**Board of Officer Meeting Agenda**

Westminster Elementary School (Auditorium)

1010 Abbot Kinney Blvd, Venice, 90291

**Tuesday, February 19, 2013 at 7:00 PM**

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| --- |
| **BOARD MEETINGS:** The Venice Neighborhood Council holds its regular meetings on the third Tuesday of the month and may also call any additional required special meetings in accordance with its Bylaws and the Brown Act. All are welcome to attend.  **TRANSLATION** Services: Si requiere servicios de traducción, favor de notificar a la oficina 3 días de trabajo (72 horas) antes del evento. Si necesita asistencia con esta notificación, por favor llame a nuestra oficina 213.473.5391.  **POSTING:** The agenda and *non-exempt writings that are distributed to a majority or all of the board members in advance of* regular and special meetings *may be viewed* at Groundworks Coffee (671 Rose Ave.), Penmar Park (1341 Lake St), Beyond Baroque (681 Venice Blvd), the Venice Library (501 S. Venice Blvd), Oakwood Recreation Center (767 California St.), The Venice Ale House (425 Ocean Front Walk), andthe VNC website **(**[http://www.venicenc.org](http://www.venicenc.org/)**),** *or at the scheduled meeting. For a copy of any record related to an item on the agenda, please contact the VNC secretary at* secretary@venicenc.org*.*  **PUBLIC COMMENT**: The public is requested to fill out a “**Speaker Card**” to address the Board on any Old or New Business item on the agenda and the Treasurer’s Report. Comments from the public on these agenda items will be heard only when that item is being considered. Comments from the public on other agenda matters or on matters not appearing on the agenda but within the Board's subject matter jurisdiction will be heard during the Public Comment period. Public comment is limited to two (2) minutes per speaker, unless modified by the presiding officer of the Board. No new speaker cards will be accepted once Public Comment has begun.  **DISABILITY POLICY:** The Venice Neighborhood Council complies with Title II of the Americans with Disabilities Act and does not discriminate on the basis of any disability. Upon request, the Venice Neighborhood Council will provide reasonable accommodations to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. |

**1. Call to Order and Roll Call (7:00PM – 5 minutes)**

Meeting called to order in memory of Jeff Cook, husband of VNC member Sylvia Aroth and father of Mika Cook; Irv Bush, longtime Venice resident, widower of Diane Bush, active on board of Boys and Girls Club of Venice; Eugene Peter Glick (born in Venice in 1922), Father of Neighborhood Committee member Adam Glick

**2. Approval of the Agenda (7:05PM – 5 minutes)**

**3. Approval of Outstanding Board minutes (7:10PM – 5 minutes)**

http://www.venicenc.org/wp-content/uploads/2012/12/130122BoardMinutes.pdf

**4. Announcements & Public Comment on items not on the Agenda (7:15PM --10 minutes)**

***[5 speakers****, no more than* ***1 minute per person*** *– no Board member announcements permitted]*

**5. Consent Calendar (7:25PM -- 5 minutes)***[No discussion or Public Comment. Items may be removed and they will go to the end of the agenda]*

**A Postponement of City Council Motion On the Establishment of a New Economic Development Department** (Ivan Spiegel on behalf of LANCC, parliamentarian@venicenc.org)

**MOTION:** The VNC demands that action on Council File 08-3050: COMMUNICATION FROM CHAIR AND MEMBER, AD HOC COMMITTEE ON ECONOMIC DEVELOPMENT IMPLEMENTATION relative to the establishment of a new Economic Development Department and association with a non-profit economic development organization be postponed for sixty days so that the Venice Neighborhood Council that represents stakeholders’ interests in City matters can weigh in on the matter.

**B Action Regarding Santa Monica Airport (**Martin Rubin on behalf of VNC Santa Monica Airport Committee)

**MOTION:** WHEREAS Los Angeles City Council District 11 (CD 11) borders Santa Monica Airport (SMO) to the south and to the east, including an almost sixteen acre portion of the east end of SMO that is within the City of Los Angeles CD 11; and

WHEREAS the CD 11 neighborhoods of Venice, Mar Vista, and other West Los Angeles neighborhoods, as well as the Council District 5 (CD5) neighborhoods of Rancho Park, Cheviot Hills, and other West Los Angeles neighborhoods within CD5 are all uniquely impacted by nuisances, and serious safety/public health concerns created by SMO operations; and

WHEREAS changes to the operations at SMO by the City of Santa Monica and the Federal Aviation Administration (FAA), since 1984, include: 1) No curfew on landings that approach almost without exception only over Los Angeles CD5 and CD11 neighborhoods; 2) Santa Monica’s ”Fly Neighborly Program” that advises visual flights to fly over Venice in Los Angeles thus avoiding Santa Monica; 3) A 1990 change to the Instrument Flight westerly departure route that moved takeoffs from over Santa Monica to over Venice resulting in the need to coordinate with LAX flight patterns, prolonged idle/hold times at SMO greatly increasing air pollution to the downwind Los Angeles area; all these having the effect of greatly increasing the extreme negative effects on the above mentioned Los Angeles neighborhoods,

THEREFORE BE IT RESOLVED that the Venice Neighborhood Council (VNC) requests that the City Council of the City of Los Angeles take all necessary steps, including opening a council file directing the City Attorney to research all potential actions that may be taken to protect the public health of Los Angeles residents against extreme environmental, safety, and all other disproportionate impacts from SMO operations.

**C Creation of Ad Hoc Public Health And Safety Committee**

**MOTION:** The VNC Board creates the Ad Hoc Public Health And Safety Committee with the following Mission Statement as approved by the Administrative Committee:

**Mission Statemen**t: The Ad Hoc Public Health And Safety Committee shall promote the health, safety and well being of the Venice community. It shall empower the Venice community with the necessary knowledge, emergency preparedness and individual confidence in dealing with health and safety issues

**D Creation of Ad Hoc Visitor Impact Committee**

**MOTION:** The VNC Board creates the Ad Hoc Visitor Impact Committee with the following mission statement as approved by the Administrative Committee:

**Mission Statement**: The Ad Hoc Visitor Impact Committee shall deal with the overall impact of visitors on the entire Venice community. Additionally, it shall research, advise, and report on potential sources of revenue that are generated from visitors as well as suggesting ways in which theses funds might be retained and then directed back to the community. The committee will also cooperatively develop protocols that can be used to better manage the community wide effects produced by the number of visitors coming to Venice.

**6. Scheduled Announcements (7:30PM – 30 minutes)**

*[No discussion or Public Comment]*

**A Public Safety - LAPD Report (10 minutes)**: Senior Lead Officers Peggy Thusing (25120@lapd.lacity.org), Kristan Delatori 32914@lapd.lacity.org ,Gregg Jacobus, 35162@lapd.lacity.org. Lt. Paola Kreeft, Beach Detail(lapdpaola.kreefft@gmail.com *This report includes a monthly Venice crime report and updates on law enforcement issues in Venice.*

**B PATH** (People Assisting the Homeless) **(5 minutes)** Update on Councilman

Rosendahl’s Roadmap to Homes Program, Joel Roberts, Joel.Roberts@epath.org, Tomasz Babiszkiewicz (tomaszb@epath.org); *This report includes statistics on the number of people placed in permanent and temporary housing (from Venice) as well as the numbers of people in process.*

**C VNC Monthly Committee Report: Committee (5 minutes)**

*[A monthly report on one of the VNC’s standing or Ad Hoc committees.]*

This month’s report will be from the Communications Committee.

