

Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



Land Use and Planning Committee MINUTES January 28, 2009



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

2

3 Challis Macpherson called the meeting to order at 6:38 pm. Committee

4 members present: Challis Macpherson, Kelli Li, Jim Murez, Jed Pauker, and

5 John Reed. Robert Aronson, Ruthie Seroussi and Arnold Springer arrived

6 later.

7 **2. APPROVAL OF THIS AGENDA AS PRESENTED OR AMENDED**

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9 There being no objection, the Agenda was approved.

10

11 **3. APPROVAL OF OUTSTANDING MINUTES**

12

13 Postponed.

14

15 **4. ANNOUNCEMENTS**

16

17 Jim Murez reported that the pool at Venice High School will have a re-
18 opening event on Saturday February 7, 2009, and that programs at the pool
19 have resumed.

20

21 **5. PUBLIC COMMENT**

22

23 None noted.

24

25 **6. CONSENT CALENDAR:**

26

1 1715 Pacific—Kelli Li has agreed to research this project; 733 East Nowita—Jed
2 Pauker will up on this project. These two items were removed from the Consent
3 Calendar.

4
5 **7. NEW BUSINESS**

6
7 A. Explanation of how the Small Lot Subdivision Ordinance relates to Venice
8 Coastal Zone Specific Plan (VCZSP).

9
10 The Small Lot Subdivision Interpretation, which will be released on
11 Monday, January 26, 2009 1. Small Lot Subdivision (Town Home)
12 Ordinance Summary: A new ordinance (2005) permitting small lot, fee-
13 simple ownership opportunities in commercial and multi-family
14 neighborhoods has recently been adopted. The new law provides an
15 entirely new housing option which allows people to purchase a house and
16 the lot it sits on, just like they do in a single family neighborhood, rather
17 than a unit in a condominium. 2. Properties zoned for multi-family
18 residential use may be subdivided into much smaller lots than is required
19 today, while complying with the density requirements established by both
20 the zoning and the General Plan. It is anticipated that the ordinance will
21 reduce the cost of home ownership and generate creative housing
22 solutions, such as modern versions of bungalow courts, courtyard housing
23 and row houses. Documents posted to LUPC section of VNC website:
24 The Small Lot Subdivision Ordinance; Small Lot Subdivision Design
25 Guidelines, FYI; The Small Lot Subdivision Advisory Policy from 2006,
26 FYI; Venice Community Profile Population, Housing, Employment
27 Projections Plan Population and Dwelling Unit Capacity. 3. Detailed
28 comparison between Small Lot Subdivision Ordinance and the Venice
29 Coastal Specific Plan is contained in the Director's Interpretation, to be
30 released on Monday. The Small Lot Subdivision Ordinance, was adopted
31 after the adoption of Venice Coastal Specific Plan and the subject
32 interpretation clarifies the maximum number of permitted units, number of
33 subdivided lots, number of required parking spaces, location of driveways,
34 and minimum setback requirements relative to each zone and each
35 subarea within the Specific Plan. 5. Section 11.5.7 F.3 of the Los
36 Angeles Municipal Code authorizes "Interpretations of Specific Plans." The
37 Director of Planning has the authority to interpret specific plans when
38 there is a lack of clarity in the meaning of their regulations. This Director's
39 Determination is called a "Director's Interpretation" and is the formal way
40 to publicly clarify a point of confusion (or differing interpretations). The
41 process for a Director's Interpretation requires the Decision be drafted and
42 transmitted as done for Project Permit Compliance Decisions. The subject
43 document, upon being published, will be reviewed by the community,
44 including the Venice Neighborhood Council. The City Planning

