

Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



Land Use and Planning Committee MINUTES November 12, 2008



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

2

3 Challis Macpherson called the meeting to order. Committee members

4 present: Ruthie Seroussi, Arnold Springer.

5

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

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8 There being no objection, the Agenda was approved by common consent.

9

10 **3. APPROVAL OF OUTSTANDING MINUTES**

11

12 Postponed.

13

14 **4. ANNOUNCEMENTS**

15

16 None noted.

17

18 **5. PUBLIC COMMENT**

19

20 (Taken out of order) Lydia Ponte reported on a meeting that took place earlier

21 that evening at Venice High School regarding possible soil erosion under the

22 pool at Venice High School because of pipe leaking. A meeting will take

1 place 30 days from today; no information was available regarding when the
2 pool will reopen. Jim Murez called for stakeholder involvement in this issue.
3 Ms. Ponte advised of plans for access to other areas.

4

5 **6. CONSENT CALENDAR**

6

7 Postponed.

8

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

10

11 **A. Special Presentation by LA City Bureau of Engineering regarding**
12 **TMobile Cellular Tower installations in Venice West of Lincoln Blvd.**

13

14 Challis Macpherson reported that hand-out material provided by the Los
15 Angeles City Bureau of Engineering and noted a presentation would be
16 made by Whitney Blumenfeld on behalf of Councilman Rosendahl's office.
17 Ms. Macpherson then introduced Carl Mills, Telcom and Case Manager,
18 Civil Engineer, Los Angeles City Bureau of Engineering, Department of
19 Public Works. Mr. Mills explained his department's function within the
20 Department of Public Works, noting that his department is responsible for
21 issuing permits for above-ground facility (AGF) sites such as cellular sites.
22 Mr. Mills then introduced Jeff LeDeux and referred to an ordinance passed
23 in January 2003 specifically referring to AGF sites. Mr. LeDeux outlined
24 the rationale for the AGF ordinance being passed by the City and noted
25 the effect the ordinance has had, notably that telcom companies must
26 apply to the Bureau of Engineering to be allowed to install AGF
27 equipment. Mr. LeDeux then described the notification process for

1 adjacent properties, and stated that there are only four affected properties
2 for the site in question. Mr. LeDeux described the application and appeal
3 process available to stakeholders. Mr. LeDeux reported that T-Mobile had
4 completed the application process and that a permit had been issued
5 accordingly, on June 19, 2008. Mr. LeDeux reported a complaint that, in
6 the installation process, the contractor had gone outside of the public
7 right-of-way and onto private property. The investigation that followed
8 determined that the land in question was owned by the Department of
9 Recreation and Parks, and permission was granted for the entry onto the
10 property. Construction was then allowed to continue. Mr. LeDeux noted
11 that control over similar cell tower installations is the purview of the Public
12 Utilities Commission.

13
14 Whitney Blumenfeld, Planning Deputy for Councilman Rosendahl's office,
15 reported on unsuccessful attempts to control cell tower installations on
16 public property, and described the process by which she tracks cell tower
17 installations. Ms. Blumenfeld stated that Councilman Rosendahl does not
18 want cell tower installations in his district or in the neighborhood.

19 There was a quorum of LUPC Committee members established.

20 Rick ... stated that a cover-up has taken place, and that the Venice
21 Neighborhood Council had been notified in March 2008 that a cell tower
22 was being installed.

1 Michelle Powell Williams asked why the site was chosen, and stated that
2 the VNC should have told the community that the installation was due to
3 take place.

4 Laddie Williams called for an independent study about cell tower
5 emissions, and that the proximity of Broadway Elementary School should
6 have been taken into account. Ms. Williams asked for proof of notification.

7 Peggie Lee Kennedy asked for the municipal code number of the AGF
8 ordinance, and asked if federal guidelines for electromagnetic frequencies
9 exist and whether a standard was taken into account when the installation
10 was being considered. Ms. Kennedy called for independent testing of
11 emissions.

