



Venice Neighborhood Council
Post Office Box 550
Venice, California 90294
310-606-2015



Land Use and Planning Committee
Report to VNC Board of Officers
December 16, 2008

Case Number: **APCW 2008-295** CUB CDP PPC

Project Address: **WITZEND LLC**
1711 – 1717 South Lincoln Boulevard
Northwest corner of Lincoln and Superba

Legal Description: Lot 32, Tract 2736

Zone: [Q]C2-1-CDO.
Zi-2390 Lincoln Boulevard Community Design Overlay

Venice Subarea: Milwood section - Oakwood-Milwood-Southeast Venice subarea

Size of Parcel: 3,347.7 square feet

Size of Project: 2,532 square feet, four parcels, (Applicant previously restored existing building)

Type of Project: Single restaurant, with full alcohol sales (originally proposed as two restaurants; scaled down to one). Of total project area, 670 square feet is to be Service Floor area.

Prior (retail) use required parking: 1 space per 225 sf of total floor area: 11 spaces
New use required parking: * 1 space per 50 sf of service floor area: 13 spaces
* Grandfather parking request: 11 spaces
Net required parking: 2 spaces
Parking available: 0 spaces.

Alternates to Street Parking: Applicant seeks to provide an agreement for 2 offsite parking spaces; applicant intends to install a bicycle rack for up to 10 bicycles.

Permit Application Date: January 25, 2008

Date of Planning Report: TBA
Date of End of Appeal Period: TBA

Applicant: Gerald (Jeb) Milne

VNC Land Use and Planning Committee
WITZEND, 1711-1717 S. Lincoln Blvd.
Staff Report
December 16, 2008

Address: 959 Superba Avenue, Venice, CA 90291

Representative: Annette Vait, 810 Superba Avenue, Venice, CA 90291
Contact Information: Annette_vait@Yahoo.com

Date(s) heard by LUPC: October 22, 2008
November 12, 2008
December 10, 2008

Zoning Adm. Date: October 31, 2008, ZA Hearing Officer: Lynda Smith
213.978.1170

**WLA Area Planning
Commission Date:** December 17, 2008

LUPC MOTION

Motion that the VNC Board of Officers accept LUPC's Staff Report regarding 1711-1717 S. Lincoln Blvd and recommends that the VNC Board recommend approval of the project as conditioned.

Vote: Affirmative, 7-0-0

[cf. **Recommended Conditions of Approval**, pp. 6-7]

STAFF REPORT

[Original Project Description, According to Permit Application Filed January 25, 2008]

Change of use from retail to two restaurants totaling 2,532 square feet with seating for 103 patrons and zero parking spaces. Both restaurants propose to provide a full line of alcoholic beverages with hours of operation from 10:00 am to 10:00 pm. Sunday through Thursday, and 10:00 am to 12:00 am Saturday and Sunday. Applicant requests relief from VCZSP to permit zero parking spaces in lieu of minimum of eight parking spaces required.]

Project Description as presented at Zoning Administration Hearing October 31, 2008

Change of use from retail to single restaurant, totaling 2,532 square feet, with seating for 45 patrons and zero parking spaces. Restaurant proposes to provide a full line of alcoholic beverages with hours of operation from 10:00am to 10:00pm Sunday through Thursday, and 10:00am to Midnight on Saturday and Sunday. Applicant requests an Exception from VCZSP parking requirements, to permit zero parking spaces, while providing two leased parking spaces within a 750-foot radius of the project. Applicant to show signed leases with Lincoln Fabrics for two parking spaces at Lincoln Fabrics. Applicant also requests a Conditional Use permit to provide a full line of alcoholic beverages during the above-referenced hours, and permission for piano entertainment.

Venice Coastal Zone Specific Plan Sections governing this site and application:

Section 10. Land Use and Development Regulations, Pages 18 and 19:

- G.1: **Land Use Limitation.** For lots designated Community Commercial in the Coastal Land Use Plan..., no second floor retail use is permitted.
- G.2.b: **Density.** No residential Venice Coastal Development Project on a commercially-zoned lot shall exceed a density of that allowed in the R3 zone.
- G.3.a: **Height.** Venice Coastal Development Projects with a Flat Roof shall not exceed a maximum height of 25 feet...
- G.4: **Access.**
 - a. Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleyways, unless the Department of Transportation determines that it is not feasible.
 - b. Vehicular access to Venice Coastal Development Projects located next to Walk Streets shall be provided from streets or alleys other than Walk Streets.

