

LOS ANGELES CITY PLANNING DEPARTMENT RECOMMENDATION REPORT

CITY PLANNING COMMISSION

DATE: May 13, 2004
TIME: after 11:00 a.m.*
PLACE: City Hall, 10th Floor
 200 North Spring Street
 Los Angeles, CA 90012

Public Hearing completed on March 1, 2004

Zone Change Appealable to City Council by applicant, if disapproved. Conditional Use Appealable to City Council.

Expiration Date: May 13, 2004

CASE NO. CPC 1999-0210 ZC-CU
ZONE CHANGE-CONDITIONAL USE
 CEQA: ENV 2000-2025 MND

Location: 888-910 & 1400-1500 Lincoln Boulevard
 Council District: 11
 Plan Area: Venice
 Plan Land Use: General Commercial
 Zone: (Q)P-1, [Q]P-1, and [Q]C2-1
 District Map: 111B145
 Certified Neighborhood Council: Grass Roots Venice

- REQUEST:**
1. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change** from P-1 (Parking Zone) and [Q]C2-1 (Commercial Zone) to C2-1 (Commercial Zone);
 2. Pursuant to Section 12.24 of the Municipal Code, a **Conditional Use** for the following:
 - a. Pursuant to Section 12.24 U 14 of the Municipal Code, a **Major Development Project** approval for the addition of 100,000 square feet or more of nonresidential floor area;
 - b. Pursuant to Section 12.24 W 27 of the Municipal Code, a **Commercial Corner Development** approval for uses which do not comply with the following development standards enumerated in Section 12.22 A 33:
 - (1) Section 12.22 A 23 (ref: Section 12.24 W 27) to allow a use which operates between the hours of 11:00 PM and 7:00 AM;
 - (2) Section 12.22 A 23(a)(1) to allow a 66-foot high building in lieu of the maximum 45-foot permitted; and
 - (3) Section 12.22 A 23(b)(3) to allow hours of delivery earlier than 7:00 AM and later than 8:00 PM, Monday through Friday, and earlier than 10:00 AM and later than 4:00 PM on Saturdays and Sundays, which is otherwise not permitted.

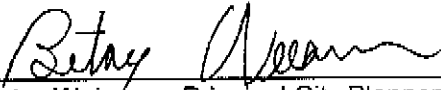
PROJECT: Demolition of 87,758 square feet of retail buildings and the construction a 6-story, 66-feet in height, mixed use development with 2-floors of retail space (187,658 square feet for an increase on site of 99,900 square feet), 4-floors containing 280 apartment units (239,000 square feet), one level of residential parking having 426 parking spaces, and two levels of parking, along with surface parking for 843 retail parking spaces, a total of 1266 parking spaces for the entire project. A supermarket within the retail space is proposed to operate 24 hours a day, 7 days a week. The project will be constructed in two phases.

APPLICANT: Shelia Schafer (Murrell), Lincoln Center

RECOMMENDATION:

1. **Disapprove** the requested **Zone Change**.
2. **Disapprove without prejudice** the requested **Conditional Use** pursuant to Section 12.24 U 14 of the Municipal Code, a **Major Development Project**.
3. **Disapprove** the requested **Conditional Use** pursuant to Section 12.24 W 27 of the Municipal Code, a **Commercial Corner Development**.
4. **Adopt** the attached Findings.

Con Howe
Director of Planning



Betsy Weisman, Principal City Planner



Jon Foreman, Hearing Officer (213) 978-1171

Attachments

- Findings
- Staff Report
- Exhibits
- ENV 2000-2025 MND

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the Commissioners the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

INTRODUCTION

The proposal is a suburban style shopping mall and not a classic mixed-use project which encourages public transportation or an active urban street life as noted by the Grass Roots Venice Neighborhood Council. The location is one of the largest sites located along this section of Lincoln Boulevard.

Current zoning on the site is consistent with the community plan designation. A change in zone to accommodate a mixed-use development on this large, prominent site would be beneficial to the community and in keeping with many Venice Community Plan Goals, Objectives and Policies. However, this mixed-use development does not meet the Plan Design Guidelines, is not sensitive to the community and therefore would set a negative precedent for future mixed use development. The project is not pedestrian friendly.

The Venice Community Plan states, "Lincoln Boulevard, the major north-south arterial traversing the Venice Community Plan Area, is part of California State Route 1. Because it carries traffic from Los Angeles International Airport to Santa Monica and other westside communities, it serves both local and transient populations. The street presents major commercial development opportunities which can provide a visual identity and an interesting local flavor. While only the west side of Lincoln Boulevard is regulated by the Venice Coastal Zone Specific Plan, similar development standards should be applied to the eastern side of Lincoln Boulevard."