1 Commission shall hear appeals on Director's Interpretations which affect
2 an entire specific plan area, as the subject Interpretation does. I do not
3 have the authority to change this process. I wish there were a way to
4 present to you our interpretation first, get your specific feedback, and then
5 issue the determination. The Section of the LAMC authorizing Director's
6 Interpretations is copied here: H. Interpretations of Specific Plans. The
7 Director shall have authority to interpret specific plans when there is a lack
8 of clarity in the meaning of their regulations. 1. Application Procedure. To
9 request a specific plan interpretation, an applicant shall file an application
10 with the Department of City Planning pursuant to the application
11 procedure set forth in Paragraph (a) of Subdivision 2 of Subsection B of
12 this section. The application shall include a reference to the specific plan
13 regulation(s) for which clarification is requested and a narrative description
14 of why a clarification is necessary for the project or subject property
15 involved. 2. Director's Decision. Upon receipt of a deemed complete
16 application, the Director's written interpretation shall be subject to the
17 same time limit to act, transmittal requirement and effective date of
18 decision as set forth in Paragraphs (a) through (c) of Subdivision 4 of
19 Subsection C. 3. Appeals. The City Planning Commission shall hear
20 appeals on Director interpretations which affect an entire specific plan
21 area or any of its subareas, and the Area Planning Commission shall hear
22 appeals on Director interpretations which are applicable only on a site
23 specific basis. The procedures for filing and processing appeals of
24 Director interpretations shall otherwise be the same as those set forth in
25 Subdivision 6 of Subsection C of this section. LAMC Section 11.5.7 in its
26 entirety is posted. Section H is at the bottom of page 7.

27
28 Shana Bonstin gave a brief summary of the Venice Coastal Zone Specific
29 Plan and the Small Lot Subdivision Ordinance, noting the Ordinance's
30 intent to permit fee simple ownership as an alternative to condominiums
31 and referred to confusion with regard to areas subject to Specific Plans, as
32 is Venice. Ms. Bonstin referred to the Director's interpretation method as
33 the most clear way to resolve Small Lot Subdivision issues that arise in
34 areas subject to Specific Plans, but stated that this method does not allow
35 for public hearings or meetings prior to the interpretation being issued by
36 the Planning Department and also pointed out that this is not intended to
37 be a mechanism to create new policy.

38
39 Responding to Edwin Wolf's question, Shana Bonstin stated that the
40 Director's interpretation can be considered as an addendum to the
41 Specific Plan. Jim Murez asked for the end date for the appeal period and
42 was told February 10 is the last date to accept an appeal from the public.
43 Challis Macpherson asked if a request for more time could be submitted
44 as an appeal. Robert Aronson asked for clarification of why public

1 hearings are not allowed in the issuance of a Director's interpretation. Mr.
2 Aronson stated that the process as defined is unfair and appears
3 inappropriate. Ms. Bonstin described controlling factors with regard to
4 parking. There was discussion about the interpretation. Ms. Bonstin then
5 described controlling factors regarding driveways, front, rear and side yard
6 setbacks. There was discussion about the interpretation. Ms. Bonstin
7 then described controlling factors regarding multiple lots and lot area
8 requirements per zone. There was discussion about the interpretation and
9 provision for replacement of affordable units. Jim Murez referred to
10 calculation of lot square footage. Ms. Bonstin described controlling factors
11 regarding density. Ms. Seroussi questioned density calculation and lot
12 size. Challis Macpherson referred to a multifamily project reviewed by
13 LUPC and was told that if the project had been condominiums, it would
14 have been approved. Arnold Springer discussed at great length his
15 contention that the Venice Coastal Zone Specific Plan should be revised.

16
17 David Ray referred to a multifamily project he designed and clarified the
18 intention to abide by the Venice Coastal Zone Specific Plan. Mr. Ray also
19 shared his thoughts about affordable housing in Venice, and stated that
20 the Venice Coastal Zone Specific Plan has restricted affordable housing in
21 Venice. Mr. Ray agreed that the Venice Coastal Zone Specific Plan
22 should be revised. Frank Murphy asked for clarification of changed
23 interpretation and stated that the affordable unit interpretation would be a
24 problem. Ms. Bonstin responded to Arnold Springer's question by
25 identifying areas that have lots that are larger.

26
27 Challis Macpherson moved to send this issue on to the Venice Board of
28 Governors for discussion; seconded by Jed Pauker.

29
30 Challis Macpherson withdrew her motion; Jed Pauker withdrew his second.

31
32 **John Reed moved to recommend that the Venice Neighborhood Council**
33 **Board of Governors disagree with the Director's Interpretation of the Small**
34 **Lot Subdivision Ordinance as it applies to the Venice Coastal Zone Specific**
35 **Plan and ask that the Planning Department reconsider a prior LUPC motion**
36 **dated ... ; seconded by Jim Murez.**

37
38 **VOTE: Unanimous in favor. The motion passed.**

39
40 B. Draft of proposed LUPC motion to recommend to VNC Board regarding
41 Marina del Rey development:

42
43 **Whereas** Los Angeles County is redeveloping the unincorporated area of
44 Marina del Rey (the "Project").

