

## Answers To Questions:

**1. Please explain why you wish to serve on the LUPC.**

**a. Have you served before on the LUPC or other planning and land use related committee? If so, what committee and when?**

**b. Please state your professional qualifications or related experience relevant to this position.**

My skills, diligence, and judgment will contribute to farsighted planning, better projects, and managed growth. I have been on the LUPC since it became an elected body, in December, 2007. In August, 1993, I was appointed by Councilwoman Galanter to the Venice Community Planning Advisory Committee ("CPAC"), where I served for 8 ½ years, until the CPAC was disbanded in 2002. I was appointed to the CPAC because I was involved in the Venice Local Coastal Program ("LCP") process in the early 1990's, and the Councilmember's staff recognized my interest and expertise, particularly my ability to understand and to explain laws and regulations. The CPAC was created by Councilwoman Galanter to perform the same advisory function that the LUPC now performs as part of the Neighborhood Council. Some of the members of the CPAC served with me on the LUPC for the past 2 ½ years.

I have been a practicing business and real estate litigator for over 20 years in Los Angeles. For several years in the late 1980's and early 1990's, I was a real estate developer, bringing the first apartment building recycling program to the City of Los Angeles, in over 100 apartment buildings. I am experienced in statutory interpretation, including the Planning and Zoning Codes. I have a decent familiarity with the planning process, and a deep conviction that constructive neighborhood involvement always yields a better project.

In both the LUPC and the CPAC, I took my responsibilities seriously, visiting nearly every site on the Agenda prior to the public hearing. I am respectful and kind to the applicant, to my neighbors who attended the meetings, and to my fellow Committee members. I have a good sense of when someone is being obstructionist and unreasonable, and I still look for any useful contributions despite the vitriol. I am open-minded yet decisive, and I am comfortable with being in the minority if I believe in the merits of my position. When I am the LUPC staff person assigned to the project, I assist the applicant in providing the information needed by the community to have meaningful input. Where appropriate, I become involved in mediating between opposing parties in my capacity as the staff person, and seek to find common ground and narrow the differences.

### **Professional Qualifications:**

Business and real estate litigation lawyer, 1986 to present;

Member, Venice Neighborhood Council Land Use And Planning Committee, December, 2007, to present;

Los Angeles Superior Court Temporary Judge, hearing Small Claims and Traffic matters, 2003 to present;

Member, Venice Community Planning Advisory Committee, August, 1993, through May, 2002;

Founder, North Village Recycling Project, the first apartment building recycling project in the City of Los Angeles, serving over 100 apartment buildings, used as a model project in “Recycling In Multi-Family Buildings,” a guide prepared by the City of Los Angeles Department of Public Works, Integrated Solid Waste Management, 1990-1992;

Vice President, North Village Co., developer of residential apartment and condominium projects and commercial projects, 1989-1992;

**2. Please list your previous and/or current neighborhood or community involvement.**

I have volunteered to work on the election campaigns for Ruth Galanter, Deborah Bowen, Jane Harman, and Nick Karno, in addition to some state and national offices, by walking door-to-door in my precinct and providing information to my neighbors, and encouraging them to vote.

I was appointed by Councilman Rosendahl to serve as one of three members of the Channel Gateway Trust Fund Advisory Committee from May, 2008, through February, 2009. The other two members were Sheila Bernard and Dennis Hathaway. The “Channel Gateway Venice Affordable Housing Off-Site and Community Involvement Trust Fund” was established in 2000 as a condition of approval of the Channel Gateway development at the intersection of Lincoln Boulevard and Maxella Avenue, which now includes a Ralphs supermarket and three condominium towers on Marina Pointe Drive. The funds totaled \$1.1 million and were required to be expended solely within the Venice Community Plan Area. Councilman Rosendahl established this committee to publicize the availability of these funds; to solicit and encourage creative input for the use of these funds from the community, from affordable housing experts, and beyond; to gather information; to seek specific written requests for grants of these funds from non-profit organizations; and to prepare a final report making recommendations to Councilman Rosendahl for the disbursement of these funds.

I was a member of the Elections Committee of the Grass Roots Venice Neighborhood Council in 2002, for the very first election of the Board of Officers. On election day, I worked in conjunction with the League of Women Voters to supervise election issues and questions (since I was the only person not running for office), and I organized and prepared the food for election night.

**3. Please list the three most pressing planning and land use issues you feel are facing the Venice Community.**

First, the relationship between public transportation, housing density, and open space. These issues are so interrelated that they are one. Venice currently has no proposed stops on any of the planned rail lines being built in the County of Los Angeles. Venice needs to mobilize to become part of the rail system, connecting to the Expo Line, the Red Line down Wilshire Boulevard, and/or the Green Line to LAX.

Second, public parking, for both residents and visitors. As a major tourist destination, either parking or public transportation (or both) must be vastly improved.

Third, affordable housing.