The project site is located across Lincoln Boulevard from the Oakwood-Milwood-Southeast Venice Subarea. Development is limited to a maximum of 30-feet along the west side of Lincoln Boulevard.

The proposed height of the structures on the site is not designed to be compatible with the height of surrounding development which is limited to 30-feet and 45-feet.

The General Plan Framework and the Community Plan Land Use Diagram identify four Mixed-Use Boulevards. The Lincoln Mixed-Use Boulevard, bounded by the City of Santa Monica boundary line on the north and Van Buren Avenue to the south, is one of them.

Due to community concerns, the applicant withdrew the requests for variation of hours of operation and hours of deliveries. This would reduce the current hours of operation for the existing supermarket operation if it remained in this location within this development. If the supermarket would later come in to reinstate the current hours, or if the intention is to be a 24 hour market, the project would appear to be receiving piecemeal approvals.

Also, there is no indication that any restaurants will be included in the proposed increased retail development. Conditional Uses for alcohol sales will be could be sought later, however, again the project would appear to be receiving piecemeal approvals.

Finally, the community has produced a report called *Envision Venice*, based on a Community Workshop for Lincoln Boulevard, November 15, 2003. The document supported mixed use and the need for Lincoln Boulevard to have a unified detailed development plan and not treat the east and west sides of the street separately. The report further called for increasing mass transit and pedestrian amenities along Lincoln Boulevard and de-emphasizing automobile oriented development. After numerous meetings with the community, the Council Office, and the Certified Neighborhood Council the applicant has refused to change the site plan, including the orientation of buildings and further lower the height of the project.

FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the Venice Community Plan, adopted by the City Council on April 28, 1980 (Case No. CPC 14311). A Community Plan Update was adopted by the City Council September 29, 2000 (Case No. CPC 97-0047 CPU). The Plan map designates the subject property General Commercial, with corresponding zones of CR, C1, C2, C4, and P.
2. **General Plan Text.** The Venice Community Plan text includes the following relevant land use objectives, policies and programs:

Commercial Land Use

- a. Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.5: Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.

Program: Chapter V of the plan text contains design policies and standards for commercial development which will implement this policy.

- b. Objective 2-2: To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.

Policy 2-2.1: Encourage pedestrian-oriented uses and mixed-use in designated areas.

Program: The Plan Map identifies specific areas for mixed-use and pedestrian activity. The implementation of this plan will ensure the creation of pedestrian friendly commercial areas in conjunction with mixed-use development.

Policy 2-2.2: New development in designated areas should focus on pedestrian street activity.

Program: The Plan includes an urban design component which proposes design standards for pedestrian-oriented commercial development.

Policy 2-2.3: Require that mixed-use projects and development in pedestrian oriented areas are developed according to specific design guidelines to achieve a distinctive character and compatibility with surrounding uses.

Program: Chapter V of the plan text contains design policies and standards for commercial development which will implement this policy.

- c. Objective 2-3: To enhance the appearance of commercial districts.

Policy 2-3.1: Require that new development be designed to enhance and be compatible with adjacent development.

Program: Chapter V-Design Guidelines of the Plan text contains design policies and standards for commercial development which will implement this policy.

Policy 2-3.2: Preserve community character, scale and architectural diversity.

Program: Design standards for commercial for commercial areas are included in Chapter V-Design Guidelines of the Plan implement this policy.

3. The **Transportation Element** of the General Plan will not be affected by the recommended action herein.
4. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action.
5. **Coastal Transportation Corridor Specific Plan.** The Coastal Transportation Corridor Specific Plan became effective September 22, 1993 (Ordinance No. 168,999). The Specific Plan has established a mechanism and fee structure for new construction to fund the necessary transportation improvements in the area. The Transit Agencies are planning to implement a rapid bus system on the Lincoln Corridor that would improve transit service.
7. **Zone Change Findings.**

Pursuant to Section 12.32C7 of the Municipal Code, and based on these findings, the recommended action is **not** deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The existing zoning on the subject property is consistent with General Commercial land use designation of the Venice Community Plan.

