

Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



Land Use and Planning Committee MINUTES June 27, 2007



1 **1. CALL TO ORDER – ROLL CALL**

2
3 Challis Macpherson called the meeting to order at 6:43 pm. LUPC members
4 present: Ruthie Seroussi, Jed Pauker, Susan Papadakis, Stewart Oscars,
5 Challis Macpherson, Maury Ruano and Jim Murez. Arnold Springer, Sylviane
6 Dungan and Robert Aronson arrived later.

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8 Approval of this agenda as presented or amended.

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10 The Agenda was approved by acclamation.

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12 **2. APPROVAL OF PREVIOUS MEETING MINUTES**

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14 Postponed.

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16 **3. ANNOUNCEMENTS – INFORMATION ABOUT SPECIFIC EVENTS**
17 **IMPORTANT TO VENICE**

18
19 None noted.

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21 **4. PUBLIC COMMENT**

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23 (Taken out of order) Roberto Perez Rosado, stakeholder and resident at 52
24 Paloma, a rent controlled building that is being turned into a hotel that has no
25 parking, alerted LUPC that action should be taken regarding the proposed
26 development. Arnold Springer asked if there was “institutional memory”
27 regarding converting an apartment building to hotel. Challis Macpherson
28 discussed research she had done on the property, and reported that the
29 building was being returned to its original use, a hotel. Mr. Springer voiced
30 his concern about this form of development.

31

32 Laurie, also a resident at 52 Paloma, also spoke against the changeover,
33 stated that she has lived at 52 Paloma for 27 years, noted that hotel use of
34 this building may have been 100 years ago when traffic was not as relevant a
35 factor, and also noted the absence of handicapped accessible facilities.
36 Sylviane Dungan suggested that the stakeholders request the Administrative
37 Committee put this issue on the agenda for the Board for discussion.

38

39 Amarie Starr provided pieces of a mural that was demolished, at 5th and Rose
40 at the old Pioneer bakery building, to LUPC members. Arnold Springer stated
41 that Francisco Latelier was the artist who created the destroyed mural.

42

43 Jim Murez stated that the historic significance of buildings should be
44 conditioned into consideration of projects before LUPC.

45

46 **5. NEW BUSINESS: DELIBERATION OF FOLLOWING PROJECTS/ISSUES**

47

48 LUPC Staff for this project: Arnold Springer

49

50 Item 5B: 1638 Abbot Kinney Boulevard, Case #ENV 2007-1600 CE and ZA
51 2007-1599 CDP. Architect and representative: Robert Thibodeau, 529
52 California Avenue, Venice 90291, 310.452.8161, 310.452.8171. Permit
53 application 4/3/07, requesting renovation of existing ground-level commercial
54 space, addition of a 2nd floor with 3 offices, and addition of a new single
55 family dwelling unit at the 2nd and 3rd floors. Needs categorical exception,
56 Coastal Development Permit, Mello Act compliance review. Both project plans
57 and project documents are posted on VNC web. The Zoning Administration
58 hearing is scheduled for June 28, 2007.

59

60 Responding to Stewart Oscars' question, Challis Macpherson explained the
61 procedure that will be followed because of the hearing scheduled for June 28,
62 2007. Arnold Springer deferred to the developer's representative, Robert
63 Thibodeau, who discussed the building's history, current use, and plans for
64 development of the site.

65

66 Yolanda Gonzalez stated that the alley behind the proposed development is
67 hazardous.

68

69 Ivan Spiegel discussed parking in the area, noted that the proposed
70 development claimed 12 grandfathered parking spaces, and stated that no
71 further development should be allowed until parking in the area is resolved.

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73 Robert Rosado asked why the proposed development has no provision for
74 renewable energy resources.

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Laurie ... stated that renewable energy resources should be a part of the proposed development and that adequate parking should be provided.

