

Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



Land Use and Planning Committee MINUTES April 25, 2007



1 **1. CALL TO ORDER – ROLL CALL**

2

3 Challis Macpherson called the meeting to order. Committee members

4 present: Challis Macpherson, Lainie Herrera, Jim Murez, Maury Ruano,

5 Ruthie Seroussi, Arnold Springer and Phil Raider. Sylvianne Dungan, Robert

6 Aronson and Jed Pauker arrived late.

7

8 **Approval of this agenda as presented**

9

10 **Maury Ruano moved to approve the Agenda; ... seconded by .**

11

12 **VOTE: Unanimous in favor. The motion passed**

13

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

15

16 **Maury Ruano moved to approve Minutes of the April 4, 2007 meeting;**

17 **seconded by Lainie Herrera.**

18 **VOTE: Unanimous in favor. The motion passed.**

19 **3. ANNOUNCEMENTS**

20

1 Sylvianne Dungan discussed a meeting she attended that was organized with
2 the help of the Department of Water and Power by the USGBC and recent
3 developments regarding “green” building.

4 **4. PUBLIC COMMENT**

5
6 None noted.

7
8 **5. NEW BUSINESS: DELIBERATION OF FOLLOWING PROJECTS:**

9
10 **A. 709 Fifth Avenue, Oakwood-Millwood-Southeast Venice subarea.**
11 Applicant: Mark Baez Represented by: Alan Block. Supporting documents
12 posted on VNC web site include but are not limited to: LUPC Project
13 Form; Master Land Use Permit Application (APCW-2006-9649-SPE) with
14 multiply signature pages evidencing the support of adjacent residents;
15 Application Findings In Support of Exception to Venice Specific Plan; Site
16 Plan; Elevation Plans; Wall Section Plans; Roof Plans; Previous Approval
17 (APCW-2002-5556-CDP-ZAA-SPE-MEL); and 1-photograph. Lot
18 dimensions 42' X 135', 5,670 square feet. Applicant seeks an after the
19 fact exception of the Venice Specific Plan to permit a 2-story, 3-unit
20 apartment building with a maximum height of 33.4 feet at it's highest peak
21 instead of 30 feet as permitted by the Venice Specific Plan as well as a
22 previous approval (APCW-2002-5556-CDPZAA-SPE-MEL). The
23 requested exception from the Venice Specific Plan to rectify an error in the
24 construction of the 3-unit apartment building which currently exists on the
25 subject property. Zoning Administration Hearing date: April 23, 2007,
26 WLA APC date: June 6, 2007.

27
28 **Section of the Venice Coastal Zone Specific Plan governing this**
29 **subarea:**

30 Section G, 2 Density, a, “Residential Zones, (2), “RD1.5 and RD2 Zones.
31 A maximum of two dwelling units per lot shall be permitted for all lots;
32 provided, however, that where a lot has a lot area in excess of 4,000
33 square feet, one additional dwelling unit shall be permitted for each 2
34 additional 1,500 square feet of lot area in the RD1.5 Zone, and one
35 additional dwelling unit shall be permitted for each additional 2,000 square
36 feet in the RD2 Zone, provided the additional
37 dwelling unit is a Replacement Affordable Unit.”

38 Section G, 3, Height, a, “Venice Coastal Development Projects with a Flat
39 Roof shall not exceed a maximum height of 25 feet. Venice Coastal
40 Development Projects with a Varied Roofline shall not exceed a maximum

1 height of 30 feet, provided that any portion of the roof that exceeds 25 feet
2 is set back from the required front yard at least one foot in depth for every
3 foot in height above 25 feet.”

4
5 Alan Block explained the reason for the developer’s request, which is
6 intended to correct an inadvertent error, and noted that the exception is
7 being requested because the strict application of the policies, standards
8 and regulation of the geographically specific plan to the subject property
9 would result in practical difficulties and unnecessary hardship inconsistent
10 with the general purpose and intent of such specific plan.

11
12 Ian Hurlock-Jones noted the “green” features of the subject development
13 and voiced support for the project.

14
15 Mark Baez read a statement explaining the reason for the request.

16
17 Donna Guidry voiced support of the project.

18
19 Marie Hammond spoke against the development.

