



Venice Neighborhood Council

LAND USE AND PLANNING COMMITTEE
PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: Chair-LUPC@VeniceNC.org



MINUTES

VENICE LAND USE AND PLANNING COMMITTEE MEETING

LUPC Chair requests: Respect, Kindness, Civility, and Honesty

*VNC Mission: To improve the quality of life in Venice
by building community*

and to secure support from the City of Los Angeles for the resources needed to achieve our goals.

DATE: Tuesday April 7, 2015

TIME: 6:45 - 10:00 pm

LOCATION: The Terrace Restaurant, 7 Washington Blvd. (at Venice Pier)

DISABILITY POLICY: As covered under Title II of the Americans with Disabilities Act, the Venice Neighborhood Council (VNC) does not discriminate on the basis of disability, and upon request, the VNC will provide reasonable accommodations to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days prior to the meeting you wish to attend by contacting the Department of Neighborhood Empowerment at 213-485-1360 or email NCSupport@lacity.org.

CASES HEARD:

1. 2709 Ocean Front Walk (new SFD)
2. 425 Rose Ave (change of use from existing restaurant and market/deli, "Fiesta Brava", to a restaurant with new outdoor covered patio dining area)
3. 1217-1219 Cabrillo Ave

1. Call to Order - Roll Call

Name	P	A	Name	P	A
Robin Rudisill, Chair	x		Mehrnoosh Mojallali	x	
Robert Aronson, Vice Chair		x	Kathleen Rawson	x	
Ramsey Daham	x		Maury Ruano	x	
Todd Darling		x	Gabriel Ruspini	x	
Mark Kleiman	x				

2. Approval of Minutes--none

3. Approval of Agenda – no changes

4. Declaration of Conflicts of Interest--All LUPC members shall declare any conflicts of interest relating to items on this meeting's agenda – none noted

5. PUBLIC COMMENT on non-agenized items related to Land Use and Planning only.

6. Update on Venice Real Estate Market – CJ Cole, VeniceBeachLiving.com

7. Education & Awareness Report on Short-Term Rentals – Dr. Judy Goldman: video/powerpoint & LAANE report

<http://www.venicenc.org/venice-coastal-zone-housing-interim-control-ordinance/>

PUBLIC COMMENT

MOTION

Venice Coastal Zone Rental Housing Affordability & Availability Ordinance, Robin Rudisill, LUPC Chair

The well-documented Los Angeles housing crisis is having an extremely negative impact on the affordability and availability of rental housing in the Venice Coastal Zone. This shortage of rental housing is being exacerbated by a high and growing concentration of commercially operated Short-Term Rentals (STRs) and de facto hotels. The recent report from Los Angeles Alliance for a New Economy (LAANE), "AirBnB, Rising Rent and the Housing Crisis in Los Angeles," has finally quantified the presence and identified impacts of the largest of the STR platforms. The City of Los Angeles has historically protected and preserved affordable housing mainly through the City's Rent Stabilization Ordinance (RSO). Currently, owners of RSO properties are converting residential units, including entire apartment buildings, into STRs and de facto hotels at an alarming accelerating rate, bringing them rental rates markedly in excess of not only RSO-protected rent levels, but also higher than non RSO-protected market rental rates. Large numbers of vulnerable tenants have disappeared from RSO units in such buildings and the owners of such properties are now requesting new zoning entitlements to circumvent future RSO and Mello obligations. Affordable Housing in the Venice Coastal Zone is also supposed to be protected by the California State Law known as the Mello Act. The Mello Act does not allow the conversion of existing residential uses for purposes of non-Coastal-Dependent, non-residential uses. The City of Los Angeles has failed to adequately or correctly implement the Mello Act. Interim Administrative Procedures, adopted by the City in conjunction with the settlement of a lawsuit in 2000, have proven ineffectual. The City does not even inform tenants of their Mello Act rights.

