

# Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



## Land Use and Planning Committee MINUTES November 7, 2007



1 **1. CALL TO ORDER – ROLL CALL AND APPROVAL OF THIS AGENDA AS**  
2 **PRESENTED OR AMENDED**  
3

4 Challis Macpherson called the meeting to order and called the roll: LUPC  
5 members present: Challis Macpherson, Lainie Herrera, Jim Murez, Jed  
6 Pauker, Maury Ruano, Arnold Springer and Stewart Oscars. Robert Aronson,  
7 Sylviane Dungan and Ruthie Seroussi arrived later.

8 Challis Macpherson reported that Task Force reports were supplied to  
9 Committee members as well as Arnold Springer's report on LNG (liquefied  
10 natural gas).

11 Lainie Herrera moved to approve the Agenda as presented; seconded by Jed  
12 Pauker.

13  
14 **2. APPROVAL OF PREVIOUS MEETING MINUTES**  
15

16 The previous meeting Minutes will be approved at a special Administrative  
17 Committee meeting.

18

19 **3. ANNOUNCEMENTS**

20  
21 Ivan Spiegel urged stakeholders to attend the upcoming Town Hall at which  
22 Gail Goldberg, Director of the City of Los Angeles Planning Department, is  
23 scheduled to appear, to speak to and receive information from the  
24 community. Mr. Spiegel provided flyers for the Town Hall and asked for  
25 assistance from Committee members and stakeholders to distribute the  
26 flyers.

27 Jim Murez reported that a shooting had occurred at Venice High School  
28 earlier that day, and that the school had been locked down for an hour and 15  
29 minutes while an investigation was conducted.

30 Stewart Oscars reported that Harris Levy, president of President's Row  
31 Neighborhood Association, had asked for support from the Venice  
32 Neighborhood Council with regard to an appeal of a November 5, 2007  
33 Planning Department decision to approve the conversion of a building located  
34 at 534 Victoria Avenue from warehouse to manufacturing. Mr. Oscars stated  
35 that Mr. Levey's arguments against the proposed development are that a total  
36 of \$216,000 (\$18,000 per parking space to offset the 12 spaces lacking) in  
37 en-lieu parking fees is inadequate and that there is no available neighborhood  
38 parking to offset the lack. Jim Murez stated that the City taking en-lieu fees is  
39 not a viable solution because no parking has been created. Challis  
40 Macpherson stated that this issue should be brought before the Board. There

41 was discussion about how the en-lieu parking fee calculation was arrived at  
42 previously and why the calculation should be updated,

43 **4. PUBLIC COMMENT**

44  
45 Laura Silagi, representing the Venice Community Coalition, discussed  
46 development projects proposed for Lincoln and asked why the Community  
47 Design Overlay has not been implemented, when it should have been  
48 finished the past spring. Ms. Silagi urged stakeholders to contact Betsy  
49 Wiseman, Grieg Asher and Bill Rosendahl to request that the Design Overlay  
50 be finished.

51 **5. NEW BUSINESS: DELIBERATION OF FOLLOWING PROJECTS &**  
52 **ISSUES:**

53  
54 A. 2201-2205 Lincoln Boulevard and 934 Victoria.  
55  
56 Challis Macpherson introduced Patrick Panzarello, who represented  
57 Nestor Saporiti, the developer of the project. Mr. Panzarello presented a  
58 detailed report on the proposed development, which purports to remodel  
59 an existing commercial property that includes a residence, into three  
60 restaurants and a coffee shop. Mr. Panzarello stated that two liquor  
61 licenses are being requested and a change of use to allow for the coffee  
62 shop, discussed parking provisions and proposed valet service and  
63 security provisions, noted hours of operation, and listed plans to provide  
64 for noise mitigation. Mr. Panzarello stated that the developer had sought  
65 input from stakeholders.

66            Responding to Maury Ruano’s question, Patrick Panzarello described how  
67            the side alleyway will be used for parking. Jed Pauker asked about the  
68            landscaping; Mr. Panzarello discussed noise mitigation efforts. Lainie  
69            Herrera asked about tenants; Mr. Panzarello stated that one prospective  
70            tenant has been identified at this point, an Italian restaurant that will be  
71            located in the corner property. Responding to Jim Murez’s questions  
72            about Best Management Practices (BMP), trash collection, clean-up and  
73            live music, Mr. Panzarello stated that the presentation to the hearing  
74            officer will refer to BMP and sanitary issues. Mr. Panzarello stated that  
75            there will be no live music. Jim Murez asked about the total amount of  
76            serving area and stated that is information that is needed. Challis  
77            Macpherson asked about signage; Mr. Panzarello stated that the architect  
78            will be asked to address that issue by tomorrow’s hearing. Mr. Panzarello  
79            referred to the owner’s voluntary request for a one-year review. Sylviane  
80            Dungan asked for clarification of occupancy for each of the proposed  
81            operations as well as parking provision, which Mr. Panzarello provided;  
82            Mr. Panzarello reiterated that the hearing will concern the developer’s  
83            request for two liquor licenses and conversion of the house to commercial  
84            use. Stewart Oscars suggested that the walls to be constructed be block  
85            rather than wood, for improved noise mitigation.  
86            Steve DeWitt, 1040 Victoria Avenue, objected to plans for valet parking,  
87            potential noise and hours of operation. Lena Munoz, resident of the 900