20
21 Arnold Springer asked Alan Block if the project is occupied and to see the
22 project’s Coastal Development permit. Committee members questioned
23 several aspects of the project, including whether it was a remodel or an
24 addition, the project’s off-site assembly, the number of exceptions and
25 adjustments to the Venice Specific Plan approved, an existing certificate
26 of occupancy, how the survey that caused the error was accomplished
27 and whether a survey was required, the building’s dimensions, parking,
28 rooftop access, about rooftop equipment visible to street as well as
29 equipment on the street, green elements, Mello Act exemption. In answer
30 to Jed Pauker’s question, Mr. Block reiterated that it would cost
31 \$1,228,000 to rebuild the structure to conform and that two estimates had
32 been obtained. Challis Macpherson cited a recent precedent for approval
33 of the project and noted that Councilman Rosendahl backed the decision
34 to require the third unit to be affordable. Mark Baez stated that the project
35 was originally intended to be an apartment building. There was further
36 discussion of timing and rationale for the request.

1
2 **Jed Pauker moved to postpone a decision pending receipt of additional**
3 **required materials, to include two additional change order quotes, a cost**
4 **analysis of affordability, and the two surveys discussed; seconded by Phil**
5 **Raider.**

6
7 Arnold Springer noted a deadline of June 6, 2007 and suggested that the
8 motion made was not the appropriate one. Challis Macpherson stated
9 that the issue can be discussed at the May 3, 2007 LUPC meeting for
10 presentation to the Board. There was discussion about appropriate
11 action, timing and debate about benefit to the community.

12
13 **VOTE: 5 in favor; 4 opposed; 1 abstention. The motion passed.**

14
15 **B. 542-546 Broadway, Oakwood-Millwood-Southeast Venice subarea.**
16 **Applicant: Dogtown Dirt, LLC Represented by: Stephen Vitalich,**
17 **architect**

18
19 This project consists of 2 lots, which were illegally/informally joined by the
20 property owner in 1948 to build one single family unit and one detached
21 garage. The lots were not legally tied. In 1983 a new owner made it an
22 income property, and there are currently 4 units within the original SFD,
23 which do not have Certificates of Occupancy. When ownership changed in
24 June 2006 to Dogtown Dirt, LLC, code enforcement told them they needed
25 to revert the property to its original use since there were no Certificates of
26 Occupancy for the additional units. The Proposed Project would demolish
27 the existing unit, revert to the two lots rather than one, and build 2 units on
28 each lot for a total of 4 units on 2 lots. They have received Planning
29 approval for compliance with the Venice Coastal Zone Specific Plan, and
30 go before the Coastal Commission on April 15 for their Coastal
31 Development Permit. The applicants are requesting a zoning modification
32 of the required 10' building separation to 4". Site plans posted on VNC
33 web site.

34
35 Stephen Vitalich, representing Dogtown Dirt, discussed the proposed

36 development, reiterating the circumstances outlined above. Mr. Vitalich

1 noted that the current owners proposes demolishing the structure, filing a
2 termination of a covenant required by a request to convert the property to
3 a four-unit apartment building, and building two separate duplexes with
4 attached garages.

5 The Chair passed to Lainie Herrera

6 Jim Murez asked why the project was present for review. Stephen Vitalich
7 stated that the project conformed in every way with the Venice Specific
8 Plan and that he was present at the request of Lainie Herrera. There was
9 discussion about the procedure required to obtain a Coastal Development
10 permit.

11 The Chair was returned to Challis Macpherson

12 In answer to Challis Macpherson's question, Stephen Vitalich stated that
13 his only intent was to request support but that no action on the part of the
14 PLUM Committee is required.
15

16

17 **Lainie Herrera moved to recommend that the Board of the Venice**

18 **Neighborhood Council approve the project as presented; seconded by Jim**

19 **Murez.**

20

21 In answer to Ruthie Seroussi's question, Phil Raider clarified the project's
22 status with reference to rent stabilization.

23 **VOTE: 6 in favor; 2 opposed; 2 abstentions. The motion passed.**

24

25

26 **C: 255 Main Street, North Venice subarea.**

1 **Applicant: Long's Drugs, Represented George Ramstad, and Tom McCarty**
2 **or Emiko Iso of The McCartney Group**
3

