

PLUM-101221-MINUTES

Planning/Land Use Management Committee Co-Chairs: Steve Wallace and Sharon Commins

Tuesday, DECEMBER 21, 2010 6:00 to 7:55 PM

Mar Vista Library (Southwest corner of Venice and Inglewood Blvds.) 12006 Venice Blvd., Mar Vista, CA 90066

MINUTES

1. Call to Order-6:07 PM
2. Volunteer to Take Minutes-Wallace and Commins
3. Introductions and Public Announcements/Comments for items not on the agenda-Introduction of Officer Marcy Garcia- new senior lead for south mar/south Venice area
4. Approval of Minutes-Approved as submitted
5. Report on MVCC Board Actions re Urban Planning/Land Use Committee resolutions, **ENV-2010-2553-CE [ZA-1998-892-ZV-CUP], WINDWARD SCHOOL** request to increase enrollment by 75 students to a total enrollment of 550 students at 11350 Palms Bl. **APPROVED with conditions**
6. Early Notification System ['ENS'] Update, if any- no cases
7. Old Business/Open Issues
 - a. **ZA-2010-3116-PAB [ENV-2010-3115-CE]: El Zacatecas Bikini Bar.** Determination of conditional use status and approval of plans for alcoholic beverage beer and wine for a currently operating bar. Wil Nieves 310-375-5925
 1. **Policy Motion:** The MVCC does not support approval of the request **ZA-2010-3116-PAB [ENV-2010-3115-CE]: El Zacatecas Bikini Bar** as presented; furthermore the MVCC requests the ZA schedule a public hearing on this project and additionally requests initiation of a nuisance abatement investigation. **Approved: 26 aye 6 nay 3 abstentions [see attached report to the MVCC BOD, including minority report]**
8. New Business
 - a. **ZA-2010-3163-CUB ENV-2010-3162-EAF:** 3807 S Grand View Blvd 90066 CUB to permit sale of beer & wine for on & off-site consumption in conjunction w/ (e) market seeking change of use for portion of the market to interior and exterior dining. Open daily, 6am-2am. Eric Newman 310-384-9473: Put over until January
 - b. Committee/Task Force Updates, with potential motions, received and filed by consent
 1. **Bundy Village update:** applicant received 120 day extension. Tentative hearing date, February 8, 2011. Applicant has filed Chapter 11
 2. Casden Project update: EIR due out any day, per Westside NC PLUM
 3. Red Mountain 3115 Sepulveda-Bank repossessed the property; project on hold indefinitely
 4. **Medical marijuana shops:** in court
 5. **ZA-2010-2447-ZV; ENV-2010-2448-CE,** 3487 S Beethoven St, George Chung Realtors. Application to continue existing office use. Applicant requests motion to approve. **PUT OVER UNTIL JANUARY 2011**
9. Public Comment -none
10. Future Agenda Items-none
11. Adjournment: 7:50 PM

MAR VISTA COMMUNITY COUNCIL PLANNING & LAND USE MANAGEMENT HANDOUT, EL ZACATECAS

PROJECT DESCRIPTION

Project Title: EL ZACATECAS **Case Numbers:** ZA-2010-3116-PAB [ENV-2010-3115-CE]

Project Address: 12017 W Venice Bl

Applicant: Sulma Lightner, 1105 S Wycliff Av, San Pedro 90732 **Representative:** Wil Nieves, 310-375-5925, nievesasoc@aol.com

Neighborhood Council area: Mar Vista Community Council, Zone 4

Zoning: C2-1 **Community Plan:** Palms Mar Vista Del Rey

Permit Application Date: 11-17-2010 **Size of Parcel:** 25.01 x 105.86; 2766.12 sq ft **Estimated Size of Project:** 1870 sq ft

Project Description: Add wine (type 42), as an accessory use, in conjunction with an existing 1,870 sf beer bar (type 40) currently accommodating 100 patrons with patron dancing, live entertainment and two pool tables with hours of operation from 6:00 am to 2:00 am seven days a week. Hours of alcohol sale are the same as the hours of operation and a ZA determination of CUP status and approval of plans for an expansion of two outdoor patio areas currently used as smoking areas. The proposed patio areas are 373 sf (19.9%) in size and accommodate an additional 20 seats (20%) for a total capacity of 120 seats.

This is a grandfathered use and is not required to provide parking. The bar has held a beer license since 1969, so there is no net gain of alcoholic beverage licenses.

El Zacatecas has a CES permit for live music and Pool Room permit for pool [Cafe, Entertainment and Shows, IE, Bands, Dancing on the stage, music]. The bar can have employee dancing, and these employees can accept tips. The employees cannot do private dances, lap dances or slide up and down a pole, or touch themselves, or simulate sexual acts. Food is not served.

RECOMMENDED POLICY MOTION: *The MVCC does not support approval of the request ZA-2010-3116-PAB [ENV-2010-3115-CE]: El Zacatecas Bikini Bar as presented; furthermore the MVCC requests the ZA schedule a public hearing on this project and additionally requests initiation of a nuisance abatement investigation. **PLUM Committee vote: 26 ayes; 6 nay; 3 abstentions.** A minority report is required per MVCC standing rules for Committees and is provided on page 2.*

The PLUM meeting was attended by stakeholders, and businesses on Venice Blvd.

