HARDSHIP EXEMPTION APPLICATION

ICO Area:	Council File No.:
West Adams-Baldwin Hills-Leimert	
Interim Control Ordinance No.: 18018 ZI N° 2421	Additional Interim Control Ordinance No.:
Effective Date:	
December 8, 2010	

Applicant (Record Owner):	Telephone:	
Mark Houck	310-801-8116	
Applicant Mailing Address:	Email Address:	
5577 W. Adams Blvd, Los Angeles, CA90016	mark@foodbylene.com	
Applicant's Representative:	Telephone:	
Daniela Rechtszajd	310-625-0654	
Representative's Mailing Address:	Email Address:	
5410 Village Green, Los Angeles, CA 90016	recdani@gmail.com	

Property Address:	Lot Area (sq. ft.):	
5573-5577 W. Adams, Blvd., Los Angeles, 90016	3,097.1 sq. ft.	
Legal Description:	Structure/Building Construction Date:	
The southerly 40 feet of Lots 97, 98 and 99 of Tract No. 5565, in the city of Los Angeles, County of Los Angeles, State of California, as per Map recorded in Book 68, Page 5 of Maps, in the Office of the County Recorder of said County.	Hot Dog Stand/ March 10, 1959	
Existing Zone (ZIMAS):	Permit History (Include Permit Numbers):	
(Q) C2-1VL		
Existing Land Use Designation (From City Planning Department): (17) Restaurant	Refer to Addendum Nº1	

Note: The Department of City Planning Master Land Use Application is not required.

Describe Current Use (Include size in square feet, height, ancillary structures such as garages, etc.):

The current use is a take-out restaurant of 270.00 sq. ft, located at the corner of Adams Blvd & Marvin Blvd.. The existing structure consists of 224.00 sq. ft of kitchen space and 46 sf of accessory areas: restroom & janitor's. The total height of the structure is 10'-3''. To the east side of the take out restaurant (approx. 30'') there is a detached covered patio of $140.00 \text{ sf} (11'-6'' \times 12'-2'')$, for waiting only, non-seating permitted. There is an uncovered on grade parking with un-marked parking stalls and 2-driveway access one on Marvin and one on Adams. The trash enclosure ($\pm 7'6'' \times 16'-3''$) is located at the north east corner of the parking, 3'' from the east property line & 0'' from the north property line.

Describe Proposed Project and Use (Include size in square feet, height, etc.):

The proposed project consists of an addition of a total of 444 sf divided as follows:

1) 253 sf will be added to the 1st floor for a new walk-in refrigerator, storage area and an ADA restroom 2) 191 sf for a new 2nd story with an office and a restroom for the owner's use.

-The new structure will be 25'-6" high. The proposed project will maintain the existing structure with its character and the addition will be treated as a different volume with different finishes. The on grade parking would be redesigned to provide a Van Accessible ADA parking and a path of travel to the building. The 2- parking access will be maintained. In order to redesign the parking, a new roofed trash enclosure will be provided at the south east corner of the property.

The intent is to maintain the existing "Take-Out Restaurant" use. The office will be accessory to the main use.

Why do you believe a hardship exists for which an exemption should be granted? (Attach a statement on a separate sheet if necessary. An economic analysis may also be submitted.)

See attached Hardship Request Detail

Note: The Department of City Planning Master Land Use Application is not required.

Do you have any ownership interest in any other parcels within 300 feet of this property?

🗌 Yes 🛛 🗹 No

(If yes, submit a map showing the location and boundaries of the property for which an exemption is being requested, and the location of the other ownerships.)

ADDITIONAL INFORMATION FILING REQUIREMENTS

In addition to this form, all below items should be included with the application, unless otherwise instructed by City Staff.

- a. Attach a map showing the location and boundaries of the property for which the exemption is being requested.
- **b.** Attach a **Plot Plan** showing the building footprint, parking plan, landscaping, balconies, driveways, any amenities, etc.
- c. Attach an Elevation Plan, which includes dimensions for all views.
- Attach Building Plans. If plans have been accepted by the Department of Building and Safety, list Plan
 Check No._____ and Submittal Date_____.
- e. Submit a **Project History** summary that includes dates and descriptions of meetings, negotiations, expenditures, commitments, etc.
- **f.** Submit **Photographs** of the subject property and all surrounding property not over 8 ½ x 11 inches, but of adequate size to illustrate the condition and physical context of the property under discussion.
- g. Attach any additional information as needed.

