

Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



Land Use and Planning Committee MINUTES October 24, 2007



1 **1. CALL TO ORDER – ROLL CALL**

2

3 Challis Macpherson called the meeting to order. LUPC members present:

4 Lainie Herrera, Jim Murez, Jed Pauker, Maury Ruano, Sylviane Dungan, and

5 Stewart Oscars.

6

7 Robert Aronson, Susan Papadakis, Ruthie Seroussi and Arnold Springer

8 arrived later.

9

10 The Agenda was approved by common consent.

11 **2. APPROVAL OF (LAST MEETING'S) MINUTES**

12

13 Tabled.

14 Ruthie Seroussi arrived.

15

16 **3. ANNOUNCEMENTS**

17

18 Jim Murez and Ivan Spiegel reported that a meeting on proposed Metrorail

19 projects occurred on Monday, October 22, stated another meeting will take

20 place concurrent with today's LUPC meeting, and that a third meeting will
21 take place on Thursday, 6-8:30pm at Vista del Mar in Cheviot Hills.

22 Information can be found at the Metro Rail website. Mr. Spiegel provided
23 copies of brochures distributed at the Monday meeting.

24 Ivan Spiegel reported on the WLA APC meeting regarding AXE Restaurant;
25 Mr. Spiegel stated that November 9, 2007 is the deadline for filing an
26 application for the 2007-2008 LUPC, reminded attendees of the November
27 10, 2007 Town Hall meeting with Gail Goldberg of the Los Angeles Planning
28 Department and discussed plans for the Town Hall's organization.

29

30 **4. PUBLIC COMMENT**

31

32 Suzanne Thompson thanked VNC for its contribution to murals in Venice and
33 referred to an event that took place on Sunday, October 28, at 723 Ocean
34 Front Walk, from 4pm to 8pm, a Halloween benefit to restore the endangered
35 species mural. Ms. Thompson stated that a delay in receipt of letters of VNC
36 support for various projects had occurred.

37

38 Yolanda Gonzalez requested that the VNC support the effort to retain historic
39 names of municipal buildings, specifically the Hollenbeck Police Department
40 building, in the form of a letter to Councilman Rosendahl opposing the
41 renaming of this building.

42

43 **5. OLD BUSINESS**

44

45 (Taken out of order) JPI Construction versus Oxford Triangle neighborhood.
46 This case was before LUPC early in 2006.
47
48 DeDe Audet provided a package of materials detailing the history and current
49 status of the development at issue. Ms. Audet provided detail on a joint
50 Neighborhood Council effort to ensure compliance with conditions imposed by
51 the Neighborhood Councils on projects within their individual jurisdictions.
52 Ms. Audet provided documentation and visual aids proving that conditions set
53 have not been kept. Ms. Audet asked that LUPC recommend that the Board
54 request Council District 11 ensure that both gates to the project located at
55 3230 Carter Avenue are put up as soon as possible.

56
57 **Jim Murez moved that DeDe Audet and Challis Macpherson draft a letter**
58 **regarding lack of observance of the conditions regarding the project at**
59 **3230 Carter Avenue to be forwarded to the Board for approval and stating**
60 **that the mandatory gates be installed as soon as possible; seconded by**
61 **Jed Pauker.**

62
63 Lainie Herrera recused herself from the vote.

64
65 Robin Underwood, stakeholder, asked what can be done to ensure that
66 conditions imposed are enforced.

67
68 **VOTE: 6 in favor; 0 opposed; 2 abstentions.**

69
70 Challis Macpherson read the proposed Community Impact Statement (CIS)
71 regarding 709 Fifth Street, applicant Mark Baez, to add to city council file on
72 Case Number [CASE #APCW 2006-9649 SPE](#) at the hearing scheduled for
73 November 20, 2007:

74 The Venice Neighborhood Council is unanimous in its recommendation of denial
75 of Case #APCW 2006-9649 and approval of WLA Area Planning Commission
76 denial of the appeal of the applicant, Mark Baez, for his project at 709 Fifth

77 Avenue in Venice which is out of compliance with the Venice Coastal Zone
78 Specific Plan and in violation of the Department of Housing regarding rental of
79 units in this building at 709 Fifth Avenue without a Certificate of Occupancy.

80
81 Lainie Herrera asked for a clarification of the Community Impact Statement.

82 Jim Murez stated that a format for CISs should be set up; Challis Macpherson
83 agreed. Jed Pauker made a suggestion regarding the phrasing of the
84 reference to compliance; Stewart Oscars suggested that the CIS indicate that
85 the project has been out of compliance since the beginning of construction.

