

Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



Land Use and Planning Committee MINUTES August 27, 2008



1 **1. CALL TO ORDER – ROLL CALL**

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3 Challis Macpherson called the meeting to order; LUPC members present:

4 Dennis Hathaway, Challis Macpherson, Jim Murez, Jed Pauker, John Reed,

5 Maury Ruano, Ruthie Seroussi, Arnold Springer

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

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9 **3. APPROVAL OF OUTSTANDING MINUTES**

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11 **4. ANNOUNCEMENTS**

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13 None noted

14 **5. PUBLIC COMMENT**

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16 Yolanda Gonzalez asked about the disposition of funds put into escrow to

17 offset the cost of repairs to alleys in her area that resulted from damage

18 caused by nearby development projects.

19 Ivan Spiegel pointed out that an over-height is being erected at a nearby

20 property. There was discussion about over-height fences.

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6. CONSENT CALENDAR

No Consent Calendar items noted.

7. NEW BUSINESS: DELIBERATION OF FOLLOWING PROJECTS/ISSUES

A. Venice Surplus Property

Challis Macpherson read an excerpt of the Los Angeles City Council motion to approve property sales: The established City procedure for selling surplus property requires that the property be offered to the appropriate government agencies for Park and Recreation purposes, open space or for low income housing purposes. The notified agencies either did not respond or responded with no objection during the specified 60-day waiting period. The Bureau of Engineering Survey section provided the legal descriptions of the properties and any reservation or exception of portions of the real property for easements or rights required by the City were retained. Per Los Angeles Administrative Code 7.22, sub C, the City Planning Department shall consider the sale in compliance with the current City General Plan and the property's local Community Plan. AMD notified the City Planning Department of the sales, Planning Department with the proposal to sell the properties or waived its response rights to comment on the sale. AMD notified the Council members in whose districts the properties are located of the proposed sale. The Council members concurred in the sale of the properties. Ms. Macpherson read quote from the Venice Community Plan and the Venice Coastal Zone

47 Specific Plan (VCZSP) regarding senior housing and public parking
48 structures.

49 **Dennis Hathaway moved that LUPC recommend the following action be**
50 **taken by the VNC Board of Officers: that all proposed sales of City-owned**
51 **real property in Venice be submitted to the Land Use and Planning**
52 **Committee of the Venice Neighborhood Council so that the Committee can**
53 **hear public testimony and make recommendations on what it deems to be**
54 **the best use of the property and that all presently-pending sales of such**
55 **property be suspended until LUPC and the VNC Board have submitted a**
56 **recommendation to the Council District 11 office; seconded by Arnold**
57 **Springer.**

58 Yolanda Gonzalez referred to a proposal submitted during her tenure as a
59 VNC Board member.

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61 Jim Murez suggested that all surplus property should be studied; Dennis
62 Hathaway stated that two lots are being posted for sale and discussed the
63 intent for the motion proposed. Arnold Springer observed that the motion
64 referred to the promotion the development of senior housing on vacant
65 land and the Venice Coastal Zone Specific Plan referred to the
66 development of public parking spaces and parks; Mr. Springer discussed
67 the income generated by each of these uses and called for the sale of the
68 property to be forestalled. Jed Pauker suggested an amendment to the
69 motion, which was withdrawn after discussion.

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71 **VOTE: 7 in favor; 1 opposed; no abstentions.**

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73 B. 2630 Strongs Drive/Grand Canal, Glen Irani Architects DIR 2008-2743
74 VSO

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76 Postponed to September 24, 2008

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78 C. Proposed LUPC Policy Statement

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80 Challis Macpherson reported that copies were provided to meeting

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82 attendees of both the original proposed LUPC Policy Statement submitted

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84 by Arnold Springer and amendments suggested by Ruthie Seroussi (see

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86 Attachment #1).

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88 No stakeholder expressed interest in public comment.