Section 13. Parking, Pages 24-27

C.: **Existing Developments.** A Change of Use that results in a Change in Intensity of Use shall be required to comply with the parking standards set forth in Subsections D and E as if it were a new project or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for any deficiency created due to the change of use.

D.: **Parking Requirement Table.** Restaurant, Night Club, Bar and similar establishments and for the sale or consumption of food and beverages on the Premises: One [parking] space for each 50 square feet of Service Floor area (including outdoor service areas).

Of the project's total 2,532 square-foot area, the applicant states that 670 square feet comprise the Service Floor area. Per VCZSP Section 13D (above), this Service Floor area requires 13 parking spaces. The applicant states that the proposed restaurant is requesting "grandfather" exclusion, per prior use, for 11 parking spaces. Therefore, the applicant's Venice Coastal Zone Specific Plan Exception request is for relief from the requirement to provide the remaining 2 parking spaces.

Project materials are posted for your reference at:

[1711-1717 S. Lincoln](http://venicenc.org/Projects#1711%20S.%20Lincoln) (<http://venicenc.org/Projects#1711%20S.%20Lincoln>)

and at:

[1711-1711 S. Lincoln](http://venicenc.org/node/1120) (<http://venicenc.org/node/1120>)

Summary of Arguments Against this Project:

Inadequate parking for the project will negatively affect the neighborhood.

Approving a project with non-existent parking sets a negative precedent for future requests.

Legal viability of "grandfather" parking conflicts with reality: Patrons who drive to the establishment will worsen the area's existing parking problem.

Without an established parking plan for a congested area, approving any project that increases congestion is detrimental to the community.

Summary of Arguments For this Project:

The bicycle rack will encourage non-automotive patronage.

Lack of parking may encourage walking for local residents.

Increased walking may encourage adjacent walk street residents to provide adequate nighttime lighting.

The applicant's acknowledged history of improving his surroundings will set an example for future such developments.

Success of the project will bring a welcome and high-value experience to both the Lincoln Corridor and the neighborhood.

Summary of Public Comment:

Neighbors and community advocates uniformly praised the applicant for cleaning and beautifying his property and its immediate area, and for setting a positive example in a previously-blighted area. While the applicant's project concept was welcomed, concerns were expressed that the project would increase current parking congestion, and that it would exacerbate future congestion as Lincoln Corridor is redeveloped.

The local neighborhood association supports the applicant and welcomes the project, conditional on resolving the parking issue. One resident expressed concern about the existing signage, particularly in relation to the Lincoln Corridor CDO. Another welcomed the project, and expressed a hope that the community would encourage this type of business in the area, regardless of parking. A third argued that the increased intensity of use required full parking compliance, regardless of grandfather parking. Concern expressed about the frightening darkness of adjacent walk streets was met with at least one response that increased walking would motivate residents to improve frontage lighting. Suggestions were offered regarding establishment of a business development district to provide sufficient parking, as well as recent parking-specific mitigation efforts in Culver City and elsewhere.

Public consensus was that existing parking regulations, including allowance for parking where none exists, will combine with a lack of forward-looking planning to produce a congestion crisis.

Summary of LUPC Findings:

The project has been scaled down from two restaurants to one restaurant. The Service Floor area requires thirteen parking spaces, for eleven of which a per-prior-use grandfather exclusion request has been made. The Specific Plan Exception request is for zero parking spaces in lieu of two spaces. The Conditional Use Permit request is to serve a full line of alcohol during business hours. The applicant obtained a written contract to provide two nearby, offsite parking spaces, and intends to install a bicycle rack to encourage non-automotive patronage. Per the VCZSP, the applicant may seek to contribute an in-lieu fee for the unavailable parking spaces. One Alcoholic Establishment (1711 S. Lincoln) and one Sensitive Use (a Methodist church) exist within a 1000' radius. The project is conditioned to mitigate potential conflicts regarding supply delivery, noise disturbance, trash storage and removal, stormwater pollution, etc. (cf. **Recommended Conditions of Approval**, pp. 6-7). The immediate neighborhood, represented at LUPC hearings and at the 10/16/8 Neighborhood Meeting (cf. p. 8), expresses willingness to face the project's various challenges, subject to resolution of the parking issue. Approval of this project's proposed intensity of use will affect subsequent project requests in the Lincoln corridor.

Please see the posted project materials, at [http://venicenc.org/Projects#1711 S. Lincoln](http://venicenc.org/Projects#1711%20S.%20Lincoln), and at <http://venicenc.org/node/1120>.