Lincoln Boulevard is identified in the Venice Community Plan as a Mixed-Use Boulevard. The Venice Community Plan Design Guidelines call for developments along Mixed-Use Boulevards to be pedestrian in scale. The proposed development is not. Placing parking lots fronting on Lincoln Boulevard maintains and expands a highway oriented style of development. Currently, the developments on the south block are located on Lincoln Boulevard. The proposed development will push them back creating a two block pedestrian void. Further, the proposed project is located on a lot that is 321-feet deep, while most other lots along Lincoln Boulevard in the vicinity and on the same side of the street are much more shallow at only 90-feet deep or less. It would be less likely for these shallow lots to be redeveloped with such an arrangement as the proposed project with parking in front. The project as proposed would be set back from Lincoln Boulevard from 105-feet to 142-feet creating a two block long break in a future pedestrian corridor.

Other commercial only and mixed use developments with markets and drugstores have been proposed or built in the City without the program need of the development for those uses to be setback with parking lots facing the major street or highway frontage. This layout conflicts with a number of Design Guidelines contained in the Venice Community Plan, Chapter V.

Policy 2-2.3 of the Community Plan is to require that mixed-use projects and development in pedestrian oriented areas are developed according to specific design guidelines to achieve a distinctive character and compatibility with surrounding uses. Design Guidelines are contained in the Venice Community Plan, Chapter V.

The design guidelines call for locating surface parking areas between commercial and residential uses, where appropriate, to provide a buffer. For the proposed project surface parking is being located along Lincoln Boulevard and the structures at the rear of the lot

adjacent to the residential uses across Frederick Street.

Another design guideline calls for maximizing retail and commercial service uses and pedestrian entrances fronting on main commercial streets. The project as proposed will be set back from the street with these uses and entrances fronting on the parking lot.

8. Conditional Use Findings. Pursuant to Section 12.24.E and 12.24.U.14 of the Municipal Code:

- a. *The proposed location will not be desirable to the public convenience or welfare, is not proper in relation to adjacent uses or the development of the community, will be materially detrimental to the character of development in the immediate neighborhood, will not be in harmony with the various elements and objects of the General Plan.*

Major Development project: At the Public Hearing the applicant announced that the project's total new commercial square footage would be under 100,000 square feet and there would be no need to for Major Project Development review portion of the project application. Since this request is no longer a part of the project, it is recommended that the request be disapproved without prejudice.

- b. *The major development project conforms with any applicable specific plan and/or redevelopment plan.*

See Finding 8.a.

- c. *The project provides a compatible arrangement of uses, buildings, structures, and improvements in relation to neighboring properties.*

- d. *The major development project complies with height and area regulations of the zone in which it is located.*

See Finding 8.a.

- d. *The proposed location will not be in harmony with the various elements and objects of the General Plan.*

See Finding 8.a.

9. Conditional Use Findings (Commercial Corner). Pursuant to Section 12.24.W 27 (b) of the Municipal Code:

- a. *The proposed location will not be in harmony with the various elements and objects of the General Plan.*

Commercial Corner: At the Public Hearing the applicant stated that the project will comply with the hours of operation, 7:00 AM to 11:00 PM, and hours of delivery, 7:00 AM to 8:00 PM Monday through Friday and 10:00 AM to 4:00 PM Saturday and Sunday. This would be a reduction in hours for the for the existing Ralph's market which has been represented by the applicant as remaining in this location as a tenant. The Ralph's market currently operates from 6:00 AM to 12:00 AM. The original request was for the supermarket to operate 24 hours. Due to community concerns, the applicant withdrew the requests for variation of hours of operation and hours of deliveries.

If the supermarket would later come in to reinstate the current hours, or if the intention is to be a 24 hour market, the project would appear to be receiving piecemeal approvals.

The height requested would conflict with the Venice Community Plan Design Guidelines, Chapter V, which states that structures should not exceed three stories or 45-feet in height along mixed use boulevards. The Community Plan identifies Lincoln Boulevard as a Mixed Use Boulevard in Chapter III. It also states that development standards should be applied to the eastern side of Lincoln Boulevard similar to those on the west side of Lincoln Boulevard located within the Venice Coastal Zone Specific Plan. The project site is located across Lincoln Boulevard from the Oakwood-Milwood-Southeast Venice Subarea. Development is limited to a maximum of 30-feet along the westside of Lincoln Boulevard.

The project is proposed to be 66-feet in height. No other project in the immediate vicinity meets or exceeds the proposed height. If the project were located at Lincoln Boulevard without the proposed parking lot setback it would be possible to limit the frontage height to 30-feet and then step the building back to 45-feet. This would then make the project comply with this requirement of the commercial corner review.