The result of all of the foregoing is that Venice and other impacted neighborhoods are at this moment suffering a disastrous loss of affordable

housing and displacement of long-term community members. Actions underway to address these problems will take time. Meanwhile, the rate of STR conversions, and of acquisitions for the purpose of conversions, is rapidly accelerating in anticipation of new City regulations. Unless immediate measures are taken, the loss of affordable housing in Venice, and particularly in the Coastal Zone, will continue removing a large segment of our population and our community character.

The Venice Coastal Zone provides existing coastal housing for low- and moderate-income persons, and thus, as per state law, the California Coastal Act of 1976 ("Coastal Act"), it is a Sensitive Coastal Resource Area, an area within the Coastal Zone of vital interest and sensitivity that must be protected and preserved. The dire urgency of the severe decline in such existing coastal housing for low- and moderate-income persons is causing, and will continue to cause, increasingly serious consequences for Venice's future as a tourist destination and as a valuable asset of Los Angeles with respect to its social, ethnic and economic diversity; and it is also likely to prejudice the ability of the City of Los Angeles to prepare a Venice Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act.

Now therefore the LUPC recommends that the VNC Board request that Councilmember Bonin call for City to act immediately to curtail the loss of affordable housing, by the following actions:

Fully enforce existing laws prohibiting short-term rentals in residential zones and in commercial zones if the Certificate of Occupancy is for Apartment use.

Direct that adequate resources and direction be immediately provided to City departments, including especially (but not limited to) City Planning, Building & Safety, Housing and the City Attorney in order that they do the following until the City has determined its policies, rules and regulations regarding Short Term Rentals and has enacted an ordinance or ordinances to implement them:

Carefully follow the Interim Administrative Procedures for complying with the Mello Act, including but not limited to those related to handling of Mello checklists and applications, Mello Determinations, Mello Determination Appeals, and restrictions on changes of use/occupancy (aka conversions), including careful review of any currently pending changes of use and deferral of approval of any change of use requests until relevant enforcement procedures are clarified and confirmed feasible;

Clarify the definition of "feasible" as pertains to the Mello Act;

Improve the HCID standard of review procedures and documentation related to the determination of Replacement Affordable units to a "generally accepted" standard and implement procedural controls in order to stop current abuse of the Mello Act via loopholes and workarounds, including a final Building Permit clearance for Owners using the "Owner Occupied SFD" exemption;

Prepare and widely disseminate a "Tenant's Bill of Rights" that covers the rights of tenants under both the Rent Stabilization and the Mello Act as well as other applicable laws, in order to control and to stop the further erosion of Venice Coastal Zone housing, especially affordable housing, and resulting permanent damage to our neighborhoods;

The City immediately and fully enforce existing Federal, State and City regulations—including orders to comply for prohibited short-term rentals and other properties in violation of laws governing land use and housing in Venice with respect to change of use/conversion of housing, especially affordable housing, into Short-Term Rentals and de facto hotels.

Approved by LUPC 4/7/15 by a vote of 7-0-0 (RR/MK)

8. ACTIVE CASES FOR REVIEW:

a. HEARING FOR CASES UNDER CONSIDERATION FOR "VNC DE MINIMIS PROJECT" CATEGORIZATION:

None

b. REVIEW/HEARING OF ACTIVE CASES:

