

Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



Land Use and Planning Committee MINUTES (April 4, 2007)



1 **1. CALL TO ORDER AND ROLL CALL**

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3 Challis Macpherson called the meeting to order at 6:45 pm. A quorum was

4 established. Ms. Macpherson called the roll—Committee members present:

5 Challis Macpherson, Jim Murez, Susan Papadakis, Ruthie Seroussi, Arnold

6 Springer and Phil Raider. Robert Aronson arrived later, as did Sylviane

7 Dungan and Jed Pauker.

8 Phil Raider moved to approve the Agenda; seconded by Susan Papadakis.

9 Vote: Unanimous in favor.

10 **2. APPROVAL OF MARCH 28, 2007**

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12 Approval of the Minutes of the March 28, 2007 meeting was postponed.

13 **3. ANNOUNCEMENTS**

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15 Jacomo Maltsby announced that as of the current date, a non-permitted wall

16 at 10 Washington Boulevard has not been removed from the public right-of-

17 way, despite action being taken by the Department of Public Works. Mr.

18 Maltsby indicated that a permit has been requested.

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4. PUBLIC COMMENT

Jacomo Maltsby voiced concern about VNC support of the Venice business that he considers to be a public nuisance. Sylviane Dungan provided her perspective on the situation, as did Yolanda Gonzalez.

5. NEW BUSINESS

- a. Case # ZA 2006-8990 CUB, #ENV 2006-8991 EAF; Applicant, Joe's Liquors, is asking for Environmental Assessment (EAF) and Conditional Use Beverage (CUB) for off-site sale of full line of alcoholic beverages. There have been several meetings between applicant, neighbors and the local Alcohol Beverage Control (ABC) people.

Challis Macpherson asked if there were ex parte communications concerning Joe's Liquor. Jed Pauker summarized the circumstances regarding this case, reporting that the business has been required to move from its present location two blocks north and that the new site is governed by the Venice Specific Plan, is located in the Venice Coastal Zone and is governed by a change in intensity of use. Mr. Pauker introduced Patrick Ponzarello, who represented Joe's Liquor. Mr. Ponzarello compared the current and proposed operation of the business, and noted that a new entitlement is being requested that will require periodic conditional review, changes in delivery methods, restricted access to the on-site parking lot, enhanced security. Mr. Ponzarello stated that the business's hours of operation will not change and that the

1 business owners have been proven to be responsible in their nine-year
2 tenure.

3 In response to Arnold Springer's question, Patrick Panzarella stated that
4 the owner of the building in which the business is currently operating
5 would have to apply for a Conditional Use Permit if there was interest in
6 establishing a new business. Responding to Phil Raider's questions, Mr.
7 Panzarella stated his plan to volunteer a one-year automatic review at the
8 upcoming public hearing, that it is usual for the review to be required at a
9 five-year (or more) interval, and provided more detail on plans to limit
10 delivery hours. There was discussion regarding access to the rear parking
11 lot. Jed Pauker stated that the Zoning Administrator's office had promised
12 to provide staff findings that had not been made available prior to the
13 meeting. Mr. Pauker discussed findings obtained verbally from the Zoning
14 Administrator, asked for clarification of provisions for parking and on-site
15 security services, and requested information from Khaled Hossan
16 regarding changes in ownership of the liquor license for Joe's Liquors.
17 According to Mr. Pauker, Mr. Hossan stated in public that his only
18 business was Joe's Liquors, however Mr. Hossan stated that his wife,
19 brother-in-law, and cousin own several liquor stores. Mr. Hossan, at Mr.
20 Pauker's prompting, discussed plans to ensure that the parking lot will be
21 closed off for public parking at nightfall and for redecoration.

1 Arnold Springer asked Jed Pauker if there were any management
2 problems; Mr. Pauker referred to a disciplinary action within the last year
3 for Joe's Liquor and referred to actions taken regarding the liquor licenses
4 held by Khaled Hossan's family members. Phil Raider asked if any
5 notable LAPD action had taken place; Mr. Pauker stated there were none.
6 Responding to Mr. Pauker's question, Mr. Hossan discussed provisions
7 for close-circuit television surveillance in the parking lot. Patrick
8 Panzarello noted information provided concerning parking and security
9 and reiterated plans for both.

