

Venice Neighborhood
Council

Post Office Box 550
Venice, CALIFORNIA 90294
310-606-2015.

**Land Use and
Planning Committee**

Staff Report to Board of Officers
February 19, 2008



Case Number: ZA-2007-5397-CUB
LUPC Staff: Dennis Hathaway

Address of Project: 225 S. Lincoln Blvd.
In Shopping Center at NW corner of Lincoln & Rose

Size of Parcel: 235,659 sq. Ft.

Size of Dwelling or Project: 48,750 sq. Ft

Venice Subarea: Oakwood

Current Zoning: c-2-1

Proposed Zoning: No change

Permit Application Date: 11/16/07

Applicant: Mrs. Gooch's Natural Foods Markets, dba Whole Foods Market

Address: 15315 Magnolia Blvd., #320, Sherman Oaks, CA 91403

Representative: Lydia Cervera

Contact Information: 818-501-8484
Lydia.cervera@wholefoods.com

Date(s) heard by Advisory

Agency Division of Land: N/A

Date(s) heard by LUPC: January 23, 2008

WLA Area Planning N/A

Commission Dates:

Community Planning Bureau

Dates: N/A

LUPC Motion to Recommend that the VNC Board of Officers (language from minutes)

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

REPORT

Project Description:

A Whole Foods Market offering a wide range of grocery and related items and services. This market will occupy an existing space in a shopping center formerly occupied by a Big Lots store and CVS drugstore. All building renovations and modifications will be interior, with the exception of a new façade and associated landscaping at both the front and rear of the building. The market will sell beer and wine as well as food and non-food items, and conduct on-site wine tasting. The store's hours of operation will be 7 a.m. to 11 p.m., 7 days a week.

Applicant's Requested Action by LUPC/Venice Neighborhood Council:

To approve a supplemental use permit to allow the off-site sale of alcoholic beverages, and the one-site sale of alcoholic beverages in conjunction with wine tasting.

Section of Venice Coastal Zone Specific Plan and/or the Los Angeles

Municipal Code governing this particular site: Municipal Code 12.24. W 1. Conditional Use Permit-Alcohol.

Summary of Arguments Against this Project/Issue:

An upscale, relatively expensive food market will not serve the needs of much of the nearby neighborhood which is middle and working class.

The sale of alcoholic beverages is inappropriate in an area where many people with substance abuse problems congregate.

Such a market is part of a process of gentrification that is changing the community to one in which only the well-to-do can afford to live.

Summary of Arguments For this Project/Issue:

There is no change in the use of the property, and the previous occupant was permitted the off-site sale of alcoholic beverages.

The business represents an upgrade to the property, and a use that will be of benefit to the community.

Whole Foods Markets are considered to have progressive policies regarding labor and environmental issues.

In conjunction with this project, the shopping center owner has stated an intention to landscape and beautify the parking lot and grounds.

Because of their price, the alcoholic beverages are unlikely to be purchased in any quantity by street persons with substance abuse problems.

No complaints have been raised about an over-concentration of outlets selling alcoholic beverages in this particular area.

The applicant sent mailed invitations to the LUPC committee hearing to property owners and residents on 7th Ave., Machado Drive abutting the west and north sides of the property. None communicated concerns, or otherwise attended to comment on the application. LUPC did not receive any written comments opposing this application.

Summary of Public Comment: No one spoke in favor of denying the request for a supplemental use permit. Venice Community Coalition members Laura Silagi, Jerry Jaffe, and David Ewing spoke of the importance of the Lincoln Blvd. Community Design Overlay now pending approval by the city council, and how this project should make every attempt to comply with conditions of that CDO, regarding signage, landscaping, and pedestrian friendliness. Stewart Oscars spoke about concerns that truck deliveries at the back of the building could create noise problems for the adjacent residences, and the applicant stated that there would be a sound barrier placed between the loading docks and the street. He also agreed to meet with neighbors to work on abatement of any noise problems that might arise.

Summary of Findings by LUPC: LUPC members expressed concerns about maintenance of landscaping, and the abatement of noise associated with truck deliveries. Conditions were added to the SUP to address the landscaping maintenance.

DRAFT OF COMMUNITY IMPACT STATEMENT TO BE ATTACHED TO THIS CASE NUMBER and/or FILE: _The Venice Neighborhood Council supports issuance of a conditional use permit to allow the off-site and on-site sales of alcoholic beverages at Whole Foods Market at 225 S. Lincoln Blvd. There doesn't appear to be any organized community opposition to this use, which will occupy a space formerly occupied by a Big Lots discount store and a CVS drugstore which also was permitted to sell alcoholic beverages.

Author of Report: Dennis Hathaway

Date: 1/27/08