

# Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



## Land Use and Planning Committee

**MINUTES**

**May 28, 2008**

**DRAFT**



1 **1. CALL TO ORDER – ROLL CALL**

2

3 Challis Macpherson called the meeting to order. LUPC Members present:

4 Robert Aronson, Dennis Hathaway, Challis Macpherson, Jim Murez, John

5 Reed, Maury Ruano, Ruthie Seroussi, and Arnold Springer.

6

7 **Approval** of this agenda as presented or amended

8

9 **Maury Ruano moved to approve the Agenda as presented; seconded by**  
10 **Jim Murez.**

11

12 **2. APPROVAL OF UNAPPROVED MINUTES**

13

14 Minutes from the April 2, April 23, and May 7, 2008 were provided via e-mail

15 to Committee members.

16

17 **John Reed moved to approve the April 2, April 23, and May 7, 2008 Minutes;**

18

19 **3. ANNOUNCEMENTS**

20

21 Challis Macpherson reported that a Community meeting regarding Expo

22 Phase 2 will be held Monday, June 9, at the Vista del Mar Family Services

# DRAFT

23 gymnasium, 3200 Motor Avenue, and encouraged interested stakeholders to  
24 attend.

25

#### 26 **4. PUBLIC COMMENT**

27

28 Stewart Oscars asked LUPC members for support of banning of electronic

29 billboards on street furniture and public kiosks. There was discussion about

30 research that should be done on an agenda item regarding billboards.

31

32 Yolanda Gonzalez reported having seen illegal drug activities and complained

33 of inadequate public services regarding drug usage and safety.

34

35 Karen Cantor asked for further insight regarding the City's proposed Housing

36 Element. Ms. Cantor was referred to Ruthie Seroussi for further information.

37

#### 38 **5. NEW BUSINESS: DELIBERATION OF FOLLOWING PROJECTS/ISSUES**

39

40 a. Marina Pacific Hotel, LUPC Staff Robert Aronson, 1697 South Pacific  
41 Avenue, APCW-2008-317-SPE-ZV-CUB-CDP-SPP, ENV 2008-318 EAF.  
42 Permit application dated January 29, 2008. Applicant is requesting a  
43 Specific Plan exception, a Zone Variance, a Coastal Development Permit  
44 and a Conditional Use Permit to allow a full line of alcoholic beverages to  
45 be served on a 1,700 square foot roof-top deck cafe with a capacity of 98  
46 persons, with no additional parking to be provided in lieu of the 17  
47 additional parking spaces required; and to expand the service of alcoholic  
48 beverages from beer and wine to a full line of alcoholic beverages in an  
49 existing 2 meeting room and an existing ground floor indoor cafe and two  
50 ground floor outdoor patios; and to allow a full line of alcoholic beverages  
51 to be served via room service, all in the C2 zone. The Applicant is  
52 requesting hours of operation as follows: Ground floor indoor cafe and 2  
53 outdoor patio areas: 6 A.M. to 1 A.M. Sunday through Thursday 6 A.M. to  
54 1:30 A.M. Friday and Saturday Roof-top cafe: 7 A.M. to 12:30 A.M.  
55 Sunday through Thursday 7 A.M. to 1:30 A.M. Friday and Saturday  
56 Meeting room: 6 A.M. to 1 A.M. Sunday through Thursday 7 A.M. to 1:30

# DRAFT

57 A.M. Friday and Saturday Room service and in-room Mini Bars: 24  
58 hours/day or as permitted by state license  
59  
60 Challis Macpherson asked if there had been any ex parte communication;  
61 there was no one other than Robert Aronson that responded. Mr. Aronson  
62 reported having negotiated a list of conditions that were acceptable to the  
63 applicant and to LUPC, but stated that he did not anticipate LUPC being  
64 able to make a decision about the project at the current meeting. Mr.  
65 Aronson introduced Mark Sokol (part owner), and legal staff Paul Bennett  
66 and Claire Eronowski. Ms. Eronowski referred to the benefits accrued to  
67 the community from the hotel and stated that letters of support from the  
68 community were provided. Ms. Eronowski discussed an earlier expansion  
69 of the hotel that was approved, and noted parking studies that showed low  
70 vehicle use by hotel clients. Ms. Eronowski reported two community  
71 outreach meetings were conducted, discussed available parking, and  
72 spoke about the rationale for requesting the sale of a fill line of alcoholic  
73 beverages in rooms and in the café, with the listed hours of operation.  
74  
75 John Gord spoke in support of the hotel's proposed plans.  
76  
77 Max Luttrell voiced concern about the nighttime operation of the rooftop  
78 deck and noted that noise generated by the deck operation will be at  
79 nuisance levels after 9pm.  
80