**D Governmental Reports (10 Minutes)**

* **U.S. Congress Representative Henry Waxman,** Deputy Lisa.Pinto., Lisa.Pinto@mail.house.gov)
* **State Senator Ted Lieu,** Representative, Veronica Zendejas (Veronica.Zendejas@sen.ca.gov) 310-318-6994
* **State Assemblyperson Steve Bradford ,** Representative,
* **LA County Supervisor Zev Yaroslavsky,** Flora Gill Krisiloff 213-974-3333
* **Mayor Antonio Villaraigosa**; Paola Valdivia, West Area Representative (Paola.Valdivia@lacity.org) 310-479-3823
* **City Councilmember Bill Rosendahl**: Cecilia Castillo, Field Deputy (310-568-8772); (Cecilia.castillo@lacity.org); Arturo Pina, District Director (Arturo.Pina@lacity.org) including an update on LA City’s plans for a 90 day storage solution for abandoned property

**8. Old Business (8:00 - 0 minutes)**

**9. Announcements & Public Comment on items not on the Agenda (8:00 - 5 minutes)**

*[****5 speakers****, no more than* ***1 minute per person*** *– no Board member announcements permitted]*

**10. LUPC (8:05 - 80 minutes);** Sarah Dennision on behalf of LUPC [chair-lupc@venicenc.org](mailto:chair-lupc@venicenc.org)

**A 220 E. Rose Avenue; ”Rose Cafe”. Case No.: ZA-2011-1278-CUB [EXHIBIT A]**

A Conditional Use, pursuant to the provisions of Section 12.24-W,1 of the Los Angeles Municipal Code, to permit an upgrade from the sale and dispensing of beer and wine only to a full line of alcoholic beverages for on-site consumption, in conjunction with the continued operation of an approximately 5,757 square-foot restaurant, including the conversion of an existing 750 square-foot gift shop into dining area, with 99 seats interior and two outdoor patio areas totaling 1,910 square feet having 118 seats, also offering live entertainment, with hours of operation from 8 am to 12 midnight Sunday through Thursday, and from 8 am to 1 am on Friday and Saturday.

**MOTION:** The VNC supports the project as presented with the 16 proposed conditions, modifying condition #1 to require fully dimensioned drawings, #4 changing outdoor patio hours except beyond 10p weekdays, 11p weekends; #6 strike no amplified music, live music is permitted within fully enclosed indoors and outdoor music ending at 9p weekdays, and 10p weekends; #12 CUB, BMP conditions including provision of a fully enclosed trash structure, washable with floor drain and grease trap emptying into sewer, and that mops, buckets and floor maps must be washed in the kitchen, not outside; all applicable CUB conditions; plan approval required in 18 months ; modifying #15 to seven years; new condition #17 loading and unloading deliver and trash pick-up doesn’t occur before 7a; curb cuts along Main Street filled in (represent a hazard being so close to intersection of Rose); sidewalk needs to be widened along Main to match width of adjacent property to the South. Unanimous LUPC approval, 7-0-0

**B 2715 S. Ocean Front Walk. New SFD. Case No.: ZA-2012-2764-ZAA [EXHIBIT B]**

The application is for new construction of a single family residence on an open lot that is 28’ by 90’ (2,520 square feet). The applicant is requesting relief from VCZSP Section [INSERT], allowing for 10’-0” max height retaining walls on the side yards, in lieu of the stipulated max of 6’-0”, in addition to a height stair landing with a 10’-0” max height in lieu of 6’-0”. All other aspects of the project are in compliance with the VCZSP, including provided parking, height limit, etc.

**MOTION**: The VNC approves the project as presented, with the condition that applicant provides letter of consent from the owner of 2709 Ocean Front Walk, Venice, CA 90291.

Approved 5-0-2

**C** **1321 6th Avenue, Over-height Fence, ZA 2011-995-(ZAA) [EXHIBIT C]**

Applicant is requesting a Zoning Administrator (ZA)’s Adjustment to allow an 8’-0” high fence in the front yard of a single-family house in the Oakwood/Millwood sub-area of Venice in lieu of the 42” (3’-6”) fence required by the LA Municipal Code (section 12.28). Applicant received a permit for this fence when she applied in 2011. The fence was built, but was cited for non-compliance recently when someone complained to the City of LA. This case went to the ZA for hearing and a LUPC member in attendance asked to have it held open until the Venice Neighborhood Council could hear it. The ZA did allow it to remain open for 2 weeks, but that time period will expire before the VNC will hear the case on February 19th.

**MOTION:** Given the applicant resides directly across from a three-story multi-family structure that occupies over 80% of the block with sight lines into the property, the VNC Board recommends approval of project as presented, provided the portion of the existing fence above 42” is altered and maintained to provide 50% transparency by removing every other horizontal slat.

Unanimous approval, 7-0-0

**D 609 E Rose; “Unnamed Restaurant”; formerly Ace Trophy Company ZA-2012-2552-CDP-SPP-ZV-MEL & ENV-2**

The applicant restaurant is seeking a Full Line (Type 47) alcohol license.This will require a Conditional Use Permit to be issued by the City of Los Angeles.The applicant requested to open at 7:00 AM for light breakfast food, offer a brunch and then reopen around 5:30 for dinner service. The proposed closing hours would be the same as similar businesses on the street, something along the lines of 11PM on weekdays and 1:00 AM on Friday and Saturday. The patio will close earlier to prevent noise issues.

**MOTION:** The VNC approves the project as presented with the following conditions:

1) Hours of Operation

a. Indoors: Mon-Thu 7am-11pm, Fri-Sat 7am-12am, Sun 9am-10pm

b. Outdoor: Patio (front) Opening same as indoor, Closing one hour prior to indoor.

2) No rear yard uses other than guest parking.

3) No live music shall be permitted.

4) Loading preferred location is front of property on Rose, but if not, loading in back.

CUB Conditions:

1. To encourage a walk-friendly environment, the applicant will install bicycle racks.

2. Free off-street parking shall be provided to employees who drive to work while they are on shift either on-site or at a designated off-site location.

3. The applicant shall create an incentive program for employees who walk, bike or take transit to work. The applicant shall present proof of this program prior to final sign-off.

4. The applicant shall install a pollution control unit that is designed to remove all smoke and odors, using the best available technology. The pollution control unit shall be mounted on spring isolator pads to decrease noise and vibration. The applicant shall enclose the pollution control unit with a solid wall that incorporates sound mitigation materials to decrease the noise heard by the adjacent residents who live on the north of the property boundary.

5. Building has 9 on-site parking spaces (1 ADA and 2 were noted in a recorded covenant agreement to another property/business).

6. No branded alcohol advertisements shall be visible from the outside of the premises.

7. There shall be no coin-operated games, video machines, pool tables or similar game activities maintained upon the premises at any time.

8. 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.

9. 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.

10. 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](http://www.designateddriver.com/)).

11. 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.

12. 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.

13. The Applicant shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.

14. Noise generated on-site shall not exceed the decibel levels stated in the Citywide Noise Ordinance.

15. The use and development of the property shall be in substantial conformance with the floor plan submitted.

16. No tobacco sales allowed on the premises.

17. The Applicant shall adhere to Best Management Practices as they pertain to the location. Including but not limited to mop bucket and floor mat clean up shall be performed within the indoor area marked on the drawings as “Wet Area”.

18. 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.

