

February 28, 2022

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President Millman and Honorable
Commissioners
City Planning Commission
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Los Angeles, California 90012

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This is the original document filed by the appellants (as renters) who are now former residents of Hurricane St. Their building was sold in 2024 after the owner realized it would be significantly harder to get market rent for multiple years during construction, especially given the lack of ANY buffer (10' required) between the project and property.

Re: Venice Auxiliary Pump Plant (VAPP), 128 and 133 Hurricane;
DIR-2017-4167; ZA-2017-3950 (plant); DIR-2017-4173; ZA-2017-3953 (parking lot)

Dear President Millman and Commissioners:

This letter is submitted on behalf of the appellants, Michael and Genevieve Morrill-Borassi, as well as other neighbors who will be impacted by the proposed Public Works project at 128 and 133 Hurricane on the Marina Peninsula.

The goal of this appeal is to require Public Works to work with the community on a better design for this project which will fit within our community and will provide protection for adjoining residential neighbors from the impacts of this industrial-style facility on privacy, safety, noise and aesthetics.

The background and issues with this facility are summarized as follows:

- Public Works last presented this project to the community in 2017. The case has been on hold for almost 5 years. No additional information or contacts with the community were held during this time despite prior promises to work on design and mitigation. We have repeatedly asked for a new presentation of the project since changes were clearly made since the last City public hearings in 2017.

- The EIR for the project and prior presentations misrepresented the location of the project, which is in fact 10 -15 feet closer to the nearest residential structure than previously represented.

- The project is poorly designed to fit within its residentially zoned neighborhood. Noisy and dangerous equipment is located very close to two neighboring residential areas. However, on the other side, the project site is adjacent to a dead-end street and the exiting pump plant, and all noisy and dangerous equipment should be located nearer to this facility and away from residents.

- The project aesthetic design, proposed landscaping and “public art” has never been presented to the community and the simple elevation of the structure presented does not adequately show how this will fit into a 100% residential neighborhood.

- Public Works has a history at this location of poor maintenance of the existing facility and landscaping, as well as noisy and intrusive construction for years during the recent Dual Force Main project at this location. The community simply does not trust Public Works to fulfill its promises to keep this facility and the parking lot safe and attractive. (See attached photographs of trash, graffiti, lack of landscaping, and lack of maintenance of existing facility.)

- The facility is adjacent to a sensitive wetland area and no effort is made to mitigate impacts or improve existing conditions.

- The proposed parking lot will be an attractive nuisance in this residential area and will not be secured or patrolled. City parking should continue to be on the street and the additional lot should be used for open space to buffer the facilities.

- The project approval and conditions do not properly include all required mitigation measures so that the community knows what must be done and enforced. The EIR, Addendum and MMRP plan are only found on an obscure Bureau of Engineering link and were not available to the neighbors.

- Introduction and Background

The project site is in a unique residential neighborhood in the Venice/Marina Peninsula area where apartments, condominiums, duplexes and single family homes

support a thriving and unique residential community enjoying their surroundings between the Pacific Ocean and the Ballona Lagoon/Grand Canal waterway.

The Venice Pump Plant has existed in this area for a long time. It is not well maintained. It has no landscaping or attractive fencing. It is never upgraded, cleaned, and graffiti is often left for months before painting. The existing plant is stark, abuts directly onto a sensitive waterway, is littered with trash and graffiti, with weeds poking through the scant gravel setbacks. Over the last five years, the site has been used as a staging area for the Hyperion Dual Force Main project, so the neighbors have endured constant construction traffic, noise, dust and equipment.

The only saving grace in the current layout is that there are two large empty properties on either side of the existing plant, and this open space has mitigated the impact of the plant on the neighborhood. Now Public Works wants to build on both of these lots, and their new improvements will directly abut existing residences. In order to build a safe and beneficial project here, Public Works must be required to include the following measures in the project:

- The project needs to mitigate its impact on the sensitive canal and lagoon. The existing pump plant has no vegetation whatsoever and the canal banks are not appropriately landscaped with native materials. Additional landscaping should be added to the existing facility including vines to cover walls which are frequently graffitied.
- Upgrades should be required to the aesthetics of the existing plant including painting, consideration of a mural, and additional planting in currently empty and trash filled planters and side yards.
- The new facility must be designed and landscaped in keeping with the residential area and sensitive lagoon.
- Provide a buffer of landscaping and walls between the new facilities and the directly adjacent residential buildings, including a minimum 6-foot block wall and 10 feet of landscaping between both the parking lot and the new facility and the nearest adjoining residential property to the north and west.
- Include an on-going obligation to clean and maintain the existing and new facilities when they are complete.