# DRAFT

81 Frances Baggetta also voiced concern about noise, and stated that a 1:30  
82 closing time is not of benefit to the community. Ms. Baggetta asked that  
83 LUPC consider the negative impact.

84

85 Mike McAllister spoke on behalf of the proposed development and stated  
86 that noise issues are non-existent insofar as the hotel is concerned.

87

88 Stewart Oscars voiced concern about hours of operation for the rooftop  
89 deck.

90

91 Robin Underwood asked if the rooftop deck will be open to the public.

92

93 There was a brief recess.

94

95 Claire Enorowski carefully described the proposed rooftop operation,  
96 noted that noise mitigation will be in effect, that the intent is to provide a  
97 hotel amenity, and asked that the operation be given an opportunity to  
98 prove the hotel's intent to remain a good neighbor. There was discussion  
99 between Ms. Enorowski and Challis Macpherson regarding a six or eight  
100 month review period.

101

# DRAFT

102 Mark Sokol stated his intent to continue the hotel's operation as a  
103 responsible, considerate, family-owned business.

104

105 Challis Macpherson asked for a straw poll of stakeholders regarding the  
106 proposed project. There were 14 stakeholders in favor and and 9  
107 opposed.

108

109 Arnold Springer stated his preference that the hotel's owners provide  
110 assurance in the form of a \$1000 fine levied for each night that a noise  
111 violation occurs.

112

113 Robert Aronson stated his support of the hotel's plans but added that  
114 approval should provide for conditions that ensure there will be no  
115 discernable impact of noise from the hotel on the neighbors surrounding  
116 the property.

117

118 Claire Eronowski responded to John Reed's question regarding fixed  
119 seating by assuring that the developer will agree to a condition specifying  
120 no dance floor. Mr. Reed then asked about charges to the rooftop patrons  
121 for parking and was told by Mark Sokol that rooftop patrons will be offered  
122 parking validation. Mr. Sokol then responded to Mr. Reed's question  
123 regarding the requested hours of operation.

# DRAFT

124

125           Jed Pauker remarked about the rooftop's glass railing and stated his  
126           preference that the railing be designed by a sound engineer to radiate  
127           sound inward. Mr. Pauker suggested that regular reviews of the impact  
128           on neighbors be conducted: after three months, after six months, after  
129           one year and every six months thereafter. Mr. Pauker suggested that  
130           active input from the neighbors be sought regarding hours of operation,  
131           and that a condition stating that no acoustic piano be allowed. Mr. Pauker  
132           stated that the hotel's owners be extra careful that the changes be viewed  
133           as a benefit to the community.

134

135           Jim Murez asked about the calculation of parking, and noted that the  
136           appropriate requirement is one space per 50; Claire Eronowski responded  
137           to Mr. Murez's questions about a mobile bar and sun umbrellas. Mr.  
138           Murez stated his preference that the hotel owners be allowed to set the  
139           initial parameters.

140

141           Challis Macpherson stated her support of the project as presented, based  
142           on the hotel's long-term commitment to the community.

143

# DRAFT

144 Maury Ruano voiced concern about hours of operation and warned that  
145 the proposed change could result in widespread use; Mr. Ruano  
146 acknowledged the hotel's contributions to the community.

147

148 Ruthie Seroussi asked for a provision for security to ensure that patrons  
149 obey safety constraints and called for scaled-back hours of operation. Ms.  
150 Seroussi stated that the requested permit be limited to the current owners,  
151 asked for more information for parking provision, suggested that bike  
152 racks be provided and called for a condition that the restaurant usage  
153 should adhere to Best Management Practices. Ms. Seroussi asked for  
154 more information regarding landscaping on the rooftop.