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Arnold Springer asked about the project's height, including that of rooftop structures, questioned the parking provision and allowable grandfathered parking provision. Mr. Springer stated that the procedure used to calculate the allowable amount of parking spaces allocated is a standard one. Mr. Springer asked about the location of the trash collection area. Mr. Thibodeau responded to questions raised by stakeholders regarding green technology and discussed energy-efficient requirements for new construction. Robert Aronson asked how parking was calculated for the proposed use; Mr. Thibodeau stated that calculations were based on information provided by the Department of Building and Safety. Mr. Aronson contended that the Specific Plan provides a definition of intensification of use that applies in this instance. Mr. Aronson reiterated his contention that LUPC should take a position on the grandfathering aspect of the parking issue. Jim Murez asked about how the rear parking and trash collection area is configured, the setback of the rear property; Mr. Thibodeau indicated that the parking area is common to both residential and commercial tenants and that there is a 15 foot setback from the centerpoint of the alley. Maury Ruano asked what the required setback for the property; Mr. Thibodeau stated that there is a zero setback, however because the original building is being retained, a two-foot setback is retained. Mr. Thibodeau discussed changes to the Venice Specific Plan in answer to Mr. Ruano asked about stepping back the second story. Stewart Oscars asked about trash area provisions and made suggestions about the design of the back fence; Mr. Thibodeau stated that provisions of the Venice Specific Plan will prevail in this instance. Sylviane Dungan referred to the addition of 2200 square feet; Mr. Thibodeau stated that 1300 square feet is being added. Ms. Dungan stated that the developer should be required to give something back to the community and to provide renewable energy resources. Susan Papadakis voiced concern about the height and provision of parking spaces. Jed Pauker stated that something should be given back to the community in return for approval of the project and asked Mr. Thibodeau to relay his concern to his client. Mr. Thibodeau rebutted that the proposed mixture of residential and commercial uses was the intent for Abbot Kinney Boulevard, noted his track record with regard to building award-winning structures, and stated that he did not mind walking a block to find appropriate parking.

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Arnold Springer stated that he cannot attend the Coastal Development hearing and ZA hearing that will take place at the same time on June 28, 2007, and in his opinion the project will be approved at the hearing. Mr. Springer questioned whether the decision to be rendered tomorrow is appealable.

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120 Robert Aronson asked Robert Thibodeau about calculations for new
121 construction and how parking is calculated based on the new construction.
122 Mr. Thibodeau stated that the calculations were provided by the plan checker.
123 Mr. Aronson restated that the proposed development constitutes an
124 intensification of use and discussed the ramifications of an intensification of
125 use. Mr. Aronson stated that the desired objective is to have commercial use
126 on Abbot Kinney, not solely residential. Mr. Aronson stated that an en lieu fee
127 should be required of the developer and that the requested approval be
128 denied.

129

130 Jim Murez stated that the developer is doing everything that has been
131 requested of other developers and that the only difference is onsite parking
132 that is impossible for him to provide. Mr. Murez voiced concern about the
133 fence at the rear of the property, and stated that the developer should be
134 required to set the fence 15 feet from the center line of the alley, which could
135 provide an additional two parking spaces. Mr. Murez stated that the project
136 should be approved, and referred to questions he raised at an earlier meeting
137 regarding parking spaces required by churches. Mr. Murez stated that the
138 developer should not be punished and warned that requiring provision for
139 parking will result in "mansions" being built on Abbot Kinney Boulevard.

140

141 Maury Ruano stated that he had no problem with the proposed development's
142 height, that the applicant should not be penalized for a parking problem that
143 existed prior to the development proposed and compared this situation to the
144 payment of taxes.

145

146 At Jim Murez' request, Stewart Oscars clarified his suggestion that the
147 roofline and trash area be changed.

148

149 Sylviane Dungan concurred with Jim Murez that the trash area should be
150 inside. Ms. Dungan stated that people benefiting from grandfathered items
151 should be made to provide some benefit to the community.

152

153 Susan Papadakis stated that the location and size of the subject site is
154 appropriate for live/work space. Ms. Papadakis suggested that the project's
155 design be altered to accommodate live/work use.

156

157 Jed Pauker urged proactive action to encourage developers to design
158 projects that conform to current conditions, rather than LUPC having to find
159 ways to accommodate variance requests.

160

161 Ruthie Seroussi called for change to the rooftop structure, asked for a quid-
162 pro-quo with regard to the project's height and parking provision, and stated
163 that en lieu fees will be less than the cost of providing underground parking.
164

165 **Robert Aronson moved to approve this project under the following**
166 **conditions: 1. reject parking credit as calculated by Building and Safety as**
167 **not in conformity with the Venice Coastal Zone Specific Plan; 2. the**
168 **applicant shall provide an en lieu fee for any spaces that, as the project**
169 **currently exists, are not provided; and 3. that fee be calculated at the time**
170 **of issuance of the Certificate of Occupancy; Mr. Aronson called for**
171 **amendments with respect to trash and fences; seconded by Arnold**
172 **Springer.**
173