- Adopt binding conditions of approval that clearly spell out all obligations in the future so that neighbors can monitor and enforce, including each requirement of the approvals and the MMRP.
- The Errors in the Current Approvals

In the cases before you, Public Works has been granted a series of special adjustments and “alternative” compliance measures that don’t make sense in this case. While most of the project site adjoins open space, a City facility and streets, the equipment for this facility has been jammed up against the nearest residential uses, with transformers less than four feet from bedroom windows. A more thoughtful design that really fits into this location needs to be proposed.

This project does not meet the performance standards for a Public Benefit Project. A zone change and general plan amendment are required for this project. Per Code, an eligible Public Benefit Project must be improved with a 10 foot landscaped, irrigated buffer along all property lines.

In addition, this project does not meet the standards required for a Conditional Use to allow a parking lot in a residential zone. The finding cannot be made that this use is compatible with adjacent properties and the surrounding neighborhood. The project is not consistent with the general plan as this property is designated for Low Medium Residential use only. A zone change and general plan amendment are required.

The parking lot will be an attractive nuisance in this small residential area unless security, fencing and nightly locked gates are required. The entire parking lot needs to be enclosed with attractive fencing with a residential look and materials to help blend in with the area.

- The Project Does Not Comply with CEQA

The CEQA compliance for the project is inadequate. Public Works certified its own EIR in 2017 and then an Addendum in 2021. There was no public outreach whatsoever for the Addendum, but the community was notified by the State Dept. of Toxic Substance Control that remediation was needed at the project site.

City Planning has not properly reviewed the CEQA compliance nor included the mitigation measures as conditions as required by law. Each requirement of the MMRP should be included in these public and recorded conditions, so the community knows what is required and can monitor the implementation. Instead, the MMRP can only be found on an obscure Public Works weblink.

Further, the EIR included false and misleading project plans which showed the project footprint further from the closest neighboring residence than it actually is. Even at the on-site meeting, Public Works falsely represented the distance between the nearest residence and the project equipment. The EIR is vague and does not specify the project design, distance between equipment, the type of equipment to be used, and what the neighborhood would be exposed to during and after construction.

- Errors in the Decision

The following errors are made in the findings for Public Benefit Project:

Finding 7 h. An eligible Public Benefit Project must be improved with a 10 foot landscaped, irrigated buffer along the periphery. This is very important to the community and cannot be met.

Finding 7 i. The finding refers to “Condition 4” stating that the project shall include landscaped parking per LAMC 12.21-A 6. There is no such condition and it does not appear that the parking area is sufficiently landscaped.

Finding 7 o. The cited performance standards apply to projects on a major or secondary highway, which this site is not. Therefore, the Public Benefits exception is not available and the project must seek a zone change.

The following errors are found in the Pump Plant and Parking Lot conditions:

Pump Plant Condition # 5 Setback. The notice for this case in 2017 stated that a ZA Adjustment was sought for the northerly side yard. However, the decision grants an adjustment for the westerly rear yard, allowing equipment along Canal Court. There has been no explanation to the community whether in fact the design has changed or what the distance is between the facility, equipment and the nearest residential property directly to the north. The project needs an ample buffer between the residential property to the north and the facility, including a minimum 6 foot block wall and 10 feet of landscaping. The project needs to be designed with a residential look and materials to help blend in with the area.

Parking Lot Condition # 5 requiring “signage” with the parking lot hours will not be sufficient to prevent overnight parking, camping, etc. The parking lot should be gated and supervised with gates locked at sunset. A parking lot in a residential area is an attractive nuisance that must be secured and patrolled.

Parking Lot Condition #4 regarding setbacks is insufficient. There should be a 6 foot block wall and 10 feet of landscaping on the west side of the property to buffer the next door residential uses. The findings mention a 6 foot “decorative fence” and landscaping. These requirements should be spelled out in the conditions so that they cannot be altered, and the fencing should be a block wall where it abuts the residence.

Both Conditions #13. Each requirement of the MMRP should be included in these public and recorded conditions, so the community knows what is required and can monitor the implementation. The Public Works link to the project plans, EIR and Addendum currently does not work, and there is nothing including the MMRP in the case file referenced in Condition 13. We have received notice from the Depart. of Toxic Substances Control that there is active remediation plan at the site. Compliance with these plans should be spelled out in the conditions and recorded covenant.

Both Conditions #15 Final Plans. The community should be given an opportunity to review final plans showing how the facility will be compatible with the adjoining neighborhood in terms of scale, privacy, landscaping and aesthetics.