RECOMMENDED CONDITIONS OF APPROVAL

Applicant-volunteered conditions

CUB conditions:

- (1) No branded alcohol advertisements shall be visible from the outside of the premises.
- (2) There shall be no coin-operated games, video machines, pool tables or similar game activities maintained upon the premises at any time.
- (3) Hours of operation shall be 10am-10pm Sunday through Thursday, and 10am-12 midnight Friday and Saturday, with hours of alcohol sales being the same.
- (4) Any future operator or owner for this site must file a new Plan Approval Application to allow the City of Los Angeles to review the "mode and character" of the usage.
- (5) The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- (6) The applicant shall train staff to provide Designated Driver resources, when appropriate, for restaurant patrons, such as taxicabs, referral services (e.g., www.designateddriver.com).
- (7) In addition to the business name or entity, the name of the individual Applicant(s) shall appear on the alcohol license and any related permits.

General conditions:

- 1) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of being applied, and the paint shall match the original color.
- 2) The Applicant shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.
- 3) Noise generated on-site shall not exceed the decibel levels stated in the Citywide Noise Ordinance.
- 4) The use and development of the property shall be in substantial conformance with the floor plan submitted.
- 5) No tobacco sales allowed on the premises.
- 6) The Applicant shall adhere to Best Management Practices as they pertain to the location.

- 7) To encourage a walk-friendly environment, the applicant intends to install bicycle racks to accommodate at least ten bicycles.
- (8) Exterior lighting on the building shall be maintained and provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible. Said lighting shall be directed in such a manner so as not to illuminate any nearby residence.
- (9) The Applicant shall regularly police the area under their control in an effort to prevent loitering.

LUPC conditions

- 1) The entitlement will run with the applicant, not the property.
- 2) Existing trash receptacles will be replaced with receptacles designed to contain odors.
- 2a) Cleanup and all trash removal will be performed in such a manner as to prevent debris from entering the storm drain system, and will not interfere in any way with surrounding uses.
- 3) No exterior work-related activity will occur either before opening or over one hour after closing.
- 4) Offsite advertising signage will be prohibited.
- 5) Trash pickup will occur between the hours of 8am and 6pm on weekdays as necessary.
- 6) Loading and unloading hours will be arranged to avoid conflict with surrounding uses, and will no case occur after 4pm.
- 7) The storage/changing room will be clearly marked as such on plans submitted to the City, and will not be used as service area.
- 8) The applicant will appear before LUPC twelve months after opening.
- 9) Upon change or termination of any lease regarding satisfaction of the Conditions of Approval, the applicant will notify the Department of Planning and the Venice Neighborhood Council, and will comply within thirty days.
- 10) Upon change of ownership, the new owner must appear before the City within 30 days of the close of escrow, with a plan approval application to renew the conditions and demonstrate that the required parking can be provided.
- 11) The applicant must obtain approval for all outside signage, or must remove nonconforming signage.

Procedural Background/Neighborhood Meeting: On **1/25/8**, the applicant submitted the Master Land Use Permit Application to the City Planning Department. On **3/2/8**, LUPC Administrative Liaison Karolina Mouingo reached the applicant's representative, Annette Vait, who was travelling, with plans to follow up on return. The project was assigned to LUPC member Dennis Hathaway, who contacted the representative in **May**, detailing the process, tasks and Neighborhood Notification Policy (NNP). Since the representative lacked email, Mr. Hathaway mailed the pertinent documents to her. In **July**, after a vacation, Mr. Hathaway again contacted the representative, and was told that she could not locate the documents, but now had an e-mail address. Mr. Hathaway thereupon emailed the documents and explained again what she needed to do. Subsequently, Mr. Hathaway contacted the representative multiple times, offering to help with the process. In late **August**, he contacted her again, and learned from her that the ZA hearing would probably occur in November. He noted that LUPC would therefore schedule an early October meeting, and asked that she submit the materials and obtain neighborhood input before then. He also asked the LUPC Chair to schedule the LUPC hearing. Upon resignation from LUPC to pursue a full-time project, Mr. Hathaway had still not heard from the representative. He thereupon provided her with contact information for the LUPC Chair.

