

#5

Historic St. Vincent Court

650 S. Hill Street
Downtown, Los Angeles

Date: 8/21/13

Submitted in PNGR Committee

Council File No: 13-0658

Item No.: 5

Deputy: Espinoza
public



August 16, 2013

To all Councilmembers of the City of Los Angeles,

My name is Sid Maksoudian and I am the advocate and representative for the eleven restaurant/café owners in St. Vincent Court, Downtown, Los Angeles.

I have appeared in front of the council consecutively for the past two weeks emphasizing the urgency and dire consequences that the business owners face.

In April 2013, a complaint was generated by Shahram Delijani that put forward the mechanism of enforcement of compliance which was headed by the Public Works Street Services division. None of the restaurant owners were aware of non-compliant sidewalk dining and ADA accessibility.

For more than twenty-seven years, these businesses came to exist, flourish and contributed a great deal to the community at large. These businesses were all in compliance with a city business license, landlord leases, building and safety permits and health department permits. Each restaurant and café has a valid County of Los Angeles Public Health Operating Permit for tables and chair usage [0 to 30].

Following the complaint, under direct orders by Chief Gary Harris, Supervisor Mr. Larry Morales dispatched the field investigators to 600 St. Vincent Court. The restaurant and café owners were given orders to remove their tables and chairs with a 24-hour deadline, otherwise resulting in confiscation of their tables and chairs. They were also ticketed with a misdemeanor infraction to appear before Street Services and further a county Judge within two to three months.

I received a phone call from the owner of St. Vincent Deli, which belongs to the Oz Family. Their father, Mr. Hovhanness Oz, asked me if I could help them in this matter. Without hesitation I accepted his request. I volunteered my time and expertise for this situation to help all of the restaurant owners and shops in the vicinity. There is a melting pot of ethnicity in the alley ranging from Armenian-Americans from Turkey, Armenian-Americans from Armenia, Asian-Americans, Hispanic-Americans and Persian-Americans.

As required by the law, I made sure that every shop owner who received a misdemeanor ticket to appear at the proper court date. Unfortunately, when we went to court, these tickets were not filed. The court clerks informed us that we could not appear in front of a Judge because there was no filing of the cases. In the meantime, the continuous harassment under the direction of Chief Gary Harris, the field investigators continued to come and carry out their orders.

Councilmembers, I want to be frank with you all. The investigators, who carried out the orders all stated that "we should not be here and that we should not be doing this to the shop owners but we have orders to carry out our duties as investigators". As you all recall there was a temporary moratorium that was issued by District 14 Councilmember Jose Huizar and his staff for the Art Walk and Historic Core to cease and desist, which asked the Bureau of Street Services administration not to ticket until further notice. In the meantime, under the direction of Councilmember Huizar, a committee by Public Works department was asked to prepare a preliminary report regarding street and sidewalk dining at the historic core of Downtown and to report back to the Public Works committee which is chaired by councilmember Buscaino within 30 to 60 days. Hence this motion [Motion 13-0658] and [Related CF's: 13-0477, 11-0924, 08-3167] dated May 28, 2013 should become available as of August 21, 2013. **To Note** Motion 13-0658 is attached at the end of this letter.**

- *This particular motion was known verbally within the circles of need-to-know basis.*
- *I will refer you all to an article that was printed in "Los Angeles Downtown News". - "An Al Fresco Fiasco"*
 - http://www.ladowntownnews.com/news/for-historic-core-businesses-an-al-fresco-fiasco/article_889df37a-cfbc-11e2-9444-001a4bcf887a.html - (Article is also attached at the end of this letter)
- There is also a pending motion, which outlines the perimeters of the pilot program (dress rehearsal) between 1st Street and 7th Street and Broadway to Los Angeles Street. *[Please refer to above stated and attached Motion 13-0658]*
- St. Vincent Court (alley) was not included even though St. Vincent alley paved the way of sidewalk dining experience twenty-seven years ago when no where on the streets of Los Angeles in the Downtown district did this exist. We could say, safely, that St. Vincent Court pioneered it and paved the way for sidewalk dining experience.

The Downtown Jewelry District began to take shape and to rise to be prominent, vibrant and economically strong for all Angelinos in the early 1970s. The Armenian-American community and Jewish-American community established these humble beginnings. The relationships were friendly, warm and prosperous. We knew how to respect one another, get along and look out for each other. Our goal was always to have a bigger industry tent to include all those who were willing to work hard, to participate and to bring innovation and new ideas into the jewelry and diamond industry.