155

156 Dennis Hathaway agreed with Ruthie Seroussi's request for information  
157 on landscaping and echoed already-voiced concern about potential noise  
158 problems. There was discussion about tying the CUP to the present  
159 owners.

160

161 Challis Macpherson summarized the points raised by LUPC members.

162

163 Robert Aronson stated that he will work with the developers to arrive at  
164 conditions acceptable. This issue will be postponed until the June 3, 2008  
165 meeting.

# DRAFT

166

167 Arnold Springer reiterated the question of parking calculation.

168

169 **Arnold Springer moved to postpone the discussion of this issue until June**  
170 **4, 2008; seconded by Jed Pauker.**

171

172 Jim Murez stated his preference to participate in discussion about parking  
173 provision, and noted that discussion should take place about provision of  
174 alcohol in the meeting rooms. Ruthie Seroussi asked for more information  
175 regarding a request for a zone change. Robert Aronson stated that the  
176 zone change was a requisite part of the request being discussed and  
177 voiced concern about the short amount of time available before the June  
178 3, 2008 LUPC meeting. Mr. Aronson asked Mr. Murez to vet the issue of  
179 parking calculation with Chuck Posner. Mr. Murez stated that the issue  
180 should be treated via on-line discussion. Challis Macpherson provided the  
181 address for the on-line forum: [www.venicenc.org](http://www.venicenc.org). Arnold Springer  
182 amended his motion; Jed Pauker agreed with the amendment.

183

184 **Arnold Springer moved to postpone the discussion of this issue until June**  
185 **25, 2008; seconded by Jed Pauker.**

186

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

188

189 b. 720 Brooks, LUPC Staff John Reed, Small Lot Subdivision, Case #ENV  
190 2007-4144 EAF, AA 2007-4143 PMLA SL, ZA 2007-4161 CDP ZAA.  
191 Project documents on web site. Project is described as: Entitlements  
192 Requested: 1) Parcel Map - Small Lot Subdivision and Side Yard  
193 Reduction 2) CDP-COASTAL DEVELOPMENT PERMIT ZAA-YARD, AND  
194 BUILDING LINE ADJMNTS < 20% (SLIGHT MODIFICATIONS Project  
195 Description: Small Lot Subdivision - construct two single family dwellings,  
196 demo existing single family dwelling. Discretionary Action: (1) Parcel



# DRAFT

197 Map/Small Lot – Side Yard Variance both side yards 4’ from 5’ Advisory  
198 Agency – Subdivision, (2) Yard Variances – Front yard, rear yard, Zoning  
199 Administrators Office – Planning Zone Variances- (12’ passageway and  
200 separation between buildings is required so that construction can  
201 commence prior to the recordation of the tract map otherwise these two  
202 variances would not be required) Zoning Administrators Office – Planning  
203  
204 Carl Smith, architect for the project, provided samples of other projects the  
  
205 developer has done, and gave a précis of the Small Lot Subdivision  
  
206 Ordinance, which applies in this instance. Mr. Smith discussed changes  
  
207 in the proposed development that resulted from input received from the  
  
208 community, noting that requests for front yard, side yard and passageway  
  
209 variances were withdrawn because of concerns voiced by neighbors. Mr.  
  
210 Smith stated that variances are still being requested, for a 2 inch space  
  
211 separating buildings and to allow bridges on the third floor; Mr. Smith  
  
212 explained why the variances are needed.  
  
213  
214 Amber Hartgens objected to the proposed development, and stated that  
  
215 the proposed development is out of character and scale for the  
  
216 neighborhood.  
  
217  
  
218 Eric Arneson objected to size and massing of the proposed development,  
  
219 and stated that a precedent would be set that will affect the nearby area.  
  
220  
  
221 Alexina Matisse stated that the proposed development is out of character  
  
222 and scale for the neighborhood.

# DRAFT

223

224           Natalie Godts voiced concern about the proposed development's effect on  
225           the character and scale of the neighborhood.

226

227           Charles Holmes expressed concern about the precedent that will be set by  
228           approval of the proposed development and its effect on the neighborhood.

229

230           John Gord stated that a comparable building next to his home has had a  
231           significant effect with regard to access to sunlight and to shade on his  
232           home.

233

234           Ellen Korak objected to the proposed development because of the  
235           difference in size and scale from the rest of the neighborhood.