86 There was further discussion about detail to be included with the CIS. Ms.
87 Macpherson noted that a letter can be attached that incorporates suggestions
88 made by Mr. Murez to include references to the LUPC meeting at which a
89 case is deliberated.

90
91 **Stewart Oscars moved to attach a Community Impact Statement to the file**
92 **for APCW 2006-9649, with the amendments as discussed; seconded by Jim**
93 **Murez.**

94
95 **VOTE: 8 in favor; 0 opposed; 0 abstentions.**

96
97
98 **6. NEW BUSINESS: DELIBERATION OF FOLLOWING PROJECTS:**

99
100 A. 585 East North Venice Blvd (currently Samy's Camera) No Case Number,
101 no permit application. Applicant looking for LUPC and community input on
102 this proposed project. Proposal to split the existing building into retail and
103 restaurant, Fred 62 Diner, and demolish the attached industrial shed to
104 make way for more parking. John Hamilton of Hamilton Architects
105 presenting. LUPC Project Form and plans emailed to LUPC. Flyer hand
106 delivered to majority of Venice stakeholders this week.

107
108 John Hamilton discussed plans for the proposed restaurant, and
109 emphasized the developer's intent to not use public parking. Mr. Hamilton

110 emphasized that the project is still in a preliminary stage, and expressed
111 the intent to obtain feedback from the community prior to proceeding. In
112 answer to Challis Macpherson's question, Mr. Hamilton stated that there
113 will be 43 parking spaces offered and that 40 spaces are required.

114
115 Arnold Springer asked about plans for provision of parking and about the
116 planned restaurant waiting area. Challis Macpherson reiterated that the
117 developer appeared to obtain input from the community. Stewart Oscars
118 asked about plans to alter the exterior structures on the property. Mr.
119 Hamilton reported on the developer's outreach efforts. Lainie Herrera
120 expressed appreciation. Sylviane Dungan asked about parking for the
121 retail operation; John Hamilton explained how available parking will be
122 used by the restaurant and by retail. Susan Papadakis asked about
123 ingress/egress and configuration of the parking lot; Mr. Hamilton stated
124 that the development is limited by the existing curb cuts and went on to
125 describe the limitations imposed by the site and the City of LA parking
126 requirements. Challis Macpherson asked that the valet company be
127 instructed not to park on the street. Mr. Hamilton responded to Jim
128 Murez's question about existing parking agreements by stating that they
129 were not aware of any. Mr. Murez asked if the site was in a Beach Impact
130 Zone area; Mr. Hamilton stated that it was not. Ruthie Seroussi asked
131 about distinction of mixed use, stating that she thought it referred to
132 residential and retail use, and noted that the calculation according to the

133 Venice Specific Plan called for the provision of a total of 44 spaces. Ms.
134 Seroussi suggested constructing a parking structure. Mr. Hamilton stated
135 that the developer will be a tenant and cannot make a decision regarding
136 construction. Jed Pauker asked about hours of operation; Mr. Hamilton
137 stated plans for operation until 4am. Mr. Pauker asked about provision of
138 alcohol; Fred Sutherland, proprietor, discussed plans to consider provision
139 of beer and wine, as well as music and ambient noise. Maury Ruano
140 asked about signage; Mr. Sutherland responded by discussing his current
141 operation.

142
143 Diana Spielberger spoke in favor of the proposed restaurant.

144
145 Suzanne Thompson expressed concern about parking for employees.

146
147 The owner of Elvino Restaurant spoke in favor of the proposed restaurant.

148
149 Harley Basset spoke in favor of the proposed restaurant.

150
151 Jay Statman spoke in favor of the proposed restaurant.

152
153 Yolanda Gonzalez advised that the property owner should appear at
154 LUPC.

155
156 Lisa Colantani spoke in favor of the proposed restaurant.

157

158 Nicole Roybal spoke in favor of the proposed restaurant.

159

160 Suzanne Laff, representing the owner, identified herself.

161

162 Robert Aronson arrived.

163

164 Jed Pauker advised nailing down the parking issue.

165

166 Ruthie Seroussi asked about the retail operation. Fred Sutherland, as
167 holder of the master lease, will determine the retail tenant. Mr. Sutherland
168 referred to plans to provide parking for employees.

169

170 Jim Murez provided advice regarding the configuration of the parking lot;
171 Mr. Murez expressed distaste for a 24 hour restaurant operation.