19. The Applicant shall regularly police the area under their control in an effort to prevent loitering.

20. The entitlement will run with the applicant, not the property.

21. Trash receptacles used will be designed to contain odors per Best Management Practices. The area used to house the trash receptacle shall include four walls, a roof and self-closing door. The floor shall be washable and sloped to floor drain that is connected to sewer with permitted grease trap. All interior surfaces shall be washable and comply to all applicable City, County and State Codes.

22. 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.

23. No exterior work-related activity will occur either before opening or over one hour after closing.

24. Off-site advertising signage will be prohibited.

25. Trash pickup shall occur during non-peak traffic hours as determined by LADOT. Under no conditions shall hours prior to 8am and 4pm on weekdays be permitted. Saturday hours shall not be prior to 9am nor after 3pm. No Sunday collection permitted

26. Loading and unloading hours hall occur during non-peak traffic hours as determined by LADOT. In addition no deliveries shall occur prior to 9am or after 3pm on Saturday. Sunday deliveries are not permitted.

27. The storage/changing room will be clearly marked as such on plans submitted to the City, and will not be used as service area.

28. The applicant will appear before LUPC twelve months after opening.

29. 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.

30. 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.

31. The applicant must obtain approval for all outside signage, or must remove nonconforming signage.

32. All bottles will be recycled upon removal from the premises.

33. A laminated copy of these Conditions shall be posted in a conspicuous place near the main entrance of the project. The information contained herein shall include the owner(s) and operator(s) name, telephone number and email address. This information must be available to the general public on request.

MADE BY JIM MUREZ, SARAH DENNISON

CARRIED 6-1 NOTE: JOHN REED RECUSED

**11. New Business (9:25 -- 15 minutes)**

*[Discussion and possible action]*

**A Enforcement Of Mello Act Compliance by City of Los Angeles** **(15 minutes)** (Robert Aronson, [r\_aronson@ureach.com](mailto:r_aronson@ureach.com)) **[EXHIBIT D]**

**MOTION**: The Venice Neighborhood Council hereby requests that Council District 11 comply with State of CA Law in regards to implementation of the Mello Act. For projects built in the Venice Coastal Zone, the requirement to provide affordable units under the Mello Act shall be satisfied by construction of inclusionary affordable units on site, in the project being built. If this is found to be infeasible, the requirement shall be satisfied by construction of the affordable units in the geographic target areas listed below, in the following order of preference:

a. in the Venice Coastal Zone or the Venice Community Plan area;

b. within 3 miles of the project site;

c. within 3 miles of the Venice Coastal Zone.

Feasibility shall be determined at the time of City approval of the application for the project, and

is not subject to modification thereafter. No temporary or permanent Certificate Of Occupancy

shall be issued for the project, until the final Certificate Of Occupancy has been issued for the

required Mello Act affordable units.

WHEREAS, By Determination Letter dated December 4, 2012, the WLA APC granted the developer’s appeal in ZA-2002-2721-CDP-YV-ZAD-SPP-MEL-M1-1A, and modified the Mello Act requirement to allow the developer of the Dogtown Lofts project at 602 - 670 S. Main Street to satisfy the Mello Act requirement outside of the Venice Coastal Zone and outside of the Venice Community Plan Area. The VNC believes that the WLA APC’s December 4, 2012, decision violates the Mello Act, and the City’s Mello Act Interim Administrative Procedures dated May 17, 2000, and the Settlement Agreement for the 1993 lawsuit, dated December 5, 2000.

**11. Treasurers Report (9:40PM -- 10 minutes);** Hugh Harrison ([Treasurer@Venicenc.org](mailto:Treasurer@Venicenc.org))

*[Discussion and possible action]* **[EXHIBIT E]**

**A** **MOTION:** The VNC Board approves the attached the report on expenditures for the period January 22, 2012, through February 21, 2013, and the itemized purchase card invoice.

**B ANNOUNCEMENT:** All Board members and stakeholders are strongly encouraged to

participate in the Mayor’s budget survey. You can go to<http://budgetchallenge.org> and complete the survey on line.

**C ANNOUNCEMENT:** All Board members and especially committee chairs are

encouraged to provide input into their budget needs for the remainder of this fiscal year and for the up-coming budget year.

**12. VNC Announcements** **(9:50PM -- 5 Minutes)**

* **President**: Linda Lucks (president@venicenc.org)

MandatoryRetreat - TBA in March. : Take the Mayor’s Budget Survey

I will be out of town from 2.20-3.2- Marc Saltzberg in charge in my absence

Live Ethics Training by City Attorney on Thurs, 2/21 6:30 CBS Studios - 4024 Radford Avenue, MPR III Studio City

* **Vice President** Marc Saltzberg (Vicepresident@Venicenc.org)
* **LA Alliance of NC’s Representative**: Ivan Spiegel, ([parliamentarian@venicenc.org](mailto:parliamentarian@venicenc.org))
* **Westside Regional Alliance of Neighborhood Councils**- Mike Newhouse, President, Marc Saltzberg, VNC Representatives. Chair@westsidecouncils.org, [VicePresident@Venicenc.org](mailto:VicePresident@Venicenc.org),
* **Venice Chamber Of Commerce:** Erin-Sullivan Ward erin.ward@venicenc.org

**13. Announcements & Public Comment on items not on the Agenda**

*[****20 minutes****, no more than* ***1 minute per person*** *– no Board member announcements permitted]*

**14. Board Member Comments on subject matters within the VNC jurisdiction**

**(9:55 PM -- 5 minutes**, no more than **1 minute** per person**)**

**15. Adjourn** **(approx. 10:00 PM)**

**List of Venice Neighborhood Council Committees & Chairs – Volunteers Welcome**

**Administrative** Linda Lucks **Santa Monica Airport** Abigail Myers, Laura Silagi

**Neighborhood** Marc Saltzberg **Visitor Impact in formation**

**Outreach** Matt Kline **Ocean Front Walk** Tom Elliot

**Budget** Hugh Harrison **Public Safety**  Sevan Gerard

**Land Use and Planning** Jake Kaufman **Environment**  Erin Sullivan Ward, Abigail Myer**s**

**Education** Bud Jacobs **Rules & Election** Ira Koslow

**Communications** Helen Stotler **Arts** Cynthia Rogers, Eduardo Manilla

**EXHIBITS**

**EXHIBIT A**

Office of Zoning Administration

200 N. Spring Street, 7th Floor, Rm. 763

Los Angeles, CA 90012

Case No.: ZA 2011-1278(CUB)

CEQA No.: ENV 2011-1279-MND

Applicant: Manhar Paktel Rose Cafe

REQUEST:

A Conditional Use, pursuant to the provisions of Section 12.24-W,1 of the Los Angeles Municipal Code, to permit an upgrade from the sale and dispensing of beer and wine only to a full line of alcoholic beverages for on-site consumption, in conjunction with the continued operation of an approximately 5,757 square-foot restaurant, including the conversion of an existing 750 square-foot gift shop into dining area, with 99 seats interior and two outdoor patio areas totaling 1,910 square feet having 118 seats, also offering live entertainment, with hours of operation from 8 a.m. to 12 midnight Sunday through Thursday, and from 8 a.m. to 1 a.m. on Friday and Saturday.

NOTE: THE ZA HAS STATED THAT THE ONLY REQUEST BEFORe HER IS THE PENDING CUB APPLICATION. The ZA file is being kept open until February 15, 2013.