- i. 2709 Ocean Front Walk (new SFD), North Venice Subarea, RD1.5-1 zone, Land Use Plan designation: Multiple Family Residential--Low Medium II, Dual Permit Jurisdiction Coastal Zone (aka "Appealable Area" post LCP) ZA-2014-3072-CDP and ENV-2013-2051-CE and formerly approved: DIR-2013-2050-SPP-SPPA-MEL and DIR-2012-1476-VSO-MEL (6-5-12)
<http://www.venicenc.org/2709-ocean-front-walk/>
CITY HEARING NOT YET SCHEDULED
REVISED Project Description: Construction of a new 3-story, 5,400 sq ft SFD, including 500 sq ft roof deck with roof access structure not to exceed 43.95' in height, on a vacant 2,502 sq ft, 28' wide lot (demo of formerly existing 1-story, 1,218 sq ft, 1912 structure was approved by Coastal Commission De Minimis Waiver on May 29, 2012, and Mello letter issued by HCID on May 31, 2012), with 3 parking spaces, and Specific Plan Project Permit Adjustment to allow a roof height of 32.95' in lieu of required 30'. ZA Adjustment request for 3'4" side yards in lieu of 4' required.
Applicant: Dan Brunn & Henry Ramirez
LUPC Staff: Gabriel Ruspini
PUBLIC COMMENT
MOTION:
 The LUPC recommends that the VNC Board recommend approval for the CDP for 2709 Ocean Front Walk for a new single family dwelling, as REVISED by the recently added Zoning Administrator Adjustment entitlement request for reduced side yards.

Approved by LUPC 4/7/15 by a vote of 7-0-0 (RR/GR)

- ii. 425 Rose Ave (change of use from existing restaurant and market/deli, "Fiesta Brava", to a restaurant with new outdoor covered patio dining area), Oakwood Subarea, C4-1 zone, Land Use Plan designation: Community Commercial ZA-2014-1877-CDP-CUB-SPP and ENV-2014-1878-MND, continued
<http://www.venicenc.org/425-rose-ave/>
CITY HEARING Thursday April 23, 2015, 9 A.M., West L.A. Municipal Bldg, 2nd floor Hearing Room, 1645 Corinth Ave
Project Description: CDP & SPP (VCZSP compliance permit) for change of use from existing 2,696 sq ft restaurant & market/deli to a 2,306 sq ft restaurant with a new 410 sq ft outdoor covered patio dining area, with increase in seating from 38 interior seats to 59 interior seats & 34 outdoor patio seats, on a 6,294 sq ft lot, with 18 on-site parking spaces, comprised of 11 spaces existing, 4 spaces grandfathered, & 4 spaces met by adding 16 bicycle stalls; and CUB for sale & dispensing of

a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant providing a total of 93 seats, with hours of operation of 8 am to 12 am daily.

Applicant: Bruce Horowitz

LUPC Staff: Maury Ruano

- iii. **1217-1219 Cabrillo Ave (CONVERSION OF 2 CONDOS TO A SMALL-LOT SUBDIVISION)**, North Venice Subarea, RD1.5-1-0 zone, Land Use Plan designation: Multiple Family Residential--Low Medium II
AA-2013-3873-PMLA and ENV-2013-3872-CE
<http://www.venicenc.org/1217-1219-cabrillo-ave/>
CITY HEARING WEDNESDAY APRIL 8, 2015, 10:40 A.M., CITY HALL, 200 N. SPRING STREET, ROOM 1020
Project Description: Pursuant to LAMC Section 17.50, request for a Preliminary Parcel Map for a 1-lot Small-Lot Subdivision for a 2-unit residential condominium with 2 covered parking spaces and 1 uncovered parking space per unit, for a total of 6 parking spaces, on a 4,950 net sq ft site

Applicant: John Staff

LUPC Staff: Robin Rudisill

PUBLIC COMMENT

MOTION:

The LUPC recommends that the VNC Board request that construction on this project stop until a City CDP together with a parcel map for 2 condominiums and a Venice Coastal Zone Specific Plan compliance review (SPP) are obtained. Once all applications have been submitted, the VNC Board requests that the project be resubmitted to the VNC's Land Use & Planning Committee and the VNC Board will then make a recommendation to you on the project.

Approved by LUPC 4/7/15 by a vote of 7-0-0 (RR/RD)

THE MEETING WAS ADJOURNED AT 10:45 P.M.

THE REST OF THE AGENDA WAS NOT ADDRESSED AND WILL BE CONTINUED TO THE NEXT LUPC MEETING.

