



Venice Neighborhood
Council Venice, CALIFORNIA
Land Use and Planning Committee
Special Meeting AGENDA
March 12, 2008
Westminster Elementary School
Auditorium



Directions: The auditorium is located ½ blocks west of Abbot Kinney on Westminster Street, turn right into the parking lot through the chain link fence

- 1. 7:00 pm** Call to Order – Roll Call
Approval of this agenda as presented or amended
- 2. PUBLIC COMMENT** – 10 minutes on non-agendized items related to Land Use and Planning only

3 NEW BUSINESS:

DELIBERATION OF FOLLOWING PROJECTS/ISSUES:

ITEM 3A; LUPC Staff for this project: Dennis Hathaway, Jim Murez and Jed Pauker Whole Foods, applicant requests LUPC recommendation to VNC Board of Officers regarding project in renovated building at corner of Rose and Lincoln Blvd. LUPC to consider changes in previous recommendation to VNC Board of Officers. Staff report distributed. ***see motion below

~~**ITEM 3B:** LUPC staff for this project: Jim Murez.~~

~~916 Main Street, Applicant requesting LUPC recommendation to VNC Board of Officers on a project that has already gotten most of their approvals from the City of Los Angeles. Planning documents emailed to LUPC and on VNC/LUPC web site.~~

ITEM 3C: Regarding SB1818 regarding state mandated density bonuses and adopted February 20, 2008 by LA City Council, substantiating documents emailed to LUPC and on VNC web site, LUPC deliberation regarding recommended the following action by VNC Board of Officers:

The ordinance implementing the state density bonus law (SB1818) as adopted on Feb. 20 by the Los Angeles City Council classifies projects seeking only a density bonus and parking reduction as “ministerial.” According to the president of the City Planning Commission (see attached letter), ministerial projects are exempt from environmental review under the California

Environmental Quality Act. In addition, the ordinance exempts these “ministerial” projects from filing applications with the City Planning Department.

These exemptions are totally contrary to the spirit of community planning and public process in determining environmental and other impacts of development projects. In addition, SB1818 provides these density bonuses and other incentives to provide units of affordable housing, but there is no real evidence that these incentives will actually result in more affordable housing. In fact, these incentives may encourage developers to actually demolish existing affordable housing to make way for new luxury housing that only includes some affordable units, thus resulting in a net reduction of affordable units in the city.

Therefore, the Venice Neighborhood Council urges Councilmember Bill Rosendahl to make every effort to stop implementation of this ordinance, and to work for passage of a city council resolution asking the state legislature to repeal SB1818.

ITEM 3C: LUPC Staff for this Project: Jed Pauker
251 Market Street, ZA 2007-5515 ZAD, Owners Robert and Carol Ward, Applicant is requesting construction, use and maintenance of a new wall/fence and wrought iron gate with heights of 6 feet on the property line in front yard setback area of an existing duplex. Venice Coastal Zone Specific Plan permits a maximum fence height of 6’ in the front yard for this area of Venice provided the fence is setback one foot from the front property line. Reference VCZSP below**. Proposed amended motion as follows:

MOTION #1:

Whereas the VNC supports the LAMC regulations limiting limit frontage barrier heights to three feet, six inches, absent unique or geographical circumstances, and,

Whereas the VCZSP entitles property owners, in a specific area of North Venice Subarea, in which 251 Market Street is located, to maintain fences and hedges, up to six feet in height, in the front yard, provided they observe a setback of one foot. Reference: VCZSP Section 10.F, 4, a.

We therefore move that the VNC recommend approval of the project, provided that the proposed fence observes a setback of one foot as specified in the VCZSP.

MOTION #2:

LUPC recommends that the applicant provide a largely open view for that portion of the proposed fence that exceeds three and one half feet in height.

4. 8:00 pm ADJOURNMENT

**VCZSP Section 10.F, 4, a:

“ The front yard setback for all residential Venice Coastal Development Projects shall be consistent with LAMC requirements, but shall not be less than five feet. Ground level patios, decks, landscaping and railings, wall and fences that do not exceed six feet in height may encroach into this setback provided they observe a setback of one foot.”