The following LUPC Draft Motion and proposed conditions of approval will be presented to the VNC for a vote on \_\_\_\_\_\_\_

Conditions of Approval:

1. The site plan shown on sheet A0.1 as submitted by the applicant and prepared by DEX incorrectly shows the property line dimensions and location of existing parking stalls. Additionally the existing trash enclosure located at south-west property corner is not shown on the plan. The plot plan shall be corrected and resubmitted to the department building and safety for review and approval prior to submittal to the Zoning Administrator’s office for approval as Exhibit A to this CUB application. The applicant shall also be required to submit fully dimensioned drawings.

2. This grant does not authorize or approve existing encroachments into the public right of way along Main Street and Rose Ave.

3. Maximum seating for the restaurant shall not exceed 99 indoor seats and 118 outdoor seats for a total of 217 seats. No outdoor seating in the public right-of-way sidewalk area shall be permitted. No further expansion of this restaurant is permitted.

4. Both patio areas shall not be used for any activity whatsoever after 10 p.m. Sunday **through** Thursday and 11p.m. on Friday and Saturday No after hours use of the restaurant is permitted, including any use for private or promotional events.

5. No deviation from the required parking has been requested or granted herein.

Parking shall be provided as follows:

a. Parking shall be provided in compliance with the municipal code and as required under Case No. DIR-2011-2962SPP but not less than 47 on-site parking spaces shall be provided as shown on Exhibit " A

b. Free off-street parking shall be provided on-site or at an off-site location

for employees who drive to work.

c. Patrons shall be allotted a 60-minute validation for free parking on-site from the restaurant opening until 5PM and 90-minute validation for free parking on-site thereafter until closing. A prominent sign "FREE RESTAURANT PARKING WITH VALIDATION" and "PARKING ENTRANCE” ON 3rd Street with a parking directional sign shall be posted in a conspicuous location on the premises and on the menu notifying patrons that free validated parking is available on-site and asking patrons not to park in the adjacent residential streets

6. Amplified music is permitted during hours of operation within fully enclosed indoors, and outdoor amplified music is permitted except after 9 p.m. Sunday through Thursday and after 10 p.m. on Fridays and Saturdays.

7. Amplified music is permitted indoors or outdoors. Any indoor or outdoor background music shall not be audible beyond the property line.

8. The premises shall be maintained as a bona fide eating establishment (restaurant). A kitchen shall be maintained in the restaurant in accordance with the definition of such in the Los Angeles Municipal Code. Food service shall be available at all times that the restaurant is open for business.

9. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand.

10. The project and operation of the business shall fully comply with all of the conditions identified in Case No. DIR-2011-2962SPP to the satisfaction of the Director of Planning or his designee and hence comply with the Venice Coastal Zone Specific Plan.

11. Within six months of the opening of the restaurant, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)". Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.

12. Electronic age verification devices which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. This device shall be maintained in an operational condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage.

The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of litter.

13. ALL STANDARD CUB AND BMP CONDITIONS APPLY including ensuring the interior surface of trash enclosure is washable, the trash is under a closed roof, and there is a drain under the trash container with a grease trapper and connected to public sewer (not a storm drain). Additionally, the mop buckets and floor maps are not to be washed out in any other area besides the wet area of the kitchen.

14. The applicant shall provide an incentive program for employees who walk, bike or take transit to work. Prior to the utilization of the grant, evidence of compliance with this condition shall be submitted for inclusion in the file.

15. The property owner/the business owner or operator shall provide bicycle racks for at least 20 bicycles on- and/or off-site in front of the subject property on Rose Avenue. The bike racks shall be compatible in design and material with the building on the subject site and shall be maintained in good repair at all times by the property owner/the business owner/operator. A revocable permit shall be obtained from the Bureau of Engineering if bicycle racks are located within the public right-of-way.

16. The privileges granted herein shall be for a period of seven years from the effective date of this grant, unless a new entitlement application that extends such privileges is "approved" for the sale and dispensing of alcoholic beverages for onsite consumption prior to that date. The new entitlement application shall include condition compliance review with supporting documents showing that the required conditions have been complied with.

Further, at any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct thepublic hearing for nuisance abatement/revocation purposes.

17. The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of litter.

18. The applicant must obtain plan approval 18 months after opening.

19. Loading and unloading deliveries and trash pick-up shall not occur before 7 a.m.

20. Curb cuts along Main Street must be filled in, as they represent a hazard being so close to the intersection of Rose Avenue.

21. Sidewalk must be widened along Main Street to match width of adjacent property to the South.

VNC / LUPC 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](http://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) 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.

8) The Applicant shall regularly police the area under their control in an effort to prevent

loitering.

**9) The entitlement will run with the applicant, not the property.**

10) Trash receptacles used will be designed to contain odors per Best Management

Practices.

11) 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.

12) No exterior work-related activity will occur either before opening or over one hour

after closing.

13) Offsite advertising signage will be prohibited.

14) The storage/changing room will be clearly marked as such on plans submitted to the

City, and will not be used as service area.

15) The applicant will appear before LUPC twelve months after opening.

16) 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.

17) 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.

18) The applicant must obtain approval for all outside signage, or must remove

nonconforming signage.

19) All bottles will be recycled upon removal from the premises.

20) A laminated copy of these Conditions shall be posted in a conspicuous place.

CUB\_conditions\_standard\_rev2009

Background History:

A VCZSP Project Permit Compliance Review DIR-2011-2962SPP was obtained and granted on June 7, 2012, a Coastal Exemption was granted on July 10, 2012. Building permits were issued on August 21, 2012 for his project: to convert an existing market (750 S.F.) inside the existing restaurant to dining area and food/service bar and add outdoor open dining patio (unroof, unenclosed, no projection above )per DIR 2011-2962-SPP.

In 1979 the Rose Café was described in the Zoning Administrator decision as follows:

The Rose Delicatessen, coffee shop and market is a popular gathering place for young adults. There is seating for approximately 40 persons within the structure and paved parking in the rear yard area for more than 45 vehicles. There is a patio area on the southwesterly side of the structure which is often used for outdoor dining. There is an existing office structure on the northeasterly side of Hampton Drive opposite the subject property, and there is an existing warehouse with parking facilities to the southeast which utilized by the Southern California Gas Company. To the southwest across Main Street, there are a few apartments and single-family dwellings, but Main Street is a very wide street and the dwellings are some distance from the building in question. On the northwesterly side of Rose a bakery, and a commercial structure which is partly vacant, together with a custom bicycle shop. There is a small church at the northeasterly corner of Hampton Drive and Rose Avenue.

The applicant has stated that although he is currently permitted to serve dinner and be open to 11PM he believed that without a full alcohol license his business would not be competitive with other restaurants on Rose Ave. Although he has building permits for the expansion and change of use he is waiting until a final determination on this pending CUB prior to commencing construction. For the reasons stated above the applicant pleaded hardship and would not agree to a voluntary request to keep the ZA file open until the VNC voted on the project on February 19, 2013.

