



Venice Neighborhood Council
Post Office Box 550
Venice, California 90294
310-606-2015



Land Use and Planning Committee
Report to VNC Board of Officers
February 17, 2009

Case Number: ZA 2008-2911-CUE-ZV

Project Address: PONTE MILVIO, INC.
712 South Lincoln Boulevard, between Vernon and Indiana

Legal Description: Lot FR4, Tract 7038

Zone: [Q] C2-1-CDO
Zi-2390 Lincoln Boulevard Community Design Overlay

Venice Subarea: East of VCZSP area - Lincoln Corridor

Size of Parcel: Approx. 3,000 square feet

Size of Project: Approx. 1,625 square feet, 1 parcel

Type of Project: New full-service restaurant, serving beer and wine for on-site consumption. Of total project area, approximately 990 square feet is to be Service Floor area, seating approximately 48 patrons.

Current use: Vacant/Liquor store

Prior use (retail) required parking: 1 space per 250 sf of total floor area: 6 spaces

New use required parking: * 1 space per 100 sf of total floor area: 16 spaces

*** Grandfather parking request:** Six spaces

Net required parking: Ten spaces

Parking available onsite: Zero spaces

Parking variance request: Ten spaces

Alternates to Street Parking: Applicant is offering to provide an agreement for ten off-site parking spaces adjacent to the site.

Permit Application Date: July 16, 2008

Date of Planning Report: TBA

Date of End of Appeal Period: TBA

Applicant: Vittorio Viotti

Address: 712 S. Lincoln, Venice, CA 90291. 310-314-3222

Representative: Brett Engstrom

Contact Information: Art Rodriguez and Associates, 626-683-9777

Date(s) heard by LUPC: January 14, 2009

Zoning Adm. Date: December 18, 2008, ZA Hearing Officer: Sue Chang
213.978.1318

WLA Area Planning Commission Date: TBA

LUPC MOTION

Motion that the VNC Board of Officers accept LUPC's Staff Report regarding 712 S. Lincoln Blvd and recommends that the VNC Board recommend approval of the project as conditioned.

Vote: Yes, 8-0-0

[cf. **Recommended Conditions of Approval**, pp. 6-7]

STAFF REPORT

Project Description per Permit Application Filed July 16, 2008:

Change of use from retail to restaurant, totaling 1,625 square feet, with seating for 48 patrons and 0 parking spaces. Restaurant proposes to provide a full food menu, with beer and wine, and hours of operation from 8:00am to 12:00 midnight seven days a week. In the original application, the applicant requested:

- 1) Conditional Use Exception to provide beer and wine onsite, and
- 2) Variance from LAMC parking requirements, to permit zero parking spaces, while providing a covenant for eight reduced parking spaces in the adjacent vacant lot.

Venice Coastal Zone Specific Plan Sections governing this site and application:

None: This project is outside the Venice Coastal Zone. As such, occupancy and parking requirements are governed by LAMC, which requires less parking per square foot than does the VCZSP (LAMC: 1/100sf of total floor area; VCZSP: 1/50sf of service floor). Ref: LAMC (12.21.A4(c)3) vs. VCZSP 13.D.

Example: On the east side of Lincoln, a brand new 1,000sf restaurant, with 750sf of floor area (eating/drinking only - excludes kitchen, stock room, etc.), would generally require 10 parking spaces; on the west side (in the VCZSP area), the same restaurant would require 15 spaces - based on the restaurant's service floor area.

Of the project's total 1,625 square-foot area, approximately 990 square feet appear to be Service Floor area. The applicant states that the total floor area requires 16 parking spaces. The applicant also states that the project is entitled to "grandfather" exclusion, per prior use, for six parking spaces. The applicant has redesigned the parking layout to enable ten reduced parking spaces, all of which are to be secured by written covenant.

The project is on the east side of Lincoln Boulevard, just outside the Coastal Zone. As such, its use is governed not by the Venice Coastal Zone Specific Plan, but by Los Angeles Municipal Code, and the Lincoln Corridor Interim Control Ordinance. Cross streets are Vernon on the north and Indiana on the south.

Until very recently, the site has been vacant, and has been so since early 2008. Prior uses were two consecutive furniture businesses (1998-2008) and a liquor store (1964 – 1998). The Change of Use includes a prior-use grandfather exclusion for six parking spaces and the covenant-supported variance request to supply ten reduced parking spaces in the adjacent vacant lot.

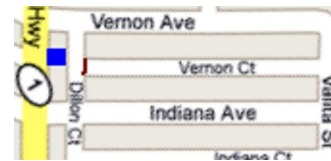
Along with the specified hours of operation, the applicant would like to offer patrons a Happy Hour, subject to the Zoning Administrators' discretion.

Project materials are posted for your reference at:

<http://venicenc.org/node/1145>.