9. **758 Sunset Ave – Charter Section 245/Assert Jurisdiction/AA-2013-1086-PMLA-SL, PROPOSED MOTION**, Robin Rudisill, Chair
<http://www.venicenc.org/758-sunset-ave-charter-section-245/>
PUBLIC COMMENT
FOR POSSIBLE ACTION: Motion
10. **Questions for City Attorney on LUPC Issues, PROPOSED MOTION**, Robin Rudisill, Chair
<http://www.venicenc.org/lupc-questions-for-city-attorney/>
PUBLIC COMMENT
FOR POSSIBLE ACTION: Motion
11. **Venice Coastal Zone Interim Control Ordinance, PROPOSED MOTION**, as requested by VNC Board, Robin Rudisill, Chair
<http://www.venicenc.org/venice-coastal-zone-interim-control-ordinance/>
PUBLIC COMMENT
FOR POSSIBLE ACTION: Motion
12. **Discussion of concentration of CUB's & ABC Licenses in Venice and related Impacts--Noise and Other Issues**
- Status Update on City Planning's new process for CUB processing
 - No new alcohol licenses "policy" (transfers & upgrades only)
 - ABC Inspections
 - Rose Café ABC conditions, questionable VSO re. parking (DIR-2015-96-VSO), need Neighborhood Meeting, parking to be reviewed by CP group responsible for "effectuation"
 - Noise issues – The Brig
 - "My Voice Matters" Community Workshop re. Alcohol Licenses in Venice:** How YOU CAN influence the alcohol licensing process:
DEBRIEF--Sarah Blanche
13. **Chair Updates & Outstanding Issues**
- LUPC Study--review of documentation for selected Coastal Exemptions to assure correctly exempted from CDP requirement
 - Upcoming Coastal Commission CDP cases and/or appeals: 2 Rose Ave, 2 Breeze Ave, 220 Rose Ave (LUPC involvement or rehearing)
 - Building & Safety inspection concerns and requirement for 50% or more of structure remaining requirement; changes from duplex Certificate of Occupancy to Small Lot Subdivision SFD Certificate of Occupancy literally overnight
 - Subarea case management, early review of projects, Neighborhood Committee involvement, Community Outreach Meetings
 - Mello Act Determinations – status and ongoing changes in process
 - VNC De Minimis Project – do more of them, refine definition, clarify in more detail in Bylaws
 - Use of In Lieu Parking Fee during period of time between time of City Councilmember announcement of upcoming amendment and time of amendment – see 8.c.ii. below
 - Subdivision Map Act, Small Lot Subdivision Design Standards, DIR for SLS/VCZSP interpretation
 - LUPC/Board offsite recommendations