The Delijani Family came to the district in the early 1980s. The father, Ezat Delijani, was a prominent businessman in the garment industry. He became relevant in the theatre acquisitions when former Mayor Thomas Bradley requested from Ezat Delijani to save the LA Theatre from the wrecking ball. That led Mr. Delijani to acquire three more theatres: The Palace Theatre, Tower Theatre and State Theatre. Ezattohla Delijani was honored by having the intersection between 7th and Broadway named after him. This became known as the Ezat Delijani Square.

To fast forward, Shahram Delijani and Peklar Pilavjian, with the acknowledgment of Jose Huizar and his staff including Public Works Deputy City Engineer Michael Kantor, and former City Engineer Steve Nazim, had prepared blueprints and projections of cost to widen the sidewalks of St. Vincent Court. The bulk of the cost of construction was going to be absorbed by Peklar Pilavjian, managing partner and owner of St. Vincent Jewelry Center. Twenty percent of the cost was shared between Delson Investments (Shahram Delijani) and others. The negotiations fell apart when Shahram Delijani made a non-starter demand to have exclusive parking rights for two seventy-two foot truck spaces in front of Peklar Pilavjian's St. Vincent property. Pilavjian refused and stated that the street is a public ride-away and DOT is the responsible party whether to permit or not to permit based on usage. Pilavjian also extended a reasonable offer to Shahram Delijani that he will accommodate permission at periods of three to five years to revisit the subject matter.

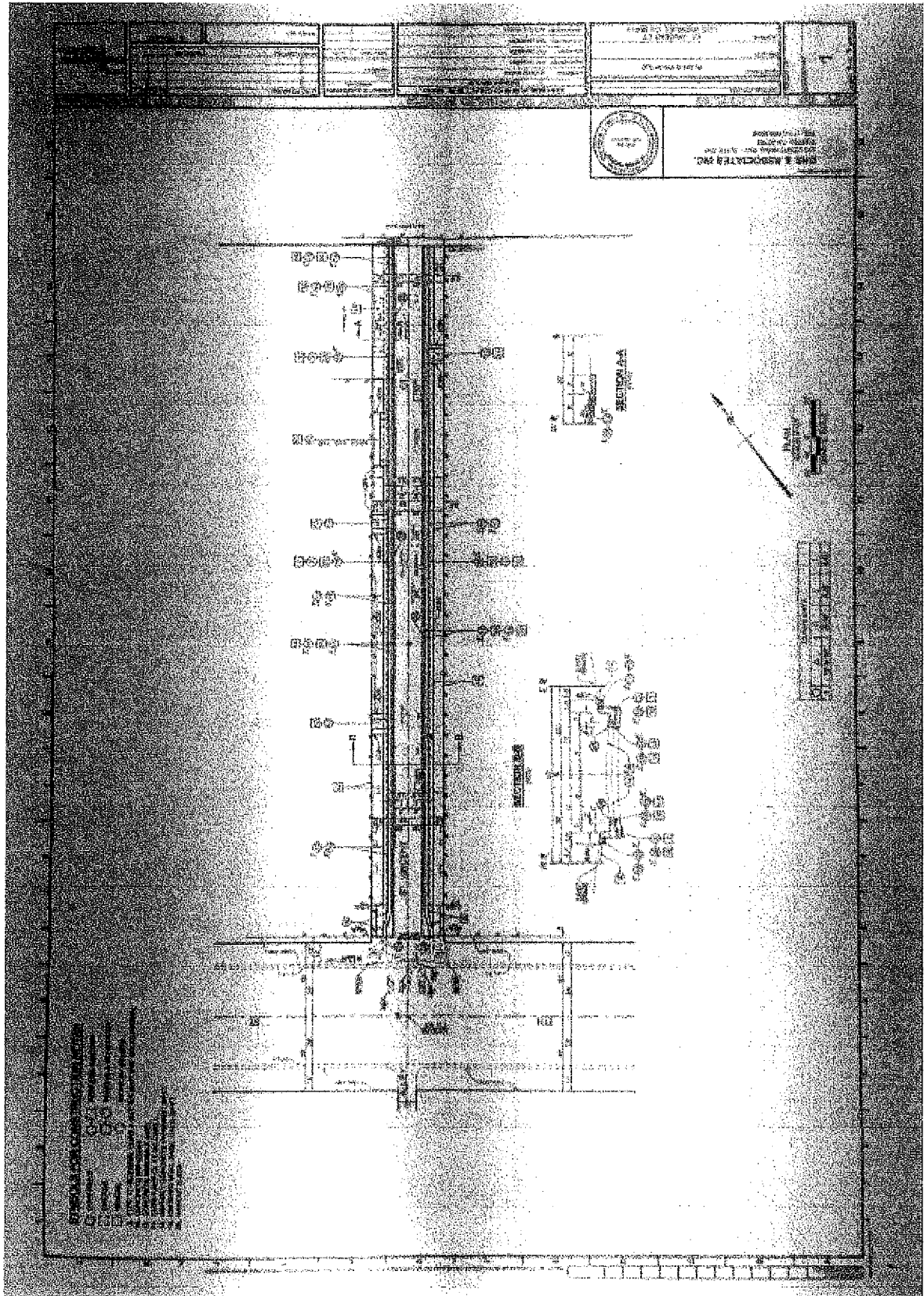
Shahram Delijani walked away and a year and a half later, I assume, for reasons beyond our control and for personal gains for his venture with the Theatres in the Historic Core, and the Broadway revitalization program, which is councilmember Jose Huizar's pet project, launched forward by putting in a complaint to destroy the livelihood of eleven restaurant and café owners at St. Vincent Court. This is a strong-arm tactic and bullying by a millionaire where he wants to be the only dominant force in the district.