NOTICE OF PUBLIC HEARING

The City Council may hold a public hearing on a hardship exemption application. Upon notification that a public hearing has been scheduled, the applicant shall notify the owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property at least ten days before the date of the hearing. Notice of the public hearing shall also be posted by the applicant in a conspicuous place on the subject property at least ten days before the date of the notice at the time of the hearing in the form of a sworn declaration or affidavit. Failure to provide such proof shall be grounds to deny the hardship exemption application.

THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY

KNOWLEDGE.

Applicant (Record Owner) *

11.01.15

Date

Representative

Date

* Proof of ownership will be required at the time of application submittal. A recorded grant deed and/or City Clerk's ownership records printout are acceptable.

CITY OF LOS ANGELES DEPARTMENT OF CITY PLANNING ZONING INFORMATION FILE

Effective Date: December 8, 2010

ZI NO. 2412

GENERAL PLAN AMENDMENT FOR STANDALONE FAST FOOD ESTABLISHMENTS WITHIN THE SOUTH LOS ANGELES PLANNING AREA

COUNCIL DISTRICTS: 1, 8, 9, & 10

No permits shall be issued for any new, or additions to existing, standalone Fast-Food Establishment, as defined by LAMC Section 16.05 B.3, within the West Adams-Baldwin Hills-Leimert, South Los Angeles, and Southeast Los Angeles Community Plans, but excluding those portions of land within Council Districts 5 and 15, and that portion of Council District 10 north of the Interstate 10 Freeway.

Construction that consists of interior remodeling, interior rehabilitation, minor exterior repair work, renovations, or routine maintenance, <u>are exempt</u>. New Fast-Food Establishments integrated into a mixed-use building, commercial center, or other joint tenant building with a minimum Floor Area Ratio (FAR) of 1:1, <u>are also exempt</u>. In addition, demolitions and replacement of existing Fast-Food Establishments, or additions to existing Establishments, <u>are exempt from Criteria 1 only</u>.

Projects shall meet all six of the following Criteria to obtain permit clearances administratively:

- 1. That the Project is not within a half mile radius, or 2,640 linear feet, from any existing Fast Food Restaurant.
- 2. That the Project provides a continuous building wall along the street frontage and along the sidewalk;
- 3. That the height, bulk, and massing of the Project is compatible with the surrounding area;
- 4. That parking for the Project is located at the rear or sides of the building, and partially screened from view from any public street by a minimum 36" tall decorative solid wall and/or dense vegetation of the same height;
- 5. That a minimum of 7% of the total area of the surface parking lot is landscaped with planting materials and the project has a coordinated landscape plan that includes abundant trees and shrubs;
- 6. That the Project has an adequate trash disposal plan to control litter including: sufficient trash receptacles on-site and frequent trash collection and disposal, and that trash enclosures shall be enclosed by a minimum six-foot high decorative masonry wall and shall be located to provide minimum negative impact, physical and aesthetic, on pedestrians, traffic flow, or adjacent uses.

If a Project fails to meet all six of the required criteria, then a General Plan Amendment shall be filed with the City Planning Department. The City Planning Commission, in its recommendation to the City Council, shall utilize these six criteria, a portion of these criteria, or other appropriate criteria, in its determination to grant relief from this Plan footnote.

Hardship Exemption Request Details

Project Goal

The goal of our project is to provide our neighborhood with farmer's market fresh food that is healthful and available every day. The menu we have created has not only modern sandwich items, but home made soups, fresh salads, grains and extensive vegetarian and vegan dishes. All the food will be made from scratch and use local farmers, bakers and vendors.

Fresh food is perishable however, and the footprint of the existing kitchen (254 s/f) is too small to accommodate enough refrigeration for the raw materials, prep space, service equipment and personnel to accomplish this.

Our small lot size (3,097 s/f) cannot accommodate city mandated parking, ADA requirements, parking lot green space, tables & chairs (for qualification as a restaurant) and the refrigeration space necessary for a true health and freshness oriented menu. There is simply no room.

Because we don't have space to offer table service, we fall under the category of a "Fast Food" establishment. This designation triggers other requirements that cannot be met and it is for this reason we are requesting an exemption.