88 block of Victoria, representing Victoria Neighbors United, referred to a  
89 petition signed by area residents, and urged that LUPC support the  
90 association's objection to conversion of a residence to a restaurant, liquor  
91 license to offer a full range of alcoholic beverages, parking in residential  
92 zone, hours of operation from 7am to 2am, and commercial lighting, and  
93 stated that the development will change the character of the neighborhood  
94 unfavorably. Rhonda Souda, 925 Victoria, reiterated the concerns voiced  
95 by Ms. Munoz. Michael Karof, 931 Victoria, expressed concern about  
96 noise that could be generated by use of the patio. Marc Rochandel,  
97 Victoria Avenue resident, voiced concern about parking for employees,  
98 stated that the proposed hours of operation are unacceptable, reported an  
99 incident at a former restaurant operating at the subject location, reiterated  
100 concern about lighting, objected to the parking lot entrance on a  
101 residential street and to the conversion of the residential property to  
102 commercial use. Mr. Rochandel stated that quality of live will be adversely  
103 affected and mentioned concerns about trash collection. Jody Astartel, a  
104 nearby resident, repeated problems that occurred with a former operation  
105 regarding noise, criminal activity and parking. Delinda Fisher, 905 Victoria  
106 Avenue, stated that portions of the subject property had been built as retail  
107 establishments converted to restaurant use, that no provision for outdoor  
108 dining had been approved and that the commercial usage should face  
109 Lincoln. Bruno Kuhn, 927 Victoria, referred to traffic problems on Lincoln.

110 that affect traffic on Victoria. Fran Saperstein, 919 Victoria, stated that the  
111 quality of life for residents on Victoria will be adversely affected, listed  
112 parking problems caused by a nearby church and school and car was.  
113 Gail Rogers, 33 Park Avenue, spoke in support of her friend, a resident on  
114 Victoria, referred to statements made by Bill Rosendahl regarding the  
115 Venice parking problem. Ms. Rogers stated that the project does not fit  
116 the neighborhood and should not be approved. Joyce Rodin, 906 Victoria,  
117 repeated concerns voiced by other residents and objected specifically to  
118 the proposed hours of operation. Don Bransen, 934 Victoria, stated that  
119 the Negative Declaration of the project's EIR is erroneous and discussed  
120 the zoning. Mr. Bransen stated that the residence should be converted to  
121 parking. Laura Silagi, 1072 Palms, stated that the signage appears out of  
122 character with the neighborhood and that there is no pedestrian access to  
123 Lincoln. Ms. Silagi referred to potential problems with valet parking,  
124 employee parking and traffic generated by take-out food service, and  
125 agreed with concerns voiced earlier. Ruth San Pietro, 934 Victoria, stated  
126 her intent to protect the quality of life on Victoria Avenue and that her work  
127 and will be adversely affected by noise generated by outdoor dining.  
128 Suzanne Frick, 905 Victoria Avenue, reiterated objections voiced earlier,  
129 stated that the neighbors will accept a development for two restaurants,  
130 one that serves beer and wine, and provided a list of conditions  
131 acceptable to the neighbors. Karen Wolfe, 2612 Naples Avenue, referred

132 to her husband's experience as a restaurateur, stated that clean-up of  
133 larger utensils will take place outside and that parking is inadequate, and  
134 objected to the conversion of housing to commercial use. Tom Perris, 911  
135 Amoroso Place, stated that the proposed development is out of character  
136 for the neighborhood, voiced concern about the sale of alcohol and  
137 referred to a precedent that will be set by granting of a variance. Don  
138 Geagan, 945 Venezia, referred to traffic and parking, and stated that the  
139 neighbors should have been consulted prior to an application being made.  
140 David Ewing, 1234 Preston Way, commented on the Venice area parking  
141 and traffic problems and stated that a more creative approach should be  
142 sought.