1 **Whereas** the Project contemplates twenty-one (21) developments (as of
2 1/14/09) including hotels, residential units and mixed-use developments
3 with an addition of 3,904 new residential units; three new hotels and one
4 hotel expansion adding 636 new rooms; 1,369 additional restaurant seats;
5 135,162 square feet of additional retail/commercial space and 48,173
6 square feet of additional office space.
7 **Whereas** Los Angeles County avers that the Marina del Rey Local
8 Coastal Program (“LCP”) is the functional equivalent of an Environmental
9 Impact Report (“EIR”) and thus asserts there is no need for a
10 comprehensive Project EIR.
11 **Whereas** the Marina del Rey LCP was last updated and certified by the
12 California Coastal Commission in 1996;
13 **Whereas** there have been numerous social and environmental changes
14 since 1996 and at least seven (7) proposed developments violate policies
15 and ordinances set forth in the LCP.
16 **Whereas** on January 8, 2008, the California Coastal Commission
17 unanimously voted for a recommendation calling for Los Angeles County
18 to prepare a comprehensive LCP Update consisting of all proposed or
19 anticipated developments within Marina del Rey for purposes of 4 the
20 Project that addresses the Project’s direct, indirect and cumulative
21 environmental and social impacts.
22 **Whereas** the Project fails to honor the mandate of Marina del Rey to
23 serve public recreation needs of the citizens of Los Angeles County by
24 constricting public access to existing recreational opportunities; by
25 converting public parking lots (intended for shared use as ocean beach
26 overflow parking) to private residential and hotel developments; by
27 blocking visual access to the water; and by the absence of new active-
28 recreation facilities for public use. [Alternate:
29 **Whereas** *the Project fails to honor the mandate of Marina del Rey to*
30 *serve public recreation needs of the citizens of Los Angeles County by*
31 *converting public parking lots, intended for shared use as ocean beach*
32 *overflow parking, to additional private residential and hotel developments]*
33 **Whereas** the unincorporated Marina provides no schools, hospitals, gas
34 stations, churches, funeral homes and other fundamental community
35 services, and relies on the surrounding communities to provide these
36 essential services and amenities;
37 **Whereas** the surrounding communities will bear a significant portion of the
38 impacts from this cumulative development, as well as major impacts
39 during the construction thereof;
40 **Whereas** the residents of Venice have not been informed of the
41 comprehensive Project, nor have we had an opportunity to participate in
42 land use reconfiguration decisions;

1 **Whereas** repeated expression of Venice residents concerns about
2 impacts at piecemeal hearings on individual Marina developments have
3 been disregarded by County officials.
4 **Whereas** on August 19, 2008, Senate Bill SB375 was adopted which
5 requirements include the preparation of Sustainable Communities
6 Strategies (SCS) which set forth a vision for growth for the region taking
7 into account the transportation, housing, environmental, and economic
8 needs of the region. The Marina del Rey redevelopment Project does not
9 achieve these goals.
10 **Therefore** be it resolved, the Venice Neighborhood Council requests that
11 the Los Angeles County Board of Supervisors suspend issuance of
12 development permits and entitlements for any and all land/projects located
13 within Marina del Rey proper until a comprehensive Environmental Impact
14 Report (EIR) complying in full with the California Environmental Quality
15 Act (CEQA) is presented to the County Department of Regional Planning,
16 covering all such proposed or anticipated developments and addressing
17 their environmental impacts on adjacent communities within the City of
18 Los Angeles. Be it further resolved that this resolution be transmitted to
19 the Los Angeles County Board of Supervisors, the Los Angeles County
20 Department of Regional Planning, The California Coastal Commission, the
21 Los Angeles Department of City Planning, Secretary of State Debra
22 Bowen, Senator Barbara Boxer, Los Angeles City Councilmember Bill
23 Rosendahl, California State Assembly Member Ted Lieu, California State
24 Senator Jenny Oropeza, California 5 Congresswoman Jane Harman, “We
25 Are Marina Del Rey, “ “Save the Marina, “ the Del Rey NC, Westchester-
26 Playa del Rey NC, the Palms NC, the Mar Vista Community Council, City
27 of Culver City and the City of Santa Monica.
28
29 Mark Saltzberg discussed the potential impact of development in the
30 unincorporated area of Marina del Rey on the Venice community, and
31 discussed the way he envisioned the position that the Venice
32 Neighborhood Council should take and the outcome he wants to see, in
33 the form of an EIR that views prospective developments comprehensively.
34 Mr. Saltzberg introduced David Barasch (sp?), and stated that his group,
35 ‘We are Marina del Rey’ provided facts listed in the proposed resolution.
36 Mr. Barasch summarized his organization’s intent to avoid or control

1 piecemeal development in his community and to encourage affordable
2 housing.

