

Venice Neighborhood
Council
Post Office Box 550



Venice, CALIFORNIA 90294
310-606-2015.

**Land Use and
Planning
Committee Report
to VNC Board of
Officers**



November 20, 2007

Case Number: ZA 2007-1772 (CUB)

Address of Project: Venice Beach Wines
529 East Rose Avenue, Venice, California 90291

Size of Parcel: The total store interior is 353 sq feet of which 100 sq
feet would be retail. Existing 177 sq foot patio in front, 277
sq feet of retail space

Venice Subarea: Oakwood-Millwood-Southeast Venice

Zoning: C4-1

Permit Ap. Date:

Date of Planning Report: TBA

Applicant: Oscar Hermosillo

Address: 529 Rose Avenue

Representative: Patrick Panzarello

Contact Information: 818.351.0059

Date heard by LUPC: November 1, 2007

Zoning Adm. Date: TBA

**WLA Area Planning
Commission Dates:** TBA

MOTION:

That LUPC recommends that the VNC Board of Officers recommend approval of the application of Oscar Hermosillo (Venice Beach Wines) subject to the following conditions:

- (1) Applicant will post on the premises a laminated copy of the conditions of approval, in a conspicuous place where the public can see them;
- (2) No branded alcohol advertisements shall be placed in the window or door glass of the property which is visible from the outside of the premises;
- (3) Malt beverages shall not be sold in single-serving containers larger than 16 ounces capacity and all malt beverages sold must be priced \$4.00 per unit or greater. Malt beverage based coolers in containers of 16 ounces or less may only be sold in four-pack quantities as pre-packaged by the manufacturer. All other malt beverages in containers of 16 ounces or less may only be sold in six-pack quantities as pre-packaged by the manufacturer. Applicant may only sell fortified wines that contain 20% fortification or less and priced at \$10.00 per unit or greater. The sale of alcoholic beverage miniature bottles (2 ounces or less), and pint or half pint containers will not be permitted.
- (4) No self-service alcohol vending machines shall be allowed on the premises;
- (5) Hours of operation are from 7am to 10pm on Sunday-Thursday and 7:00 am - 11:00pm on Friday and Saturday; no on site consumption of alcohol before 11:00am.
- (6) That the use and development of the property shall be in substantial conformance with the floor plan submitted and marked Exhibit A. With reference to this condition, please note that we have requested the Applicant to clearly "bubble" and label on the Exhibit (floor plan) the area within which alcohol will be displayed to the public, attached as Exhibit A;
- (7) No further additions or structural alterations shall be made to the subject building unless necessary to comply with an order issued by a governmental agency in the interests of health, safety, or welfare;
- (8) The subject building and property shall be maintained in a neat, attractive, and safe condition at all times including repainting of the building on a regular basis;
- (9) No adult books, magazines, and video tapes shall be sold on the premises;
- (10) No cigarette sales allowed on the premises;
- (11) No pay phone will be maintained on the exterior of the premise;
- (12) There shall be no coin-operated games or video machines maintained upon the premises at any time;
- (13) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Petitioner(s) shall be removed or painted over within 24 hours of being applied, and the paint shall match the original color;
- (14) The Petitioner(s) shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control;
- (15) 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;
- (16) If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require The Petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review The Petitioner(s) compliance with and the

effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

- (17) The applicant shall apply for Plan Approval Determination within one year of initial Plan Approval Determination and reappear before the LUPC.

VOTE: 7-2-1, Motion carried

STAFF REPORT

Project Description:

Request: Applicant (Oscar Hermosillo) operates a small off sale wine shop at 529 Rose Ave. The total store interior is 353 sq feet of which 100 sq feet would be retail and there is an existing 177 sq foot patio in front, 277 sq feet of retail space. He presently operates with a #20 alcohol sales license and wants to upgrade to a #41 license to allow him to have wine-tastings. Along with this license upgrade he also plans to serve plates of prepared cheeses and meats, along with beverages with the food. Hours of proposed operation are: 7:00 am-10:00 pm on Sunday-Thursday and 7:00 am-11:00 pm on Friday and Saturday.

Summary of Arguments Against this Project/Issue:

Parking: On-site parking is impractical. Assuming 225 sq feet of retail space requires one parking spot, 277 sq feet would lead to more than 1 yet less than 2. There is room in back of the building for two parking spots. This area has been storage for who knows how long. There is no access from the wine shop because the four dwelling units exist behind a security fence which allows no access to the rear of the yard. Access from the alley would demand people to travel down an unknown alley that has no lighting at night. I visited the site three times at different times of the day, and parking is readily available. This situation shouts for us to waive parking requirements

Summary of Arguments For this Project/Issue:

- 1) By ratifying this request, we would be sending a clear message to the community that creating a viable, community friendly business is appreciated and rewarded by Venice Neighborhood Council.
- 2) It would afford Mr. Hermosillo competitive equality with other wine shops in Venice.
- 3) The new incarnation of the Venice Beach Wines would provide the surrounding community with a venue to enjoy themselves.

Summary of Public Comment:

Not many stakeholders testified, but all were supportive.

Summary of Findings by LUPC:

Venice Wines will certainly be an asset to Rose Avenue; however, the parking is problematic. The spaces at the rear of the building are fenced off and unavailable to the public. LUPC is concerned about this removal of parking. Also the four small rental units attached to the storefront have no parking.

