trash from OFW or Speedway up the walk street, having this new market on the corner will only make things better since they will maintain the area around their business. This has not been the case for the past decade when Henry's Market was the occupant of this location.

A comment about possible noise from an exhaust fan might be a disturbance to the neighbors across the Speedway alley. The applicant agreed this issue will need to be mitigated by installing a quiet fan and went on to explain that everyone knows him and he has and will continue to be a good neighbor and do whatever it takes to keep his neighbors happy.

When asked about the menu, the applicant showed pictures of the menu they were proposing to offer. The offerings were middle of the price range for the quality and size of the portions. A typical meal might cost from \$10 - \$15 per person. A discussion about the kitchen revealed this proposed project would have a full kitchen but might also be augmented on the kitchen at 5 Dudley (same owners).

Parking was talked about but everyone seemed to understand the prior market had grandfather rights and after the reconfiguration from only being a market to being a retail store with a small food service dining area, the parking was a wash. Never the less everyone was concerned that this café would not become a destination restaurant and thereby create a worsened parking problem. The owner of the Cadillac Hotel when on to explain that his customers are offered at a private parking lot near the site and that he would not want to do anything for his business that might cause any new problems.

A conversation about bike racks occurred. The conversation was mixed about where the racks should or could be located. One of the owners commented that LADOT might not allow them on the sidewalk in front of the business because of the narrow sidewalk width on this side of the street. Another comment was made about placing the racks at the OFW end of the street to create a barricade to prevent cars from passing but this would have to be cleared with the fire department. The applicants agreed that would help explore where bike racks could be installed and committed to help fund racks when approved.

Some discussion about where the trash would be stored. The applicant explained the dumpster would be on their property along the Speedway side of the property. One or more neighbor commented about keeping the smell contained and preventing people rubbish through the container. The applicant understood the trash area would need to comply to the new code about trash storage locations needing to be washable and covered to prevent debris from leaking into the storm water drains. This is particularly important given the location of this business to the beach.

At one point the one of the owners commented that hotel deliveries were being considered. One of the owners is an owner of the hotel as well as a part owner of this proposed market/café.

The onsite food service area will accommodate a maximum of 18-20 persons. The owners went on to say they would like to be able to have wine tastings events from time to time and invite the local community. This raised some talk about lines of people waiting to get in might line up out the door and this would cause noise problems up the walk street. The owners reiterated these events would be very limited in size and by invitation only and they really don't want to be a source of problems in the neighborhood but rather want to help clean up what has been a problem location for many years when Henry's Market existed. This was one of their main reasons for taking control of this location, they explained they want to improve the neighborhood and by leasing the space it would give both the owners of the restaurant at 5 Dudley and the hotel across the street the opportunity to control this location.

They are not asking for any live music but would like to play background music on the interior.

One of the walk street neighbors asked about the business adding a fixed awning to the face of the building. They were concerned this would block their view of the ocean. The owner responded they had not planned to have such an awning but certainly would not knowing it might cause a problem.

No off-site sales are being requested although they do offer food to go.

The conversation about happy hour drinking and the negative effects it might have on the neighborhood. The applicants confirmed no such discount periods were considered and understanding the communities concerns they would not be offering any.

Everyone in attendance was happy the restaurant at 5 Dudley and the Cadillac Hotel exists and no one had anything to say that would oppose the proposed project so long as Vittorio Viotti (restaurant owner) and Sris Sinnathamby (hotel owner) were involved.

The final question was how soon the neighborhood can expect the business to open which received a response depending on the permitting process before the end of the year if all goes well. Everyone seemed fine with this answer.

Draft Note: Applicant has questioned the condition that prohibits the sale of cigarettes. He would like to allow the community decide if this is really what they want.

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