Description of Hardship

- 1. "Fast Food" designation- the current definition does not adequately describe the service we wish to offer for the neighborhood and restricts our ability to build the refrigeration needed to offer a fresh food menu. *
- Parking restrictions- Earning a designation as a "Restaurant" by adding tables, chairs and table service would increase parking requirements which a 3,097 s/f lot cannot physically accommodate.

Conclusion

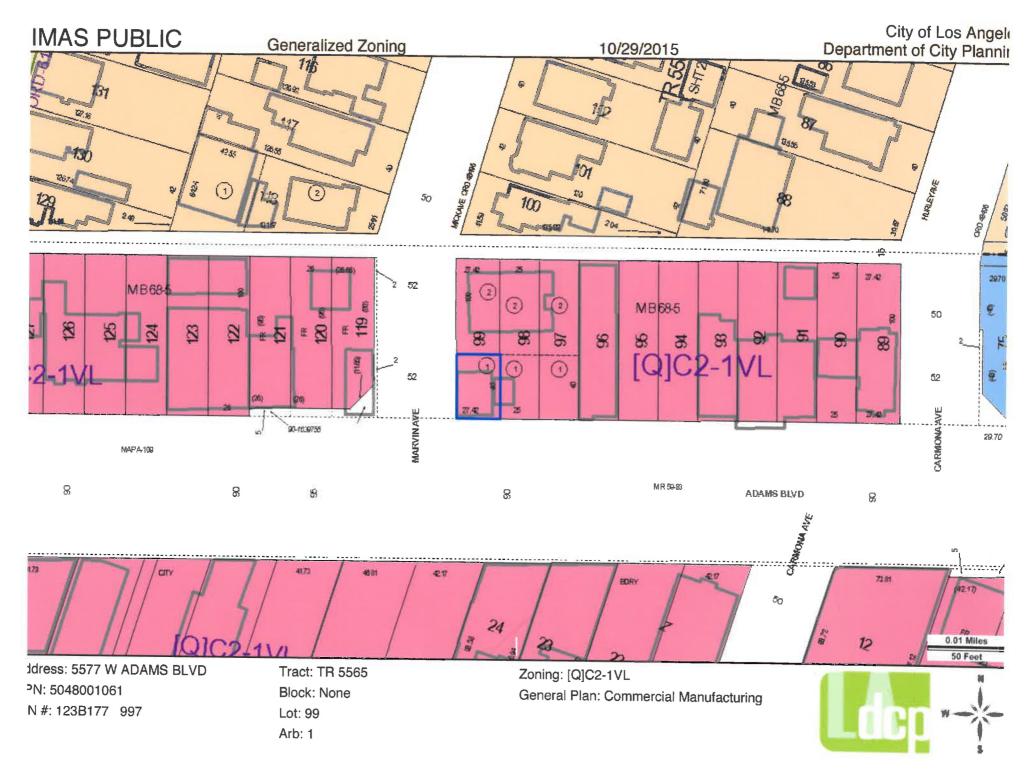
This proposed project will allow our business to serve the community fresh, restaurant quality food in a quick service format, something that would benefit almost any neighborhood but is of particular importance to ours.