History: Since 1948, when construction was completed the front of the existing building has been a storefront. Records exist showing restaurant inspections as far back as 1998. In November, 2006, Mr. Hermosillo bought an existing deli/market and the existing #20 license. According to neighbors, he has improved the shop and surrounding area which has helped upgrade Rose Ave. Stewart Oscars, LUPC staff to this project, has copies of 13 supporting letters/emails, and he spoke with customers who were very supportive of the store. The existing building has four small rental dwellings attached behind the storefront.

Author of Report: Stewart Oscars
Date: November 20, 2007

Draft of LUPC Recommended Letter from VNC Board of Officers to Council District 11 and selected others, and Draft of Community Impact Statement to be submitted to the VNC President for signature this week.

Approximate Hours Spent on this Project by LUPC Staff: Twenty

**Land Use and Planning Committee
November 7, 2007
Item 7A
Case: ZA 2007-1772 (CUE)
Staff Investigation**

Applicant Name: Oscar Hermosillo (Venice Beach Wines)
Project Address: 529 East Rose Avenue

VSP Sub-area: Oakwood

Zoning: C4-1

Request:

Applicant (Oscar Hermosillo) operates a small off sale wine shop at 529 Rose Ave.

The total store interior is 353 sq feet of which 100 sq feet would be retail and there is an existing 177 sq foot patio in front, 277 sq feet of retail space. He presently operates with a #20 alcohol sales license and wants to upgrade to a #41 license to allow him to have wine-tastings. Along with this license upgrade he also plans to serve plates of prepared cheeses and meats, along with beverages with the food. Hours of proposed operation are: 7:00 am-10:00 pm on Sunday-Thursday and 7:00 am-11:00 pm on Friday and Saturday.

History:

Since 1948, when construction was completed the front of the existing building has been a storefront. Records exist showing restaurant inspections as far back as 1998. In November, 2006, Mr. Hermosillo bought an existing deli/market and the existing #20 license. According to neighbors, he has improved the shop and surrounding area quite a bit helping upgrade Rose Ave. I have copies of 13 supporting letters/emails, and I spoke with customers who were very supportive of the store. The existing building has four small rental dwellings attached behind the storefront.

Con's of Project:

Parking: On-site parking is impractical. Assuming 225 sq feet of retail space requires one parking spot, 277 sq feet would lead to more than 1 yet less than 2. There is room in back of the building for two parking spots. This area has been storage for who knows how long. There is no access from the wine shop because the four dwelling units exist behind a security fence which allows no access to the rear of the yard. Access from the alley would demand people to travel down an unknown alley that has no lighting at night. I visited the site three times at different times of the day, and parking is readily available. This situation shouts for us to waive parking requirements.

Pro's for the project:

- 4) By ratifying this request, we would be sending a clear message to the community that creating a viable, community friendly business is appreciated and rewarded by Venice Neighborhood Council.
- 5) It would afford Mr. Hermosillo competitive equality with other wine shops in Venice.
- 6) The new incarnation of the Venice Beach Wines would provide the surrounding community with a venue to enjoy themselves.

Motion:

That LUPC recommends that the VNC Board of Officers approve the application of Oscar Hermosillo (Venice Beach Wines) subject to the following conditions:

- (1) Applicant will post on the premises a laminated copy of the conditions of approval, in a conspicuous place where the public can see them;
- (2) No branded alcohol advertisements shall be placed in the window or door glass of the property which is visible from the outside of the premises;
- (3) Malt beverages shall not be sold in single-serving containers larger than 16 ounces capacity and all malt beverages sold must be priced \$4.00 per unit or greater. Malt beverage based coolers in containers of 16 ounces or less may only be sold in four-pack quantities as pre-packaged by the manufacturer. All other malt beverages in containers of 16 ounces or less may only be sold in six-pack quantities as pre-packaged by the manufacturer. Applicant may only sell fortified wines that contain 20% fortification or less and priced at \$10.00 per unit or greater. The sale of alcoholic beverage miniature bottles (2 ounces or less), and pint or half pint containers will not be permitted.
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- (6) That the use and development of the property shall be in substantial conformance with the floor plan submitted and marked Exhibit A. With reference to this condition, please note that we have requested the Applicant to clearly "bubble" and label on the Exhibit (floor plan) the area within which alcohol will be displayed to the public, attached as Exhibit A;
- (7) No further additions or structural alterations shall be made to the subject building unless necessary to comply with an order issued by a governmental agency in the interests of health, safety, or welfare;
- (8) The subject building and property shall be maintained in a neat, attractive, and safe condition at all times including repainting of the building on a regular basis;
- (9) No adult books, magazines, and video tapes shall be sold on the premises;
- (10) No cigarette sales allowed on the premises;
- (11) No pay phone will be maintained on the exterior of the premise;
- (12) There shall be no coin-operated games or video machines maintained upon the premises at any time;

(13) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Petitioner(s) shall be removed or painted over within 24 hours of being applied, and the paint shall match the original color;

(14) The Petitioner(s) shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control;

(15) 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;

(16) If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require The Petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review The Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

(17) The applicant shall apply for Plan Approval Determination within one year of initial Plan Approval Determination and reappear before the LUPC.

Report prepared by: Stewart Oscars