On **9/28/8**, on or about the time when the ZA Hearing Notice was distributed, the representative contacted the LUPC Chair. They confirmed the upcoming 10/22/8 LUPC hearing date, and the LUPC Chair emailed materials to the representative, emphasizing the timeline urgency of the neighborhood meeting. On **10/5/8**, LUPC member Jed Pauker offered to help with the meeting, providing a list of neighborhood group contacts and detailing a list of review materials. The representative requested another copy of the Neighborhood Notification documents, which LUPC member Robert Aronson provided. Sue Kaplan, leader of the Venice Walk Streets Neighborhood Association (VWSNA), contacted the applicant, offering to host the project's neighbor meeting at an upcoming regular meeting of the VWSNA. On **10/11/8**, Mr. Pauker emailed the representative a full list of project documents for proposed LUPC review, including sample lists of proposed conditions, explaining that these lists could help the applicant develop his own list of conditions.

On **10/16/8**, the VWSNA held its regular meeting, including this project as the final agenda item. The applicant presented the project as amended (scaled-down to its current form), and a discussion followed. Attendee consensus was generally in support of the project, with a concern about parking. One neighbor disapproved of any increase in parking density, because street parking is very tight (Superba & Lincoln). One attendee noted that the project could still be approved without an exception (if offsite parking for two cars can be provided), and that the community must consider the balance between loss of parking and loss of a character-supporting enterprise. The applicant states that parking on Lincoln Blvd is quite ample during the day, and more so at night, and that he is currently exploring all parking options. The group's consensus was to support the project pending resolution of the parking issue.

LUPC/Applicant Preliminary Communication History:

March 2, 2008: Initial LUPC contact by Karolina Mouingo, then-LUPC Administrative Liaison:

“I spoke to her (Annette Vait) as she was boarding on a plane, hence she couldn’t talk for long. She is coming back to LA on 03/16/08 and would like to appear before LUPC on 04/02/08. I will call her again to get more information, when she returns from her trip.”

On 9/28/8, Dennis responded to an email from LUPC member Jed Pauker, who had asked about the status of the case. Dennis reports as follows:

”I first contacted the applicant last May, told her what she needed to do regarding documents, holding a neighborhood meeting, etc. She said she didn't have e-mail so I copied the LUPC forms and mailed them to her. I contacted her again in July after I got back from vacation and she hadn't done anything and said she couldn't find the documents I sent her. However, she said she had a working e-mail so I e-mailed the forms to her, along with the neighborhood notification policy. I explained what she needed to do before the LUPC hearing, regarding holding a neighborhood meeting, etc. I spoke to her a couple of times subsequent to that to urge her to get these things done, telling her to call if she had any questions, offering help with setting up a neighborhood meeting, etc. The last I spoke, in late August, she said the planner told her the project would probably be heard in November. She still hadn't done anything about submitting forms or organizing a neighborhood meeting, so I told her we'd schedule her for LUPC the first meeting in October, and to get everything done before that. I asked Challis to put that on the agenda, which I assume she did.

”I haven't heard from Ms. Vait since, although after I resigned from LUPC, I sent Challis (LUPC Chair) her phone# and e-mail, and vice-versa. If she's confused, I don't know why, because I don't know how I could have explained more plainly what she needed to do. (and more than once)”

”I also talked with Michael Stenger, the VNC neighborhood committee rep for the east side of Lincoln, because I think these commercial developments on Lincoln Blvd., even on west side, will potentially impact the neighborhoods on the east side. The basically active neighborhood associations there are the Penmar Neighborhood Association and the Ven-Mar Neighborhood Association. Michael will have contacts.”

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DOCUMENTS ON FILE:

LUPC Initial Input Dated March 2, 2008
ZIMAS Parcel History
Plot Plan
Parcel Map and Legal Description
Photographs – Lincoln and Superba Views
Community Planning Bureau Authorization Form
Exception from Geographically Specific Plan as Prescribed by the City Planning
Commission
Conditional Use Permit
Coastal Development Permit
Adjacent Owners List
Occupants' List
Ownership List
Environmental Assessment Form
Master Land Use Permit Application
Notice of Public Hearing – ZA Hearing October 31, 2008
2008 Building Department statement regarding no verifiable 1972 use
1978 Certificate of Occupancy for change of use from restaurant to retail
1973 Building Permit to add pinball machines to existing beer tavern
1969 Grant Deed for property transfer to prior owner
1955 Building Permit to correct parapet
Building Department list of Building Permits and Certificates of Occupancy to 1931

Documents may be viewed online, at:

[http://venicenc.org/Projects#1711 S. Lincoln](http://venicenc.org/Projects#1711%20S.%20Lincoln), and at <http://venicenc.org/node/1120>.

Author of Report: Jed Pauker

Date: December 11, 2007

Approximate Hours Spent on this Project by LUPC Staff: 44