- b. *The proposed location is not proper in relation to adjacent uses or the development of the community.*

Due to community concerns, the applicant withdrew the requests for variation of hours of operation and hours of deliveries.

While a mixed use project would be proper in relation to adjacent uses and development, the height of the project, in addition to other design features, is not. The height is out of scale with the surrounding community. Development on the west side of Lincoln Boulevard is limited to 30-feet. A "D" Development Limitation on surrounding properties in Height District 1-VL is limited to 36-feet in height. The area to the east, commonly known as Lincoln Place, is limited in height to 30-feet (1-XL).

Policy 2-3.1 of the Venice Community Plan is to require that new development be designed to enhance and be compatible with adjacent development. The height of the proposed would not be compatible.

- c. *The proposed location will be materially detrimental to the character of development in the immediate neighborhood.*

Due to community concerns, the applicant withdrew the requests for variation of hours of operation and hours of deliveries.

The height of the project, in addition to other design features, is detrimental to the character and development of the community. The height is out of scale with the surrounding community. Development on the west side of Lincoln Boulevard is limited to 30-feet. A "D" Development Limitation on surrounding properties in Height District 1-VL is limited to 36-feet in height. The area to the east, commonly known as Lincoln Place, is limited in height to 30-feet (1-XL).

The project as proposed meets transitional height requirements of the Municipal Code. However, design guidelines contained in the Community Plan, which would reduce the overall height and its impact on the Community have not been followed. A project at

30-feet along Lincoln Boulevard and stepped back to 45-feet would be more in keeping with the character of current and future development along Lincoln Boulevard.

- d. *The proposed location will not be in harmony with the various elements and objects of the General Plan.*

Due to community concerns, the applicant withdrew the requests for variation of hours of operation and hours of deliveries.

Policy 2-1.5 of the Community Plan requires that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development. A program under this Policy is the plan text containing design policies and standards for commercial development which will implement this policy.

The project is proposed to be 66-feet in height. No other project in the immediate vicinity meets or exceeds the proposed height. If the project were located at Lincoln Boulevard without the proposed parking lot setback it would be possible to limit the frontage height to 30-feet and then step the building back to 45-feet. This would then make the project comply with this requirement of the commercial corner review.

The Venice Community Plan Policy 2-2.1 is to encourage pedestrian-oriented uses and mixed-use in designated areas. A program for the Plan Policy is to identify specific areas for mixed-use and pedestrian activity. Lincoln Boulevard is designated in the Community Plan text and on the Community Plan Map as a mixed use boulevard. Policy 2-2.2 states that new development in designated areas should focus on pedestrian street activity. The project as proposed and designed focuses on automobiles by placing the parking in the front and proposing a height out of scale with the surrounding community.

STAFF REPORT

Request

1. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change** from P-1 (Parking Zone) and [Q]C2-1 (Commercial Zone) to C2-1 (Commercial Zone);
2. Pursuant to Section 12.24 of the Municipal Code, a **Conditional Use** for the following:
 - a. Pursuant to Section 12.24 U 14 of the Municipal Code, a **Major Development Project** approval for the addition of 100,000 square feet or more of nonresidential floor area;
 - b. Pursuant to Section 12.24 W 27 of the Municipal Code, a **Commercial Corner Development** approval for uses which do not comply with the following development standards enumerated in Section 12.22 A 33:
 - 1) Section 12.22 A 23 (ref: Section 12.24 W 27) to allow a use which operates between the hours of 11:00 PM and 7:00 AM;
 - 2) Section 12.22 A 23(a)(1) to allow a 66-foot high building in lieu of the maximum 45-feet permitted; and
 - 3) Section 12.22 A 23(b)(3) to allow hours of delivery earlier than 7:00 AM and later than 8:00 PM, Monday through Friday, and earlier than 10:00 AM and later than 4:00 PM on Saturdays and Sundays, which is otherwise not permitted.

Proposed Project

Demolition of 87,758 square feet of retail buildings and the construction a 6-story, 66-feet in height, mixed use development with 2-floors of retail space (187,658 square feet for an increase on site of 99,900 square feet), 4-floors containing 280 apartment units (239,000 square feet), one level of residential parking having 426 parking spaces, and two levels of parking, along with surface parking for 843 retail parking spaces, a total of 1266 parking spaces for the entire project. A supermarket within the retail space is proposed to operate 24 hours a day, 7 days a week. The project will be constructed in two phases.