Summary of LUPC Findings:

The project's proposed parking lot includes locking front and rear gates. In addition, Vernon Court (the east-west alley between Vernon and Indiana) would allow passage, except for the existence of a locked gate at its west end, where Vernon Court "tees" into Dillon Court, the alley behind the project:



This gate confines all egress to Dillon Court.

Evidence of loitering, including at least one "No loitering" sign, exists in Dillon Court.

Both Vernon and Indiana Avenues are developed with bungalow-style single-family residences, with the exception of the western two-thirds of the north side of Vernon. This section is primarily developed with the building rear and extended wall surrounding the Fox Discount/Smart and Final commercial establishments.

Most residential dwellings on the south side of Vernon face this edifice – either the windowless building itself, or the surrounding wall, which extends east for approximately two-thirds of the 900 Vernon block.



A garden center occupies the southeast corner of Lincoln and Vernon.

Multiple visits to the site confirm that this north/west side of Vernon is largely un-parked. It is also poorly lit at night:

Adequate lighting of this section – the majority of Vernon’s north side - would yield a much more pedestrian-friendly atmosphere along the entire block.



Indiana Avenue, in contrast to Vernon, generally features a minimal amount of available street parking, at least partly because this block is entirely residential.

Nearby alcoholic establishments include the Air Conditioned Club and Baby Blues Bar-B-Que. In addition, two Sensitive Uses – Broadway Elementary School and Las Dorados Children Center - exist within a 1000’ radius.

LUPC has conditioned the project to mitigate potential conflicts regarding supply delivery, noise disturbance, trash storage and removal, stormwater pollution, foliage health, etc. (cf. **Recommended Conditions of Approval**, ff.). Neighbor opinions, while mixed, generally support the project contingent on strict application and enforcement of the Conditions of Approval. This project’s approval and proposed intensity of use will affect subsequent project requests in the Lincoln corridor.

In late January, a “For Lease” sign was seen at the site. Soon after, a furniture upholstery shop began operation. It was discovered that the applicant may be sub-leasing the property while his project makes its way through the approval process.

Summary of Arguments Against this Project:

Potentially inadequate adjacent lot parking may negatively affect the neighborhood. Poorly-managed alley automotive egress and trash management will disturb nearby neighbors.

This project may exacerbate a parking problem created by existing commercial establishments, which already over-park the area during their business hours. Approving a project with a high quantity of reduced parking is overly optimistic, promoting unrealistic expectations per promises, rather than guaranteeing acceptable reality.

Legally-allowed “grandfather” parking conflicts with reality: Patrons who drive to the establishment may worsen the area’s existing parking problem.

Summary of Arguments For this Project:

The adjacent lot’s tight parking challenge may encourage walking for local residents. This project’s potential success is supported by an applicant who has already improved a more density-restricted location (5 Dudley).

Unused – though un-entitled - “overflow” parking happens to exist nearby, on the north/west side of Vernon; while existing poor lighting discourages the public from parking there, a business may be expected to monitor and improve the area. The project may increase local foot traffic and, therefore, safety. The project’s success will help introduce high-value businesses to both the Lincoln Corridor and the neighborhood.

Summary of Public Comment:

At LUPC’s January 14 meeting, public comments, offered by the northerly business neighbor and by a stakeholder, generally supported the project, but with the following concerns: potential noise generated by automotive alley egress and after-hours clean-up, street parking congestion upon potential failure to adhere to parking variance and potential disruption from valets using car alarms to locate vehicles.

Without the benefit of a Neighborhood Meeting to centralize community comments, LUPC staff performed door-to-door outreach in the affected area. Adjacent and nearby business and residential neighbors were interviewed regarding the project and how it might concern them. In addition, LUPC staff arranged direct communication between the applicant’s representative and the most affected neighbors (see email, p.8).

The following summarizes neighbors’ responses:

One neighbor expressed concern about potential noise, parking and trash issues, and some resignation by virtue of proximity to the project. Another expressed concerns about noise previously made by local valets, and about the proposed parking lot’s design challenges, including employee parking. The nearest residents also expressed concerns about apparently homeless and service-resistant St. Joseph’s clients in the alley and on the shadowy north side of Vernon.

An equal number of less proximate Vernon residents expressed support for the project. One of these neighbors – a renter, detailed the value of more foot traffic on a block that is currently blighted by darkness. In doing so, he pointed out the newly-bleached area on his front sidewalk, where a deadly stabbing had occurred the prior weekend.

The adjacent southerly business neighbor provided substantial commentary. Attending the latter portion of the 12/18/8 Zoning Administrator hearing, he expressed his support for the project, and suggested a solution for the alley automotive egress issue: Direct the valet to back the cars into the lot from Lincoln, and lock the alley-facing gate to prevent patrons’ use of the alley. He also shared his personal observation that the immediate area is under-parked. While this neighbor expressed concern that that the northwest side of Vernon is very dark at night, he maintained that it is usually free of parked cars. Discovering the applicant’s identity galvanized his support for the project, as he knew and liked the applicant’s reputation and business practices.

