

Venice Neighborhood Council

Post Office Box 550
Venice, CALIFORNIA
90294



**Land Use and Planning
Committee
Minutes
January 24, 2007**

- 1
- 2 Meeting called to order by Susan Papadakis, 6:45pm. Roll Call, absent Challis
- 3 Macpherson and Ruthie Seroussi. Rob Aronson and Jed Pauker arrived late.
- 4
- 5 Approval of December 4, 2006 and December 6, 2006 minutes POSTPONED.
- 6
- 7 ANNOUNCEMENT because there were no speaker cards, speakers should line up
- 8 when public speaking began, and state their name and residence clearly.
- 9
- 10 LUPC CHAIR REPORT was given by Phil Raider in the chair's absence. He reported
- 11 that there was no news to report back from VNC.
- 12
- 13 REPORT FROM VNC MEMBERS: No LUPC issues were addressed at the last VNC
- 14 meeting because no papers were submitted by LUPC.
- 15
- 16 TASK FORCE REPORTS:
- 17 Arnold Springer asks how items are agendized, AGENDA TASK FORCE states Challis
- 18 Macpherson makes a list of all items to come before LUPC.
- 19
- 20 NO PARKING TASK FORCE REPORT
- 21
- 22 NO CONSTRUCTION MORITORIUM REPORT
- 23
- 24 WEB AUTOMATION TASK FORCE states the automation of projects has been
- 25 discussed and reviewed.
- 26

27 **FENCES AND HEDGES TASK FORCE distributed Fence Task Force Report, Maury**
28 **Ruano briefed the Committee on the allowance of higher fences in areas adjacent to**
29 **water in the Ballona and Silverstrand areas, and stated “fence height districts” may be**
30 **created if areas are determined to have a need for higher fences for security reasons.**

31
32 **No PUBLIC COMMENT**

33
34 **No CONSENT CALENDAR items**

35
36 **No OLD BUSINESS**

37
38 **Item 9A - 1429 Abbott Kinney**

39 **Committee member Arnold Springer excuses himself from item 9A.**

40 **Presenter: Fran Camaj and Will Nieves**

41 **CUP requested to allow the sale and dispensing of a full line of alcoholic beverages for**
42 **on-site consumption with food and live entertainment. The project is a proposed**
43 **French restaurant at 1429 Abbott Kinney with 60 seats indoors at an outdoor patio with**
44 **hours of operation from 11 AM – 1 AM daily. C2-1-O-CA COMMUNITY**
45 **COMMERCIAL ZONE.**

46
47 **Fran Camaj states he personally canvassed 23 of his neighbors, 21 approved of his**
48 **request, 2 declined to comment, no one was opposed. States the ZA has received no**
49 **opposition after noticing of the request for CUP was distributed.**

50
51 **Committee asked Fran Camaj and Will Nieves (Planning Consultant) about required**
52 **parking. According to existing building permits the structure was grandfathered with,**
53 **the property was credited with 14 parking spaces, although only one physical spot**
54 **currently exists. Applicant restates that the only decision before the LUPC is the CUP**
55 **for alcoholic beverages, as all other proposed uses are by-right.**

56
57 **Jim Murez asked about the previous use.**

58 **Maury asked about the increase of intensity of use.**

59
60 **Public Comment:**

61 **Kelly Boston – Electric Avenue, ½ blocks from proposed restaurant. Commenter**
62 **requests new development be stopped until residential parking issues are addressed.**
63 **Street parking is hard to find for residents, and Coastal Commission does not allow**
64 **permit parking.**

65 **Chris Hero – Milwood & Electric, willing to have a restaurant but states presentation**
66 **was disingenuous, that the restaurant will likely hold 100 people with employees and**

67 patrons. States the 14 space allowed by right are also shared with other uses on the
68 property.