143 Maury Ruano stated that inadequate communication occurred between  
144 the developer and the community, referred to the parking problem and  
145 proposed hours of operation. Jed Pauker stated that a resident, not the  
146 developer, informed him of plans for 25 employees for the four proposed  
147 establishments. Mr. Pauker suggested that a return presentation should  
148 be conforming more to what is acceptable to the neighbors. Lainie  
149 Herrera stated that she would reject the house conversion, hours of  
150 operation extended to 2am, and provision for parking. Jim Murez stated  
151 that, from a legal standpoint, what the developer is entitled to by right must  
152 be considered and that the information provided by the City is inaccurate.  
153 Mr. Murez stated that a decision could not be made without accurate

154 information. Sylviane Dungan referred to comments made by  
155 stakeholders noting that two restaurants on the subject location would be  
156 acceptable and concurred with Ms. Herrera that a patio fronting onto  
157 Lincoln is acceptable. Arnold Springer referred to Councilman  
158 Rosendahl's position on parking and discussed how commercial interests  
159 should be represented to the community. Stewart Oscars concurred, and  
160 reminded stakeholders that membership on the Land Use and Planning  
161 Committee.

162 **Ruthie Seroussi moved to recommend that the Venice Neighborhood**  
163 **Council deny the project and to strongly encourage the applicant to meet**  
164 **with the neighborhood to achieve a compromise design regarding this**  
165 **project within a reasonable amount of time; seconded by ....**

166 Patrick Panzarello stated that he would request that the hearing decision  
167 be postponed until a compromise can be reached. Challis Macpherson  
168 Arnold Springer clarified that a LUPC member will be present at the  
169 hearing on November 8, 2007 to relay to the hearing officer the LUPC  
170 Committee's recommendation to the Venice Neighborhood Council Board.  
171 There was discussion about how much time should be specified to  
172 achieve a compromise. Ms. Macpherson stated that the list of conditions  
173 supplied by the neighbors would be provided to the developer.

174 **VOTE: 9 in favor; 0 opposed; 1 abstention.**

175 B. Venice Beach Wines, 529 East Rose Avenue  
176



177            Stewart Oscars summarized Oscar Hermosillo's plans to add wine tasting  
178            and a delicatessen to his current "off-sale" operation, noting a 277 square  
179            foot area, with proposed hours of operation from 7am to 10pm Sunday to  
180            Thursday, 7 am to 11pm Friday and Saturday, listed arguments for and  
181            against the proposed changes, noted thirteen (13) letters of support from  
182            the neighbors, and suggested that the LUPC recommend approval of the  
183            proposed changes. Oscar Hermosillo discussed his one-year ownership  
184            of the business, changes made to the business from the way it was  
185            formerly operated, and clarified the hours of operation. Responding to the  
186            question raised by Jim Murez, Mr. Hermosillo stated that sale of alcohol  
187            will not take place until 11am. Mr. Hermosillo stated that he could not  
188            afford at this time to pay into the Venice parking fund. Jed Pauker  
189            recommended that the conditions supplied by Stewart Oscars be modified  
190            to specify the sale of alcohol until 11am; Mr. Hermosillo requested that the  
191            condition specify no sale of open bottles of alcohol.

192            Gail Rogers, Colette Bailey and Bruce Birch spoke in favor of the  
193            proposed changes. Mr. Hermosillo stated that he made arrangements to  
194            acquire bike racks to encourage bicycle use by his customers. David  
195            Ewing discussed the concept of grandfathered parking allowances and  
196            stated a need to achieve an enforceable policy. Challis Macpherson  
197            commented that a group will be set up to specifically address parking in  
198            Venice. Robert Aronson stated that the Council office appears to expect

199 the Neighborhood Council to find a solution. Sylviane Dungan  
200 commented on the City's discussion of parking solutions.  
201 **Stewart Oscars moved to recommend that the Venice Neighborhood**  
202 **Council approve the application of Oscar Hermosillo, subject to 16**  
203 **conditions provided in the Staff Report, with the amendment that condition**  
204 **#5 be altered to state: "prohibit the on-site consumption of alcohol prior to**  
205 **11 Am.>"; seconded by Sylviane Dungan.**

206 Oscar Hermosillo asked that he be allowed to sell hand-rolled cigars. The  
207 conditions provided are silent on the issue of cigars; cigarette sales are  
208 addressed, not cigars.