Of Indiana Avenue’s residents contacted near Dillon Court, all expressed minimal concern about parking, and none about potential noise or the proposed project’s hours.

RECOMMENDED CONDITIONS OF APPROVAL

CUB conditions:

- (1) No branded alcohol advertisements shall be visible from the outside of the premises.
- (2) There shall be no coin-operated games, video machines, pool tables or similar game activities maintained upon the premises at any time.
- (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) 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.
- (5) 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).
- (6) 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.

General conditions:

- 1) 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.
- 2) The Applicant shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.
- 3) Noise generated on-site shall not exceed the decibel levels stated in the Citywide Noise Ordinance.
- 4) The use and development of the property shall be in substantial conformance with the floor plan submitted.
- 5) No tobacco sales allowed on the premises.
- 6) The Applicant shall adhere to Best Management Practices as they pertain to the location.
- 7) To encourage a walk-friendly environment, the applicant will install bicycle racks.
- 8) 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.

- 9) The Applicant shall regularly police the area under their control in an effort to prevent loitering.
- 10) The entitlement will run with the applicant, not the property.
- 11) Trash receptacles used will be designed to contain odors per Best Management Practices.
- 12) 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.
- 13) No exterior work-related activity will occur either before opening or over one hour after closing.
- 14) Offsite advertising signage will be prohibited.
- 15) Trash pickup will occur between the hours of 8am and 6pm on weekdays as necessary.
- 16) Loading and unloading hours will be arranged to avoid conflict with surrounding uses, and will in no case occur after 4pm.
- 17) The storage/changing room will be clearly marked as such on plans submitted to the City, and will not be used as service area.
- 18) The applicant will appear before LUPC twelve months after opening.
- 19) 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.
- 20) 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.
- 21) The applicant must obtain approval for all outside signage, or must remove nonconforming signage.
- 22) The applicant will maintain in healthy condition the existing tree in the public right-of-way in front of the project.
- 23) All bottles will be recycled upon removal from the premises.
- 24) A laminated copy of these Conditions shall be posted in a conspicuous place.

VNC Land Use and Planning Committee
ZA 2008-2911-CUE-ZV, 712 S. Lincoln Blvd.
Staff Report
February 17, 2009

Direct communication from applicant's representative to concerned neighbors:

Date: Fri, 06 Feb 2009 17:22:53 -0800
Subject: 712 Lincoln
From: Brett Engstrom <brett4artrodriguez@yahoo.com>
To: <[REDACTED]>, <[REDACTED]>
CC: Vittorio Viotti <vittorio@piccolovenice.com>,
Jed Pauker <jed.pauker@venicenc.org>,
Art Rodriguez <artrodriguez@earthlink.net>

I'm not certain we've met, but my office is working with the applicants for the new restaurant at 712 Lincoln. As this is a new project, I'm sure you have certain concerns about its operation and how it may affect those living in close proximity.

First off, I want to make sure you know that the restaurant owner also lives in the vicinity of the restaurant. He truly likes the blvd., and cares about what occurs there. He also believes that it can be an even better place than it is now.

He currently operates another restaurant in Venice at 5 Dudley, so he is experienced in how to manage and operate a responsible business. His relationship with the neighboring residents and businesses is important to both him personally, and the success of his business. These are exactly the same people he hopes to see patronizing this neighborhood restaurant. To this effect, we have worked to try and make the business plan, and corresponding application as fair-minded as possible.

This will be a restaurant with beer and wine. It will not be (nor become) a nightclub or after hours spot. It will offer a full menu; breakfast, lunch and dinner. Parking will be located in the lot adjacent to the restaurant and handled by a professional valet service. The service will not be allowed to utilize the surrounding residential streets at any time. All parking operations will be conducted in a responsible fashion (especially at night) in order to minimize possible effects on the neighboring residents and businesses.

Reports and comments from different sources hint at ongoing problems in the alley; homeless, noise, etc. I believe it would be preferable to have a responsibly operating business in that location to help police the area, as opposed to a long dark alley with multiple vacant buildings. And these vacancies seem to increase on a daily basis, which would seem all the more reason to support an acceptable new business into the neighborhood. As I hope to have addressed some of your concerns, I would like to know what else I can do to answer your questions about the project. Please let me know if there any further issues or questions you may have.

The applicant is a responsible, local, business owner that really cares about the area. He will run the kind of restaurant that he would be happy to have in his own neighborhood.

Thank you,
Brett Engstrom

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DOCUMENTS ON FILE:

Documents may be viewed online, at: <http://venicenc.org/node/1145>

Author of Report: Jed Pauker

Date: February 17, 2009

Approximate Hours Spent on this Project by LUPC Staff: 22