174 Jim Murez stated that the Coastal Commission and the City Attorney are
175 not going to change their minds about grandfathering provisions for
176 parking. Discussion followed that concerned policies regarding granting of
177 parking credits to development applicants. Sylviane Dungan stated need
178 for proactivity, noted the intent to encourage small businesses, and stated
179 that agreement has to be reached with policy makers regarding how
180 parking can be provided. Challis Macpherson clarified that Ms. Dungan
181 requested en lieu fees for 10 parking spaces.
182

183 Robert Aronson suggested that the motion's language should state that
184 the project is a change in intensity of use under the Specific Plan definition
185 in Section 5e, and that there is no precedent or legal requirement for the
186 City's provision of a parking credit.
187

188 As a result of Ivan Spiegel's advice, Robert Aronson withdrew the motion,
189 and Arnold Springer withdrew his second. Ruthie Seroussi suggested
190 adding mention of the trash area inside the property with the fence issue.
191

192 **Robert Aronson moved to recommend approval of the project, under the**
193 **following conditions: we find that the project as presented is an**
194 **intensification of use, specifically an increase in intensity as defined in**
195 **Section 5e of the Venice Coastal Development Specific Plan, we reject the**
196 **policy of the Department of Building & Safety and the City's interpretation**
197 **that grants parking credits to the applicant, that approval is conditioned on**
198 **the applicant paying an en lieu fee for each parking space not provided to a**
199 **maximum amount of \$45,000 per space or the en lieufee calculated at the**
200 **time the Certificate of Occupancy is issued, whichever is lower; Arnold**
201 **Springer seconded.**
202

203 Ruthie Seroussi asked if the motion should specify that the en lieu fees be
204 paid to the Venice-specific parking fund, to highlight the fact that the

205 granting of the variance request is in exchange for the payment of en lieu
206 parking fees and suggested that the applicant should be asked to redesign
207 the roof structure.

208
209 Sylviane Dungan stated that a law should be created requiring the
210 payment of en lieu parking fees whenever insufficient parking exists.
211 Robert Aronson stated that his original motion included mentioned a
212 rejection of the City's policy regarding parking credit and that the parking
213 credit policy is not in conformity with the Venice Coastal Zone Specific
214 Plan. There was discussion between Mr. Aronson and Challis
215 Macpherson regarding procedures followed when insufficient time exists
216 to get full Board approval on LUPC recommendations.

217
218 Jim Murez and Robert Aronson debated on the interpretation and
219 application of intensification of use.

220
221 Maury Ruano suggested an amendment to require the developer to pay
222 the en lieu fee at the time the entitlement application is submitted. Robert
223 Aronson did not accept the agreement. There was no second.

224
225 **VOTE: 8 in favor; 2 opposed.**

226
227 **Jim Murez moved that the rear fence be held at fifteen feet from the center**
228 **line of the alley; seconded by Jed Pauker.**

229
230 Jim Murez reiterated the rationale for this request.

231
232 **VOTE: 8 in favor; 2 opposed.**

233
234 Sylviane Dungan was advised by Challis Macpherson to submit an agenda
235 item for the next LUPC meeting regarding requiring developers to pay en lieu
236 fees when insufficient parking is provided by a development.

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238 **6. PUBLIC COMMENT**

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240 None noted.

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242 **7. ADMINISTRATIVE:**

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244 En Lieu Parking Fees – proposed revisions

245
246 Jim Murez discussed his efforts to find a way to address the calculation of en
247 lieu fees and provided two options, one that involved averaging the land value
248 that a parking space is worth, or alternatively, a fee based on the cost to

249 create the parking space. Mr. Murez noted that a combination of the two
250 approaches is probably most appropriate, and estimated a cost between
251 \$18,000 and \$25,000 per space to build an above-ground parking structure
252 and \$30,000 and \$35,000 per space to build a subterranean parking
253 structure. Mr. Murez's final estimate for construction of a parking structure in
254 Venice was \$40,000 to \$45,000. Sylviane Dungan provided means to
255 estimate cost but stated her preference that construction of a parking
256 structure should include low income housing.

257
258 Arnold Springer stated that the en lieu parking fee should be raised
259 immediately. Jed Pauker discussed the calculation he used to arrive at an
260 adjusted en lieu parking fee of \$35,000 to \$36,000 and suggested that
261 amount be used until an amount can be calculated.

262
263 There was further discussion on how to proceed; Jim Murez suggested a
264 calculation that will provide an accurate, up to date amount.

265
266 Robert Aronson stated that the issue was not agendized. Mr. Aronson stated
267 that the granting of concessions is the primary issue and warned that
268 establishing a procedure that grants rights to developers will leave LUPC
269 without a position from which to bargain. This issue will be agendized for the
270 July 21, 2007 meeting.

