

Case Activity Detail Report

Report Generated: 03/12/2012

Case No.: ENV-2010-3388-CE

Status: Scheduled

Address: 609 E ROSE AVE 90291

Manager: James Murez

Lat: 33.9994860

Lng: -118.4719750

NC: Venice

Contact: ANNETTE VAIT (310)704-7990

CD No: 11

Applicant:

Applied: 12/20/2010

Description: ON SITE SERVICE OF FULL LINE ALCOHOL FOR AN EXISTING RESTAURANT SEATING 49

Revised: 03/08/2012 06:52:34 PM

Created: / / : : AM

Assessor No: 4240-003-002

Build Size: 5500

Access:

Zoning: c4-1

Max height:

Lotsize: 5847

Units: 2

Parking: -22

Bedrooms:

Year Built: / /

Bathrooms:

C of O:

Buildclass:

Attachments

#	Misc	Date	Attachment Name	Size
#1	Misc	03/28/2011	Neighborhood Meeting Sign Up List	17kb
#2	Misc	03/28/2011	500ft Radius Mailing List	256kb
#3	Letter	03/28/2011	Neighborhood Meeting Notification Letter	20kb
#4	Misc	03/28/2011	Radius Map	97kb
#5	Misc	03/28/2011	Radius Map Mailing Statement	80kb
#6	Application	04/04/2011	Permit Filings	221kb
#7	Drawing, Plot Plan	04/04/2011	Plot Plan	206kb
#8	Application	04/04/2011	Certificate of Occupancy	17kb
#9	Misc	04/04/2011	Menu	8kb
#10	Photograph	04/04/2011	Photos marked by applicant	2mb
#11	Photograph	04/04/2011	Zimas Map	170kb
#12	Misc	03/07/2012	Appeal Justification	2mb
#13	Misc	03/07/2012	Master Appeal Form	1mb
#14	Misc	03/07/2012	ZA Approval Letter	796kb
#15	Misc	03/07/2012	Applicant Complaint	356kb
#16	Misc	03/07/2012	Parking Covenant	176kb
#17	Misc	03/08/2012	DOT TripCount Determination	36kb

Event Schedule

Date	Time	Event	Description
Mar/20/2012	07:00 PM	NC Board Meet	The Board will hear the LUPC recommendation
Apr/6/2011	06:45 PM	LUPC Hearing	Applicant will present project to committee.
Mar/24/2011	06:30 PM	NC Outreach	Neighborhood Notification Meeting will be held across the street from the site at the Venice Family Clinic, 622 Rose Av., Irma Colen Admin Build. The applicant will address the project design and answer community questions.
Mar/8/2011	06:00 PM	LUPC Hearing	This is NOT a hearing but rather a meeting with the applicant to review the case.

 Committee Findings

- #1 Finding DOT Trip Count 03/08/2012
 An attachment to this case named "DOT Trip Count Determination" shows that LA City Dept. of Transportation found this project was increasing the traffic impacts by more than 50% over the existing use. This intensification should have triggered Planning actions that were NOT taken including findings that were not described the Zoning Administrators Determination.
- #2 Recommendation LUPC Appeal Hearing 03/07/2012
 Support the appeal based upon the justification of the appeal and the applicant misrepresented the information the was presented to the VNC.
 There are several discrepancies, the project does not comply with the VSP for the following reason: does not comply with parking , did not have a determination that an intensification of use exists as defined by the VSP, additionally two of the on-site existing parking spaces are leased under a pre-existing recorded agreement and were represented as available to the project for required parking.
 Vote: 6 yea, 0 nay, 0 obstations
- #3 Finding Appeal hearing 03/07/2012
 scott burrows - new property owner, legal issues, sole tenant
 morline walin 6th ave No rose, parking issue
 Ingrega 6th av no of rose parking, talked about several other projects that all have parking impacts
 gary 5th avno of rose, parking is issue as prior speakers, honest people, cars circulating looking for parking
 marie demmin no of rose, was not notified of hearing, oscar had parking
 alis parking, whole foods and other others all impact parking
 gary, 5th so of rose, parking and other process as stated in the appeal, popup not allowed
 shelia 7th av, cars and parking
 Dusty miles - co tenant, take back the project and reintroduce in a transparent,
 Steve, read appeal and feels it is valid, honest presentation of project was never done,
 19 stakeholders present all opposed