12 Carol Beck voiced opposition to anything that does not undergo public
13 process.

14 Bruce Birch listed his reasons for opposing the installation and asked for
15 proof of notification of the adjacent property owners. Mr. Birch suggested
16 that the Council Office should be aware of cell tower installations, and
17 noted that stakeholders have the right to appeal cell tower coverage that is
18 duplicated and is unnecessary for the operation of the T-Mobile signal
19 strength, and the right to appeal the visual blight resulting from the
20 installation.

21 Mike Newhouse reiterated Bruce Birch's comments and stated that the
22 process of notification clearly broke down. Mr. Newhouse affirmed his

1 faith that Councilman Bill Rosendahl was not appropriately noticed
2 regarding the installation. Mr. Newhouse stated emphatically that the
3 VNC was not appropriately notified about the installation. Mr. Newhouse
4 reported on the successful stopping of a cell tower installation by the VNC.
5 Mr. Newhouse called for reconsideration of the entire application,
6 notification and permitting process.

7 Pam Anderson asked if the Oakwood Recreation Center received
8 appropriate notification and why the community was not alerted by the
9 Center. Ms. Anderson asked if the subject installation was substituted for
10 another tower proposed on Gibb and Pacific.

11 Mark Lippman voiced objection to the process, asked why a corporation
12 was given the right to dictate to his community, and questioned the
13 notification process. Mr. Lippman recommended prudence and safety.

14 ~~Elizabeth~~ Lizka Mendoza, Director of Oakwood Recreation Center, stated
15 that she had received a notice of entry regarding the proposed cell tower,
16 and had not received any prior notice.

17 Carl Mills stated that any proposed installation at Gibb and Pacific would
18 not have served the subject area. Mr. Mills quoted the requirements
19 stated in the municipal code that governed the notification process and
20 advised that the Los Angeles City Council and the Mayor have jurisdiction
21 over alterations to the municipal code, a copy of which was provided to
22 Challis Macpherson. Jeff LeDeux advised that copies of the ordinance

1 can be obtained from the Los Angeles City website. The relevant section
2 of the LAMC is 62.03. Mr. LeDeux reiterated Mr. Mills' admonition that a
3 civil servant must abide by existing laws. Mr. LeDeux then stated that
4 denial of a cell tower installation cannot be justified simply because of
5 radio frequency emissions, according to the Federal Telecommunications
6 Act of 1996. Mr. LeDeux then described how radio frequency emissions
7 can be measured, and stated that the subject is far enough away that
8 danger from emissions is not an issue. Mr. LeDeux listed the benefits of
9 adequate telcom infrastructure. There was heated comment by meeting
10 attendees. Mr. LeDeux then reiterated the explanation given for decisions
11 regarding cell tower coverage.

12 Whitney ~~Bloomenfeld~~ Blumenfeld described again the process by which
13 proposed cell tower installations are tracked in her office, provided her
14 contact information and encouraged stakeholders to call her at her office,
15 to determine what information is available.

16 Jim Murez discussed co-location and availability of cell phone coverage
17 among meeting attendees. Mr. Murez advised that any installation on
18 public property in Venice requires a Coastal Development Commission
19 permit. Jed Pauker thanked stakeholders for having involved themselves
20 in the process, and discussed the need to use other means of
21 communication and to create a single contact list to avoid problems with
22 dissemination of information. Jeff LeDeux reiterated how the telcom

1 companies are required to advise the public. There was discussion of the
2 advantages and benefits to the use of available technology. Mr. LeDeux
3 advised that the City Council would have to alter the existing ordinance to
4 effect a change in how information is made available to the public. Challis
5 Macpherson reviewed a list of questions and agreed with Laddie Williams'
6 suggestion about an independent study. There was discussion about how
7 to prove that appropriate notification was made. Ruthie Seroussi asked
8 Mr. LeDeux to provide proof that notification was made. Ms. Seroussi
9 then echoed comments made by LUPC members; Mr. LeDeux clarified
10 appropriate grounds for moving telcom installations, and stated that his
11 department has jurisdiction over the size of the installation only. Arnold
12 Springer stated that some form of redress was appropriate and reiterated
13 Mr. Murez' contention that a California Coastal Development permit was
14 required. Ms. Macpherson requested Carl Mills to investigate whether a
15 permit was requested. Jim Murez clarified how the Coastal Commission
16 process works, opined that everyone within the transmission zone should
17 be notified, and advised that the height of the installation was outside the
18 bounds delineated by the Venice Coastal Zone Specific Plan. There was
19 debate about jurisdiction.