- Conclusion

For all of the above reasons, this project should not be approved, but should be sent back to the drawing board so that Public Works can design a compatible facility. To place this facility in a residential neighborhood in a sensitive wetland location requires careful consideration and strict conditions.

Sincerely,

Clare Bronowski

CLARE BRONOWSKI
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

CB:cb
Attachments

cc: Elizabeth Gallardo
Juliet Oh
Councilmember Mike Bonin

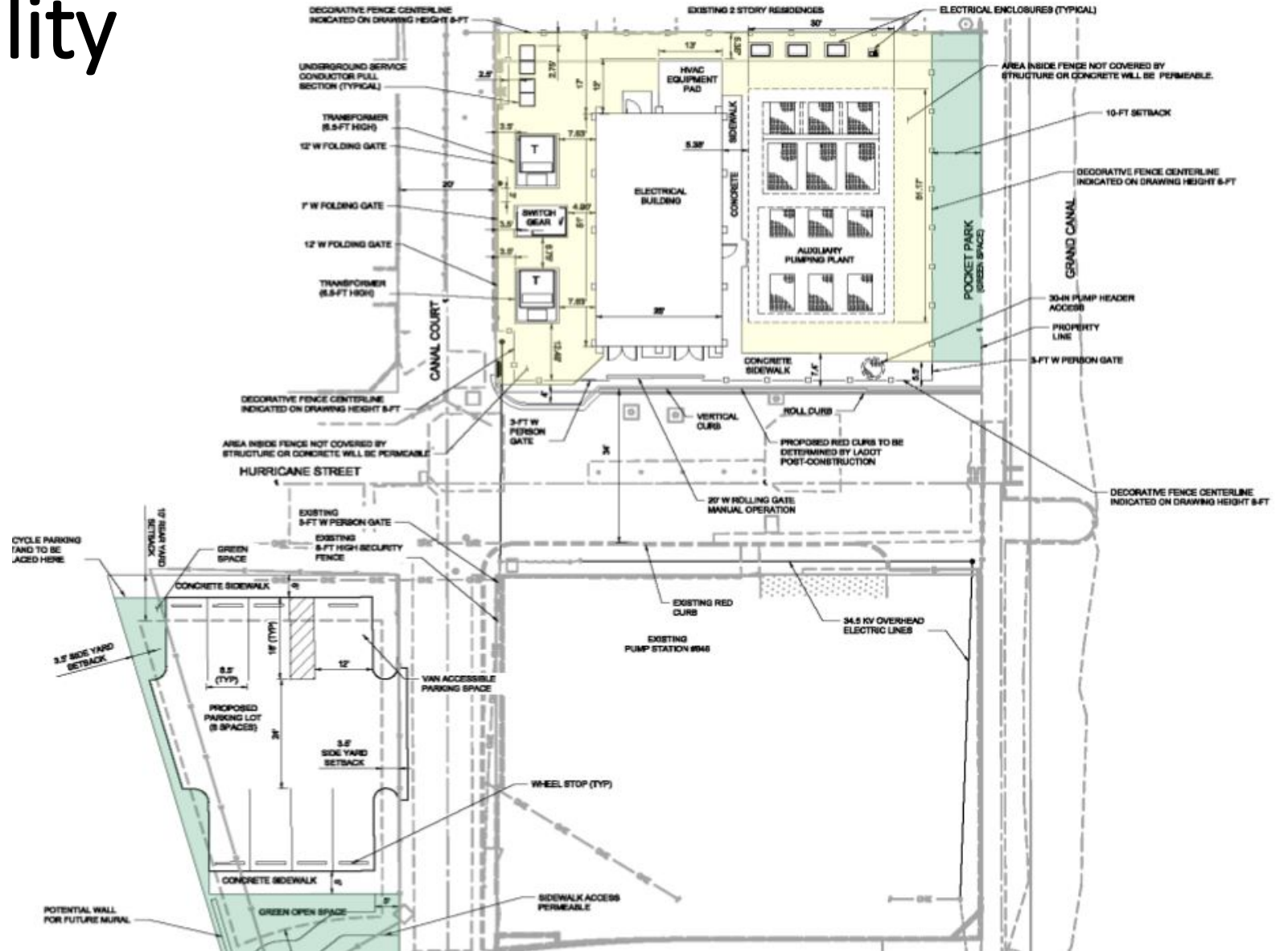
Venice Auxiliary Pump Plan Project Site



Project Site



Proposed Facility layout



Existing Facility: No landscaping



Existing facility: lagoon side, disrepair



Existing graffiti



More graffiti



More graffiti, disrepair



Trash, disrepair

