

Venice Neighborhood
Council

Post Office Box 550

Venice, CALIFORNIA 90294



**Land Use and Planning
Committee
MINUTES
September 10, 2008**



1 **1. CALL TO ORDER – ROLL CALL**

2

3 Challis Macpherson, Robert Aronson, Arnold Springer, Dennis Hathaway, Jim

4 Murez, Jed Pauker, John Reed, Maury Ruano. Ruthie Seroussi arrived later.

5

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

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8

9 **3. APPROVAL OF OUTSTANDING MINUTES**

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11

12 **4. ANNOUNCEMENTS**

13

14 None noted.

15

16 **5. PUBLIC COMMENT**

17

18 None noted.

19

20 **6. CONSENT CALENDAR**

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22 There was discussion about which Consent Calendar items were to remain

23 on the list. John Reed was asked to explain the City-granted exemption

24 process.

1
2 **Maury Ruano moved to recommend that the VNC Board forward a letter of**
3 **no opinion without prejudice regarding the projects listed below; seconded**
4 **by Dennis Hathaway.**

5
6 DIR 2008-2948 VSO 555 E 28th Avenue
7 DIR 2008-2753 2627 South Grand Canal
8 ZA 2008-2757 CEX 2500 South Grand View Avenue
9 ZA 2008-2885 CEX 916 E Milwood
10 DIR 2008-2960 VSO, ZA 2008-2968 CEX 2013 S Oakwood
11 ZA 2008-2737 CEX 641 W Oxford
12 ZA 2008-2885 CEX 916 E Milwood
13 DIR 2008-2960 VSO, ZA 2008-2968 CEX 2013 S Oakwood
14 ZA 2008-2737 CEX 641 W Oxford
15 ZA 2008-3040 CEX, DIR 2008-3040 VSO 3141 S Carter
16 ZA 2008-3170 CEX 922 Dickson
17 ZA 2008-3034 CEX, DIR 2008-3017 VSO 614 E Flower
18 DIR 2005-3003 VSO 735 W Howard
19 ENV 2008-3141 CEX 1 East Northstar
20 ZA 2008-2885 CEX 916 E Milwood
21 DIR 2008-2960 VSO, ZA 2008-2968 CEX 2013 S Oakwood
22 ZA 208-3294 CEX 614 Brooks
23 ZA 2008-3263 CEX 717 OFW
24 ZA 2008-3263 CEX 717 OFW

25
26 **VOTE: 8 in favor.**

27 **7. NEW BUSINESS: DELIBERATION OF FOLLOWING PROJECTS/ISSUES:**

28
29 A. 2805 Abbot Kinney Blvd. ZA Case 2008-0579 (CUB).

30
31 This item was postponed until September 10, 2008 because important
32 documents relative to this project not available at this meeting. July 23
33 LUPC postponed this project until August 13, 2008, because of time
34 constraints it could not be heard on that date. Please refer to the LUPC
35 minutes of the 7-23-08 meeting for further information.

36
37 Challis Macpherson reported that there were no representatives for the

38 project present, by choice. Ruthie Seroussi summarized the deliberations

1 and agreement made at a previous LUPC meeting. Ms. Seroussi reported
2 the applicant's statement, that the proposed shopping center was exempt
3 from Coastal Commission jurisdiction, was refuted by Chuck Posner and
4 that information was unavailable about what was originally permitted. Ms.
5 Seroussi stated that the only information she had was that the property
6 was built in 1982 and that it was subject to the California Coastal
7 Commission. Ms. Seroussi reported that the ZA hearing was held open
8 pending a LUPC recommendation. Ms. Seroussi provided copies of a list
9 of conditions to be imposed on the subject development and discussed
10 the individual conditions, and reported that no response had been
11 received from the applicant to requests for additional information.

12 **Ruthie Seroussi moved that LUPC recommend that the Board of Governors**
13 **of the Venice Neighborhood Council approve a Conditional Use permit for**
14 **2805 Abbot Kinney Boulevard based on conditions 1 through 30...;**
15 **seconded by Jim Murez.**

16 Challis Macpherson reported that an excerpt of the July 23, 2008 meeting
17 Minutes regarding the subject application were provided to LUPC
18 members as well as copies of the e-mail correspondence from Ruthie
19 Seroussi to the applicant. Robert Aronson reported the difficulty obtaining
20 information regarding a property's original use; Jim Murez stated that a
21 project's approved plans provides information on the uses for a particular
22 building. There was discussion about the applicant's lack of cooperation