172

173 Sylviane Dungan repeated concerns about parking and spoke in favor of a
174 24 hour restaurant operation.

175

176 Robert Aronson asked if the owner of the property making a claim for
177 access to Irving Tabor Court, and referred to the options available to a
178 resident that chooses to live in a commercial zone.

179

180 Lainie Herrera reported that code requirement allows for employee
181 parking in a calculation of required parking.

182

183 Arnold Springer concurred with Jed Pauker regarding parking, suggested
184 that 2 valet parking employees be on duty during hours of operation. Mr.
185 Springer advised that there could be a problem if a zone change is
186 required, reiterated that parking is an issue, and advised that the
187 restaurateur be careful about automobile fumes.

188

189 Stewart Oscars expressed concern about 24 hour operation, and advised
190 that the developer interview

191

192 Straw Poll: 25 in favor.

193

194 Jim Murez advised that the developer research what use the property was
195 put to in 1972.

196

197 Ruthie Seroussi listed items that the developer should provide the next
198 time the project appears on the LUPC agenda: The CUP, the plan for
199 valet parking, and any research regarding covenants or restrictions on the
 property.

200 Jed Pauker stated that the developer's outreach efforts brought supporters
201 from the community, however, the vote taken was only a straw vote.

202 B. 1305 Abbot Kinney Blvd.

203 Robert Aronson reported on his unsuccessful attempts to get information
204 from the developer's representative. Challis Macpherson stated that this
205 project will probably be heard by LUPC in late November.
206

207
208 C. Case No. ZA 2007-1322 CDP, 2918 – 2924 Pacific Avenue, 2917 – 2925
209 Strong's Drive. Applicant proposing four separate lots for one Single
210 Family Dwelling on each lot subdivided from two existing lots with five
211 recorded dwelling units total according to the provisions of the Small Lot
212 Subdivision Ordinance No. 176,354. Applicant Pac Canal LLC, Glen Irani
213 Architects, Project Form and plans emailed to LUPC and posted.

214
215 Maury Ruano introduced Glen Irani, who described the proposed
216 development, under the Small Lot Subdivision Ordinance and noted that
217 the proposed buildings conform to both the Small Lot Subdivision and the
218 Venice Coastal Zone Specific Plan. Each dwelling, including garage
219 space, will total approximately 2700 square feet.

220 Jim Murez asked about the height of the basement level. Arnold Springer
221 asked how the elevations were measured; Mr. Irani stated that each
222 building is measured from the street from which it fronts. Mr. Springer
223 asked about the rooftop access structures.

224 Maury Ruano summarized the research done for the staff report; noting
225 that the project, as proposed, is in compliance with the Small Lot
226 Subdivision ordinance and that the applicant has applied for a zone

227 change that would make the application of the Small Lot Subdivision
228 unneeded.

229 Ruthie Seroussi asked about the dimensions of the individual lots and
230 questioned how the Small Lot Subdivision can be applied, in an instance
231 where two lots are to be tied together in order to accomplish the project as
232 proposed. Jim Murez questioned the height of the project and referred to
233 the difference in height that would have resulted from the project being
234 measured from the lower of the two relevant streets. Glen Irani discussed
235 how the adjacent buildings would be affected with regard to privacy and
236 shade. Challis Macpherson asked about the height of fences and side
237 hedges. Mr. Irani stated that the fence height will be in compliance with
238 the Venice Coastal Zone Specific Plan. Susan Papadakis stated that she
239 was ready to approve the project. Jed Pauker asked about prevailing
240 setbacks for the two adjacent properties; Mr. Irani did not have exact
241 measurements.

242 Robert Aronson asked how height was to be measured; Mr. Irani
243 reiterated the answer given earlier to Arnold Springer. Mr. Aronson asked
244 if affordable housing applies and if the Beach Impact Zone parking
245 applies. Mr. Aronson stated that a determination was made by the
246 Housing Department determination is not accurate, because the property
247 was purchased only a year ago.

249

250 Lainie Herrera asked what discretionary action; Glen Irani stated that the
251 Small Lot Subdivision was the only discretionary action. In response to
252 Arnold Springer's question, Mr. Irana described the process through which
253 the project at issue has been and stated that the developers have done
254 their due diligence with regard to compliance.

255 Herman Schwartz, representing the property owner, spoke about the
256 intent behind the development.

257 Susan Papadakis referred to widely-differing opinions gained by LUPC
258 members after a presentation regarding the Small Lot Subdivision
259 ordinance.

