



Land Use & Planning Committee Staff Report DRAFT

Submitted to LUPC August 28, 2013
 Submitted to VNC Board of Officers XXXXXXXX

Case Numbers: ZA-2013-1771-CUB
[ENV-2013-1772-CE](#)

Address of Project: 245 Main Street
Property Owners: Venice Renaissance, LLC
Owner's Representatives: Eddie Navarrette

LUPC CASE MANAGER:	Mia Herron
MOTION: LUPC recommends the VNC Board approve the applicant's request for a Conditional Use Permit (Beverage) with the following conditions: (see below).	
<ol style="list-style-type: none"> 1. That it conforms to the Venice Coastal Zone Specific Plan parking requirements. 2. Maintains the following hours of operation: (see below). 3. The applicant observes and voluntarily conditions himself to conditions of alcohol use as appended in the LUPC Staff Report. 4. The applicant observes the usual conditions as determined by Planning Department and Building & Safety. 	
MADE BY:	
SECONDED:	
VOTE:	
DATE APPROVED BY LUPC:	

PROJECT SUMMARY:

Applicant is requesting a new conditional use permit (CUP) to allow on-site beer and wine sales and consumption in conjunction with an existing 2,570 square foot restaurant use. Restaurant includes 78 indoor seats in 1,013 square foot indoor dining area, and 32 outside seats on a 448 square foot outdoor patio located within the property lines. Requested hours of operation are as follows:

Hours of Operation- Indoor & Outdoor	Sunday - Thursday: 10am - 10p Friday & Saturday: 10am - 2am
Hours of Off Site Alcohol Sales	Sunday - Thursday: 10am - 10p Friday & Saturday: 10am - 12am

PARKING

A total of 473 on-site parking spaces are provided over 2-1/2 parking levels.

BACKGROUND

The subject space, previously occupied by a national fast-casual restaurant chain (Baja Fresh), is one of many commercial uses located on the ground floor of the Venice Renaissance. Due to the fact that the previous use was a restaurant and the incoming use will also be a restaurant means that there will be no change in use. The new applicants will however utilize the 32 outdoor patio seats that were previously approved by Building & Safety in 2002.

	Previous Approval	New Approval
Square Footage	2,790 Square Feet - "Baja Fresh"	2,570 Square Feet
Hours of Operation	Hours of Operation: -11:00am – 9:00pm (Mon-Sat) -11:00am – 8:00pm (Sun) No Alcohol Sales	Hours of Operation: -10:00am-10:00pm (Sun-Thurs) -10:00am-2:00am (Fri-Sat) Alcohol Sales: -10:00am-10:00pm (Sun-Thurs) -10:00am-12:0am (Fri-Sat)
Type of Alcohol	None	Beer and Wine
Patron Seats	68 indoors /None outdoors	78 indoors /32 outdoors
Happy Hour	None	3:00pm-6:00pm (Daily)
Fortified Wine	None	No restrictions on fortified wines.
Plan Approval	Not Required	The applicant requests no plan approval be required.

BUILDING PERMIT HISTORY

Building Permit Number 01016-10000-24368- On 3/26/2002, an application to alter-repair-demolish was submitted for a tenant improvement to change to use from health club to restaurant. (Non-Alcohol)

Building Permit Number 01016-10000-24368- On 9/24/2002, a supplemental application to alter-repair-demolish was submitted to add 32 outdoor seating to permitted restaurant tenant improvement with no physical work.

Certificate of Occupancy 02016-20000-20089- On 1/30/2003, a Certificate of Occupancy was issued to convert a portion of the first floor to a massage therapy use. The permit establishes that there are 473 parking spaces provided for the site.

Certificate of Occupancy 01016-10000-24368- On 9/28/2012, a Certificate of Occupancy was issued for a change of use and (occupancy) from health club to restaurant (A3/B). Maximum occupant load for A3: 83 indoor.

COMMUNITY OUTREACH MEETING

Applicant intends to hold a meeting on September 16th, in advance of the September 17th VNC Meeting.

NEIGHBORHOOD CONTEXT

Other restaurants that sell on-site alcohol within a block radius include the following:

[INSERT]

PROPOSED CONDITIONS

245 Main Street Approval for On-Site Sale of Alcohol Conditional Use Permit, with the following conditions:

On-Site Alcohol Conditional Use Permit conditions:

1. Maximum seating for the restaurant shall not exceed 78 indoor seats and 32 outdoor seats, for a total of 110 seats. No further expansion of this restaurant is permitted.
2. Both patio areas shall not be used for any activity whatsoever after 12am daily. No after hours use of the restaurant is permitted, including any use for private or promotional events.
3. No deviation from the required parking has been requested or granted herein.
4. Amplified music is not permitted at any time.
5. The premises shall be maintained as a bona fide eating establishment (restaurant). A kitchen shall be maintained in the restaurant in accordance with the definition of such in the Los Angeles Municipal Code. Food service shall be available at all times that the restaurant is open for business.
6. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand.
7. The project and operation of the business shall fully comply with all of the conditions identified in ZA-2013-1771-CUB to the satisfaction of the Director of Planning or his designee and hence comply with the Venice Coastal Zone Specific Plan.
8. Within six months of the opening of the restaurant, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)". Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.
9. Electronic age verification devices which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. This device shall be maintained in an operational condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage.