In conclusion, I was asked by all parties to bring together Peklar Pilavjian and Shahram Delijani back to negotiations because the previous plans are still active at the Public Works Engineering department. I personally met with Mr. Huizar, Mr. Kantor and Mr. Pilavjian regarding this matter. Mr. Pilavjian guaranteed me full cooperation and complete one hundred percent funding of this project. Mr. Kantor is ready, Mr. Huizar's staff, Downtown Area Director Ms. Sara Hernandez is working diligently and the only person that has not shown any cooperation thus far is Shahram Delijani. I was told that as of this week by Huizar's staff, Ms. Sara Hernandez, that councilmember Huizar personally will try to bring Shahram Delijani to the negotiating table.

Regards,

Sid Maksoudian

Historic St. Vincent Court Proposed Sidewalk Modification



MAY 28 2013

13-0658

MOTION

PUBLIC WORKS

The Historic Core of Downtown Los Angeles is undergoing tremendous revitalization, bringing millions of dollars of new housing, commercial, retail use and jobs to the area. It is one of the most densely populated areas in the city and has a high concentration of pedestrians and bicyclists utilizing its mixed-use environment.

Sidewalk dining and sidewalk décor, such as planters, enhance the pedestrian experience, adding life and vitality to the street. These elements also increase neighborhood pride, improve public safety by putting more eyes on the street, and help to support the continued evolution of a thriving urban center in one of L.A.'s most diverse and eclectic neighborhoods.

The Los Angeles Municipal Code requires a revocable permit to allow the lawful placement of sidewalk dining and sidewalk planters. Guidelines for preserving appropriate disabled access are regulated through the legal permit process, and a waiver of damages agreement with proof of liability insurance is required.

However, due to the existing process, which is time consuming and costly, many businesses, especially independent Historic Core Mom & Pop businesses and entrepreneurs, find the nature of the process and cost of the fees too burdensome. Currently, it can take almost a year and thousands of dollars in fees to get a simple sidewalk planter permitted. This cumbersome process has led to a preponderance of illegal, unregulated and uninsured placement of sidewalk dining furniture and planters. The current process also provides no distinction in fees between sidewalk dining and sidewalk beautification (i.e. planters, benches, or other aesthetic improvements).

The City of Los Angeles should encourage the legal activation of public spaces with sidewalk dining and the enhancement of street-front presence with the placement of well-maintained planters and other street furniture in the Historic Core by creating a pilot program to allow for an expedited temporary permit for sidewalk dining and/or sidewalk beautification. This should include a full review of current fees and processes.

I THEREFORE MOVE that the Bureau of Street Services and Bureau of Engineering, Department of Public Works, report within 30 days with recommendations for a pilot program that would allow a temporary permit process that would expedite the legal placement of sidewalk dining and storefront furniture, including but not limited to planters, railings and other street furniture within the Historic Core area (between First Street and Seventh Street, and Broadway and Los Angeles Street in Downtown Los Angeles).

I FURTHER MOVE that they Bureau of Engineering review the current fee structure and timeline for both sidewalk dining and sidewalk furniture and identify ways that both can be reduced.