1 and the consequences of that lack. Mr. Aronson referred to the parking
2 difficulties on weekend nights; Mr. Murez pointed out that there is a
3 problem now, and the project has not yet been built. There was
4 discussion about how a calculation of appropriate parking could be done,
5 and that information from the applicant was crucial to that calculation. Ms.
6 Seroussi summed up by stating that the proposed restaurant will be
7 under-parked. There was further discussion about conditions that could
8 affect the calculation of parking spaces. Ms. Seroussi reported feedback
9 received from stakeholders indicating that the proposed restaurant could
10 be of benefit to the community. There was further discussion about
11 calculation of required parking spaces and intensification of use. Ms.
12 Macpherson suggested an additional condition: No employee parking on-
13 site or on residential streets. Mr. Murez recommended denial of the
14 project. After further discussion that included parking to be provided for
15 the other nearby businesses in the building, Ms. Seroussi offered a
16 calculation of 54 parking spaces for the proposed business. Ms. Seroussi
17 withdrew her motion; Jim Murez withdrew his second.

18 **Jed Pauker moved to deny the project as presented, based on insufficient**
19 **information to determine the appropriate parking requirements; seconded**
20 **by Jim Murez.**

21 Jim Murez stated that the record should show that extensive discussion
22 took place and that an attempt to was made to calculate appropriate

1 parking without sufficient information. Ruthie Seroussi suggested an
2 amendment, that the project be denied as presented because the
3 applicant has not demonstrated compliance with parking requirements.
4 Jed Pauker accepted the amendment.

5 **Jed Pauker moved to deny the project as presented because the applicant**
6 **has not demonstrated sufficient parking for this project;**

7 **VOTE: 8 in favor; the motion passed.**

8 B. 10 Nineteenth Street
9

10 Robert Aronson summarized the information regarding the circumstances
11 regarding the process by which the subject property sought approval from
12 the City; Mr. Aronson noted that LUPC had not been advised of the
13 hearing and that he himself had not been advised, although Mr. Aronson
14 lives across the street from the subject property. Steve Colley,
15 representing the property owner, reported the density variance request
16 being made, and noted that parking has been provided for a storage unit
17 that was converted to living space more than 15 years prior to the
18 purchase of the property by the current owner. Mr. Colley introduced the
19 occupant of the unit, Bob Noble, the manager of the property, who
20 receives government assistance to veterans. Mr. Colley stated that the
21 provision of parking for the converted unit means that the community will
22 not be impacted with reference to parking. Responding to Arnold
23 Springer's question, Mr. Colley reported that the subject unit is 575 square

1 feet. Mr. Springer then described a citation he received regarding an
2 illegal unit on property he owned; the illegal unit had been occupied by the
3 same person for 27 years. Mr. Springer then discussed the
4 disadvantages of being under the jurisdiction of the Los Angeles Housing
5 Department. Maury Ruano noted that the existence of a manager's unit is
6 part of conducting business, and that affordability for 30 years should be a
7 requirement for one unit on the property. There was discussion about how
8 this could be accomplished. John Reed remarked that the developer is
9 asking for a 10 percent density bonus rather than the 35 percent that
10 could be requested. Mr. Noble provided information on his income; Mr.
11 Aronson stated that the building was one of the best-managed properties
12 in the area. Mr. Ruano reiterated his rationale for suggesting the 30 year
13 affordability requirement. Dennis Hathaway stated his distaste for a 30
14 year covenant on the property, and stated his support for a covenant that
15 runs for the life of the project. There was further discussion about the
16 conditions that could be imposed. Robert Aronson then reported on how
17 the proposed parking space will be created, by cutting out part of the
18 landscaped common area. Mr. Aronson suggested that the property
19 owner be encouraged to pay the en lieu parking fee instead of creating a
20 parking space. Mr. Aronson commended the owner for providing his
21 tenants with an on-site property manager, stated that the building size did
22 not warrant an on-site manager, and complimented the property's

1 condition. Mr. Ruano stated that an additional parking space should not
2 be required for the subject unit if an at least 30 year covenant for an
3 affordable unit is recorded and that an en lieu parking fee should not be
4 required. There was further discussion about available alternatives.

5 Ruthie Seroussi suggested that the fence on the walk street is too high.

6 Jed Pauker summarized the discussion by voicing concern for inconsistent
7 decisions and stated that a balancing benefit should be offered. There
8 was then discussion about whether the property was located on a walk
9 street.