The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of litter.
10. ALL STANDARD CUB AND BMP CONDITIONS APPLY including ensuring the interior surface of trash enclosure is washable, the trash is under a closed roof, and there is a drain under the trash container with a grease trapper and connected to public sewer (not a storm drain). Additionally, the mop buckets and floor mats are not to be washed out in any other area besides the wet area of the kitchen.
11. The applicant shall provide an incentive program for employees who walk, bike or take transit to work. Prior to the utilization of the grant, evidence of compliance with this condition shall be submitted for inclusion in the file.

12. The property owner/the business owner or operator shall provide bicycle racks for at least **XX** bicycles on- and/or off-site in front of the subject property on Main Street. The bike racks shall be compatible in design and material with the building on the subject site and shall be maintained in good repair at all times by the property owner/the business owner/operator. A revocable permit shall be obtained from the Bureau of Engineering if bicycle racks are located within the public right-of-way.
13. The privileges granted herein shall be for a period of **XX** years from the effective date of this grant, unless a new entitlement application that extends such privileges is "approved" for the sale and dispensing of alcoholic beverages for onsite consumption prior to that date. The new entitlement application shall include condition compliance review with supporting documents showing that the required conditions have been complied with.
Further, at any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.
14. The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of litter.
15. The applicant must obtain plan approval **XX** months after opening.
16. Loading and unloading deliveries and trash pick-up shall not occur before 7 a.m.
17. No branded alcohol advertisements shall be visible from the outside of the premises.
18. There shall be no coin-operated games, video machines, pool tables or similar game activities maintained upon the premises at any time.
19. 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.
20. 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 Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
21. The applicant shall train staff to provide Designated Driver resources, when appropriate, for restaurant patrons, such as taxicabs, referral services (e.g., www.designateddriver.com).
22. 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.
23. 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.
24. Noise generated on-site shall not exceed the decibel levels stated in the Citywide Noise Ordinance.
25. The use and development of the property shall be in substantial conformance with the floor plan submitted.

26. No tobacco sales allowed on the premises.
27. 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.
28. The Applicant shall regularly police the area under their control in an effort to prevent loitering.
29. No exterior work-related activity will occur either before opening or over one hour after closing.
30. Offsite advertising signage will be prohibited.
31. The storage/changing room will be clearly marked as such on plans submitted to the City, and will not be used as service area.
32. The applicant will appear before LUPC twelve months after opening.
33. 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.
34. 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.
35. The applicant must obtain approval for all outside signage, or must remove nonconforming signage.
36. All bottles will be recycled upon removal from the premises.
37. A laminated copy of these Conditions shall be posted in a conspicuous place.

Requests:	Conditional Use Permit, on-site beer and wine sales
Size of Parcel:	73,433 SF
Size of Project:	2,570 SF
Number of Stories:	1 story
Lot Dimensions:	531' x 153' x 531' x 115'
Assessed Land Value:	(Not Provided)
Last Owner Change:	2/22/12
Venice Sub-Area:	North Venice
Zone:	C4-2D
Date of Planning Report:	TBA
Date of End of Appeal Period:	TBA
City Planning Report	
Prepared by:	TBA
LUPC Staff Report Done By:	Mia Herron
Owner/Applicant:	Venice Renaissance
Owner's Representative:	Eddie Navarrette
Contact Information:	(213) 687-6963; eddie@fedesign.biz
Date(s) heard by LUPC:	August 28, 2013

Advisory Agency Hearing Date: N/A
Applicant's Neighborhood Mtg: To be held on September 16
Mello Act: N/A
Environmental: N/A

ARGUMENTS FOR THIS PROJECT:

Provides community additional / new dining option.

Applicant has operated other locations in Los Angeles, including the Pico-Robertson flagship.

ARGUMENTS AGAINST THIS PROJECT:

Need for further information to demonstrate that the proposed hours of operation are within the context of the neighborhood and other restaurant's hours of alcohol sales.

Need further clarification on parking provided for change of use from health club to restaurant.

Need further clarification for which use the outdoor seating was granted, whether it was a restaurant use (Baja Fresh?) or a health club use.

SYNOPSIS OF PUBLIC COMMENT:

Community outreach meeting to be held on September 16, 2013.

LUPC Report compiled by: Mia Herron
Estimated number of hours of staff time: 2 hrs

To view project information visit:

<http://www.cityhood.org/ReportCaseActivityDetail.cncx?CID=32580&UGP=Anonymous>