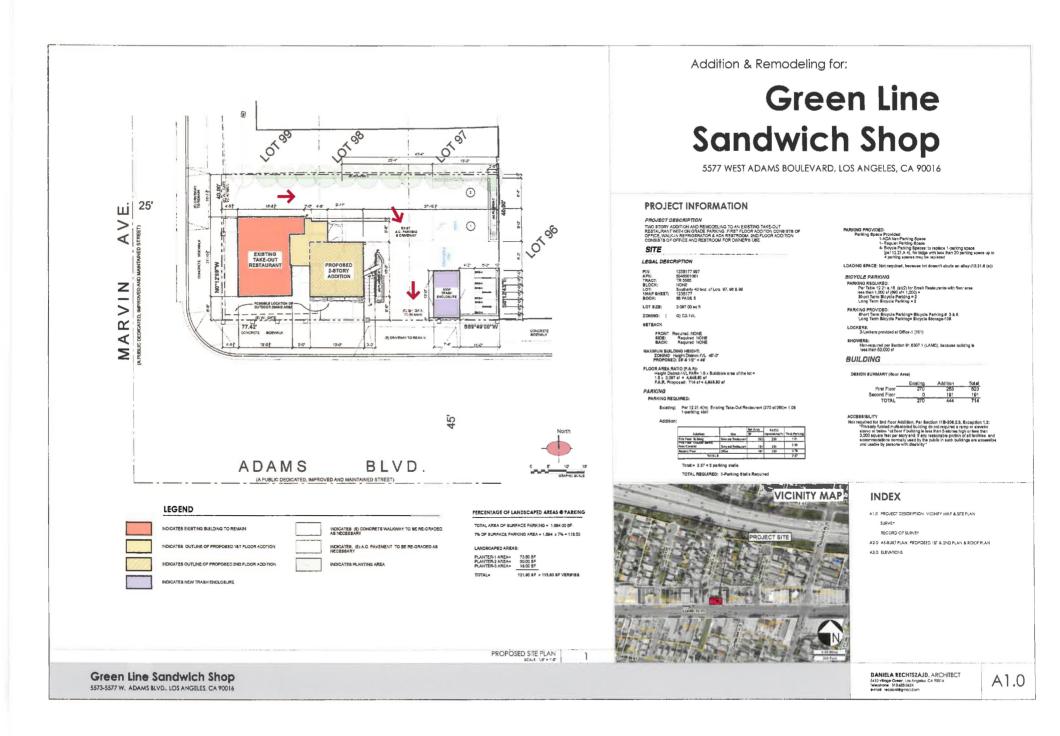
The unlucky combination of a small lot and (well intentioned) restrictions on fast food restaurants is causing a net effect that runs counter to the ordinance's goals. If we can't add enough refrigeration for fresh food, we will be forced to serve only processed food in it's stead.

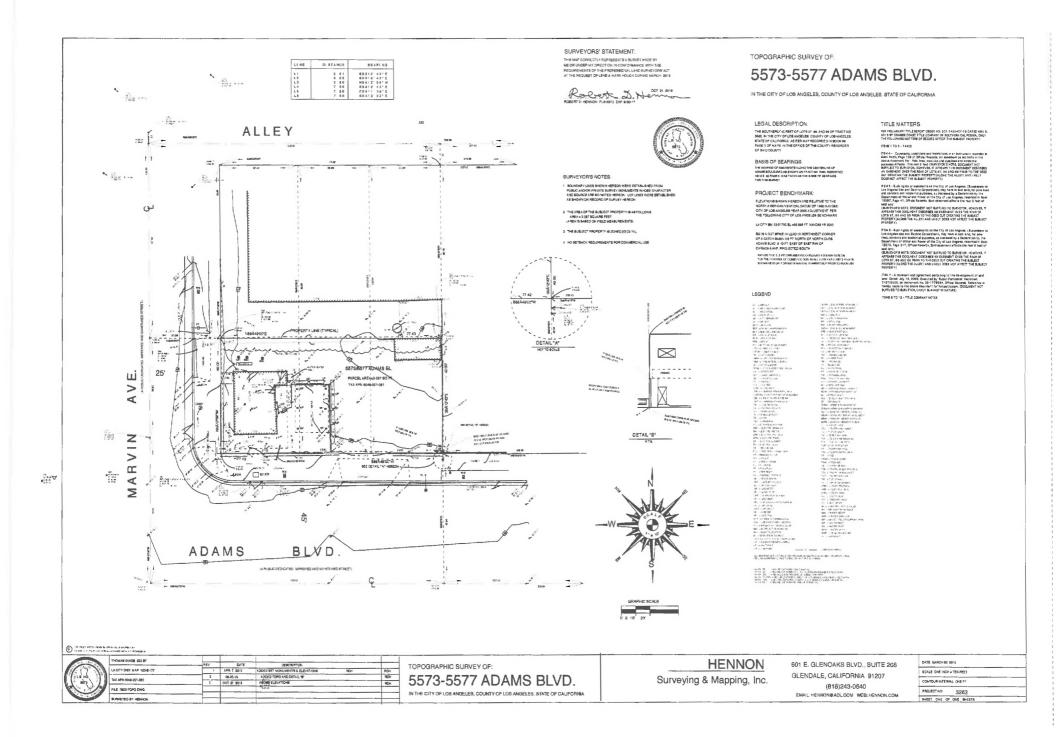
Allowing this exemption will give us, as well as any restauranteurs that may follow us, the tools required to serve the kind of food that our neighborhood deserves and will be truly proud of.