14. West L.A. Area Planning Commission Appeal Hearings – Henry Medina West L.A. Parking Enforcement Facility
 11214 W. Exposition Blvd., L.A., 90064, 2nd floor Roll Call Room
- SPP and CDP Appeals for 259 Hampton – Reconsideration Hearing: Wednesday, April 1, 2015, 4:30 p.m. – Report on outcome
 - Mello Determination Appeals for 728 Flower Ave, 705 Broadway, & 337 6th Ave: filed by March 27, 2015 Appeal deadline
15. State CDP Appeal Periods
- 416 & 418-422 Grand Blvd, North Venice Subarea (416 Grand Blvd, 418-422 Grand Blvd, 416-418 Grand Mello Determination, 422-424 Grand Mello Determination) – Final deadline for appeal to Coastal Commission April 16, 2015
 - 758 Sunset Ave, Oakwood Subarea – Final deadline for appeal to Coastal Commission April 27, 2015 (estimated – information not yet provided by California Coastal Commission) and See also Agenda Item 9.
 - 1697 Pacific Ave (“Hotel Erwin”), North Venice Subarea – Final deadline for appeal to Coastal Commission April 14, 2015
 - 2 Rose Ave, North Venice Subarea –?
 - 220 Rose Ave, North Venice Subarea –?
 - 521 Rose Ave, North Venice Subarea
16. State CDP’s in process
 2 Breeze Ave, North Venice Subarea
17. ACTIVE CASES NOT BEING HEARD AT CURRENT MEETING:
- ACTIVE CASES PENDING LUPC HEARING/REVIEW:
 - 1712, 1712 1/2 & 1712 3/4 Washington Way (2-lot small lot subdivision), Southeast Venice Subarea, RD1.5-1-0 zone, Land Use Plan designation: Multiple Family Residential–Low Medium II
Pending based on Applicant’s request, expected LUPC Hearing Date April 28, 2015
 ZA-2014-1728-CDP-ZAA-MEL and AA-2014-1730-PMLA-SL and ENV-2014-1729-EAF
<http://www.venicenc.org/1712-washington-way/>
CITY HEARING NOT YET SCHEDULED
 Project Description: Preliminary parcel map to create a 2-lot small lot subdivision, and Mello determination, request to permit a 10’ front yard for 1712 and a 6’ front yard at the 2nd floor line for the Mildred setback in lieu of the required 15’ front yard, and request to permit a 4’ side yard in lieu of the required 5’
 Applicant: Alon Zakoot
 LUPC Staff: Mehrnoosh Mojallali & Robin Rudisill
 - 811-815 Ocean Front Walk (mixed use – 2 residential units & 110-seat restaurant w/CUB), North Venice Subarea, C1-1 zone, Land Use Plan designation: Community Commercial, Dual Permit Jurisdiction Coastal Zone (aka “Appealable Area” post LCP)
Pending receipt of information from Applicant, expected LUPC Hearing Date April 28, 2015
 ZA-2014-3007-CDP-CUB-ZV-SPP-MEL and ENV-2014-3008-EAF
<http://www.venicenc.org/811-815-ocean-front-walk/>
CITY HEARING NOT YET SCHEDULED
 Project Description: demo of 9 res units & constr of 8,456 sq ft mixed-use project consisting of 2 residential units over 100-seat ground floor restaurant (2,691 sq ft) with new CUB for full alcohol & hours of Sun-Thurs 8 am to 12 midnight & Fri/Sat 9 am to 1 am; request for parking variance to allow mechanical lifts & tandem parking w/parking attendant
 Applicant: John Reed
 LUPC Staff: Kathleen Rawson & Gabriel Ruspini
 - 10 Washington Blvd (“The Venice Whaler” restaurant expansion), Marina Peninsula Subarea, C4-1 zone, Land Use Plan designation: Community Commercial, Dual Permit Jurisdiction Coastal Zone (aka “Appealable Area” post LCP)
 APCW-2014-4703-SPE-SPP-PAB-PAD-CDP and ENV-2014-4704-EAF
Expected LUPC Hearing Date April 28, 2015
<http://www.venicenc.org/10-washington-blvd-the-venice-whaler/>
CITY HEARING NOT YET SCHEDULED
 Project Description: To permit the use and maintenance of an existing 754 sq ft patio service area operating in conjunction with an existing restaurant, including:
 - An Exception from VCZSP Section 13.D to permit zero (0) on-site parking spaces in lieu of the 19 parking spaces that would otherwise be required;
 - A VCZSP project compliance permit (SPP);
 - A determination of a “Deemed-to-be-Approved” conditional use status (LAMC 12.24-L) for the sale of a full line of alcoholic beverages in conjunction with an existing 3,096 sq ft 2-story restaurant accommodating 214 patrons and having interior hours of operation from 6 a.m. to 2 a.m. daily, currently selling a full line of alcoholic beverages;
 - Approval of Plans (LAMC 12.24-M) to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in an existing 754 sq ft patio having 36 patron seats and hours of operation from 6 a.m. to 2 a.m. daily, in conjunction with a “Deemed-to-be-Approved” 3,096 sq ft 2-story restaurant accommodating 214 patrons and having interior hours of operation from 6 a.m. to 2 a.m. daily, currently selling a full line of alcoholic beverages;
 - A Coastal Development Permit, in the dual permit jurisdiction coastal zone