***** WHOLE FOODS LUPC Motion to Recommend that the VNC Board of Officers:**

To approve the issuance of a conditional use permit to allow the off-site sale of a full-line of alcoholic beverages from 7a.m. to 11 p.m. seven days per week and sale of wine for on-site consumption in conjunction with a wine tasting room be approved, with the following conditions:

Definitions:

Premises – As defined by the floor plans submitted with ZA 2007-5397-CUB and marked Exhibit “A”, including adjacent sidewalk and loading dock.

Property – As defined by the site plan submitted with ZA 2007-5397-CUB.

Site – As defined by the site plan submitted with ZA 2007-5397-CUB.

1. The authorized use shall be conducted at all times with due regard for the character of the surrounding district and the peaceful quiet enjoyment of the neighborhood, and/or users of the adjacent properties.
2. There shall be no more than one exterior sign posted on the premises that advertises the availability of beer or wine.
3. Security cameras shall be maintained on the premises
4. All graffiti on the site shall be removed or painted over with matching color within 24 hours of its occurrence.
5. The use and development of the premises shall be in substantial conformance with the floor plan submitted with these conditions and marked “Exhibit A”.
6. All employees involved with direct sales to customers shall enroll annually in ABC or Los Angeles Police Department approved alcoholic service training to monitor and identify potentially intoxicated patrons in order to prevent the over consumption of such beverages.
7. On-site & Off-site sales, service and consumption of beer and wine shall be between the hours of 7 a.m. and 11 p.m.
8. Beer and Wine sales shall not exceed 50% of the gross sales of food during the same period.

9. The telephone number of a responsible party shall be available from staff in the event of a problem, disturbance or complaint regarding the operation of the subject facility.
10. No wine coolers shall be sold in single bottles. No beer or wine shall be sold in cans or bottles for less than \$3.50. No fortified wines shall be sold with an alcohol content of more than 22%, and no fortified wines shall be sold for less than \$5.99. No distilled spirits shall be sold in pint or smaller containers.
11. The applicant shall consult with the Police Department and incorporate feasible security measures recommended by that Department.
12. A laminated copy of these conditions, along with the floor and site plans, shall be maintained on the premises in a conspicuous public place, and the manager shall be made aware of the conditions and inform all employees of same.
13. No branded alcohol advertisements shall be placed in the window or door glass of the premises which is visible from the outside of the premises.
14. The subject building and premises shall be maintained in a neat, attractive, and safe condition at all times including refinishing of the building when necessary. The applicant shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.
15. No adult books, adult magazines, and adult video tapes shall be sold within the premises.
16. No cigarette sales allowed within the premises.
17. No pay phone will be maintained on the exterior of the premise.
18. There shall be no coin-operated games or video machines maintained upon the premises at any time.
19. The applicant shall maintain the landscaping to a standard in accordance with guidelines established by the Los Angeles City Landscape Ordinance. The applicant shall have the condition of tree growth meeting the requirements of this ordinance measured at 3, 5, 7, and 10 years. If found to be out of compliance, the permission for wine tasting shall be reviewed.
20. Hours of usage for the loading dock are to be as follows: Monday to Saturday, 7 AM to 7 PM, Sunday 9 AM to 6 PM. The store Team Leader must be available to meet with neighbors with noise complaints and must address those complaints by stopping the noise between the hours of 7 PM and 9 AM.

[Proposed by Applicant: "Hours of usage for the loading dock are to be as follows: Monday to Saturday 7am to 7pm*, Sunday 9am to 6pm. A store manager will be available to meet with neighbors with noise complaints and will make every effort to accommodate all reasonable requests. Contact information for the zoning administrator's office will be posted in the store and delivery trucks will be instructed not to park along residential streets prior to 7am. "

Also, if a noise complaint can trigger the receiving hours to be changed to 9am, trucks would be forced to unload in the front of the store after the store has opened. This is a very serious safety issue for pedestrians and drivers in the parking lot as well as a nuisance and safety issue for customers and team members within the store. The trucks could unfairly affect the business of adjacent stores on the property as well.]

21. Any future operator of this premises must file a new Plan Approval Application to allow the City of Los Angeles to review the mode and character of the usage.
22. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require The Petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review The Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

Vote: 5 in favor, 0 opposed, 1 abstention