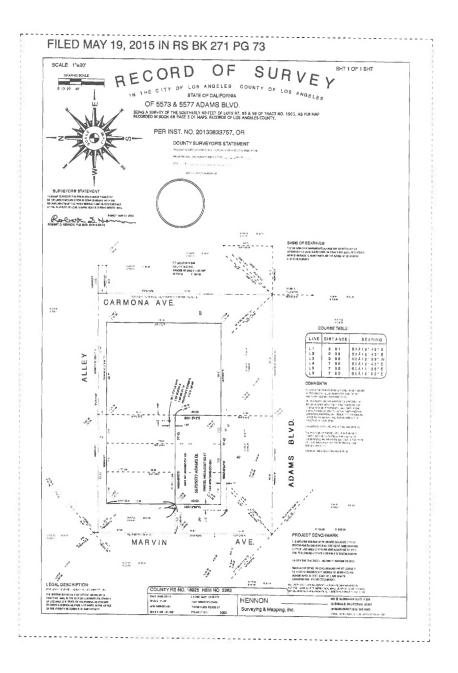
*By falling under the definition as a "Fast Food" establishment, we become subject to City ordinance **ZI2412** (appendix 1). This ordinance prohibits new exterior construction to existing Fast Food establishments with 1/2 mile of another similarly designated establishment. By eliminating the ability to add proper refrigeration for a fresh food menu, **ZI2412** either:

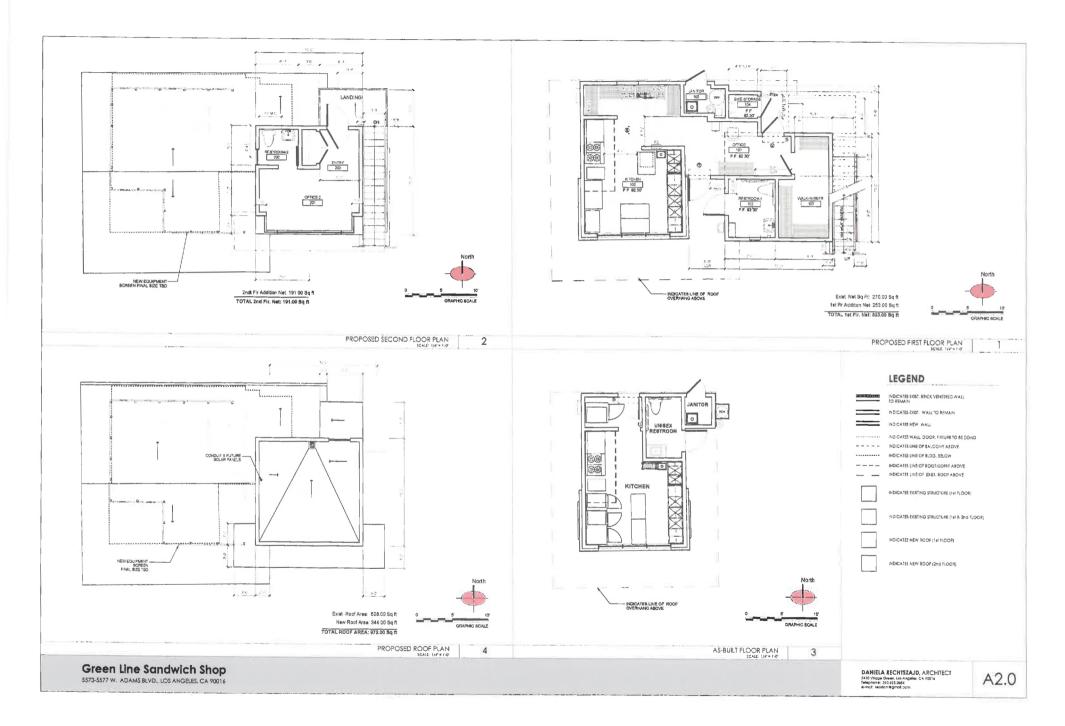
- 1. Eliminates an establishment's ability to serve anything other than precessed food which runs counter to it's purpose of neighborhood improvement.
- 2. Limits an establishment's ability to serve enough fresh food to community members to have a measurable and positive impact.
- 3. Dramatically curtails an establishment's ability to grow and expand service into other areas of the neighborhood. This also creates an ongoing financial burden by limiting sales, income. and hiring.