209 Arnold Springer objected to the precedent being set. Ruthie Seroussi  
210 suggested adding a provision to prevent the store from being converted to  
211 restaurant use without returning to LUPC, requiring the proprietor to  
212 convert the storage area to use for parking, and limit the number of people  
213 for wine tasting. Jim Murez discussed nearby residential use with  
214 reference to available parking, mentioned the impact of BIZ parking with  
215 reference to nearby development that is underway, and objected to a \$5  
216 price point. Jed Pauker stated that a condition be included that required  
217 applicants return for review to LUPC within one year, or on a regular  
218 basis. At Challis Macpherson's request, Patrick Panzarello discussed the  
219 Plan Approval Determination (PAD); Ruthie Seroussi stated that such a  
220 condition was already included. Mr. Murez stated that the proprietor

221 should be required to return the parking spaces and possibly make  
222 improvements to the streetscape on Rose. Oscar Herмосillo stated that  
223 the owner of the property will have to be consulted, that the rear area was  
224 fenced in as a safety issue and that he has lessened the square footage of  
225 service area. There was discussion about the appropriate category under  
226 which the proposed operation falls as defined by the Venice Coastal Zone  
227 Specific. Stewart Oscars referred to a determination made by Christine  
228 Mahfouz.

229 **Jim Murez moved to require that the space at the rear of the property be**  
230 **returned to two parking spaces; seconded by Arnold Springer.**

231 Discussion that followed touched upon the appropriateness of this  
232 amendment.

233 **VOTE: 2 in favor; 5 opposed; ... The motion did not pass.**

234 **Jed Pauker moved to add a condition that the applicant be required to**  
235 **return LUPC for the approval review to assure compliance during the first**  
236 **year of operation; seconded by Jim Murez.**

237 Patrick Panzarello stated that the Plan Approval Determination is a City  
238 requirement and suggested that the applicant be required to return to  
239 LUPC.

240 The motion was amended by Lainie Herrera; Jed Pauker and Jim Murez  
241 agreed to the amendment.

242 **Jed Pauker moved to add a condition that the applicant shall apply for a**  
243 **Plan Approval Determination in one year of his determination and reappear**  
244 **before the LUPC.**

245 **VOTE: 9 in favor; 0 against; 1 abstention.**

246 Jim Murez asked if the applicant could be required to add trees to the  
247 streetscape.

248 **VOTE (on the motion as amended): 7 in favor; 2 opposed; 1 abstention.**

249 C. 313-315 East Venice Way

250  
251 Maury Ruano summarized the details of the proposed development, which  
252 is intended to provide two lots totaling 4269 square feet, which could allow  
253 3 units in a subdivision or a total of 4 multiple dwelling units. The  
254 applicant is requesting a variance to allow a 3 foot side setback. There is  
255 a provision for lot sizes less than 50 feet in the Los Angeles Municipal  
256 Code that would allow for 3 feet side setback; Mr. Ruano noted that the  
257 chimney of the proposed development is over the height limitation. Juan  
258 Garcia, representing the owner, Mr. Saporiti, cited reasons for the request  
259 and noted a precedent has been set with regard to appropriate living  
260 space. Mr. Garcia stated that the over-height chimney is an error that will  
261 be corrected, that the project otherwise is in conformance with the Venice  
262 Coastal Zone Specific plan and that the finished building will contribute to  
263 the health and beauty of the street.

264 Maury Ruano suggested that the side yard setback requested be  
265 increased to 3 feet, 9 inches; Juan Garcia stated that other factors are  
266 applicable and that the adjustment being request is a modest one.

267 D. 1305 Abbot Kinney Blvd. Applicant requesting CUB and project permit for  
268 restaurant with service area 700 sq feet, and 7 on-site parking spaces, 7  
269 parking space credits.

270 Item 5D:

271 LUPC Staff for this issue: Challis Macpherson

272 **Item 5E:** That LUPC recommend to the VNC Board of Officers that they may not  
273 rehear a

274 project/issue unless there is substantial new information to be presented which  
275 might alter the VNC

276 Board's decision.

## 277 **6. Public Comment**

### 278 7. ADMINISTRATIVE:

279 That LUPC add the following Standing Rule to LUPC Policies and Procedures:

280 Once the VNC Board has ruled on a LUPC case, LUPC may not rehear the case

281 unless there is substantial new information to be presented which might alter the

282 Board's decision. The issue of whether a request to rehear contains substantial

283 new information (i.e. changes to approved plans, ZA or APC decisions, change

284 of ownership, new variances, etc) shall be decided by LUPC's agenda

- 285 building committee. LUPC Policies and Procedures document on VNC web site,
- 286 LUPC Task Force reports
- 287 LUPC Chair report on VNC Board of Officers actions relative to LUPC
- 288 recommendations.
- 289 Staff Assignments: Reference CNC Reports
- 290 8. ADJOURN
- 291