10 **Robert Aronson moved to recommend that the VNC Board of Officers deny**
11 **the applicant's request to permit density to be calculated at one unit per**
12 **each 479 square feet and to permit the 11th unit, so long as there is a**
13 **studio unit is offered as affordable at the very low level for the life of the**
14 **project. The solid portion of the front yard fence and wall should be limited**
15 **to 3.5 feet; the portion over 3.5 feet shall be translucent or transparent. The**
16 **applicant should be given the option of providing parking as proposed by**
17 **the applicant or paying the en lieu fee; seconded by Dennis Hathaway.**

18 Maury Ruano gave a succinct reason why the manager's unit should not
19 be the affordable unit, because the requirement would ensure that the
20 property owner's expenses would be subsidized by the affordability
21 requirement. Steve Colley stated that the Planning Department requested
22 the language regarding the calculation of density. Jed Pauker suggested

1 that the motion be amended to remove the language regarding parking.
2 There was discussion about the appropriateness of this action. Ruthie
3 Seroussi called attention to Robert Aronson's amendment to this motion
4 limiting the fence height to 3.5 feet totally. Mr. Aronson then further
5 amended the motion to include the phrase, "if required by City Planning."
6 Dennis Hathaway then suggested an amendment to the motion to begin
7 with "conditionally approve the Specific Plan exception" instead of denying
8 the Specific Plan exception. Jim Murez then suggested that language
9 regarding parking be removed entirely or require the developer to lease
10 parking in the area. There was further discussion about the parking
11 situation in the area and the configuration of parking on site. Maury
12 Ruano stated that, so long as an affordable unit was provided in
13 perpetuity, he would approve the project without requiring additional
14 parking to be provided. Ms. Seroussi echoed Mr. Ruano's comment and
15 made an argument for requiring an en lieu fee to be paid. The Committee
16 members were polled regarding waiving a parking requirement and a
17 requirement for affordable housing.

18 **Robert Aronson moved that LUPC recommend that the Board of Governors**
19 **of the Venice Neighborhood Council approve a Specific Plan exception**
20 **under the following conditions: a unit other than the manager's unit shall**
21 **be very low affordable for the life of the project, and the fence along the**
22 **front yard shall be brought down to 3.5 feet; seconded by John Reed.**

1 Jed Pauker questioned the usage of the phrase “Specific Plan exception”;
2 it was pointed out that the language was taken from the request.

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

4 There was discussion about qualification for affordable housing.

5 **8. PUBLIC COMMENT**

6
7 Jed Pauker reported on a discussion he had with Joe Murphy, regarding the
8 need to make political decisions that has been imposed on LUPC and the
9 Venice Neighborhood Council. Mr. Pauker stated that there is a perception
10 that LUPC is making policy decisions that should be the purview of the
11 Neighborhood Council. Mr. Pauker advised LUPC to keep this issue in mind
12 when making recommendations to the VNC in the future. Arnold Springer
13 suggested that the various Specific Plans and input from stakeholders should
14 be taken into account when LUPC deliberations occur. Mr. Springer reported
15 that a pro-development faction will be upset when they learn about LUPC’s
16 intent to revise the Venice Coastal Zone Specific Plan. Maury Ruano advised
17 that draft documents are just that, and are still subject to discussion. Mr.
18 Pauker re-stated his contention that LUPC review of any topic may be met
19 with organized resistance. Robert Aronson stated that elected LUPC
20 members can be voted out, and that resistance from the community can
21 occur on any issue. There was discussion about brevity, appropriateness and
22 conciseness of LUPC decisions; Mr. Springer offered to draft a report on this
23 issue. Ruthie Seroussi asked for the name of the ZA who recently approved

1 an over-height fence, and advised of the appropriate action to take with
2 regard to that ZA. Ms. Macpherson advised that a stakeholder is willing to
3 follow up on the issue of the over-height fence. Dennis Hathaway reported on
4 City Planning Commission decisions that were overturned by the Los Angeles
5 City Council and remarked that there is no discussion about getting rid of the
6 City Planning Commission. Ms. Seroussi suggested additional opportunity for
7 outreach should be made on issues of public policy, which was reinforced by
8 Mr. Springer.

9
10 **9. OLD BUSINESS**

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12 (Taken out of order) Challis Macpherson suggested that discussion of the
13 Fences and Hedges issue be postponed. Jed Pauker reported that the VNC
14 Board will hear the recommendations of the Fences and Hedges Task Force
15 at its next meeting and to present the issue for a possible decision at the
16 October 2008 meeting.

17 **10. ADMINISTRATIVE**

18
19 Postponed, by common consent

20
21 **11. ADJOURNMENT**

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23 The meeting was adjourned by common consent.