- #4 Other myNotes 01/04/2012
 Mar Canjuck and lawyer
 Dismissed legal action
- #5 Motion LUPC Hearing 04/07/2011
 a. 609-1/2 Rose Ave; ZA-2010-3387-CUB; ENV-2010-3388-CE; ZA-2010-3038-CEXi. ON SITE SERVICE OF FULL LINE ALCOHOL FOR AN EXISTING RESTAURANT SEATING 49ii. Staff, Jim Mureziii. Applicant, ANNETTE VAIT (310) 704-7990iv. Public Comment1. Would prefer non-pizza menu, seems too many in Venice already, could use another concept2. Worried about noise3. Worried about cleaning at night and delivery noise4. Would prefer to see retail in separate room (at back rather than side)v. See

Committee Findings

<http://www.cityhood.org/ReportCaseActivityDetail.cncx?CID=24592> for details.vi. Consideration of Motion for Approval/Denialvii. Note that John Reed recused himself as he lives within 500ft of the project.viii. MOTION: Approve the project as presented, noting: 1. 449 sq ft of indoor and 50 sq ft of outdoor service floor area with 49 seats 2. No variance or exception for parking requirements 3. Meets all Venice CUB and BMP conditions, except for #21 of CUB (because the billboard/sign is under a separate permit that the applicant cannot control) 4. No live music 5. All music, indoor and outdoor, cannot be heard beyond the property line after 11pm, 7-days a week 6. Bike rack on the property 7. HOURS: Open until 11pm Sunday-Thursday and until 1am on Friday and Saturday Nights. Would be open to 12am Sunday-Thursday close if no complaints or violations during first year of operation. 8. Plan Approval in 1-year from date of opening Motion made by Jake Kaufman, Seconded by Sarah Dennison APPROVED: 7-0-0

#6

Finding	Items to address	04/05/2011
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1. Hours of operation

2. Type of ABC license requires the liquor to be served with meals.

3. Late night noise

4. The parking is being address through grandfathered phantom spaces for the most part. There will be four new stalls created in the rear of the building. One of the new is for Handicap who will unload in the rear of the building and circle the block to enter into the front of the building. There is no customer enterence in the rear of the building where the parking exists.

5. No valet service was proposed. There is no public parking lots in the area. All of the parking that exists is on Rose and in the residential neighborhood on public streets. Most of this parking is used during the day by visitors to the Venice Family Clinic which closes around 6:00 PM.

6. The issue about the trash enclosure location and time of pickup. Both noise and smells into the neighborhood need to be considered.

7. Possible issues about the applicant only applying for one half of the property use at this time leaves open several questions. What will become of the other half of the building... parking has already been consumed on site, trash enclosure location just to name a few issues.

8. The planter permit in the front yard needs to be confirmed to be allowed by Public Works and LADBS.

9. The front patio is defined in front of the applicants site but not address for the rest of the area. What is going to seperate the two areas.

10. The Food Service area defined one half the bar area. The applicant was told the rest of the bar is not considered for defining food service area when making her square footage count. This MUST be confirmed.

11. The parking is defined as follows:

Grandfather = 19 stalls based on CofO and square footage of building. This includes the entire site of which the applicant is only using one half.

Food Service area = 499 SF = 10 stalls

Retail 312 SF = 1.4 stalls rounded down

The proposed project is required to have 11 stalls as shown by her application although this count should be verified based on the proposed plan.

The other half of the building will remain with 12 phantom stalls.

All of the stalls in the rear of the building will belong to this project and none will be available to the second half of hte building.

12. The applicant proposes to open the front of the building creating more light for the interior and access

 Committee Findings

to the patio dining area.

#7 Finding ABC License Talks 04/05/2011

The applicant and I have had several conversations about the ABC Liquor license. She is applying for a Type 47, full service bar along with food.