69 John Ewing – lives a block from the project site, never received notice of AB permit.
70 Asks which neighbors were talked to by applicant. States disingenuous statements
71 were made by applicant about support for the project. States traffic congestion is a
72 problem nearby, and parking should be seriously evaluated before project approval.
73 Arnold Springer – as member of the public. States he has never seen anyone try to use
74 phantom parking spots. States we are primarily concerned about residents, and LUPC
75 should study project and parking problem but not shove food down our throats.

76

77 **LUPC Discussion:**

78 Most members agreed that the Alcoholic Beverages Permit would intensify the use of
79 the project, and that the project should include some type of parking.

80

81 MOTION by Jim Murez to deny request for the CUP, motion SECONDED by Jed
82 Pauker.

83

84 Applicant requests continuation of agenda item to future date to allow project to be
85 reformulated and presented to LUPC.

86

87 MOTION by Lainie Herrera to postpone item until the 4th Wednesday of February
88 meeting.

89 Motion SECONDED by Sylviane Dungan.

90

91 **Vote: 6 in favor**

92 **1 against (Phil Raider)**

93 **1 abstention (Jed Pauker)**

94

95 **MOTION PASSES**

96

97 Original motion still stands and will become Old Business for February meeting.

98

99 **5 minute recess**

100

101 **Item 9B**

102 **LUPC Staff for this project/issue is: Fences and Hedges Task Force**

103 **Presenters: Matthew Stone and Angela Howard.**

104 **Case Number ZA 2006-6447 ZAD**

105 Applicant built a fence along the front property line of Applicants' residence. Applicant
106 seeks the VNC approval of the fence. Applicant is prepared to present to the VNC
107 evidence of the neighborhood's predominant support of the subject fence.

108
109 Homeowner Matthew Stone was not aware of the LAMC fences requirement when he
110 built the fence, and the contractor was not aware or did not tell him of the restriction.
111 Applicant states his property is a corner piece, and a low fence means no back yard, no
112 privacy. Applicant states the house was constructed with the fence in mind – almost all
113 windows would be exposed. Applicant states his profession as a creator of the TV
114 series South Park means people know where he lives.

115
116
117
118 LUPC asks applicant if the ZA had made a decision – Applicant states the ZA is waiting
119 for the LUPC recommendation. Jim Murez states four (4) other properties in the Silver
120 Circle community have had variances granted for fence height. the applicant's helper
121 gave a single copy of the variance materials, addresses of residents with variances, to
122 Jim Murez.

123
124 **Public Comment:**
125 Hazel Rojas – states the fence was ugly before the Applicants improved it, is very nice
126 now and she supports the Applicant's request.
127 Charles Bornstein – 23 Clark, states the area was plain and is now becoming nice thanks
128 in part to the Applicant's improvement of the fence and other large fences.
129 Pamela Harbour – across street from subject property, states fence is pretty but like a
130 wall, and when people put up walls so do their neighbors.
131 Chris Hero – Milwood, states high walls create fortress-like environments, and cuts
132 home off from neighborhood. Committee should act on this wall and others.
133 Joe Clark – Amoroso Place, states a beautiful job with privacy can be created within the
134 42" restriction of the LAMC.
135 Judy Esposito – Boone & Olive, states fortress-like walls are offensive and not in
136 keeping with neighborhood character. Santa Monica properties do not have walls or
137 fences and are beautiful. Privacy issues should not dictate what she looks at. Fences
138 are not permitted here.
139 Quentin Alsbury – bought a house with an existing fence, and states VNC represents
140 neighborhood opinion. States canvassing neighbors has resulted in approval or
141 indifference regarding fences. He stated that the ordinance dates back from 1982 when
142 things were different. Has a kid that he wants to let play outdoors.

143
144 Joan Wreed – Beech Avenue, Homeowner Association President of area, states five (5)
145 neighbors were asked about the Applicant's s and fence modifications and whether or

146 not they were approved by neighbors because it was an improvement over the last
147 fence. Fence already existed before Applicant purchased. States there is a lot of foot
148 and car traffic in their neighborhood.