**EXHIBIT B**

**Land Use & Planning Committee Staff Report DRAFT**

**Submitted to LUPC September 2, 2012**

**Submitted to VNC Board of Officers XXXXXXX**

**Case Numbers:**

[**ZA-2012-2764-ZAA**](http://cityhood.org/EditCase.cncx?CID=30201&PG=1&SC=&SO=&NC=19)

[**ENV-2012-2714-CE**](http://cityhood.org/EditCase.cncx?CID=30199&PG=1&SC=&SO=&NC=19)

[**ENV-2012-2765-CE**](http://cityhood.org/EditCase.cncx?CID=30200&PG=1&SC=&SO=&NC=19)

**Address of Project: 2715 S Ocean Front Walk**

**Property Owners: Jay Ramras**

**Owner’s Representatives: Alvaro Ramirez**

**LUPC Case Manager: Mia Herron**

**PROJECT SUMMARY:**

**The application is for new construction of a single family residence on an open lot that is 28’ by 90’ (2,520 square feet).**

**The applicant is requesting relief from VCZSP Section [INSERT], allowing for 10’-0” max height retaining walls on the side yards, in lieu of the stipulated max of 6’-0”, in addition to a height stair landing with a 10’-0” max height in lieu of 6’-0”.**

**All other aspects of the project are in compliance with the VCZSP, including provided parking, height limit, etc.**

**The proposed setbacks are conforming to the Zoning RD 1.5 from the Venice Specific Plan Code Section 10.F.4.a. The front Yard is 5’-0”, the side yards are 3’0” and the rear yard is 2’-6”.**

**A 6’ Height wall encroaching into the front yard for privacy and safety. The wall keeps a 1’ setback from the property line. Both actions are allowed under the Venice Specific Plan in the North Area for project located in Zoning RD.1.5**

**The maximum proposed building height is 35’-0”. The height is allowed under the Venice Specific Plan Code Section 10.F.3.a.**

**The landing roof extends to 40’-0” which is allowed under the Venice Specific Plan Code Section 9.C.a and 9.C.d**

**Balconies from the master bedroom and living room extend and encroach into the front yard setback. The encroachment is 30” and it is allowed under the Ordinance No 138, 685, Eff 7.10.69**

**The proposed single-family residence design includes two chimneys. These structures have been conditioned to be compliant with the specific plan to stand no higher than 5 feet above the project's height limit.**

**The parking requirement for a project of this scale is 2 covered parking spaces. The proposed single-family residence design includes three parking spaces. The subject project is compliant with the specific plan, which requires two parking spaces for a single- family dwelling on a lot 40 feet or less in width.**

**The project proposes vehicular access from Speedway Avenue, a local street behind the lot. This is consistent with the land use plan, which requires vehicular access provided from Speedway Avenue on lots adjacent to Ocean Front Walk.**

**Pedestrian access is provided from Ocean Front Walk which complies with the 10’ passageway requirement. Also, pedestrian access is provided from Speedway Avenue.**

**[INSERT SIGNATURES]**

**Requests: 1) 10’-0” max height retaining walls on the side yards, in lieu of the stipulated max of 6’-0”**

**2) Height stair landing with a 10’-0” max height in lieu of 6’-0”**

**Size of Parcel: 2,520 SF**

**Size of Project: 3,680 SF + 624 SF garage (3-car)**

**Number of Stories: 2 stories**

**Lot Dimensions: 28’ x 90’**

**Assessed Land Value: $1,975,000 (Sale Amount)**

**Last Owner Change: 9/26/2012**

**Project Description: The applicant is proposing new construction of a single family dwelling on a currently open lot.**

**Venice Sub-Area: North Venice**

**Zone: RD 1.5**

**Date of Planning Report: TBA**

**Date of End of Appeal Period: TBA**

**City Planning Report**

**Prepared by: TBA**

**LUPC Staff Report Done By: Mia Herron**

**Owner/Applicant: Jay Ramras**

**Owner’s Representative: Alvaro Ramirez**

**Contact Information: (907) 388-3000, alvaroramirez90015@yahoo.com**

**Date(s) heard by LUPC: February 6, 2013**

**Advisory Agency Hearing Date: N/A**

**Applicant’s Neighborhood Mtg: [INSERT IF CONSENT LETTERS WERE PROVIDED]**

**(adjacent properties)**

**Mello Act: A Mellow Determination Memorandum from Los Angeles Housing Department was issued on March 31, 2012. The memorandum stipulates that no rental units existed at the site. Mrs. Suzette Flynn, Director of Housing Services, was in charge of the review and preparation of the review and preparation of the Mello Act Memorandum. A copy of the memorandum is enclosed with this application.**

**Environmental: The requirement to mitigate negative environmental effects is not applicable to the subject project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article Ill, Section 1, Class 3, Category 6 of the City CEQA Guidelines, Notice of Exemption No. ENV 2009-4024-CE was issued on December 16,2009.**

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**ARGUMENTS FOR THIS PROJECT:**

**Surrounding properties are developed one-, two-, and three-story single-family dwellings; and two- and three-story apartments and condominium dwellings -- compatible in mass and scale with the proposed project.**

**The project is consistent with the density allowed under the Zoning RD 1.5 of the VCZSP.**

**The project is in compliance with the VCZSP in all other aspects, besides the relief requests.**

**ARGUMENTS AGAINST THIS PROJECT:**

**N/A**

**SYNOPSIS OF PUBLIC COMMENT:**

**LUPC Report compiled by: Mia Herron**

**Estimated number of hours of staff time: 2 hrs**

**To view drawings, visit the following link to**

**EXHIBIT C**

**LAND USE AND PLANNING COMMITTEE STAFF REPORT**

**Submitted to LUPC February 6, 2013**

**Submitted to VNC Board of Officers February 19, 2103**

**Case Numbers: ZA 2011-995**

**ENV-2011-996-CE**

**Address of Project: 1321 6th Avenue, Venice, CA 90291**

**Property Owners: Jessa Sherman**

**Owner’s Representatives: N/A**

|  |  |
| --- | --- |
| **CASE NUMBERS:** | **ZA 2011-995**  **ENV-2011-996-CE** |
| **LUPC CASE MANAGER:** | Jay Goldberg, taken over by Sarah Dennison (February 2013) |
| **MOTION:**    Given the applicant resides directly across from a three-story multifamily structure that occupies over 80% of the block with site lines from windows into the property, we recommend approval of project as presented, provided the portion above a height 42” maintains 50% transparency by removing every other horizontal slat. |  |
| **MADE BY:** | MOTION BY Mia Herron |
| **SECONDED:** | SECOND Sarah Dennison |
| **VOTE:** | APPROVED 7-0-0 |
| **DATE APPROVED BY LUPC:** | February 6, 2013 |

**PROJECT SUMMARY TO VNC:**

Applicant is requesting a Zoning Administrator (ZA)’s Adjustment to allow an 8’-0” high fence in the front yard of a single-family house in the Oakwood/Millwood sub-area of Venice in lieu of the 42” (3’-6”) fence required by the LA Municipal Code (section 12.28). Applicant received a permit for this fence when she applied in 2011. The fence was built, but was cited for non-compliance recently when someone complained to the City of LA. This case went to the ZA for hearing and a LUPC member in attendance asked to have it held open until the Venice Neighborhood Council could hear it. The ZA did allow it to remain open for 2 weeks, but that time period will expire before the VNC will hear the case on February 19th.

**LUPC STAFF REPORT**

**SYNOPSIS:**

Applicant obtained a City Code Adjustment and constructed an 8’-0” high fence on her front property line with a City permit in 2011, but in 2012 was cited for non-compliance as a result of a complaint submitted to the City. She does not know who submitted that complaint.

In her original City Application for the fence the applicant cited instances of at least 50% of properties in the immediate vicinity having fences or hedges that were similar in height, appearance and purpose to what she proposed.

She also cited security issues being a single female living alone and the recent murder, at that time, of a woman on Electric Avenue. The property is located directly across from the northern edge of a 3-story multi-family public housing apartment building with windows affording views directly into her property located across 6th Avenue.