Her seating layout shows a bar counter in addition to service at individual tables.

Her proposed hours of operation are Sun-Thru 10:00 AM to Midnight and Fri-Sat 10:00 AM to 1:00 AM.

In the Neighborhood Meeting noise was raised and a issue especially at the late night hours. Parking in the neighborhood was also an issue although someone suggested valet service to across the street at the Venice Family Clinic might be a solution.

One or more neighbors were concerned that the applicant did not live in the Venice area and although she was going to be the operator of the business, might not be available when noise or other issues came up.

The applicant has indicated the ABC License will be owned by a Corporation which I described to her has potential transfer of ownership problems for the community. In response she has drafted a self imposed condition which reads as follows:

24) Applicant agrees that within 30 days of any changes in ownership of the existing liquor license, either by the adding or removing of individual(s) to the license, or sale of the license, applicant and/or new license holder will meet with LUPC in order to determine if the change warrants a new Plan Approval Application to review the "mode and character" of the usage.

The applicant reviewed all of the other standard VNC Liquor License Conditions and agreed to all of them except #21. Condition #21 refers to outdoor signage on the property and the applicant wanted to point out the existing billboard belongs to the landlord and she has no control over it.

The applicant has indicated she will have amplified music indoors and outdoors which will NOT include anything LIVE.

#8 Question Overview opinion by Case 04/05/2011

After meeting with the applicant to review the case the first time, I came away with a feeling of having to help her realize what the neighborhood in my opinion would expect.

The rules that are on the books can be viewed in many ways and what the applicant reads projects an image of extreme limits. In one view if one was to compile all the worse circumstances, and years of neighbor compromise, impose limitations, then one could interpret our applicants view as perfectly expectable.

The definition of the project has continued to evolve. The applicant has stated that she intends to be the owner/operator of the proposed business(s). The site will house a small restaurant (Italian Pizza) and retail store.

At present, I'm unaware of the types of products to be sold in the retail store component of this project. The neighbors have voiced concerns about the delineation between the separate uses (Retail vs. Restaurant). See plans for gray shaded area marked as "Retail". Parking calculations allow 250 SF of floor area per stall.

The kitchen will include an imported pizza electric oven. It's design will eliminate order from the exhaust. Although there will NOT be a stove, the applicant assured the neighbors (NbrM-1) all sauce and other prepared stove top cooking will be done in an offsite LA County Health Department approved wholesale kitchen.

The applicant has expressed a strong concern about having to go back through the conditional permit process due to the cost of re-filing fees.

 Committee Findings

VNC Note: seems like the board should ask for more flexibility from approving bodies for lower fees for re-hearings.

#9 Question Location of Billboard 04/04/2011

I've reviewed the photos and visited the site. After looking at the Zimas Map which I posted a copy of, the billboard location should be verified for possible City encroachment. If the mast head is hanging over the public right-of-way, Public Works would require a revocable permit. If none on record, the City must consider this billboard a violation of public policy and request either a permit be issued which would require a CDP or the encroachment would need to be removed.

#10 Other Contact Applicant 03/28/2011

James Murez Date: 02/06/2011 10:11:24 AM Super bowl Sunday - no time to talk but exchanged contact information and will get in touch next week.

#11 Other Appeared before LUPC 03/28/2011

03/16/2011 08:07:53 PM

ZA Hearing on 4/7/2011

Applicant to ask ZA to hold the case open 60 days for VNC and neighborhood input.

#12 Finding Meeting with applicant 03/15/2011

Jake and John said John was too close to this applicant and suggested I take on this project. I met with the applicant and explained that a neighborhood meeting would be required before LUPC could hear the project. She understood.

We reviewed the details of the project. She described how grandfather parking made it possible to meet the requirements. I asked about where trash enclosures would be located, none on plans at present. I asked about where employees would clean up floor mats at the end of the day, the applicant had no answers and had not considered it.

She did not know where to hold the neighborhood meeting, I suggested the Family Clinic meeting room which is located across the street from the job site. The job site is full of stuff in her words!

The meeting was over dinner and lasted a little over an hour.

 Stakeholder Comments