236

237           Brad Hindert stated that the proposed development does not fit with the  
238           neighborhood.

239

240           Ted Nemos referred to the proposed development's size and scale and  
241           expressed concern about shading on the adjacent properties.

242

243           Noel Weiss, representing an adjacent neighbor, stated that the issue was  
244           not variances, it was adjustments, and that the Venice Coastal Zone

# DRAFT

245 Specific Plan should be altered to allow for the kind of change the  
246 development represents. Mr. Weiss stated that appropriate action is not  
247 to decide issues such as the present one on a case-by-case basis. A  
248 petition was presented that objected to the proposed development.

249

250 Nick Mele objected to the project.

251

252 Leslie Demos objected to the project.

253

254 Kevin McVeary, property owner at 720 Brooks, stated that his intent is to  
255 live at the property and to sell the extra units planned.

256

257 John Reed discussed whether a viable argument exists to limit height on a  
258 proposed development, and noted the precedents that have been set with  
259 regard to massing. Mr. Reed posed the question of whether the variances  
260 requested are reasonable, and stated that the project is better for having  
261 been negotiated.

262

263 Dennis Hathaway and Jim Murez asked for clarification of the six parking  
264 space locations. Mr. Hathaway asked about the buildings' separate roofs.  
265 Mr. Hathaway stated that, if the prevailing setback is being met, there are  
266 no grounds for objecting to the proposed setback.

# DRAFT

267 Ruthie Seroussi stated that a quid-pro-quo should be set, should the  
268 committee decide to recommend support of the proposed development.  
269 Ms. Seroussi asked what separation is required by the Small Lot  
270 Subdivision. Carl Smith reiterated that the two-inch separation is a  
271 mitigating measure between a planning process for a Small Lot  
272 Subdivision and the Building department, which requires a fire separation  
273 between buildings. The two-inch separation is needed only for the period  
274 of time between when the ... is approved and the final map is approved.  
275 Maury Ruano explained to Ms. Seroussi that the Venice Coastal Zone  
276 Specific is silent on the issue of side yard setbacks.  
277 Noel Weiss was informed that any further interjections on his part are out  
278 of order.  
279 Ruthie Seroussi voiced concern that there was more than the requisite  
280 100 square feet of rooftop structure. Carl Smith reiterated that the rooftop  
281 structure conforms to the Venice Coastal Zone Specific Plan. Ms.  
282 Seroussi asked for further changes to the design, calling for an additional  
283 5 foot setback for the second story, and suggested eliminating an  
284 additional parking space at the rear, to minimize the proposed project's  
285 density.  
286 Maury Ruano confirmed that a five foot highway dedication exists on  
287 Brooks and stated that the City has also plans for changing the character  
288 of the neighborhood. Mr. Ruano was told that there is no public

# DRAFT

289 transportation on Brooks, and that San Miguel functions as an alley  
290 although it is designated as a street. Mr. Ruano stated that the request for  
291 the variance on the San Miguel is acceptable to him.

292 Challis Macpherson referred to the zoning for the proposed development  
293 and stated that it was appropriate; Ms. Macpherson also noted that the  
294 development adheres to the Venice Coastal Zone Specific Plan.

295 Jim Murez referred to requirements for alley setbacks; Carl Smith  
296 reiterated that San Miguel is designated as a street, and that no dedication  
297 is required on San Miguel. Mr. Murez stated that the mezzanine level  
298 constitutes a third story. Carl Smith discussed how measurements for the  
299 project were made and stated that the side yard setback material has not  
300 yet been decided. Mr. Smith noted that there are materials that comprise  
301 the side wall, and discussed provision for landscaping. With regard to  
302 rooftop access structure, Mr. Murez stated that the VNC approved a policy  
303 statement limiting rooftop access structures to one per property; another  
304 VNC-approved policy statement referred to the appropriate density for a  
305 Small Lot Subdivision. Mr. Murez stated his preference that any trees  
306 removed from the property be comparably replaced somewhere in the  
307 community. Mr. Murez noted that years have passed since the community  
308 approved the Venice Coastal Zone Specific Plan, however, he advised  
309 stakeholders that objected to the subject development could still voice  
310 those objections in other forums.