**Requests:** LAMC: Section 12.28; In response to a notice of non-compliance filed in 2012, applicant is requesting to legalize a height adjustment allowing an 8’-0” fence in lieu of the is 42” height that is allowed by code.

**Size of Parcel:** N/A

**Size of Project:** N/A

**Number of Stories:** N/A

**Lot Dimensions:** 40’-0” frontage length on street at property line

**Assessed Land Value**: unknown

**Last Owner Change**: 2010

**Project Description**: Non-compliance review of an 8’-0” fence in the front yard built with an approved permit.

**Venice Sub-Area:** Oakwood/Milwood

**Zone:**  RD1.5-1

**Date of Planning Report:** N/A

**Date of End of Appeal Period:** N/A

**City Planning Report**

**Prepared by:** N/A

**LUPC Staff Report Done By**: Sarah Dennison (originally Jay Goldberg)

**Owner/Applicant:** Jessa Sherman

**Owner’s Representative:** N/A

**Contact Information:** (917) 445-7415

**Date(s) heard by LUPC:** February, 6, 2013

**Advisory Agency Hearing Date:** N/A

**Applicant’s Neighborhood Mtg:** None

**Mello Act:** N/A

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**ARGUMENTS FOR THIS PROJECT**:

Fence design is attractive and well constructed, consisting of 3-1/2” horizontal wood horizontal slats (boards) with ½” open spaces between slats. There are other homes along that block and the next block north that have over height fences and hedges.

The applicant has agreed to remove every other slat above the height of 42” so that there will be 4-1/2 “ of space between each slate within the upper 4’-6” of the fence.

**ARGUMENTS AGAINST THIS PROJECT**:

Keeping fence heights at the 42” required by Code has several benefits. Such fences allow pedestrians a view into front yards enhancing the experience of walking in community neighborhoods and encouraging neighbors and passers-by to enjoys views of gardens and homes and to engage on a social level. In addition, research has shown that windows facing the front yard with a clear view to the street inhibit crime by providing a surveillance function.

**SYNOPSIS OF PUBLIC COMMENT**:

No community outreach meetings have been held, but the applicant cites that she had the support of immediate neighbors when the fence was originally built.

LUPC Report compiled by: Sarah Dennison

Estimated number of hours of staff time: 3

Photos taken by Zoning Administrator (See Below)

Additional Documents provided separately at link below:

2-5-2013 drawings: Plot Plan and Elevations; Search LUPC attachments under Jay Goldberg and **ZA 2011-995**

**[EXHIBIT D]**

**Draft Report And Suggested Resolution To Address Illegal Modification Of**

**Required Mello Act Inclusionary Affordable Rental Units for Dogtown Lofts, and to**

**Require Enforcement of Mello Act Inclusionary Affordable Rental Units for Art Lofts**

**Project Description:**

**Project Address: Dogtown Lofts: 602 - 670 S. Main Street**

**Art Lofts: 615 Hampton Drive**

: Dogtown Lofts: 602 - 670 S. Main Street

Art Lofts: 615 Hampton Drive

**Original Applicant: Dogtown Lofts: RAD Venice, LLC and Dogtown Station LLC**

**Art Lofts Bob D'Elia, GTO Management, LLC**

: Dogtown Lofts: RAD Venice, LLC and Dogtown Station LLC

Art Lofts Bob D'Elia, GTO Management, LLC

**Original Case Numbers: Dogtown Lofts: ZA 2002-2721-CDP-YV-ZAD-SPP-MEL-M1-1A**

**Art Lofts: ZA 2000-4006-CDP-ZAD-SPP**

: Dogtown Lofts: ZA 2002-2721-CDP-YV-ZAD-SPP-MEL-M1-1A

Art Lofts: ZA 2000-4006-CDP-ZAD-SPP

**Size of parcel: Dogtown Lofts: two irregular-shaped lots, 43,295 square feet after dedications**

**Art Lofts: irregular-shaped, 46,656 square feet**

: Dogtown Lofts: two irregular-shaped lots, 43,295 square feet after dedications

Art Lofts: irregular-shaped, 46,656 square feet

**Zoning: both are M1-1**

: both are M1-1

**Existing Development and Parking Provided:**

Applicable To Both Developments: Both developments were built as artist-in-residence

live/work units, which limit living area to a maximum of 33% per each unit, and the remainder

must be work area.. Any change to the internal space between work and living area must be

approved by the Zoning Administrator. Satisfactory evidence must be presented to the Zoning

Administrator for review and attachment to the file that a business tax registration certificate has

been issued to each tenant by the City Clerk pursuant to Section 21.03 of the Administrative

Code permitting those persons to engage in business as artists or artisans.

Dogtown Lofts: 35 artist-in-residence condominium units with a total of 109 subterranean

parking spaces. Parking for the residential portion includes 70 parking spaces at the rate of 2

resident parking spaces per unit, plus 10 guest parking spaces at the rate of 1/4 space per unit.

There are 23 Beach Impact Zone parking spaces. There are 7 additional/excess parking spaces

for the project.

Art Lofts: 49 artist-in-residence condominium units, plus one commercial space, with a total of

152 parking spaces. Parking for the residential portion includes 98 parking spaces at the rate of 2

resident parking spaces per unit, plus 12 guest parking spaces at the rate of 1/4 space per unit.

There are 15 parking spaces provided for the commercial/retail space, at the rate of one per 25

square feet. There are 27 Beach Impact Zone parking spaces, 18 of which are allowed to be

tandem. The Beach Impact Zone parking spaces are required to be identified by on-site

appropriate signage.

**The Mello Act, Generally:**

**The Mello Act is set forth in Government Code §§ 65590 and 65590.1. In 1993, Venice**

**residents and others filed a lawsuit challenging the City’s failure to enforce the Mello Act,**

**resulting in Court order that the City must implement the Mello Act. In that case, Venice Town**

**Council v. City of L.A., decided in 1996, the Court held that the purpose of the Mello Act is to**

**preserve and promote low- and moderate-income housing in the Coastal Zone, and that the Mello Act imposed mandatory duty on the City to require construction of affordable housing as**

**condition of approval of new residential developments in the coastal zone, unless city makes**

**express factual determinations that project falls within specific statutory categories and that**

**replacement housing is not feasible.**

**Section 65590 (d), (e), and (g)(3) of the Mello Act are the portions relevant to new**

**construction in the Coastal Zone:**

**(d) New housing developments constructed within the coastal zone shall, where feasible, provide housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. Where it is not feasible to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location within the same city or county, either within the coastal zone or within three miles thereof. In order to assist in providing new housing units, each local government shall offer density bonuses or other incentives, including, but not limited to, modification of zoning and subdivision requirements, accelerated processing of required applications, and the waiver of appropriate fees.**

**(e) Any determination of the “feasibility” of an action required to be taken by this section shall be reviewable pursuant to the provisions of Section 1094.5 of the Code of Civil Procedure.**