Fourth, the Venice Coastal Zone Specific Plan (“VCZSP”) need to be revised to address at least a dozen ambiguities and to anticipate future land use issues.

Fifth, we need to start incorporating electric vehicle charging infrastructure into residential and commercial projects.

**4. Under what kinds of situations do you feel it to be appropriate to grant exceptions or variances to the Venice Coastal Zone Specific Plan or other LA City Planning codes?**

**a. What is your opinion of the Venice Coastal Zone Specific Plan?**

**b. Have you read the Venice Coastal Zone Specific Plan?**

**c. Have you read the Venice Land Use Plan which was certified by the California Coastal Commission?**

Some say that all new development projects must comply with the VCZSP, and that no exceptions or variances should be granted. If that were the case, there would be no need for the LUPC, or for much of the City Planning Department. Nearly every project that comes before the LUPC is there because the applicant is claiming that there is a hardship involved in complying with the VCZSP, and that either the benefit to the community outweighs compliance, or that the lack of compliance is trivial and compliance should be excused. Some applicants are requesting an interpretation of the VCZSP or the Planning and Zoning Code, and some applicants are seeking discretionary permits such as to sell or serve alcohol.

Certain findings are required to grant exceptions and variances. Many “findings” are counterintuitive and only pay lip service to the requirement of findings. It comes down to one’s vision and judgment, and whether the proposed project meets the spirit and intent of the VCZSP and the Planning and Zoning Code, and whether the proposed project satisfies the needs and desires of the community.

Here’s an example: If an applicant has a 5,000 square foot vacant lot zoned RD 1.5 in Oakwood, Section 10.G. of the VCZSP states the density aspect of the land use and development standards for a lot zoned RD 1.5 in the Oakwood, Milwood, and Southeast Venice subareas, as follows:

2. Density.

a. Residential Zones.

(2) RD1.5 and RD2 Zones. A maximum of two dwelling units per lot shall be permitted for all lots; provided, however, that where a lot has a lot area in excess of 4,000 square feet, one additional dwelling unit shall be permitted for each additional 1,500 square feet of lot area in the RD1.5 Zone, and one additional dwelling unit shall be permitted for each additional 2,000 square feet in the RD2 Zone, provided the additional dwelling unit is a Replacement Affordable Unit.

The applicant needs a lot size of 5,500 square feet to build a third unit, but that unit must be a “Replacement Affordable Unit” which is defined in Section 5.T. of the VCZSP as follows: “Any affordable housing unit to be provided as replacement for an existing unit on a Venice Coastal Development Project site.”

This raises two issues: if the applicant has sufficient off-street parking accessed by a rear alley, should the applicant be allowed to build a third unit which is an affordable housing unit badly needed in Venice, even though the applicant's lot is 500 square feet less than required to build a third unit?

The second issue is less evident: should the applicant be allowed to build a third unit that is an affordable unit, even though the lot is vacant and no existing affordable unit is being replaced? The Planning Department interprets the VCZSP as requiring the demolition of an existing affordable unit in order to be allowed to build the new third unit as an affordable unit. The definition of "Replacement Affordable Unit" in the VCZSP does not clearly state this, and the parties involved in drafting the VCZSP say that the Planning Department's interpretation is wrong and was not the intent of the parties.

There is also the question of what was the last structure on the now- vacant lot. If an apartment building with affordable units was once on the property, the Mello Act usually requires one-for-one replacement when the units are demolished. But applicants can game the system by demolishing existing affordable units and leaving the property vacant for one year, and the City does not look any further back than one year.

These issues have come up several times before the LUPC.

Here's another example: An applicant seeks to build the largest possible building allowed by the height and yard restrictions applicable to the neighborhood. For most development applications in the VCZSP, Section 8.C. requires the following finding, among others:

1. That the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood;

On the other hand, the VCZSP and the Planning and Zoning Code may allow the applicant to build a 30' high box that is built up to 5' from the side property lines and 15' from the front and rear property lines. When all of the neighbors have small one-story beach bungalows, a building which is the largest size allowed by the VCZSP and the Planning and Zoning Code would surely not be compatible in scale and character with the existing neighborhood. If the required finding can not be made, should the large building be approved?

This issue has come up several times before the LUPC.

Where the VCZSP and the Planning and Zoning Code have failed to keep up with forward-thinking urban planning, and they do not provide for new solutions to difficult problems, exceptions and variances allow us to experiment with new solutions.

The VCZSP most certainly needs to be reviewed and amended to clarify ambiguities, correct problems, and anticipate new challenges and future land use issues. The City does not intend to presently allocate the resources to do so. We should not sit quietly and accept this delay. We need to form a subcommittee dedicated solely to identifying and drafting amendments to the VCZSP and seek to have the amendments to be processed at a faster rate.