271
272 Community Impact Statement regarding over height fences

273
274 Jed Pauker read the text of a draft Community Impact Statement that totaled
275 103 words:

276
277 Frontage barriers, fences, walls and hedges can define property borders,
278 public versus private space, and establish safety barriers. They can also,
279 however, alter neighborhood character, affect community, openness,
280 space, and light, diminish day-to-day safety and interfere with law
281 enforcement duties. Existing regulations limit frontage barrier height to 3
282 foot, 6 inches absent extenuating and unique circumstances or if the
283 property is in an agricultural or suburban zone, a fence height district
284 (unavailable in Venice), or in Ballona Lagoon, West or East Bank, or in
285 Lagoon Buffer Strip/Silver Strand). The Venice Neighborhood Council
286 supports these regulations, which promote and preserve community
287 character and safety.

288
289 Challis Macpherson stated that the LUPC-approved draft of the Community
290 Impact Statement will be sent on the Board.

291
292 LUPC Chair report on VNC Board of Officers actions relative to LUPC

293 recommendations.

294

295 Not discussed.

296

297 LUPC Task Force reports

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299 Abbot Kinney Parking

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301 Robert Aronson reported that an eyes' only draft version will be sent to LUPC
302 members within the next few days.

303

304 ERUV

305

306 Challis Macpherson directed Committee members' attention to copies
307 provided of the ERUV report.

308

309 **Maury Ruano moved to present the ERUV report to the VNC Board of**
310 **Officers without prejudice and without recommendation for their action;**
311 **seconded by Sylviane Dungan.**

312

313 Arnold Springer stated his objection. Ruthie Seroussi asked why the issue is
314 being reviewed by LUPC, and was told that the issue had been assigned by
315 the Administrative Committee to LUPC and that the issue is one that will be
316 heard by the California Coastal Commission on July 9, 2007. Ivan Spiegel
317 described how the issue came to be assigned to LUPC for review. Yolanda
318 Gonzalez provided another perspective on the issue.

319

320 **VOTE: 7 in favor; 0 against; 2 abstentions.**

321

322 Lincoln Place Task Force

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324 (Taken out of order) A brief report was provided by David Ewing.
325 Responding to Mr. Ewing's questions, Challis Macpherson and Ivan Spiegel
326 explained how the Lincoln Place Task Force could be allowed to continue to
327 function until its charter has been accomplished.

328

329 Laura Silagi stated that the first order of business for the Lincoln Place Task
330 Force will be to gather facts as to the current status of the property in order to
331 determine what can legally be built on the property by right without variances
332 or changes in zoning, etc. and the investigation will take the rest of the
333 summer.

334

335 Challis Macpherson advised that the Task Force's main purpose should be
336 stated as fact finding and that the collection of community input should be
337 stated as well.

338
339 Robert Aronson asked if a chair of the Task Force had been chosen; Laura
340 Silagi, David Ewing and Steve Friedman are co-chairs. Jim Murez asked if a
341 web site name has been chosen; none has been chosen. Mr. Murez referred
342 to the potential for conflict of interest if space on the VNC website is
343 requested. Ivan Spiegel advised creation of an Ad Hoc committee. Ruthie
344 Seroussi stated that the Task Force should include people representing the
345 developer's perspective. The discussion that followed concerned how to
346 accomplish the Task Force's stated goals and keep the public in the loop.
347 Steve Friedman stated that the Task Force's goal of independence from the
348 developer was a driving force and that independence from LUPC and VNC
349 was not the intent. Ruthie Seroussi reiterated that fact-finding, not advocacy
350 is the intent. There was discussion about how reports from the Task Force
351 will be made and how the Task Force will be led.

352
353 David Ewing questioned whether advocacy is involved in the Task Force's
354 charter, and stated his intent to provide balance on the issue. Challis
355 Macpherson rebutted that someone representing AIMCO should then be
356 invited to participate in the Task Force. After further discussion, Ivan Spiegel
357 stated that the VNC Board should be asked for an opinion regarding this
358 issue.

359
360 Staff Assignments: Reference CNC Reports

361
362 The Agenda Request Form Application will be discussed at the July 2007
363 meeting.

364
365 A development project at 1046-1048 West Princeton Drive will be discussed
366 at the July 2007 LUPC meeting.

367
368 **8. ADJOURNMENT**

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370 The meeting was adjourned by common consent at 10:05 pm.
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