The following is a list of meeting, negotiations, expenditures, commitments, etc at related to the project proposed at 5577 West Adams blvd. Los Angeles.

MEETINGS

DBS Development Services Case Manager- Hernan Arreola

06.15- 09.15 Met with Mr. Arreola and exchanged email communications regarding relevant city codes and various options including, outdoor dining requirements, parking requirements, street dedication and other land use.

Planning, West Adams/Baldwin Hills/Leimert Park- Alan Como

09.15 Exchanged multiple calls and emails regarding our proposed building plans and relevant ordinances including ZI2412.

WANC Meeting

09.15 Addressed the West Adams Neighborhood Council and was referred to councilman Herb Wesson's office to discuss available options.

Councilman Herb Wesson's Office- Jordan Beroukhim and Kimani Black

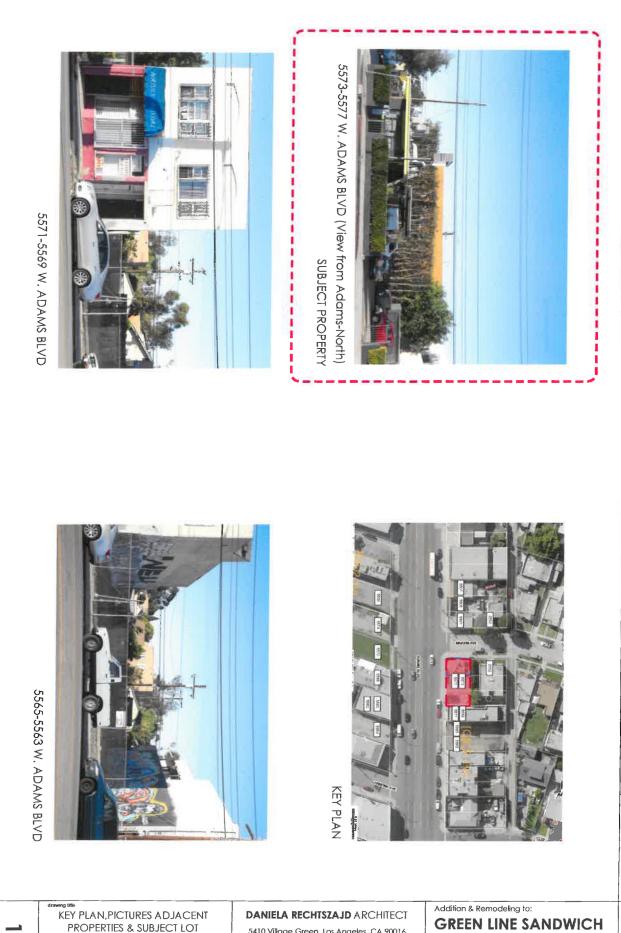
09.15- 10.15 Met with Councilman Wesson's planning and land use deputies to discuss the project. After a review of building plans and other relevant project details it was suggested that a hardship application may be warranted.

Neighborhood response- ongoing

We have discussed the nature of the project with many of our immediate neighbors as well as members of the larger community and have received consistent, positive feedback from everyone with whom we have spoken.

EXPENDITURES AND COMMITMENTS

Name	Position	Amount paid	Status
Daniella Rechtszaid	Architect	\$5,000	Ongoing
Spirit Engineering	Engineer- Plumbing/ mechanical	\$1,500	Ongoing, 50% due pending permits
Nader Shams	Engineer- Electrical	\$375	Ongoing, 75% due pending permits
Hennon Surveying	Site Survey	\$2,900	Complete
Christie Building and Development	General Contractor	Pending (\$230,000 est.)	Contracted to hire pending permits



ADAMS BLVD, NORTH SIDE

5410 Village Green, Los Angeles, CA 90016 310.625.0654 recdani@gmail.com

GREEN LINE SANDWICH 5573-5577 W. ADAMS BLVD., LOS ANGELES, CA 90016





I

1 I I I 1 1

I

I I I I I Ì I. I. I

ω