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90 **Arnold Springer moved to adopt Draft Policy Statement #2; seconded by**

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92 **Jed Pauker.**

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94 Dennis Hathaway stated that the policy is unenforceable and did not agree

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96 with adoption. Challis Macpherson. Ruthie Seroussi and Arnold Springer

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98 responded to Maury Ruano's question regarding why the policy statement

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100 is being considered as a measure short of revising the VCZSP. Jed

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102 Pauker emphasized that this is intended as an interim measure, that will

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104 establish communications with the City regarding this issue, and noted the

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106 intent to address issues not mentioned in the VCZSP. Jim Murez stated

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108 that the 30' height limit specified in both policy statements is inappropriate.

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110 Mr. Pauker suggested that "a 30 foot high box" be replaced with "the

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112 buildable envelope." Dennis Hathaway discussed means by which the

98 VCZSP could be amended at any time. Ms. Macpherson referred LUPC
99 members to an unvisited section of the LUPC website that contains
100 information on this topic. There was further discussion about how the
101 VCZSP can be altered and what follow-up could be done regarding
102 changes to VCZSP previously proposed. Ms. Seroussi suggested
103 amendments to the changes she previously provided and asked Mr.
104 Ruano and Mr. Hathaway for further input regarding their concerns. Mr.
105 Ruano stated that the VCZSP is an official, enforceable City document
106 and questioned the appropriateness of proposing a Policy Statement that
107 could be in opposition to the VCZSP. There was further discussion about
108 the proposed Policy Statement's intent. Mr. Springer agreed to the
109 amendments suggested by Ms. Seroussi. Mr. Springer agreed to chair a
110 Task Force to follow up on proposed changes to the VCZSP.

111 **VOTE: 6 in favor; 2 opposed; no abstentions.**

112 D. Conditions and the Enforcement of Conditions; Policy statement on
113 conditions placed on a project and VNC/LUPC follow up procedures. JPI
114 Project in Oxford Triangle which has been brought up before VNC/LUPC
115 before is an example of a developer not adhering to conditions. This is a
116 policy statement to expand and codify VNC/LUPC conditioning process.
117 Copy of policy statement appended to this agenda and distributed to the
118 audience.

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120 Challis Macpherson introduced Marina Martos, CD11 Planning Deputy
121 and read the proposed Policy Statement (see Attachment #2). Mary
122 Margaret Martinez spoke in favor of the proposed policy statement.
123 Fabiola ... agreed with the previous speaker. Ruth Ann Carlisle criticized

124 the VCZSP, stated that the only benefit to the community was protection
125 of ingress/egress to the community and that protection has been violated.
126 Rita Moser referred to a fire gate into her neighborhood that has only
127 recently been appropriately conditioned and referred to other areas where
128 vehicular traffic is still taking place in violation of the Oxford Triangle
129 ordinance. Ms. Moser stated that Los Angeles Planning Department has
130 an unwritten policy that disallows conditioning after the fact. Elizabeth
131 Wright spoke in favor of enforcing the Oxford Triangle Specific Plan. Bob
132 ... referred to parking restrictions imposed on the Princeton side of the
133 Oxford Triangle project and called for similar restrictions in the subject
134 area. Ms. Moser stated that public safety is at issue, and spoke in favor of
135 the proposed Policy Statement. Ivan Spiegel addressed the question of
136 process, and noted that there is no oversight or enforcement of LUPC and
137 VNC-imposed conditions. Yolanda Gonzalez stated that concerted
138 community action should be taken and advised that lawsuits be filed.
139 Judy ... stated that support from the VNC and from the Council office is
140 needed and asked for contact information. Ms. Wright referred to flyers
141 she recently distributed to homes in the Oxford Triangle. Whitney
142 Blumenfeld stated that each of the issues raised should be addressed
143 individually: A site visit to JPI was planned for the following week; the City
144 Planning department's position on conditions after the fact was
145 corroborated.

146 Challis Macpherson discussed LUPC procedures, the proposed action
147 and stated that the reason for the proposed action was blatant disregard
148 of conditions imposed. Ms. Macpherson asked for more information about
149 the proposed meeting with JPI; Ms. Blumenfeld asked for names of
150 stakeholders who want to participate in that meeting.