Church and school locations within a 1,000 ft radius were not noted on the PA/PAD/PAB* application for this project. Both Faith Christian Pre-School, located at 12118 Pacific Ave, and the nearby Vista Del Rey Christian Church, are within 1,000 feet.

The Bikini Bar online social media advertising campaign depicting activities inside and outside the bar--and signage on the building--provoked considerable public controversy. Concerns over having kids exposed to the signage and outdoor activities of bar employees and patrons portrayed in the online photos were also expressed as the Library is close by. Additionally a photo of the Mar Vista Public Library on the SE corner of Venice at Inglewood was apparently omitted from the application's photo survey.

Other stakeholders wanted clarification on the ownership of the business and to know whether ownership had changed hands frequently and recently.

Noise, trash, fighting, and blocking of the alley, which has two drive-through establishments on either end, were also mentioned.

Stakeholders noted the change in the nature and character of the use from a local bar to a regional destination and noted recent quality of life improvements on the Boulevard: "Planning at City level should consider the community investments on the boulevard; can't see expansion of the bar as a good investment"

Based upon the public controversy surrounding this use, the community clearly wishes the MVCC to formally go on record in support of the future public hearing on this use [Planning has indicated it will hold a hearing] and to request a nuisance abatement investigation to sort things out.

Indeed given the complexities involved with grandfathered properties; changes in use character; alcohol regulations; and multiple code provisions, a formal hearing before a ZA is necessary for the public convenience and welfare and to protect the character of neighborhood development.

MINORITY REPORT AND VOLUNTARY CONDITIONS PROPOSED BY APPLICANT: This use is a grandfathered deemed to be approved use. It has a Café and Entertainment Services permit from the Police Commission: 2 pool tables, dancing live. They do not have a dance hall police permit. No Dance Floor for patrons; dancing not allowed. The pool table permit had lapsed—a mistake—and was being addressed.

Stakeholders speaking in favor of the use felt the bar provides a pleasant vibe to the neighborhood: "nice place; good atmosphere".

The owners recognize the bar has had somewhat of a checkered past and want to upgrade and add uses to allow wine and to have patio service.

There is confusion about it being a strip bar; it is not a strip bar. Bikinis are legal under police and LAMC code; not adult entertainment; and this bar has had bikini girls for 30 years 2 days per week [Tuesday and Thursday]. The bar will meet all fire dept regulations

The applicant believes "that to deny or oppose the instant request, will condemn and relegate the existing operation to its past historical practices. The addition of wine and a small outdoor patio will elevate and transform the bar to an upscale gathering place as a sports bar and social gathering spot for the area. Currently, the existing operation caters primarily to men who can only drink beer. The proposed change to include wine will allow patrons to come with their wife or girl friend and bring other female friends. In addition, the proposed changes will encourage women and other men who prefer to drink wine and champagne to patronize the facility. The inclusion of these volunteered conditions show good faith and goodwill on the part of the applicant".

"...the implementation of these mitigation measures will aid greatly in lessening the perceived negative impacts that the bar may have. It is hoped that these self-imposed volunteered conditions can be endorsed or at least non-opposed. To continue to oppose the bar's operation will prove pointless since it does operate legally. At the very least, in exchange for the proposed requests, the Neighborhood Council can now adopt a set of parameters under which the bar can operate, where none had previously existed".

The applicant is willing to make some accommodations to the community and proposes the following volunteer conditions:

- 1) the hours of operation for the involved bar shall be 10 am to 2 am everyday (in lieu of 6 am -2am) except for Saturdays, Sundays, holidays and special events (sports, closed circuit telecasts, etc.).
- 2) the conditions of this grant shall be retained on the premises at all times and be immediately produced upon request by any lapd officer or ABC investigator. The bar manager and all employees of the bar shall be knowledgeable of the conditions herein.
- 3) the bar will provide at least one security guard from 8 pm until closing to monitor the interior and exterior premises.
- 4) the sale of alcoholic beverages for consumption off the premises is prohibited.
- 5) alcoholic beverages shall not be consumed on any property adjacent to the licensed premises under control of the licensee. The bar operator shall take appropriate action to prevent and discourage loitering adjacent to the bar.
- 6) all graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 72 hours of its occurrence.
- 7) the business shall keep the area adjacent to the premises clean including the sidewalk, alley and parking area.

- 8) a sign or signs shall be posted on the site within clear view of any interested person containing a telephone number and name of a person to be contacted in the event that the operation of the bar is causing concerns or problems in the adjacent neighborhood.
- 9) the hours of trash pickup shall be limited to 8 am to 5 pm Monday through Friday and 10 am and 4 pm Saturday and Sunday. Bottles and glass shall be separated and not deposited into the dumpster. The outside disposal of glass containers shall occur only between the hours of 10 am and 9 pm.
- 10) the bar will not permit any alcohol to be served within the front patio area.
- 11) the bar will not be permitted to provide music, dancing, live entertainment or tv screens within the outdoor patio areas.
- 12) there will be no music audible beyond the interior of the bar premises.
- 13) the applicant shall not sublet the premise for any activity.
- 14) the bar will not show any pictures of girls in bikinis on any front exterior signs or on any front exterior facades, walls or roof areas.
- 15) the bar will remove any advertisement on its website promoting private dances.
- 16) all performances will occur within the building area only.
- 17) bikini girls will not be allowed to loiter outside of the premises nor leave the premises until they are fully clothed.