

Venice Neighborhood
Council

Post Office Box 550

Venice, CALIFORNIA 90294



**Land Use and Planning
Committee
MINUTES
(May 2, 2007)**



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

2

3 Challis Macpherson called the meeting to order. Committee members
4 present: Lainie Herrera, Jim Murez, Susan Papadakis, Ruthie Seroussi,
5 Arnold Springer and Phil Raider. Robert Aronson and Jed Pauker arrived
6 later.

7

8 Approval of the Agenda

9

10 **Phil Raider moved to approve the agenda as presented; seconded by**
11 **Lainie Herrera. VOTE: Unanimous in favor. The motion passed.**

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13 **2. APPROVAL OF (LAST MEETING'S) MINUTES**

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15 This item was postponed.

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17 **3. ANNOUNCEMENTS**

18 No announcements noted.

19 **4. PUBLIC COMMENT**

20 No public comment noted.

21 **5. OLD BUSINESS**

22 A. 709 Fifth Avenue, Oakwood-Millwood-Southeast Venice subarea
23 Arnold Springer, LUPC staff member to whom this project was assigned,
24 provided copies of an analysis and exhaustive review of the project and
25 discussed a staff report submitted for review to the West Los Angeles
26 Area Planning Commission as well as the review and procedures to which
27 this project was subjected (through to the Los Angeles City Council). Mr.
28 Springer noted that an exemption to the Venice Specific Plan had been
29 granted to the project and emphasized the search for an equitable solution
30 to the dilemma posed by the project's over-limit height. There was
31 considerable discussion about how the project's height was determined to
32 be over the height limit and whether the developer should be required to
33 provide an affordable unit. Mr. Springer noted the significance of the
34 estimated sales projections provided by the developer. Phil Raider
35 discussed the current market value. Mr. Springer stated that the
36 exemption granted by the City of Los Angeles was based on the
37 infeasibility of providing an affordable unit on the site.

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39 Alan Block, representing the owner (Mark Baez), provided an apology for
40 an earlier mis-statement of the actual height of the project and discussed
41 how the project was measured. Mr. Block stated that the sole issue at
42 hand is the building height and that the roof line has not been completed
43 because of the various problems that have occurred. Mr. Block noted that
44 code allows for inclusion of roof structures that permit a total project height
45 of 35' for a building with a varied roof line; this building will have a 33.5'
46 height when completed. Mr. Block emphasized the 'green' aspects of the
47 project, and reiterated that the cost to lower the height of the building is
48 unfeasible and economically prohibitive. Mr. Block discussed the financial
49 considerations Mr. Baez faced that caused him to rent out the property
50 without a valid Certificate of Occupancy. Mr. Block discussed the
51 rationale behind earlier government agency review and decisions
52 regarding the project at various levels of municipal government.

53

54 Jed Pauker asked what consideration, other than financial, the developer
55 is willing to provide to the community in compensation for the permanent
56 encroachment of this building's height. Arnold Springer referred to the
57 motion and a proposal he planned to make. Alan Block stated that a
58 discussion will have to take place with the developer prior to providing a
59 definitive answer to Mr. Pauker's question. Robert Aronson asked about
60 an estimated figure for return on sales and why the parcel map has not yet

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61 been recorded. Mr. Block stated that the developer does not have a
62 current estimate and that financial considerations caused the building to
63 be rented out prior to obtaining a valid Certificate of Occupancy. Jim
64 Murez asked questions about the location of the waterproof membrane to
65 establish that the roofline is the solar panels. Susan Papadakis asked if a
66 licensed contractor built the building; Mr. Baez stated that a licensed
67 contractor was hired to build the building. Ms. Papadakis asked for an
68 explanation of the height error; Mr. Block and Mr. Baez stated that they did
69 not know where the error occurred. Ms. Papadakis asked when the height
70 discrepancy was noted; Mr. Block stated that a query from a neighbor
71 prior to April 2005 began the process by which the discrepancy was
72 noticed. Ms. Papadakis proposed removal of galvanized framing on the
73 roof; Mr. Baez stated that the solar features would have to be removed.
74 Lainie Herrera asked about public comment at the PLUM hearing and
75 asked what terms were specified in the mitigated negative declaration. In
76 answer to Ms. Herrera's question, Mr. Block and Mr. Baez stated that
77 some of the renewable energy sources are still in use. There were
78 remarks regarding procedural issues currently being reviewed by the City
79 government. Mr. Block answered Phil Raider's contention that the solar
80 panels are part of the roof, not mechanical structures, by stating that the
81 Department of Building and Safety had signed off on that issue, and that
82 an exemption had been granted regarding the solar panels. Jim Murez

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83 asked if the solar panels are in place and on site; Mr. Baez stated that the
84 panels are on site. Ruthie Seroussi asked Jim Murez to explain the
85 reason for his questions regarding the construction of the roof. Ms.
86 Seroussi asked when the height discrepancy occurred; Mr. Block
87 reiterated that they did not know. Jim Murez asked what the highest point
88 of the building; Mr. Block stated that the building height is 30.9 feet. There
89 were additional questions regarding City procedures. Challis Macpherson
90 pointed out that discussion about affordable housing has not yet taken
91 place. Some points noted—whether jurisdiction on the affordable housing
92 issue had passed, the appropriate sales price, the West Los Angeles
93 decision regarding affordable housing units that was overturned by the
94 City Planning Commission, whether the question of affordability should be
95 considered germane to the LUPC issue at hand, provision of affordable
96 housing or bring the project's height within prescribed limits. Mr. Springer
97 noted that the intent is to find a fair and equitable resolution of the issue at
98 hand. Mr. Raider noted that the motion he was about to make would refer
99 to a height exemption of 33 feet, 4 inches, the height mentioned in the
100 application to the Zoning Administrator.