151 Dennis Hathaway stated that the LUPC discussion should appropriate
152 concern enforcement of conditions. Jim Murez suggested that
153 transportation impact should be mentioned in the Policy Statement. Mr.
154 Murez asked if JPI had been notified that the issue was to be discussed at
155 this LUPC meeting and stated that a JPI principal should attend the
156 meeting planned for the next week. Mr. Murez was told that the person
157 scheduled to attend was in a position of authority. Jed Pauker
158 commented about complaints voiced by stakeholders. Mr. Pauker
159 responded to Yolanda Gonzalez' suggestion regarding lawsuits and stated
160 that LUPC should further review this issue. Ruthie Seroussi questioned if
161 a LUPC policy on this issue is appropriate and asked Whitney Blumenfeld
162 how VNC-imposed conditions can be enforced. Ms. Blumenfeld opined
163 that the community should call attention to violations. There was further
164 discussion about how enforcement of conditions can be accomplished.

165 Jed Pauker suggested that a Task Force be formed to further research
166 this issue.

167 **Dennis Hathaway moved to postpone discussion of the Policy Statement,**
168 **until a report can be made by the Task Force assigned to this issue;**
169 **seconded by ...**

170 Ruthie Seroussi suggested that the Task Force be required to provide
171 recommendations within 60 days. Jed Pauker suggested that 30 days is
172 sufficient. It was decided that the Task Force recommendations would be
173 made within 60 days.

174 **VOTE: 8 in favor; no opposition; no abstentions.**

175 **8. PUBLIC COMMENT**

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177 Yolanda Gonzalez commended LUPC's efforts and referred to her upcoming
178 appearance before the Los Angeles City Council.

179 **9. OLD BUSINESS**

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181 2805 Abbot Kinney Blvd. [ZA Case 2008-0579 \(CUB\)](#). Postponed until
182 September 10, 2008

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184 **10. ADMINISTRATIVE**

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186 Postponed.

187 **11. ADJOURN**

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189 The meeting was adjourned by concensus

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DRAFT POLICY STATEMENT No. 1

LUPC POLICY STATEMENT ON MASSING, SCALE, AND MANSIONIZATION
TO BE PRESENTED TO VNC BOARD

To be read or otherwise presented at each neighborhood meeting arranged
to present a project to that neighborhood before it goes before LUPC to be
heard

1. Venice Coastal Zone Specific Plan (VCZSP) sets out the guidelines for new development in Venice.
2. VCZSP notwithstanding, the LUPC expects that new development projects shall attempt to accommodate neighborhood concerns regarding, in particular, massing and scale.
3. New construction projects should be designed so that they do not completely fill a 30 foot high box, but are rather articulated and designed in such a way that they address the scale and massing of the immediate neighborhood for which they are proposed.
4. LUPC believes that in order to address neighborhood concerns on density and scale, compromises between the maximums permitted under the VCZSP and the legitimate desires of neighbors and neighborhoods need to be suggested by applicants, who should try to meet the legitimate concerns of neighbors regarding height, light, air and space. This issue should be addressed in the neighborhood meeting suggested by LUPC and convened by the project applicant.
5. All parties looking for guidance should consult not only the relevant sections and provisions of the VCZSP, but also the plans drafted by each individual neighborhood, which can be found on the LUPC web site, www.VeniceNC.org or on www.Veniceunchained.com.

These plans were created in a public process organized by the city in 1988 and are the best indicator of the articulations on scale and massing that the specific Venice neighborhoods intended to be used as guidelines in their neighborhoods. These documents and their suggestions about scale and massing represent evidence of grass roots concern from our neighborhoods but were not incorporated into the VCZSP when it was compiled by the LA City planning department.

While the VCZSP is the 'law of the land' as are all other specific plans in the City of Los Angeles - the draft specific plans represent the formally presented 'intent' of the Venice neighborhoods and should be consulted by both the applicants

1 [and their neighbors prior to the LUPC mandated neighborhood meeting for each](#)
2 [new project.](#)

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6 **DRAFT POLICY STATEMENT No. 2**
7 **Proposed changes to No. 1 in BOLD FACE**
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10 **LUPC POLICY STATEMENT ON MASSING, SCALE, AND MANSIONIZATION**
11 **TO BE PRESENTED TO VNC BOARD**

12 **To be read or otherwise presented at each neighborhood meeting arranged**
13 **to present a project to that neighborhood before it goes before LUPC to be**
14 **heard**
15

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17 development in Venice.