10 Donna Langston spoke in favor of the liquor license application.

11 At Jeb Milne's request, Challis Macpherson provided an explanation of the
12 function of Venice Neighborhood Council and LUPC. Mr. Milne went on to
13 list conditions: lights on after dark in the alleyway, not motion sensed,
14 and an 11 pm closing time both daily and weekend.

15 Chris Mulkey spoke in favor of Joe's Liquor liquor license application.

16 Sue Kaplan ceded her time to Ursula Collison. Ms. Collison read a list of
17 conditions: full time security guard that monitors Lincoln Boulevard in front
18 of the store, the walk street, and the alleys both Nowita Court and Rialto
19 Court, no parking for liquor store patrons in the lot behind the store or in
20 the alley with signs that say Will Tow and No Loitering with the respective
21 Municipal Codes posted, agreement that the parking lot gate will be closed
22 and locked after the other tenants who share the lot depart for the day, a

1 streaming video camera installed that shows any activity in the alley, a
2 prohibition on selling single cans less than 25 ounces, a prohibition on
3 selling airline shot bottles, a prohibition on selling large high alcohol
4 content malt beverage bottles or cans, and an agreement not to transfer or
5 trade the license or any portion of it from his ownership at the new
6 location. Jim Murez asked if Ms. Collison had provided this list to Mr.
7 Hossan prior to today's meeting; Ms. Collison stated that she had. Mr.
8 Murez explained the concept of streaming video to Ms. Collison, who
9 stated that she found the video camera set up mentioned by Mr. Hossan
10 acceptable.

11 Sue Kaplan spoke in favor of the liquor license application, and noted
12 Khaled Hossan's cooperation with the community.

13 Sylviane Dungan stated her belief that the community was amenable to
14 the liquor license application for Joe's Liquor. Robert Aronson stated that
15 a problem exists regarding available parking. Mr. Aronson referred to the
16 sale of adult material at the store and discussed signage. Challis
17 Macpherson stated that another tenant told her that their trucks are parked
18 in the rear of the property at night. Ms. Macpherson commended the
19 three outreach meetings held by Joe's and lamented the fact that there
20 was no parking. Jed Pauker voiced concern that a precedent could be set
21 regarding parking, and asked Patrick Panzarello for clarification regarding
22 signage. Khaled Hossan stated that there will be no window signs. Jim

1 Murez commented that an existing tree could be improperly trimmed to
2 allow the business's sign to be visible, stated that advertised sale of
3 miniatures or individual cans and bottles encourages unacceptable alcohol
4 consumption, discussed change that would allow additional parking but
5 noted that parking is an issue. Phil Raider listed the items he felt
6 comfortable with (and those he did not), as did Susan Papadakis. Arnold
7 Springer stated that if the building was constructed in the 1920s there is
8 no case for parking. Jim Murez provided a list of 25 liquor stores in a one-
9 mile radius of the proposed location. Jed Pauker provided a visual
10 presentation of property in close proximity to the proposed location.

11 **Arnold Springer moved to approve this project with the conditions**
12 **discussed: four (4) security cameras, parking as per applicant, tree to be**
13 **protected from the signage, back before LUPC in one year for a review,**
14 **lighting on rear parking focused on Lincoln so the neighbors are not**
15 **affected by the light, lights in the alley, a security guard from 7pm to 12 am**
16 **to supervise the walk streets, cost to be shared by walk street association**
17 **and the owners at Joe's.**

18 Challis Macpherson asked about the sale of minis; Phil Raider suggested
19 adding 11 pm closing, no single sales of beer under 25 ounces and no
20 signage in windows. There was no consensus on a condition regarding
21 minis. Ruthie Seroussi suggested adding a condition regarding the gate
22 being locked after dark and parking restricted to employees and tenants

1 only in the parking log (no patrons). Ms. Seroussi did not agree with a
2 restriction on the hours of operation. Ms. Macpherson asked about the
3 7am opening time. Khaled Hossan objected to a restriction. Robert
4 Aronson reiterated that there are not four parking spaces available and
5 that it is unreasonable to require that the business have four spaces. Ms.
6 Macpherson stated that the applicant is not required to have parking
7 spaces. There was discussion about the number of parking spaces to be
8 recommended for approval by the Venice Neighborhood Council. Susan
9 Papadakis asked Mr. Springer to restate his motion.