4 The subject retail space is improved, maintained, and operated as a Longs Drugs
5 Store, at which Longs Drugs proposes to sell a full-line of alcoholic beverages for
6 off-site consumption as part of its normal product offering. Section 12.21 A 14
7 states that no building shall be used for the sale of alcoholic beverages for off-
8 site consumption, except upon premises approved in accordance with Section
9 12.24. Thus, the applicant requests a conditional use permit pursuant to Section
10 12.24 for relief from Section 12.21 A 14. Longs Drugs proposes hours of alcohol
11 sales during its regular store hours, 7:00 am until 10:00 pm seven days a week.
12 The subject site is a 4,908 square foot retail space at 255 South Main Street at
13 the intersection of Main Street, a Secondary Highway, and Rose Avenue, a local
14 street. The space is located in a mixed-use commercial/residential complex on a
15 level, irregular-shaped 73,433.2 square foot lot bounded by Main Street, Rose
16 Avenue and Navy Street in the (Q) C4-2D zone. The subject property has a total
17 frontage of 521 feet on the easterly side of Main Street, a depth of 132.67 feet
18 3 on the southeasterly side of Navy Street, and a depth of 85 feet on the
19 southeasterly side of Rose Street. The mixed-use complex consists of three
20 stories of residential, ground floor commercial/retail, and two levels of
21 subterranean parking. The complex is served by 473 parking spaces, as required
22 by Case No. ZA 1988-0941(CUB)(ZV), contained in the subterranean garage;
23 270 spaces are for commercial uses at the property. Additionally, there is a City-
24 owned surface parking lot west of the site, along Rose Avenue. Other ground
25 floor tenants in the same complex include a dry cleaner, beauty salon, and a
26 massage center. Supporting documents posted on VNC web site.
27

28 Emiko Iso summarized, introduced George Ramstad and Tom McCarty.

29 Mr. Ramstad noted an internal error that resulted in the appropriate
30 license to permit the sale of alcohol not being requested; Tom McCarty
31 stated that other Longs sell liquor and that the request was intended to
32 bring this location in conformity. .

33 Sunny Tomblin spoke against the application.

34 Carmel Beaumont spoke against the application.

35 Stewart Oscars spoke against the application.

1 Richard Myers suggested asking the applicant about the corporate sale of
2 single-serve alcohol portions.

3
4 Challis Macpherson asked for a straw poll of this issue; there were seven
5 stakeholders opposed to the request and 4 in favor.

6
7 Jim Murez, LUPC staff, reported results of a survey of stakeholders that
8 indicated neighbors felt that the area was saturated with liquor stores. Mr.
9 Murez reported more than 32 Type 20 or Type 21 liquor licenses within a
10 mile radius, 4 liquor stores within a 1000 foot radius, and 8 liquor stores
11 within 1500 feet of the applicant's building. Mr. Murez also reported
12 conditions set for an existing liquor provider and suggested applying
13 similar conditions to the present application.

14
15 Challis Macpherson read the conditions approved by the Venice
16 Neighborhood Council Board for a recent liquor license application
17 reviewed. After further debate, Jed Pauker suggested that the LUPC's
18 recommendation require Long's to demonstrate the intent to provide a
19 community benefit. Phil Raider noted changes needed to the application.
20 Emiko Isa and Tom McCarty clarified the voluntary conditions, training
21 required, company responsibility, noted that liquor sales are only part of
22 the goods offered, and requested support for the request. Ms.
23 Macpherson requested that the applicant agree to certain conditions.

24

1 Arnold Springer moved to recommend approval of Long's Drugs
2 application, and to apply conditions imposed on Davy Jones Liquor license
3 application; seconded by Maury Ruano.

4
5 This motion was withdrawn, as well as the second, after discussion.

6 Jim Murez suggested that LUPC members meet with Longs to work out
7 acceptable conditions.

8
9 **Jim Murez moved to postpone the decision on this issue; seconded by**
10 **Arnold Springer.**

11 **VOTE: 7 in favor; 3 opposed; no abstentions. The motion carried.**

12 **Item 5D: Delicia Deli, 2 Rose Avenue, corner of OFW and Rose.**

13 **Applicant: Greg Brossard, owner.**

14 Applicant is asking for LUPC approval and recommendation for sale of on-site
15 sale beer and wine in conjunction with a "deli" restaurant operation. If the square
16 footage of the service area is 1700 square feet, the required parking is 34
17 spaces. If the square footage of the service area is 1300 square feet, the
18 required parking is 26. Total size of parcel is 4,312.4 square feet.

19 **Section of Venice Coastal Zone Specific Plan governing this sub area:**

20 Page 27, Section D Parking Requirement Table: "Restaurant, night club, bar and
21 similar establishments and for the sale of or consumption of food and beverages
22 on the premises, one space for each 50 square feet of service floor (including
23 outdoor service areas)."

24 Page 28, Section E, F, Shared Parking: "Shared parking may be permitted as
25 authorized by LAMC Section 12.24 X20, provided that public beach parking lots
26 shall not be used and that the decision maker makes an additional finding that
27 the shared parking will not negatively affect coastal access or access to public
28 recreational facilities."