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19 2. VCZSP notwithstanding, the LUPC expects that new development projects
20 shall attempt to accommodate neighborhood concerns regarding, in particular,
21 massing and scale.

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23 3. New construction projects should be designed so that they do not completely
24 fill a 30 foot high box, but are rather articulated and designed in such a way that
25 they address the scale and massing of the immediate neighborhood for which
26 they are proposed.

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28 4. LUPC believes that in order to address neighborhood concerns on density and
29 scale, compromises between the maximums permitted under the VCZSP and the
30 legitimate desires of neighbors and neighborhoods need to be suggested by
31 applicants, who should try to meet the legitimate concerns of neighbors regarding
32 height, light, air and space. This issue should be addressed in the neighborhood
33 meeting suggested by LUPC and convened by the project applicant.

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35 5. PARTIES MAY consult not only the relevant sections and provisions of the
36 VCZSP, but also the plans drafted by each individual neighborhood, which can
37 be found on the LUPC web site, www.VeniceNC.org or on
38 www.Veniceunchained.com. (THE "DRAFT SPECIFIC PLANS").

39 These plans were created in a public process organized by the city in 1988 and
40 ADDRESS scale and massing FOR specific Venice neighborhoods. These
41 documents were not incorporated into the VCZSP when it was compiled by the
42 LA City planning department.

43 THE Draft Specific Plans ARGUABLY represent the formally presented 'intent' of
44 the Venice neighborhoods AND should be consulted by both the applicants and
45 their neighbors prior to the LUPC mandated neighborhood meeting for each new
46 project.

Attachment #1 (continued)

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6. THIS POLICY STATEMENT IS ISSUED BY LUPC ONLY, AND IS NOT BINDING.
COMPLIANCE WITH IT DOES NOT GUARANTEE A PARTICULAR OUTCOME OF ANY KIND,
NOR DOES IT OBTAIN AN APPLICANTS NEED TO COMPLY WITH ANY OTHER NOTICES,
POLICIES, RULES, LAWS OR OTHERWISE AS REQUIRED BY CITY, COUNTY, STATE,
FEDERAL OR OTHER APPLICABLE LAWS OR REGULATIONS.

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DRAFT POLICY STATEMENT

LUPC POLICY STATEMENT ON CONDITIONS PLACED ON A PROJECT,
FOLLOW UP TO THOSE CONDITIONS, AND PLACING CONDITIONS ON
ANY CHANGES TO THAT PROJECT.

LUPC considers that any significant variance or exception request from the VCZSP, Oxford Triangle Specific Plan or the Los Angeles Municipal Plan affecting any project within the boundaries of the Venice Neighborhood Council is within the purview of the Land Use and Planning Committee and must be brought to the attention of VNC Board of Officers and Venice stakeholders with all due speed.

Negotiated “Conditions” placed upon a project and how they are enforced continue to be uncertain.

1. LUPC shall follow up on conditions placed on a project within our boundaries. This would include, but not be limited to:
 - a. Requesting confirmation that conditions are being observed from the applicant.
 - b. Requesting confirmation that conditions are being observed from the City of Los Angeles entities such as Planning, Engineering, Public Works and Building and Safety.
2. If duly mandated conditions are not being followed by any applicant, LUPC shall recommend that VNC Board of Officers advise all City of Los Angeles entities as deemed necessary; i.e. City Attorney, Planning, Engineering, Public Works and Building and Safety, of these violations.

LUPC is concerned that conditions cannot be added after the conditioning process is finished, even if specifically necessary to condition situations added by developer, fire department, and/or other government entities.

1. If significant changes are added by developer, fire department, and/or other governmental entities after the conditioning process is deemed finished, LUPC shall petition to reopen the project and recommend additional conditions as required.
2. Definition of “significant changes” is any deviation from permitted project in violation of any specific plan and/or negotiated conditions.