**\* \* \***

**(g) As used in this section:**

**\* \* \***

**(3) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.**

**After the Court ruling in the lawsuit brought against the City to enforce the Mello Act, the**

**parties entered into settlement discussions, and created Interim Administrative Procedures in**

**May, 2000, for the City to implement the Mello Act, and the parties signed a Settlement**

**Agreement on December 5, 2000. The Settlement Agreement, at Section G., addresses the**

**required location of inclusionary rental units:**

**2.1 Inclusionary Residential Units shall be located on-site.**

**2 .2 Applicants claiming it is infeasible to comply with this requirement may request**

**permission to provide the required units elsewhere within the Coastal Zone, or within**

**three miles of the Coastal Zone, by submitting an appeal pursuant to City Procedures.**

**The “appeal pursuant to City Procedures” is to the WLAAPC, and that was the process that the**

**Dogtown Lofts developer recently used, in November, 2012.**

**Mello Act Requirements for Dogtown Lofts and Art Lofts:**

**Neither project involved the replacement of any affordable units. Both projects have identical**

**language for the Mello Act requirements:**

**The applicant shall comply with the City's Coastal Replacement Housing requirements**

**(Mello Act) in California Government Code Section 65590 which requires new housing in**

**the Venice coastal area to include either: a) 20% of the housing for those of low income,**

**or b) 10% of the housing for very low income housing, or c) whatever other provisions as**

**may be in effect to increase local housing. Proof of compliance must be provided to the**

**Zoning Administrator before final sign off can take place on this approval.**

**This requirement is found at condition of approval number 24 for Dogtown Lofts, 602 - 670 S.**

**Main Street, Case number ZA 2002-2721, Determination letter dated August 12, 2003. This**

**requirement is found at condition of approval number 33 for Art Lofts, 615 Hampton Drive, Case number ZA 2000-4006, Determination letter dated March 8, 2001.**

**The Mello Act requirement for both projects also included the following:**

**The applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit**

**at an affordable level for the life of the proposed Project and to register the Replacement**

**Affordable Units with the Los Angeles Department of Housing.**

**This requirement is found at Findings Of Fact number 5, Project Permit Compliance, at page 16**

**of the Determination letter dated August 12, 2003, for Dogtown Lofts, 602 - 670 S. Main Street,**

**Case number ZA 2002-2721. This requirement is found at number 14 of Findings-Project Permit**

**for Venice Specific Plan Ordinance, at page 19 of the Determination letter dated March 8, 2001,**

**for Art Lofts, 615 Hampton Drive, Case number ZA 2000-4006.**

**In 2003, the WLAAPC granted an appeal by the developer of the Art Lofts, and based**

**economic studies and testimony of the developer, the WLAAPC found that it was infeasible to**

**build the Mello Act affordable units onsite. The appeal was based on the claim that**

**circumstances had changed and that the developer had discovered new evidence which he or she could not, with reasonable diligence, have discovered and produced before the original permit was granted. On this basis, the WLAAPC granted permission to allow the Mello Act affordable units to be built offsite within three miles of the Coastal Zone in the same ratio of one and two bedrooms as the development. The WLAAPC required the developer to build the affordable units, rather than allow payment of in-lieu fees. This modification was approved in the WLAAPC Determination letter dated May 15, 2003. No such modification was sought for the**

**Dogtown Lofts project at that time.**

:

**Recent Events:**

**In mid-October, 2012, the City sent out a Hearing Notice through its early notification**

**email system, for a WLAAPC hearing on November 7, 2012, to allow the developers of the**

**Dogtown Lofts to modify the requirement that the Mello Act affordable units be built in the**

**Venice Coastal Zone, and instead allow the units to be built within 3 miles of the Coastal Zone.**

**The hearing notice was a “Corrected Hearing Notice” because the original notice mistakenly used the address for the Art Lofts. The Notice states that it was mailed to those “abutting project site,” but it is believed that no such mailed notice was sent because none was received by an abutting property owner.**

**The hearing notice received via the early notification system was the first indication to**

**anyone in the Venice community that the Mello Act requirements of Dogtown Lofts and the Art**

**Lofts were being addressed and enforced by the City. Recipients of the emailed hearing notice contacted the Planning Department and obtained a copy of the Zoning Administrator’s denial of the requested modification. The ZA’s denial was due to the fact that the modification could only be granted by the WLAAPC, and the ZA’s denial noted that a finding was required that building the affordable units in the Venice Coastal Zone was “infeasible.”**

**On November 7, 2012, several Venice community members attended the WLAAPC**

**hearing, and were informed that there had been two years of negotiations between the Council Office, the Dogtown Lofts developer, and a nonprofit affordable housing developer named PATH, with the involvement of both of the public interest law firms that were originally**

**involved in bringing the successful lawsuit against the City in 1993 to force the City to**

**implement the Mello Act. The two public interest law firms are the Legal Aid Foundation of Los**

**Angeles (LAFLA) and the Western Center On Law And Poverty (WCLP). These parties**

**presented a completed agreement to the WLAAPC, for the developer of Dogtown Lofts to**

**become a limited partner and contribute $1,200,000 toward the construction of a 4 units in a 22-**

**unit “Extremely Low Income” apartment building in a downscale neighborhood in Mar Vista.**

**The income restriction at the Mar Vista Project was proposed to remain in place for at least 55**

**years.**

**The Venice community members attending the WLAAPC hearing were stunned that,**

**during all of the negotiations over a long period of time, culminating in an agreement, the Venice community had not been brought into the process. Whitney Blumenfeld of the Council Office states that they never thought to involve the Venice community in these negotiations or the agreement.**

**The public interest law firms supporting satisfaction of the Dogtown Lofts Mello Act**

**requirement outside of the Venice Coastal Zone made two arguments to the WLAAPC. First,**

**they claimed that the negotiated agreement expanded the length of time for the affordable units to remain affordable to 55 years, which (they claimed) was for a longer duration than what was previously required by the City. This was incorrect, as the requirement was “for the life of the proposed Project,” which is presumably longer than 55 years. Second, they asserted that the level of affordability was greater than what was previously required by the City, and this was accurate.**

**The stated that the four units being built by the developer were going to be “Extremely Low**

**Income” units, and that the existing requirement was for “Very Low Income” units.**

**The Venice community members spoke and expressed several concerns to the WLAAPC,**

**including the desire to have the affordable units built in Venice, the lack of notice to the**

**community and the lack of community input, the false claim that the duration of affordability was longer than previously required, and the inability of the developer to show that building the units in the Venice Coastal Zone was “infeasible.” The Venice community member were especially surprised to find that the very same public interest law firms who represented the Venice community members in 1993 in successfully requiring the City to enforce the Mello Act, were now taking the opposite side and encouraging the City to violate the Mello Act, the May, 2000, Interim Administrative Procedures, and the December 5, 2000, the Settlement Agreement.**

**With the support of the Councilman’s office, the WLAAPC approved the agreement**

**between the Dogtown Lofts developer and PATH, the nonprofit affordable housing developer.**

**Neither of these parties presented evidence that building the affordable units in the Venice**

**Coastal Zone was infeasible, and the WLAAPC Determination letter dated December 4, 2013,**

**did not discuss, address or make any findings on the issue of “infeasibility.”**

**Primary Issues:**

**1. Illegal Approval of Mar Vista Agreement For Satisfying Dogtown Mello Act Requirement**

**Condition number 24 of the Determination letter dated August 12, 2003, states that the**

**Dogtown Lofts Mello Act affordable unit are required to be built in the Venice Coastal Zone. A**

**finding that this requirement is infeasible is required for modification. The feasibility of**

**constructing the affordable units in the Coastal Zone is determined at the time the City grants the original approval of the project, and any later change in circumstances does not change the feasibility determination, unless the applicant discovers new evidence which he or she could not, with reasonable diligence, have discovered and produced before the original permit was granted.**