10 **Arnold Springer moved to approve this project with the conditions**
11 **discussed: four (4) security cameras, parking as per application, the gate**
12 **to be closed at dusk, parking restricted to employees, tree to be protected**
13 **from the signage, back before LUPC in one year for a review, lighting on**
14 **rear parking focused on Lincoln so the neighbors are not affected by the**
15 **light, no delivery in the alley, no signage in the windows, lights in the alley,**
16 **a security guard from 7pm to 12 am to supervise the walk streets, cost to**
17 **be shared by walk street association and the owners at Joe's; seconded by**
18 **Susan Papadakis.**

19 There was discussion about other items to be included—Jim Murez stated
20 that the motion should include a prohibition against the sale of single cans,
21 fortified wine and minis. At Sylviane Dungan's suggestion, Challis
22 Macpherson took a straw poll of stakeholders present, there was an

1 almost even split. After further discussion, the business operator was
2 asked to state his preference; Khaled Hossan stated that he would prefer
3 not to sell minis and fortified wines.

4 **Arnold Springer moved to approve this project with the conditions**
5 **discussed: four (4) security cameras, parking as per application, the gate**
6 **to be closed at dusk, parking restricted to employees subject to use of the**
7 **other tenants, no deliveries in the alleyways, no airline liquor or fortified**
8 **wines, “No Parking” signs in alleys, lighting on rear parking focused on**
9 **Lincoln so the neighbors are not affected by the light, no signage and no**
10 **advertising in the windows, back before LUPC in one year for a review, tree**
11 **to be protected from the signage; seconded by Susan Papadakis.**

12 **VOTE: 7 in favor; 2 against; no abstentions. The motion passed.**

13 **Jim Murez moved to restrict the sale of single cans under 25 ounces;**
14 **seconded by ...**

15 Phil Raider stated that restricting single sales of beer to the public will
16 alleviate problems in the neighborhood. Robert Aronson noted that the
17 applicant has support from the neighbors who trust him to do what is
18 proper. Sylviane Dungan asked if single cans of beer can be purchased
19 at 7-Eleven and was told that single cans can be purchased.

20 **VOTE: 2 in favor; 4 against; 1 abstention. The motion did not pass.**

21 **6. PUBLIC COMMENT**

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None noted.

1 **7. REPORT FROM LUPC CHAIR**

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4 **8. LUPC TASK FORCE REPORTS**

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6 a. Agenda Building

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8 Susan Papadakis and Challis Macpherson discussed how the Agenda
9 Building Task force handles information.

10 b. Policies and Procedures

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12 No report noted.

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14 c. Parking

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16 Robert Aronson stated that he had been out of town until recently, that a
17 report had been made at the previous LUPC meeting by Lainie Herrera
18 and Sylviane Dungan and that his understanding was that appeals were to
19 be discussed at today's meeting. Challis Macpherson provided an update
20 on a development project at 111 Eastwind. At Sylviane Dungan's request,
21 Jim Murez referred to provided an update on parking at Westminster
22 School and the Amuse Café. Mr. Murez referred to a proposed City
23 ordinance that would create a single valet entity to resolve parking for the
24 entire area, and that requests in the interim would be approved. Arnold
25 Springer provided additional background information and expressed
26 disappointment that the Coastal Zone's policy with regard to intensification
27 of use is not being applied. Mr. Springer referred to his attempts to
28 communicate with Councilman Bill Rosendahl on the issue of parking.
29 Robert Aronson asked for opinion from LUPC members regarding

1 commissioning a study on parking. Sylviane Dungan agreed that a
2 parking study by a consultant is a waste of money. Robert Aronson
3 reported that he is still waiting for responses or information from area
4 businesses and City agencies. Challis Macpherson provided an update
5 on a possible presentation by a representative of the Other Room.

6 Discussion of the remaining items was postponed.

- 7 d. Review of Venice Coastal Zone Specific Plan
- 8 e. Commercial Construction Moratorium, Lincoln Boulevard projects over
9 50,000 square feet
- 10 f. Information Management: Maintenance of LUPC section of VNC web
11 page
- 12 g. Fences and Hedges
- 13 h. In Lieu Parking Fees

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15 The meeting was adjourned by common consent.