3
4 Robert Aronson stated that the alternate clause offered should be deleted;
5 there was consensus.

6
7 **Jed Pauker moved to approve the resolution as amended and to**
8 **recommend approval by the Board of Governors of the Venice**
9 **Neighborhood Council; seconded by Kelly Li.**

10 Robert Aronson stated that the City of Los Angeles should be addressed
11 and that mention be made of the Green Line. Mark Saltzberg defined his
12 intent. Mr. Saltzberg responded to Mr. Aronson's question regarding a
13 comprehensive LCP update by stating that the Coastal Commission has
14 already asked for one. Arnold Springer asked if a County program is
15 certified and was told that the program has been submitted for
16 certification. Mr. Springer then opined that an appeal should be filed to
17 the Coastal Commission. John Reed asked which projects violated the
18 LCP. David Barasch referred to the "four or five" projects located on
19 public parking lots, and indicated that lease options have been signed.
20 Mr. Reed asked if these projects have gone through the approval process;
21 Mr. Barasch stated that his group is in a good position to have an impact
22 on proposed development. Mr. Reed asked if the language of the
23 resolution is too broad. Mr. Saltzberg stated that an appendix listing the

1 proposed development projects should be provided, and stated that his
2 intent is to have an influence on the impact Marina del Rey development
3 has on the Venice community. There was further discussion about the
4 resolution's intent. Jed Pauker suggested an amendment (adding the
5 phrase "21 as of 1/14/09"). Mr. Barasch reiterated that there is an
6 overriding question of CEQA violation and violation of the Coastal Act.
7 Ruthie Seroussi suggested an amendment; Mr. Saltzberg stated his
8 preference for Mr. Pauker's amendment. There was discussion about
9 additional amendments. Mr. Saltzberg asked who in the City of Los
10 Angeles will be responsible for advancing Venice's concerns. Jim Murez
11 suggested that Jim Kennedy could be the appropriate person to contact
12 for guidance and assistance in this regard. Mr. Pauker suggested a
13 change in the language of two resolutions from passive to active. After
14 further discussion, Challis Macpherson requested that the resolution be
15 revised to address concerns raised and re-presented at the next LUPC
16 meeting.

17
18 C. TownHouse Bar, Certificate of compliance issue. B&S Appeal. Documents
19 to be posted and emailed to LUPC for consideration.

20
21 Mr. Salzman referred to the historic nature of the subject property, which
22 has been in existence from before the era of Prohibition, and stated that
23 the question of a CUP for the property arose during the proprietors'
24 attempt to rectify a clerical error regarding the ABC license. Mr. Salzman

1 stated that a request for acknowledgement from the City of Los Angeles
2 that a CUP is not required. Mr. Salzman provided copies of the LAFD-
3 issued occupant load.

4 John Murdoch, representing the Marina Pacific Hotel and ... and his wife,
5 Anjelica Huston, stated that there is no Certificate of Occupancy for the
6 basement area, no CUP for the new bar in the basement, and no legal
7 basis for the owner's use of the basement to serve alcohol. Mark Sokol,
8 owner of the Marina Pacific Hotel, referred to problems that have occurred
9 as a result of the Townhouse Bar's tenancy, including noise complaints.
10 Mr. Sokol stated that his business is being harmed, and provided
11 documentation from his customers. Erwin Sokol, builder of the Marina
12 Pacific Hotel, referred to the Townhouse Bar as a noisy nuisance, and
13 stated that he had been told that there had been an illegal operation in the
14 basement. Benjamin Malmquist, general manager of the Marina Pacific
15 Hotel, stated that no improvement in noise generated from the Townhouse
16 Bar had occurred despite numerous interactions. Louie Ryan, co-owner of
17 the Townhouse Bar, listed twenty years of responsible operation, and
18 listed efforts to reduce noise. Mr. Ryan stated his willingness to be a good
19 neighbor. Dorothy Becker stated that she had not gotten complaints about
20 noise from the Townhouse. Todd von Hoffman spoke in favor of
21 preserving the historic value of Venice, and spoke in support of continued
22 use of the Townhouse Bar. Daniel ..., owner of the restaurant across the