**5. How do you view your role in private interactions with developers who have projects proposed before the Land Use and Planning Committee?**

As long as it is in compliance with the Brown Act and any other ethical guidelines, and does not create a perception of favoritism or bias, it is my opinion that meeting with any neighbor, applicant, developer, or other interested party, results in more input, and therefore a better project. As a member of the LUPC, I do not see it as our “role” to meet privately with developers, except for the staff person assigned to that developer’s application. The information that a developer would provide privately to an LUPC member should be available to everyone. If I was contacted by a developer and a private meeting was requested, I would suggest that the developer set the neighborhood meeting as per the Neighborhood Notification Policy, and I would try to attend.

**6. Every community, including Venice, has problems with following up on conditions imposed on a project. How do you think the Venice Neighborhood Council should follow up on our conditioning process to see that conditions are met?**

When I first was appointed to the CPAC, I was surprised how many of the existing members would challenge the applicants by asserting that the applicant would probably ignore any inconvenient conditions of approval down the road. I found this to be rude and presumptuous. Fast forward a decade or two, I have found that many, even most, applicants, do not do as they promise.

The City has not established an effective way to enforce conditions of approval, after the Certificate of Occupancy has been issued. Former City Controller Laura Chick commissioned a study, and a report dated March 16, 2009, was issued, entitled “Performance Audit of the City of Los Angeles’ Process for Planning Conditions for Development.” The report is approximately 100 pages, and finds the City lacking.

As I see it, the Planning Department does not get involved in enforcing conditions of approval, and delegates this function to the Department of Building and Safety. I think this is a mistake, and that the Planning Department should have procedures for suspending or revoking the Certificate of Occupancy or the permit when an applicant fails to comply with the conditions of approval.

Because the City is currently bereft of the resources to undertake a new bureaucracy for enforcing conditions of approval, the next-best solution is to enact legislation which grants this right to affected citizens, in the form of a private attorney general statute, that also provides for reimbursement of attorney’s fees and costs to the prevailing plaintiff who is enforcing the conditions of approval.

**7. Define "change," and what, if any, community planning considerations, should govern "change." Include the correlation between built environment change and governance change.**

This question was obviously drafted by a former LUPC member who shall go unnamed, and I do not understand the question. But I shall use this as an opportunity to raise another issue with the VCZSP, concerning parking requirements when there is a change of use to a more intensified use. Section 13 of the VCZSP sets forth the parking requirements for all

developments, including existing developments, as follows:

C. EXISTING DEVELOPMENTS. A Change of Use that results in a Change in Intensity of Use shall be required to comply with the parking standards set forth in Subsections D and E as if it were a new project or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for any deficiency created due to the change of use.

“Change of Use” is defined in VCZSP Section 5.F. as “A change from (1) an existing residential use to a commercial or industrial use; or (2) an existing commercial use to a residential or industrial use; or (3) an existing industrial use to a residential or commercial use.”

“Change in Intensity of Use” is defined in VCZSP Section 5.F. as “A change in intensity of use includes but is not limited to any addition, expansion or change in use on a site that involves: (a) a change in the total number of dwelling units; or (b) a change in the amount of Service Floor to a commercial or industrial use; or (c) a change in the number of trips as calculated in the Trip Table, Appendix C; or (d) a change in the number of provided or required parking spaces as calculated in Section 12 D and E of this Specific Plan.”

If the owner or tenant of a retail store seeks to change its use to a nightclub or restaurant, this is not a “Change of Use” because it is still a commercial use. But it is a “Change in Intensity of Use” because it increases the number of vehicle trips and increases the number of required parking spaces.

One member of the LUPC has said that VCZSP Section 13.C. is mistaken when it says “A Change of Use that results in a Change in Intensity of Use shall be required to comply with the parking standards....” This member says that the VCZSP was intended to be consistent with the certified Land Use Plan (LUP) for the Venice area, and that what was meant to be said is “A Change of Use or a Change in Intensity of Use shall be required to comply with the parking standards....”

This is an issue that needs to be addressed when amendments to the VCZSP are considered.

**8. *What is your view and VNC/LUPC action recommendation regarding the ability of a proposed commercial or residential development to receive physically nonexistent entitlements (i.e., parking) which will negatively impact surrounding developments?***

When this issue was raised, the LUPC was told that nonconforming uses are given a parking credit for the number of unprovided parking spaces at the time the LAMC first required parking, and that this is required by the law and by the City Attorney.

**9. *What is your Vision for Venice?***

A small, self-governing community where innovative solutions to energy, housing, transportation, and resource conservation issues are vigorously discussed and implemented. A government with a cooperative, can-do attitude that helps businesses open and grow and serve the community and the world. A responsive and nimble government where nearly every member of the community is on a committee that contributes toward the betterment of a tiny segment of society.

A diverse, artistic, musical, athletic, outdoor paradise by the sea, ruled by kindness and compassion.

A community with the best public schools, and the highest-paid, most highly-skilled teachers and law enforcement officers in the world.

A place where intelligent life from other places (planets? dimensions?) feels comfortable enough to manifest itself, to share solutions to each others' most difficult problems, and perhaps a cup of tea.