Related CF's: 13-0477
11-0924
08-3167

[Signature]
MAY 28 2013

PRESENTED BY *[Signature]*
JOSE HUIZAR
Councilmember, 14th District

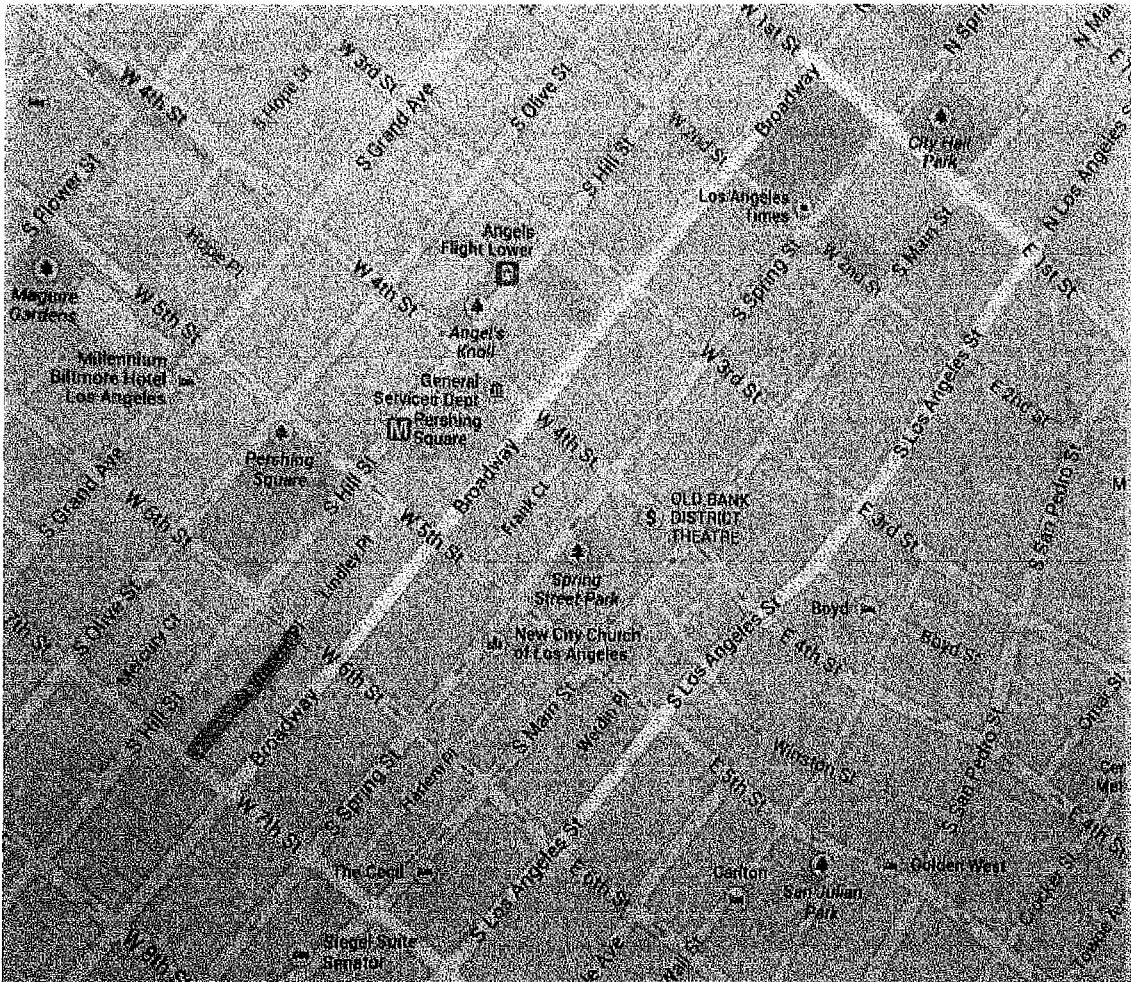
SECONDED BY *[Signature]*

ORIGINAL

Boundaries of Historic Core for Motion 13-0658

The parameters from 1st Street to 7th Street and from Broadway to S. Los Angeles St.

St. Vincent Court is not included



Need to ask CD 14 to include St. Vincent's Court in the pilot area; this should be something that can be added with the Public Works Committee report to Council.

For Historic Core Businesses, an Al Fresco Fiasco

by Richard Guzmán | Posted: Monday, June 10, 2013 5:00 am

DOWNTOWN LOS ANGELES - Historic Core restaurant and business owners know to expect big crowds during the Downtown Art Walk, especially during the busy summer months.