1 street, stated that the operation of the Townhouse Bar has improved
2 under the Ryan's ownership. Jordan Zarnecky referred to the history of
3 the Townhouse. Micky ... spoke of the history of the Townhouse and in
4 support of the Townhouse. Andy Lehman stated that the Townhouse was
5 in place before the Marina Pacific Hotel was built, and remarked that the
6 premises provide much-needed meeting space.

7 Arnold Springer referred to a City of Los Angeles Department of Building
8 and Safety document from 1935 that cited the use of the Townhouse
9 premises as a café and to City of Los Angeles Department of Building and
10 Safety another document dated May 28, 1958 referring to the first floor
11 only of the premises to be used as a restaurant and bar. Mr. Springer
12 spoke in favor of providing CUP conditions that will be acceptable. John
13 Reed referred to an earlier presentation regarding a proposed rooftop bar
14 at the Marina Pacific Hotel in which the noise issue was discussed and
15 minimized by the developer. Challis Macpherson agreed with Mr. Reed
16 and stated that a community's residents should be able to cooperate.

17 Ruthie Seroussi referred to the Marina Pacific Hotel's presentation, noted
18 that conditions can be set for responsible operation and stated that
19 cooperative effort should be made. Jim Murez called for clarification of the
20 issue at hand, and called for resolution of the compliance issue first.

21 There is a February 4, 2009 Area Planning Commission (APC) meeting at
22 which this issue will be heard. Jed Pauker concurred with Mr. Murez and

1 stated that there was a lot more to be said for Venice history. Kelly Li
2 agreed with Mr. Murez and stated that the noise issue was secondary.
3 Mr. Springer stated that the speakers have not given enough substance to
4 the idea that the basement was not being used consistently as a bar or
5 restaurant. Mr. Springer referred to the consequences of intensification of
6 use by allowing use of the basement. There was discussion of what was
7 conveyed the documentation provided.

8 John Murdoch asked what issue was being debated by the LUPC. Challis
9 Macpherson stated that LUPC was discussing whether or not to
10 recommend a position to the APC. Mr. Murez referred to the maximum
11 occupancy cited in the 1958 document, which indicates 155 people--75
12 more than is currently allowed by LAFD standards--and speculated on
13 how this calculation could have been done. Ms. Seroussi asked why the
14 owners have not pursued obtaining a Certificate of Occupancy and a
15 CUP.

16 **Robert Aronson moved to recommend that the Board of Governors of the**
17 **Venice Neighborhood Council find that there is sufficient evidence that the**
18 **Townhouse Bar has had a legal nonconforming use with respect to the**
19 **basement since the 1930s and for that reason that no Certificate of**
20 **Occupancy and Conditional Use Permit is necessary for that reason;**
21 **seconded by Jim Murez.**

1 Jim Murez stated that the bar was in existence prior to Venice becoming
2 part of Los Angeles, and therefore there was justification for the contention
3 that no COO or CUP is needed. Discussion that followed resulted in the
4 motion being amended to read:

5 **Robert Aronson moved to recommend that the Board of Governors of the**
6 **Venice Neighborhood Council find that there is sufficient evidence that the**
7 **Townhouse Bar has had a legal nonconforming use with respect to the**
8 **basement since the 1930s and for that reason that no Certificate of**
9 **Occupancy and Conditional Use Permit is necessary for that reason. Due**
10 **to time constraints, recommendations for ABC conditions will be submitted**
11 **later; seconded by Jim Murez.**

12 Arnold Springer expressed concern that the ABC license extension will be
13 granted without VNC recommendations, because of the time constraint.

14 The applicant agreed not to pursue the ABC license extension until after
15 the VNC's recommendation can be made.

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

17 **8. PUBLIC COMMENT**

18
19 David ... stated that he had been approached by the owners of a tea shop at
20 1326 Abbot Kinney Boulevard who wish to develop their property as a
21 restaurant.

22 **9. OLD BUSINESS**

23
24 None noted.

1 **10. ADMINISTRATIVE** – to be conducted at special meeting February 11, 2009.

2

3

4 **11. ADJOURNMENT**