149 Ian Hale – Represented the previous sellers - states 75-80 percent of the fence existed
150 before the house was sold, and that the new fence is an improvement. States the front
151 of the house is made of sliding garage doors and needs the fence for privacy.

152 Kenny Holtz – 671 ½ Broadway, states fence is an architectural extension of the house.

153 Sue Kaplan – Nowita Place, is in favor of the VSP and LAMC. States neighborhood
154 character is open and pedestrian friendly. Variance should only be issued for unique
155 characteristics.

156 Sim Warkov – 2 blocks from Applicant, corner. States she has an illegal fence, with set-
157 back, and that some residents have been singled out. Variances have been issued to
158 Frank Gehry and David Hertz.

159

160 4 other audience members in attendance to support applicant.

161

162 LUPC Discussion:

163 Topic was extensively discussed by LUPC. Frank Gehry was issued a permit for a ten
164 (10) foot high fence, with provisions that it has to be set back 10' with landscaping in
165 between. (NOTE: In fact, in case numbers 2005-0100, -0105 and -0098, Gehry applied
166 for three 8-foot-in-height fence variances, and received two 6-foot grants and one 8-foot
167 grant. Editor's comment) David Hertz has a permit for a six (6) foot high fence, a 3'6"
168 solid fence with a 2'-6" open fencing above, with a one-foot landscape buffer. It was
169 also discussed that if the community agrees to a change regarding fence heights, the
170 community can organize to change the existing policy, but that the LUPC and VNC
171 cannot be responsible for reviewing each case.

172

173 MOTION by Robert Aronson to deny application as presented, and that we as LUPC
174 express that the fence height ordinance and the VSP be strongly enforced. Motion
175 SECONDED by Phil Raider.

176

177 LUPC Discussion:

178 A strong position on the LAMC and VSP regarding fence height might be too strong,
179 and we clearly need to allow for compromise if the community wants a change.

180

181 Phil Raider WITHDRAWS SECOND, Robert Aronson WITHDRAWS MOTION.

182

183 MOTION by Robert Aronson to recommend to the VNC Board of Officers to deny
184 application as presented and that LUPC, as a committee express that fence height
185 ordinance be strongly enforced. Motion SECONDED by Phil Raider.

186

187 **LUPC Discussion:**
188 **Jed Pauker explains the LAMC allowance for fence height districts, LAMC 13.10.**
189 **Arnold Springer states the fence should be reduced to legal height, and then the**
190 **community should work together for a compromise and a neighborhood plan.**
191
192 **Vote: 5 in favor**
193 **4 against**
194
195 **MOTION PASSED**
196
197 **MOTION by Jim Murez to allow applicant to have same fence conditions as case ZA-**
198 **2001-2593. David Hertz property. Motion SECONDED by Sylviane Dungan.**
199
200 **Public Comment:**
201 **Judith Esposito – States fences over 42” are illegal, it is a matter of space, and fences are**
202 **a cancer, a barricade.**
203 **Pamela Harbour – discussion of variance is not in line with agenda item.**
204
205
206 **Joan Wreed – states this is a neighborhood issue, and based on only one neighbor’s**
207 **complaint.**
208 **Matt Stone (Applicant) – accepts compromise presented in motion and would build a**
209 **pool if necessary (referring to David Hertz property).**
210 **Quentin Alsbury – states the variance moved seems fair.**
211 **Angela Howard (Applicant) – states a fence does not make a bad neighbor, and states**
212 **they are willing to work with their community to reach an agreement.**
213 **Nannette Dolinger – states LAMC fence height requirement is not in line with the 21st**
214 **Century.**
215
216 **LUPC Discussion:**
217 **The motion on the table was not an issue directly on the agenda and therefore LUPC is**
218 **not prepared to make a decision. There is no rush to approve the variance, and**
219 **approval of such would set a precedent.**
220
221 **Vote: 3 in favor**
222 **6 against**
223
224 **MOTION FAILS**
225
226 **No additional public comment.**
227

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Minutes as of 1-24-07

228 **Adjourned**

229