101

102 **Phil Raider moved to grant a height exception to the project located at 709**

103 **Fifth Avenue provided that one of the units be held in perpetuity as a**

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104 **moderate, affordable income unit as defined, registered and administered**
105 **by the Los Angeles Housing authority; seconded by Jim Murez.**

106

107 Phil Raider listed the calculations upon which his motion was based.

108 Arnold Springer stated that the developer appeared to have been more

109 interested in making a financial contribution rather than the solution

110 proposed by Mr. Raider and questioned how the unit would be

111 administered. Ruthie Seroussi suggested amending the motion to note

112 that the affordable unit be defined, registered and administered by the Los

113 Angeles Housing authority. Jim Murez commented that he agreed with

114 Mr. Raider's analogy. Challis Macpherson stated that she would ask

115 Steve Clair or another affordable housing maven to appear before the

116 VNC Board. Mr. Springer stated that the developer's agreement should

117 be obtained. Mr. Murez countered that the developer will still make a

118 profit. Lainie Herrera reread the West Los Angeles Staff Report decision,

119 stated that the piecemeal approach to development of the project caused

120 the problem and that a solution that addresses only one issue is not

121 appropriate. Susan Papadakis stated that her focus has always been on

122 limit height and that the project should be brought in line with limits defined

123 by the Venice Specific Plan. Challis Macpherson passed the chair,

124 relayed her conversation with Councilman Rosendahl's representative,

125 Mark Antonio Brown, and stated that Mr. Brown reiterated that only two

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126 units were allowed on lots in the Oakwood area. Robert Aronson listed
127 aspects of the project that can be considered unusual and noteworthy; Mr.
128 Aronson opined that the applicant could be given some sympathy, but that
129 Mr. Raider's proposal would allow an individual to profit rather than the
130 community and that the developer would lose more than \$1 million. Jed
131 Pauker suggested comparing the amount that would be spent to bring the
132 building into compliance to the profit that could be made. Mr. Springer
133 suggested postponing a vote until the developer can provide a solution
134 acceptable to him. Mr. Raider argued on behalf of his motion. There was
135 further discussion regarding the motion's wording and provisions. At Mr.
136 Springer's request, Alan Block stated that the funding bank may call the
137 loan if a low income unit is required.

138

139 **An amendment proposed, to bring the project into compliance with the**
140 **Venice Coastal Specific Plan with regards to a 30' height limit, was brought**
141 **to a vote; the amendment failed.**

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143 **VOTE: 4 in favor; 4 opposed; 1 abstention. The motion failed.**

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145 Arnold Springer moved to postpone a decision. There was no second.

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147 Alan Block stated that Mark Baez will have to consult with his financial
148 advisors to arrive at an amount that is an acceptable solution.

149

150 Susan Papadakis moved to deny the applicant's request for an exception.

151 There was no second.

152

153 **Arnold Springer moved that the LUPC recommend that the Venice**
154 **Neighborhood Council support the applicant's request for an exception to**
155 **the Venice Specific Plan for height with mitigation for exception to be**
156 **payment of \$500,000 into the Venice Housing Fund, with the provision that**
157 **this amount can be negotiated with the Venice Neighborhood Council. The**
158 **payments due are one-third at the close of each escrow and/or within 3**
159 **years of issuance of the Certificate of Occupancy, whichever comes first;**
160 **seconded by Jim Murez.**

161

162 There was further discussion regarding amendments to this motion. Jed
163 Pauker noted that attention to detail must be paid, because a precedent is
164 being set. Lainie Herrera called for a roll call vote.

165

166 **VOTE: (by roll call) Challis Macpherson—yes, Robert Aronson—yes,**
167 **Lainie Herrera—yes, Jim Murez—yes, Susan Papadakis—no, Jed Pauker—**

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168 **no, Ruthie Seroussi—yes, Arnold Springer—yes, Phil Raider—no. The**
169 **motion passed.**

170

171 B. 255 Main Street, North Venice subarea. Applicant: Long's Drugs

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173 Emiko Isa, the McCartney Group, introduced herself and discussed the
174 voluntary conditions arrived at after discussion with Jim Murez, LUPC
175 staff.

176

177 **Phil Raider moved to approve the Long's Drugs application, subject to the**
178 **conditions provided in the proposed language; seconded by Arnold**
179 **Springer.**

180

181 Phil Raider stated his satisfaction that Long's Drugs representatives
182 have complied with the request made by LUPC at its earlier meeting,
183 as did Arnold Springer. Jim Murez discussed the wording for voluntary
184 condition #17. Susan Papadakis and Robert Aronson both voiced
185 concern about the sale of alcohol at 7 am. There was further
186 discussion about individual conditions, but there were no further
187 changes.

188

189 **VOTE: 7 in favor; 1 opposed; no abstention.**

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191 **6. REPORT FROM LUPC CHAIR**

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193 Tabled

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195 **7. LUPC TASK FORCE REPORTS**

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197 Tabled

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199 **8. INDIVIDUAL STAFF REPORTS**

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201 Tabled

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203 **9. PUBLIC COMMENT**

204

205 Challis Macpherson announced a meeting for the Westside Urban Forum,
206 that will focus on neighborhood councils, on May 18, 2007.

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208 Phil Raider announced that he will step down from the LUPC as of the current
209 meeting. Mr. Raider stated that he was honored to have worked with LUPC.

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211 **10. ADJOURNMENT**

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212 The meeting was adjourned by common consent.

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