20 Jim Murez moved to recommend that the VNC Board send a letter to the
21 Council office and all the other City departments that we disapprove of the
22 lack of follow-through on their permitting process and that we believe they

1 are in violation and that we believe that the facilities need to be removed
2 unless they can prove that its legal in some other forum. The letter should
3 include that the City needs to have their hands slapped for allowing this;
4 the City needs to include a revision that they don't try and send certified
5 mail to a Post Office box, because the Post Office won't accept it. They
6 have no right to accept certified mail sent to a Post Office box. The
7 motion was clarified:

8 **Jim Murez moved to recommend that the VNC Board send a letter to the**
9 **Council office and all the other City departments advising the following:**
10 **disapproval of improper notification and follow-through to the VNC and**
11 **surrounding community; requesting repeal of the utility permit and removal**
12 **the cell tower because of the lack of Coastal Development permit and**
13 **failure to comply with the Venice Coastal Zone Specific Plan, specifically**
14 **CITATION REGARDING HEIGHT RESTRICTION NEEDED; seconded by**
15 **Arnold Springer.**
16 **VOTE: Unanimous in favor. The motion carried.**

17 Challis Macpherson stated that a subcommittee could be formed to review
18 and investigate this issue further.

19 B. 1711 – 1713 Lincoln Blvd.

20 Jed Pauker advised of the on-going process by which appropriate
21 voluntary conditions have been proposed and discussed. Copies of the
22 conditions were made available for review to stakeholders attending the
23

1 meeting; some conditions were formulated by the applicant. Mr. Pauker
2 emphasized that the intent is to make the project work and to be of benefit
3 to the community. ~~Jed~~, Jeb Milne discussed the proposed development
4 on the corner of Lincoln and Superba, noting that the entire project was
5 scaled back more than 50% to address concerns regarding parking and
6 that an exception regarding parking had been reduced to a request for two
7 parking spaces. A one-year lease of parking spaces has been secured at
8 Lincoln Fabrics, diagonally across the street from the subject property.
9 Mr. ~~---~~ Milne contended that sufficient on-street parking is available,
10 especially after 5pm.
11 Deb Levine voiced concern that cars will be parked on her residential
12 street (Superba), expressed the hope that the proposed restaurant be
13 neighborhood, suggested that incentives be provided for nearby residents
14 to walk to the restaurant, and raised the issue of how trash removal will be
15 accomplished.
16 Ursula, a nearby resident, voiced support for the proposed restaurant.
17 Lucas, owner of Universal Art Gallery, voiced support for the proposed
18 restaurant and its owner, and volunteered the parking lot at his location for
19 use by the proposed restaurant.
20 Bruce Birch voiced support for the proposed restaurant, and called for
21 approval of the project.

1 Sue Kaplan, representing the Venice Walk Streets Neighborhood
2 Association, reported on comments received from stakeholders regarding
3 the impact of parking and called for a solution for the community. Ms.
4 Kaplan advised that Lincoln Hardware be advised of the benefits to the
5 community that could accrue to provision of parking to the community.
6 ~~Jed...~~Jeb Milne reported his attempt to negotiate parking space with the
7 owner of Lincoln Hardware.
8 Jed Pauker reported having received favorable comments via e-mail from
9 stakeholders and referred to effects that could result from a successful
10 project in the area. There was discussion of the developer's intent to
11 provide a rack for 10 bicycles and ways to encourage pedestrian
12 customers. There was discussion regarding grandfathered parking
13 spaces and the change of use from a restaurant in the 1970s to its former
14 use and the proposed return to restaurant use. Jim Murez reported that
15 grandfathering of parking applied to property use prior to the passing of a
16 1972 ordinance. Jed Pauker then asked that the issue of trash removal
17 be addressed; the developer assured LUPC that trash removal will be
18 appropriately handled. He then discussed how deliveries will take place.
19 There was further discussion about parking and trash removal. Ruthie
20 Seroussi advised that a covenant would have to be set into place
21 regarding the placement of trash bins. Mr. Murez discussed possibilities
22 that could occur should the property be sold. Proposed hours of operation