29
30 Challis Macpherson read the project description information provided by

31 Greg Broussard, because Mr. Broussard did not provide the requested 12
32 copies for the Committee to review.

1
2 Art Rodriguez discussed the planned remodeling of the premises at 2
3 Rose and the proposed Type 41 liquor license to allow the sale of beer
4 and wine ancillary to the sale of food at a proposed family restaurant.

5
6 Challis Macpherson noted that the application states hours of operation
7 from 10am to 10pm. Mr. Rodriguez stated that hours of operation will be
8 from 10am to sundown and that the number of seats has also been
9 reduced. Ms. Macpherson asked about noise mitigation and was assured
10 of the standard ABC condition regarding noise heard outside the
11 premises.

12 Adrienne O'Donnell, owner of the building, voiced her approval of the
13 application. Brett Engstrom also voiced approval.

14 Gregory Broussard, co-owner, stated his intent to provide quality , and
15 presented a copy of a petition signed by 83 neighbors indicating support of
16 the restaurant.

17 Elena Vannuchi, co-owner, discussed her rationale for opening the
18 restaurant.

19 Richard Myers stated that the provision of 34 parking spaces by the
20 proposed venue is unreasonable.

21 Challis Macpherson read the comment provided by stakeholder Carol
22 Berman, who proposed: "...no alcohol, especially at outside areas; no live
23 or amplified music; no clean-up crews before 8 am or after 9 pm; no

1 radios, loud music; keep doors, windows closed until open for business
2 and closed after closed for business; no after-hours parties; police be
3 made aware of conditions; that revocable permits be revoked after
4 violation of regs. And conditions; this should apply to all recipients of
5 revocable permits not just to the present applicants...It also occurs to me
6 that 2 Rose Avenue is a building that has been sub-divided into 3 spaces;
7 2 Rose-4 Rose-6 Rose. The 2 subdivisions could be easily reincorporated
8 to expand into a much larger inside dining area.”

9 There was discussion about parking provision. Mr. Aronson suggested
10 imposing the conditions listed in Carol Berman’s letter. Sylvianne Dungan
11 stated that the area is underserved and suggested that hours of operation
12 be 11am to 9pm. Arnold Springer noted that the issue at hand is not an
13 intensification of use, since there was a restaurant previously on the
14 property, and voiced agreement with Carol Berman’s suggestions. Mr.
15 Springer stated that Beach Impact Zone parking was required by a
16 development on Thornton and Ocean Front Walk and suggested that the
17 applicants research obtaining parking at that location. The owners stated
18 their intent to provide a bike rack.

19
20 **Lainie Herrera moved to recommend approval of the alcoholic beverage**
21 **permit for the sale of beer and wine, with the following conditions: no live**
22 **or amplified music; no staff outside before 8 am; no radios, loud music;**
23 **keep doors, windows closed until open for business and closed after**

1 **closed for business; no after-hours parties; that the permits be revoked**
2 **after violation of regulations or conditions, that the permit run with the**
3 **lease, not with the land; seconded by Jim Murez.**

4
5 There was discussion on appropriate conditions to impose; Ms.
6 Herrera amended her motion several times as the result of that
7 discussion; Mr. Murez agreed to the amendments.

8 **Lainie Herrera moved to recommend approval of the alcoholic beverage**
9 **permit for the sale of beer and wine, with the following conditions: no live**
10 **or amplified music; keep doors, windows closed until open for business**
11 **and closed after close of business; that the permit be revoked after**
12 **violation of regulations or conditions, that the license for the sale of beer**
13 **and wine be restricted to Greg Broussard and Elena Vannucci, and that the**
14 **conditions be posted prominently at the establishment; seconded by Jim**
15 **Murez.**

16
17 **VOTE: 9 in favor; 1 opposed; no abstentions.**

18
19 **6. PUBLIC COMMENT**

20
21 Jim Murez suggested that LUPC, in the future, request applicants to provide a
22 engineer's report.

23
24 **7. LUPC CHAIR REPORT**

25

1 Challis Macpherson suggested that administrative issues be discussed at the
2 next LUPC meeting.

3
4 **8. LUPC TASK FORCE REPORTS**

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6 None noted.

7
8 **9. STAFF ASSIGNMENTS**

9
10 None noted.

11
12 **10. ADJOURNMENT**

13
14 The meeting was adjourned by common consent at 9:48 pm.

15