Last month, however, a few business owners who planned for extra attention by setting up some outdoor tables and decorations got a little something they weren't expecting: a citation from the city.

"We're dealing with a lot of baloney out here. I had to take out my tables for two weeks," complained Eldad Solomon, the owner of City Grill at Sixth and Spring Streets.

Solomon is one of several individuals who received a citation. Although it did not come with a fine, it did function as a cease and desist directive. In that regard, it struck Solomon and others as a heavy-handed move, one in which the city cracks down on small business owners trying to make a living and improve the neighborhood.

"This is Spring Street. People want to sit outside," Solomon stated.

Also zapped during the May 9 Art Walk was Syrup Desserts, which is next to City Grill. The owners of the cafe and sweets spot have long placed two bench tables in front of their glass doors.

When Syrup co-owner Stan Lin came to work the Friday after Art Walk, he was shocked to see the tables moved inside.

"It's a big deal for us and others here," Lin said. "The whole neighborhood looks better with it. Without it everything looks like it's closed."

Complaints about the crackdown have rippled throughout the Historic Core. It is particularly troubling since securing the proper permits can take almost a year and can cost thousands of dollars. Without them, small business owners are prohibited from placing tables, chairs or even decorations such as plants outside, said Blair Besten, executive director of the Historic Downtown Los Angeles Business Improvement District.

Now, a move is underway to help the restaurant and cafe owners get outdoor seating without breaking the bank. It couldn't come at a better time, as Art Walk arrives again on Thursday, June 13.

The office of City Councilman José Huizar, whose 14th District includes Downtown, is working to create a pilot program in the Historic Core that would cut down on the time and costs of obtaining sidewalk-dining permits.

"It's in an area where we are encouraging more sidewalk use, more pedestrian access, more

complete streets and it goes against some of the stuff we're trying to do," said Paul Habib, chief of staff to Huizar.

City Grill and Syrup Desserts happen to be in the heart of an area that Huizar has sought to make more pedestrian friendly. The businesses sit in front of a mini public seating area called a parklet that opened in February. The parklet program was initiated by the councilman.

Habib said his office does not know what triggered the crackdown during Art Walk.

Rick Coca, a spokesmen for Huizar, said that the councilman has asked the Bureau of Street Services to hold off on giving further citations until the pilot program is implemented. That is expected to take at least one month.

Most of the business owners who were cited brought their tables and chairs back out about two weeks after Art Walk. Several business owners said they have received no further violation notices.

Take a Seat

According to the May 28 motion, the Los Angeles Municipal Code requires a revocable permit for sidewalk dining. The base cost of a permit is about \$2,000. It can take an average of nine months before business owners get the go-ahead to place any seating outside, Habib said.

The process can be expedited, though Habib said that raises the price. It can cost thousands more to cover overtime inspectors.

Huizar's motion directs the Department of Public Works to come up with recommendations for a pilot program that would allow for a temporary permit to be issued so that restaurant owners can use their patios while going through the process, rather than wait up to a year and have nothing. The proposal would also look at ways to speed up the process and reduce the current fees.

Additionally, it would try to create another way of letting business owners who simply want to decorate their outdoor space, but don't plan on having seating, obtain permits.

"If you want to put out a planter it's also \$2,000 and the same nine-month process, and that doesn't make sense," Habib said.

The pilot program would cover the area bounded by Broadway, First, Seventh and Los Angeles streets. It could be expanded to other portions of the city if it is seen as a viable way to help businesses spruce up their space.

Adding a little more style and comfort is what employees at Curt Darling Salon on Main Street were trying to do during Art Walk when they placed a pair of chairs and a table in front of their door. They too got a citation.

As a beauty salon, it would make no sense for them to spend thousands of dollars for a sidewalk dining permit just to create a space where clients can hang out, said Kiara Horne, manager of the salon.

“For just two little chairs and a tiny table it wouldn’t be worth it,” she said.

But for restaurant owners like Solomon, the patio is an essential part of business. He said his sales fell about 20% during the two weeks he was without street dining.

He didn’t want to take the chance of being cited again, so he has renewed an old permit that was under the name of the previous restaurant owner. However, that permit only allows outdoor seating for eight people. Before the Art Walk crackdown, he had 20 seats outside his Mediterranean restaurant, which he opened about three years ago.

“I wanted to get a new permit with all the big seating, but the city is backed up eight months,” he said.

Contact Richard Guzmán at richard@downtownnews.com.

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St. Vincent Court, Downtown Los Angeles



Before April 2013



Before April 2013



After April 2013