Applicant: Dafne Gokcen
LUPC Staff: Ramsey Daham & Robin Rudisill

- ii. **ACTIVE CASES PENDING STATUS ON MELLO DETERMINATIONS:**
- a) 635 San Juan Ave (3 units); Oakwood Subarea, RD1.5-1 zone – still want to make these Condos? 3 units have been deemed Affordable by Housing. Mello Determination by City Planning is Pending (LUPC to monitor process for requiring Replacement Affordable Units vs. “Non-Feasible Determination”)
 ZA-2014-2514-CDP and ENV-2014-2515-CE
<http://www.venicenc.org/635-san-juan-ave/>
CITY HEARING TOOK PLACE ON DECEMBER 18, 2014
Project Description: Demo 3 apartment units & replace with 3 condo units
Applicant: Apel Design Inc.
LUPC Staff: Mark Kleiman & Gabriel Ruspini
- b) 710 California Ave (SFD), Milwood Subarea – pending MELLO Determination Letter
 ZA-2014-2135-CDP and ENV-2014-2136-CE and DIR-2013-2261-VSO
<http://www.venicenc.org/710-california-ave/>
CITY HEARING TOOK PLACE ON NOVEMBER 20, 2014
Project Description: Demo/new 3-story SFD, with accessory living quarters above garage
Applicant: Matthew Royce
LUPC Staff: Todd Darling & Maury Ruano
- iii. **ACTIVE CASES PENDING RESOLUTION/CATEGORIZATION:**
- a) 521 Rose Ave (duplex), Oakwood Subarea, C4-1 zone, Land Use Plan designation: Community Commercial NOT HEARD BY THE VNC; PENDING COASTAL COMMISSION APPEAL PERIOD NOTICE
 ZA-2014-2166-CDP and ENV-2014-2167-CE and DIR-2014-1120-VSO-MEL
<http://www.venicenc.org/521-rose-ave/>
CITY HEARING TOOK PLACE ON OCTOBER 23, 2014, DETERMINATION LETTER ISSUED ON MARCH 11, 2015 (City APC appeal period expired 3/25/15)
Project Description: CDP for demo of 50% of (E) duplex and addition of 3,319 sq ft to create a 3,510 sq ft, 30' tall duplex, w/4 parking spaces, on a 3,139 sq ft lot, & Mello determination
Applicant: George Klein & John Reed
LUPC Staff: Robin Rudisill & Maury Ruano
- b) 1214 Abbot Kinney Blvd (SFD to artist-in-residence & retail), North Venice Subarea, C2-1-0-CA zone, Land Use Plan designation: Artcraft/Commercial NOT HEARD BY THE VNC; UNDER APPEAL AT THE COASTAL COMMISSION
 ZA-2014-1990-CDP-SPP and ENV-2014-1991-CE
<http://www.venicenc.org/1214-abbot-kinney-blvd/>
CITY HEARING TOOK PLACE ON OCTOBER 16, 2015, DETERMINATION LETTER ISSUED ON NOVEMBER 14, 2014 (City APC appeal period expired 12/1/14), APPEALED TO COASTAL COMMISSION
Project Description: CDP & SPP for change of use from SFD to 1,502 sq ft artist-in-residence on 3rd floor, 2,300 sq ft retail use on ground & 2nd floors, within (E) 3-story 3,802 sq ft building w/attached 864 sq ft garage, located on a 2,700 sq ft lot; height = 29'9.5" (RAS/stair tower 38')
Applicant: Shannon Nonn, LionGate Global #1, LLC
LUPC Staff: Mark Kleiman & Mehrnoosh Mojallali

18. Adjournment

In compliance with Government Code section 54957.5, the Agenda and non-exempt writings that are distributed to a majority or all of the LUPC members in advance of a scheduled meeting may be viewed at www.VeniceNC.org/LUPC or at the meeting. For a copy of any record related to an item on the Agenda, contact the LUPC Chair at Chair-LUPC@VeniceNC.org.