260 Stewart Oscars asked about height of rooftop structures and asked where
261 construction materials will be stored during construction. Glen Irani
262 responded. Sylviane Dungan asked if the buildings will have any green
263 components. Mr. Irani stated that solar panels will be used and discussed
264 the other green components that had been considered.

265 Jim Murez asked again about the height of the center section of the
266 proposed project, and voiced concern about the 100 square foot limit for
267 rooftop structures that exceed the 35 foot height limit.

268
269 **Maury Ruano moved to recommend to the Venice Neighborhood Council**
270 **board to approve the project as presented with the exception that the zone**
271 **change is not necessary and that the height of the rooftop structures**

272 **conform to the Venice Coastal Zone Specific Plan; seconded by Susan**

273 **Papadakis.**

274

275 Responding to Arnold Springer's question, Glen Irani discussed what
276 could be done to bring the project's overall height into conformity with the
277 Venice Coastal Zone Specific Plan.

278 Jim Murez remarked that the project as presented will allow for several
279 more street parking spaces and that several guest parking spaces could
280 be provided on site without impact on the community.

281

282 Ruthie Seroussi suggested that the owner request lease information from
283 the prior owner, stated that, if the current structures conform with the
284 Venice Coastal Zone Specific Plan, that she had no problem with the
285 affordable housing ordinance.

286

287 Robert Aronson stated the reasons for his interpretation that the Mello Act
288 applies to this project.

289

290 Jed Pauker stated that LUPC should base its decision on whether the
291 project conforms to the Venice Specific Plan if there is a conflict between
292 the Specific Plan and the Small Lot Subdivision.

293

294 **VOTE: 5 in favor; 5 opposed; 1 abstention. The motion did not pass.**

295

296 **Arnold Springer moved to express appreciation to the applicant and ask**
297 **him to come back at the earliest possible time with the following**
298 **information, so that we can resolve this issue: plans that reflect the**
299 **change in the roof access that he seems amenable to and that he has**
300 **spelled out here, the applicant should review the provisions of the Venice**
301 **Coastal Zone Specific Plan regarding Beach Impact Zone parking and**
302 **explain to us how much money that would cost him to meet his**
303 **qualifications regarding BIZ parking or if not, why not, try to get a**
304 **certificate of authenticity regarding rental units previous to ownership or**
305 **make a good faith effort to make sure that there were no low income rental**
306 **units on site for the last three years which would satisfy requirements of**
307 **...; seconded by Robert Aronson.**

308 There was considerable discussion on what issues are pertinent to the
309 decision regarding this development.

310 **VOTE: 4 in favor; 7 opposed. The motion failed.**

311
312 **Maury Ruano moved to approve the development as presented, including**
313 **the roof structure requirement per Letter C, Section 9 of the Venice Coastal**
314 **Zone Specific Plan, and no zone change allowed; seconded by Jed Pauker.**

315 Stewart Oscars brought up the issue of a lot line adjustment. Ruthie
316 Seroussi offered a friendly amendment to require the lot line adjustment to
317 conform to the 3000 square foot requirement of the Small Lot Subdivision
318 ordinance. Maury Ruano agreed; Jim Murez agreed.

319

320 Motion withdrawn

321

322 **Maury Ruano moved to accept the development as presented, except for**

323 **the unnecessary zone change request and making sure the project**

324 **conforms with the Venice Coastal Zone Specific Plan, and in particular, to**

325 **the rooftop structure;**

326

327 **VOTE: 8 in favor; 2 opposed; 1 abstention.**

328

329 D. Whole Foods, corner of Rose and Lincoln. Applicant requesting
330 recommendation for wine-tasting facility in conjunction with their super
331 market.

332

333 (Taken out of order) Arnold Springer will request that a presentation be

334 made by Whole Foods at the late November 2007 LUPC meeting.

335

336

337 **7. PUBLIC COMMENT**

338

339 Challis Macpherson reported that there will be a presentation at the

340 November 7 LUPC meeting, one regarding a prospective coffee shop at

341 Victoria and Lincoln on a residential lot. Ms. Macpherson also reported that

342 the APC conditionally approved the AXE restaurant, including a requirement

343 for a Coastal Development permit; Jim Murez suggested that an appeal is in

344 order, noting an earlier Coastal Development permit that required AXE to

345 return and stating that the City is ignoring its responsibility. There was

346 discussion about the appropriate means to appeal the APC ruling.

347

8. ADMINISTRATIVE

348

349 Tabled

350

351

9. ADJOURNMENT

352

353

The meeting was adjourned by common consent.