**At the WLAAPC hearing, the parties presented no evidence that building the Dogtown**

**Lofts Mello Act affordable units in the Venice Coastal Zone was infeasible, and the WLAAPC**

**made no finding of infeasibility. The WLAAPC’s decision was in violation of the Mello Act, the**

**May 17, 2000, Interim Administrative Procedures, and the December 5, 2000, Settlement**

**Agreement. If a lawsuit was filed and prosecuted, a Court would almost certainly reverse the**

**WLAAPC’s Determination, and award attorney’s fees to the prevailing plaintiff. The deadline**

**for the filing of the lawsuit is approximately March 1, 2013.**

**2. The Agreement Allows The Dogtown Lofts Developer To Sell The Last Four Unsold Units**

**The developer of both the Dogtown Lofts and Art Lofts failed to build the Mello Act**

**affordable units as required for either project, and has been difficult and uncooperative in**

**resolving their failure to do so. As a result, the developer has been unable to sell the last four**

**unsold units that they still own in the Dogtown Lofts. There are no unsold units in Art Lofts..**

**The reason that the developer seeks to satisfy its Mello Act requirement at this time is so**

**that it can sell the last four units, which the agreement allows them to do. However, allowing the developer to sell these last four unsold units without also satisfying its Mello Act requirement for the Art Lofts leaves the City with far less leverage to obtain compliance. If there are no unsold condo units, the City would have to revoke the Certificates Of Occupancy for all of the sold condo units, or record a notice on the title of the sold condo units, which would create quite an uproar by the owners of the condos, who would presumably sue the developer. At that point, the developer would be forced to come to the table and satisfy their requirement to construct the Mello Act units.**

**The City and the attorneys for PATH claim that the developer refuses to negotiate**

**concerning the Art Loft requirement at this time, and threatens to pull out of the Dogtown Lofts deal if the Art Loft requirement is enforced at this time. This threat is absurd, because pulling out of the deal would prevent the developer from selling the four unsold units, and the developer is strongly motivated by the desire to sell the last four unsold units at this time. If the developer refuses to address the Art Lofts Mello Act requirement now, imagine how little incentive the developer will have when those last four Dogtown Lofts units are sold. Clearly, the time to strike a deal with the developer concerning the Art Lofts is now.**

**3. Request To Commit To Art Lofts Mello Requirement Will Be Satisfied In Venice- Rejected**

**Whitney Blumenfeld from the Councilmember’s Office was contacted, and was asked for**

**a commitment by the Councilman that the Art Lofts Mello Act affordable units will be**

**constructed in Venice. As per Whitney Blumenfeld, the Councilman has rejected this request,**

**and Whitney Blumenfeld stated that she was unable to make the promise on behalf of the**

**Councilmember given that there is not even a deal on the table to satisfy the Art Lofts Mello Act requirement.**

**Proposed Solution:**

**Venice needs affordable rental units. Constructing the four Dogtown Lofts affordable**

**units outside of Venice is a significant loss to the community. One of the Venice community**

**activists who was a plaintiff in the 1993 lawsuit against the City strongly disagrees with allowing the affordable units to be built outside of the Venice area, and is willing to sue the City again to enforce the Mello Act again. On the other had, the Councilman has been a tireless, compassionate, and effective leader for the Venice community, and he deserves some deference, even though it appears he has failed to involve the Venice community in the Dogtown Lofts agreement, and he has shepherded the approval through the WLAAPC when it is clearly illegal.**

**Similarly, the Legal Aid Foundation Of Los Angeles, and the Western Center On Law And**

**Poverty have been tenacious advocates for enforcement of the Mello Act and for retaining and creating affordable housing in Los Angeles, and they deserve some deference, even though they have supported a project that contradicts their previous position that a finding of “infeasibility” is required to move the construction of Mello Act affordable units outside of the Coastal Zone.**

**A meet-in-the-middle solution is proposed: no lawsuit will be filed to challenge the Dogtown Lofts agreement for the Mar Vista project, but only if the Councilman causes an agreement with the developer to be negotiated and signed by mid-February, to satisfy the Art**

**Lofts Mello Act requirement by constructing affordable units in Venice, even though the**

**developer obtained a modification in 2003 to allow the Art Lofts affordable units to be built**

**within 3 miles of the Venice Coastal Zone.**

**This proposed solution would sightly expand the allowable location for constructing the**

**affordable units, from the Venice Coastal Zone to the Venice Community Plan area, thereby**

**adding the Venice area east of Lincoln Boulevard, where land is less expensive.**

**The first step in exploring this proposed solution is for a meeting to be arranged between**

**all of the parties: the Dogtown Lofts/Art Lofts developer, the Councilmember’s office, the**

**nonprofit affordable housing developer PATH, the LAFLA and WCLP attorneys, interested**

**Venice community members, and perhaps the City Attorney. If the Dogtown Lofts/Art Lofts**

**developer is willing to satisfy its Mello Act obligation for the Art Lofts at this time without**

**further enforcement action by the City, and if an agreement can be negotiated and signed by**

**February 13th, no lawsuit would be filed.**

**Proposed Venice Neighborhood Council Motion:**

**1. What happens in Venice, stays in Venice, no bait and switch, no games, no delays.**

**For projects built in the Venice Coastal Zone, the requirement to provide affordable units under the Mello Act shall be satisfied by construction of inclusionary affordable units on site, in the project being built. If this is found to be infeasible, the requirement shall be satisfied by**

**construction of the affordable units in the geographic target areas listed below, in the following order of preference:**

**a. in the Venice Coastal Zone or the Venice Community Plan area;**

**b. within 3 miles of the project site;**

**c. within 3 miles of the Venice Coastal Zone.**

**Feasibility shall be determined at the time of City approval of the application for the project, and is not subject to modification thereafter. No temporary or permanent Certificate Of Occupancy shall be issued for the project, until the final Certificate Of Occupancy has been issued for the required Mello Act affordable units.**

**2. Fooled us once, shame on you; we won’t get fooled again.**

**By Determination Letter dated December 4, 2012, the WLAAPC granted the developer’s appeal**

**in ZA-2002-2721-CDP-YV-ZAD-SPP-MEL-M1-1A, and modified the Mello Act requirement to**

**allow the developer of the Dogtown Lofts project at 602 - 670 S. Main Street to satisfy the**

**Mello Act requirement outside of the Venice Coastal Zone and outside of the Venice Community Plan Area. The VNC believes that the WLAAPC’s December 4, 2012, decision violates the Mello Act, and the City’s Mello Act Interim Administrative Procedures dated May 17, 2000, and the Settlement Agreement for the 1993 lawsuit, dated December 5, 2000. The deadline for filing a lawsuit to challenge the WLAAPC’s granting of the appeal has not run, and the VNC supports the filing of such a lawsuit unless the City causes the developer to negotiate and sign a written agreement on or before February 13, 2013, to satisfy the Art Lofts Mello Act affordable unit requirement in the Venice Coastal Zone or the Venice Community Plan area.**

**[EXHIBIT E]**

TREASURER’S REPORT

February 2013

1. Attached are the report on expenditures for the period December 22, 2012, through January 21, 2013, and the itemized purchase card invoice.

2. All Board members and stakeholders are strongly encouraged to participate in the Mayor’s budget survey. You can go to [http://budgetchallenge.org](http://budgetchallenge.org/) and complete the survey on line.

3. All Board members and especially committee chairs are encouraged to provide input into their budget needs for the remainder of this fiscal year and for the up-coming budget year. With your input, your priorities may be limited.