

LARCHMONT BUNGALOW IS AN ILLEGAL RESTAURANT

Residents call for City of Los Angeles to enforce the “Q” Conditions that limit the number of restaurants and preserve the character of Larchmont Boulevard.



**Operate Legally --
Retail/Take-Out Only
Please!**

Dear Neighbors and Potential Customers:

The newly opened Larchmont Bungalow is an illegal restaurant. The owner, developer Albert Mizrahi, who now owns 20,000 square feet of retail on Larchmont Boulevard, is knowingly violating the “Q” conditions, a Zoning Law passed in 1991 that *limits the number* of restaurants in an effort to encourage a diverse mix of neighborhood serving businesses on the Boulevard.

On October 29, 2009 his new business was cited by the City for not being in compliance with the law. On November 2, 2009 the City sent the owners a notice of the City’s intention to revoke Mr. Mizrahi’s occupancy permit if he did not comply with the City’s laws.

Mr. Mizrahi has a permit to operate as a “take-out” food establishment *only*, and we welcome him to do that. In September, his representatives even promised Councilmember Tom LaBonge and community leaders that the new “take-out” establishment would not have tables and chairs (as

he promised the City in a notarized document in June). But *now* . . . he’s renegeing on his promise. He told Councilmember LaBonge and community leaders in late October that he planned to operate as a restaurant anyway, with tables and chairs, and that there’s nothing that the City can do to stop him. And that is what he did when he opened on October 24th.

Please do not abet the law-breakers and their money-making plans by eating at the tables and chairs at their new “Bungalow” restaurant!

Support the legal restaurants instead!

For example, other entrepreneurs would have loved to open restaurants south of Beverly, but -- when they were notified that the law allows no additional restaurants -- they chose to *follow* the law. Some did not come to Larchmont. In other cases, the entrepreneurs obtained space up the block, north of Beverly, where they now are operating legal restaurants and are contributing to the quality of life in the neighborhood.

Background on the “Q” conditions ... and why they matter.

In the early 1990s, with the support of Larchmont merchants and neighborhood residents, the city passed special Zoning restrictions (called the “Q” conditions ... “Q” refers to qualifying) that apply to the long block of Larchmont Boulevard, between First Street and Beverly Boulevard. The purpose of the restrictions was to protect the unique “neighborhood retail” nature of Larchmont that has made it so successful for residents, customers, and merchants.

In the late 1980s and early 1990s, there was a valid concern that more and more of the Larchmont storefronts were starting to become real estate offices, banks, and food service establishments -- all of which could pay higher rents and drive out the other tenants (toy stores, shoe stores, book stores, etc.) who served the neighborhood shopping needs of customers.

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And that's legitimate. This IS a *capitalist* country after all. However, it is NOT a *lawless* country. The City of Los Angeles has Zoning Laws that say where certain businesses can operate, and how.

For instance, a developer/landlord cannot just open a restaurant/café on residential June Street. Similarly, a developer/landlord cannot just open a collision repair shop on Larchmont Boulevard.

When a landlord or tenant has a *legal* store, the hours, disabled access, parking, and physical features of that store area are all regulated by Zoning Laws.

Zoning *protects* residents, customers, and other merchants.

The "Q" conditions restrict the number of ground-floor banks and real estate offices as well as the number of food service establishments. Unfortunately, under landlord pressure, that same Zoning Law adopted in 1992 also created a unique Larchmont *distinction between* restaurants/café and "take-out" food service establishments . . . creating the **"TAKE-OUT LOOPHOLE!"**

By 2001 and then 2007, the take-out loophole had brought to Larchmont at least 12 restaurants/café, as opposed to the **limit** of eight or ten originally contemplated by the Zoning ordinance. In addition, many of these "take-out" places as well as the legitimate restaurants kept adding and adding tables and chairs -- inside and out. In some cases, to such an extent it is difficult for pedestrians to pass by on the public sidewalks!

In 2007, the Department of Building and Safety ("DBS" which enforces our City's Zoning Laws) made it clear that **"enough was enough."** A number of the permitted "take out" food service establishments had morphed into restaurants/café. By mid-summer 2007, there were AT LEAST four *more* restaurants/ cafés than allowed by the special Zoning. In 2007, City officials finally said **"NO MORE."**

As a result, law-abiding potential restaurants/café operators knew that any new restaurants/café had to be in spaces north of Beverly Boulevard to be in compliance with the law.

So how did the "Larchmont Bungalow" get a permit?

Mr. Mizrahi applied for and received (on June 29, 2009) a City building permit to remodel the old Dippell Realty office building (later a retail store) into a "take-out" food service establishment.

Knowing that the limit on restaurants on Larchmont Boulevard, south of Beverly, had already been reached, (and, even, *exceeded*), the DBS required Mr. Mizrahi to sign a "Covenant and Agreement" with the City. In that legal document and its attached floor plan, Mr. Mizrahi again acknowledged (with his signature *notarized* on June 5, 2009) that "NO SEATING FOR DINING IS ALLOWED" and that there would be "No tables or chairs."

Mr. Mizrahi **promised** that he would open *only* a "take-out" food service establishment,

NOT another restaurant/café, with all the attendant problems that result for customers of the nearby shops and nearby residents.

In August, Councilmember Tom LaBonge called an early September meeting among concerned citizens and representatives of Mr. Mizrahi and his partners/tenants who were building what clearly was looking to be a restaurant/café. At the meeting, the developer's representatives again promised they would be operating as a "take-out" ONLY.

But, on October 24th, Mr. Mizrahi opened as a restaurant/café, stating that there are lots of other violators of the "Q" conditions, so he should be able to do so, too. Now he's even asking patrons to sign petition to let him have tables and chairs!

What do we do now?

(1) *Contact* Councilmember LaBonge and let him know **you support his work with DBS to enforce the "Q" conditions.** You can send him an email at Tom.LaBonge@lacity.org or you can visit his website at tom.labonge@lacity.org

(2) *Visit the website* **www.ilovelarchmontblvd.com** to read copies of the City notices sent to the owners of the Larchmont Bungalow and to read updates on the situation . . . and don't support the Larchmont Bungalow **until it complies with the law.**