# DRAFT

311 Maury Ruano asked if a Policy Statement supercede the Venice Coastal  
312 Zone Specific Plan; Jim Murez stated that VNC Policy Statements should  
313 be upheld by the VNC.

314 Jed Pauker advised that provision should be made for when trash  
315 containers stationed near interior parking spaces must be moved. Mr.  
316 Pauker reminded the Committee of a variance granting a four-inch  
317 separation to another developer. Mr. Pauker noted that his decision will  
318 be based partly on input received from stakeholders.

319 John Reed noted that the requested two-inch separation will not be  
320 needed if the developer chooses to wait until the tract map is recorded.

321 Robert Aronson stated his view of two of LUPC's goals: to reflect the will  
322 of the community and to enforce the Venice Coastal Zone Specific Plan.  
323 Mr. Aronson noted that the proposed development could be less  
324 aesthetically pleasing than it is and that a home buyer should be aware of  
325 the zoning of a property purchased. Mr. Aronson suggested that  
326 stakeholders be given another opportunity to speak.

327 Arnold Springer asked for clarification of the two-inch separation between  
328 buildings. Mr. Springer discussed the reason for the proposed  
329 development's massing and stated that the issue is not density, it is  
330 mansionization.

331 Dennis Hathaway compared mansionization to the subject case.

# DRAFT

332 Jed Pauker stated that LUPC is part of the mechanism by which  
333 stakeholders' voices can be heard, addressed the mansionization issue  
334 briefly and advised stakeholders to discuss their concerns with the  
335 property owner.

336 Noel Weiss stated that LUPC's action is discretionary, quoted the Venice  
337 Coastal Zone Specific Plan's reference to character and scale, noted the  
338 intent to address mansionization, and referred to stakeholders' quality of  
339 life. Natalie Godt stated that San Miguel is not an alley and addressed the  
340 setback issue.

341 John Reed reiterated that the project was improved because of changes  
342 resulting from input obtained from stakeholders, and referred to  
343 comparable properties on similar nearby lots.

344 **John Reed moved to recommend that the VNC conditionally approve the**  
345 **project as follows: to require that there be five foot side yard setbacks from**  
346 **the adjacent buildings, that the front yard setback be stepped 15 feet from**  
347 **the original property line one story, 20 feet from the original property line**  
348 **two story, that the frontage on San Miguel be reduced from 15 feet to 5 feet,**  
349 **that the roof penthouse be sloped so that it reduces the mass of the**  
350 **structure and provide a minimum clearance rather than a box, that the**  
351 **courtyard space between the two buildings be required to be maintained as**  
352 **open space, so that it doesn't get filled in in the future; seconded by Maury**  
353 **Ruano.**

# DRAFT

354 **Arnold Springer proposed that the motion be amended to specify that there**  
355 **be only one rooftop structure; the amendment was accepted by John Reed.**

356 Discussion that followed included Jim Murez's reiteration that trees be  
357 replaced, that landscaping should be added, that the project is out of  
358 scale, and Ruthie Seroussi's reiteration that the developer provide  
359 additional concessions. Carl Smith, the architect, stated that the rooftop  
360 structures could be removed.

361 **John Reed amended his motion: the height of the project be limited to a**  
362 **maximum height of 25 feet, the front yard at Brooks be 15 feet from the**  
363 **original property line for one story, 20 feet from the original property line**  
364 **for two story, that there be five yard side yard requirements abutting each**  
365 **property owner, that there be a five foot yard fronting San Miguel, that there**  
366 **be no rooftop structure, that the applicant shall provide four (4) 48 inch box**  
367 **trees, and that the courtyard space be maintained clear to the sky;**  
368 **seconded by Maury Ruano.**

369 Jim Murez stated that a hardship could be created by requiring the  
370 planting of four trees on-site.

371 **John Reed accepted an amendment to the motion to allow four trees to be**  
372 **planted at the owner's discretion; Maury Ruano accepted the amendment.**

373 Challis Macpherson asked the developer, Kevin McVearry, for his  
374 comment. Mr. McVearry stated his willingness to effect the changes  
375 stipulated.



# DRAFT

- 376 **VOTE: Unanimous in favor. The motion passed.**
- 377 **... moved to adjourn the meeting; seconded by ...**
- 378 **The meeting was adjourned by consensus.**