Subject Property

Existing Land Use: General Commercial developed on the north block with 48,500 square feet of space for Rite Aid and Ralph's and on the south block with 39,258 square feet of space for a Ross store, retail and offices. Total commercial square footage is 87,758 square feet.

Plan Land Use: General Commercial (corresponding zones of CR, C1, C2, C4, and P)

Existing Zone: [Q]C2-1, [Q]P-1 and P-1

Site Net Area: 6.6 acres (287,496 square feet)

Surrounding Land Use and Zoning

North: General Commercial, [Q]C2-1 and Low density Residential, R1-1-VL-D.

South: General Commercial, [Q]C2-1 and Low density Residential, R1-1-VL-D.

East: Low Medium II density Residential, RD1.5-1XL

West: General Commercial, C2-1 and Public Facilities, PF-1-XL.

See Exhibit E-2 (radius map).

Street Classification

Lincoln Boulevard is designated Major Highway Class II. Lake Street, Frederick Street, and California Avenue are local streets.

Prior Relevant Cases

CPC 2797: change of zone from R3 to R3P;

CPC 28100: change of zone from R3P-1 to (Q) C2-1 and change of zone from C2-1 to (Q) C2-1 and (Q)P-1;

ZV- 79-029: Construction of a shopping center with parking;

ZA- 90-0460 ZV: Request to enlarge existing market in the C2-1 zone from 48,450 sq. ft. to 52,842 sq. ft..

CPC- 92-0318 ZC: zone change on all multiple-unit density and commercial zones between Lincoln Boulevard, Rose Avenue, Beethoven Street and both sides of Venice Boulevard to implement the conditions of the East Venice Multi-family Interim Control Ordinance.

REPORTS RECEIVED

No reports were received from other City agencies prior to the completion of the Hearing Officer's recommendation report.

SUMMARY OF PUBLIC HEARING AND COMMUNICATIONS

Hearing

The public hearing on this matter was held at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1545 Corinth Avenue, Los Angeles, CA on Monday, March 1, 2004 at 9:00 AM.

1. Present: Approximately 70 people attended.
2. Speakers: 2 in support; 39 in opposition; 5 gave general comments.
4. A representative of Council Member Miscikowski, Council District No. 11, was present and spoke concerning the project.
5. Organizations testifying in OPPOSITION: Grass Roots Venice Neighborhood Council, Venice Community Coalition

Communications Received

1. Letters - Support: 2.

Letters - Opposition: 64.

2. Form Letters - Opposition: 128 forms.

Summary of Public Hearing Testimony and Communications

1. Testimony of Representative of Council Member Miscikowski:
 - The Council Member cannot support the project as designed.
 - Mixed-use is appropriate for this location.
 - The number of units and the density is appropriate
 - The design could be improved to be more pedestrian oriented.
 - This is one of the largest commercial parcels and the site needs special consideration with regard to building arrangement and height.

2. Points in Favor:
 - The project will meet transitional height requirements.
 - Numerous community meetings have led to redesigning the project architectural style, reducing the height, and moving the project closer to Lincoln Boulevard.
 - The new commercial square footage has been reduced to 99,900 square feet.
 - All loading will be enclosed.
 - The project applicant volunteers to provide 20 percent of the residential units for affordable housing, without a density bonus.
 - Many neighbors are in favor of improvement at this site.
 - The proposed buildings will contribute positively to the streetscape.

3. Points in Opposition:
 - The project would increase density by more than doubling the current buildable area.
 - The project will significantly increase traffic on surrounding residential streets.
 - The properties should be required to maintain the current Q condition limit of 30-feet in height.
 - The buildings should be moved onto Lincoln Boulevard as suggested in Envision Venice Report.
 - Commercial corner requirements with regard to height need to be maintained.
 - The proposed height increase is more than twice what is allowable on the west side of Lincoln Boulevard, would be substantially out of character with the west side of Lincoln Boulevard, and conflicts with the Venice Community Plan.
 - Buildings should front on the street with parking in the rear.
 - Buildings should be in scale with pedestrians (no more than 40-feet in height) .
 - Development should not be car oriented.
 - The project must include low income housing.
 - The proposal is a suburban style shopping mall and not a classic mixed-use project which encourages public transportation or an active urban street life.
 - The project increases dependence on motor vehicles.
 - There should continue to be no direct access to Frederick Street.
 - Trucks will block California Avenue and be noisy backing up to the second floor loading area.
 - The project needs an EIR.
 - The traffic study is too old.
 - Traffic on Lincoln Boulevard is already too heavy.