1 were then discussed as well as the live entertainment that will be offered.
2 Challis Macpherson speculated on the effect of proposed new restaurants
3 may have on Lincoln Boulevard. John Reed spoke favorably on the
4 proposed development. Mr. Murez referred to the need to track available
5 parking on Lincoln Boulevard, as was not done on Abbot Kinney, advised
6 of the need to place restrictions on trash removal for commercial uses and
7 on deliveries and agreed to tying the ABC license to an individual. Mr.
8 Murez then made suggestions regarding a space designated as
9 storage/employee changing space. Arnold Springer questioned how trash
10 removal can be accomplished, given the small size of the alleyway. Mr.
11 Springer advised that the proposed conditions be reviewed at the next
12 meeting, and stated that an enforcement mechanism must be set into
13 place. Ruthie Seroussi advised that a built-in review process has been
14 used with a provision for changes in provision of parking. There was
15 discussion about enforcement provisions; the issue of grandfathering was
16 raised again by Mr. Murez. Mr. Murez advised that the issue be
17 postponed until the next meeting. Challis Macpherson advised of
18 scheduling of the LUPC, VNC Board and Area Planning Commission
19 meetings. Ms. Seroussi asked for information on capacity parking for
20 Lincoln Fabrics, signage and the provision of branded alcohol. Mr.
21 Springer stated that it was unfair to deny a restaurant project because two

1 parking spaces were needed. Mr. Springer then suggested that it is not
2 an effective use of time to continually debate parking.

3 **Ruthie Seroussi moved to postpone this meeting until the December 10,**
4 **2008 meeting, at which time we will have a list of the final conditions based**
5 **on what we talked about today, a copy of the lease agreement and the**
6 **information pertaining to parking Lincoln Fabrics; seconded by Jed**
7 **Pauker.**

8 Jed Pauker expressed willingness to read the rough draft of the conditions
9 arrived at in discussion. Jim Murez advised that the property owner
10 should demolish his nearby residential property and build a parking
11 structure. Mr. Pauker read the conditions regarding trash removal;
12 restriction of loading and unloading to specific hours; the storage/changing
13 space should not be used for food service, a six month, 12 month and 24
14 month review; a specified time limit to obtain new parking upon
15 renegotiation of the lease for the two parking spaces or trash facility;
16 parking to conform to 1972 use; no off-site advertising signage, the
17 entitlement to go to the applicant, not the property; the number of parking
18 spaces; and hours of operation.

19 **VOTE: 5 in favor. The motion carried.**

20 C. Disposition of Publicly owned Surplus Property in Venice.
21

22 In accordance with VNC Board of Officers motion and request, "all
23 proposed sales of city-owned real property in Venice (and especially 520

1 Venice Blvd.) will be submitted to the Land Use and Planning Committee
2 so that the committee can hear public testimony and make
3 recommendations on what it deems the best use of the property, and that
4 all presently pending sales of such property be suspended until LUPC and
5 the VNC Board have submitted a recommendation to the Council District
6 11 office.” LUPC recommendation will take the form of a Request For
7 Proposal (RFP). This is in accordance with the LUPC motion made August
8 27, 2008, by Dennis Hathaway and seconded by Arnold Springer; LUPC
9 vote was 7-1-0.

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11 Not heard.

12
13 **8. PUBLIC COMMENT**

14
15 None noted

16
17 **9. OLD BUSINESS**

18
19 None noted

20 **10. ADMINISTRATIVE**

21
22 None noted

23 **11. ADJOURNMENT**

24
25 There being no objection, the meeting adjourned at 9:58 pm.