



Venice Neighborhood Council

LAND USE AND PLANNING COMMITTEE

PO Box 550, Venice, CA 90294 / www.VeniceNC.org

Email: Chair-LUPC@VeniceNC.org



MINUTES

LAND USE AND PLANNING COMMITTEE MEETING

DATE: Wednesday, October 16, 2013
LOCATION: Oakwood Recreation Center; 767 California Ave, Venice, CA 90291
TIME: 6:45 p.m. - 9:00 p.m.

CASES HEARD:

1. 101 Dudley: cell tower
2. 709 5th Avenue: multi-family/unit home variance request (height), in order to legalize the existing structure
3. 1420 Abbot Kinney: change of use from SFD to retail/office.

DETAILED AGENDA:

- I. Call to Order: The meeting was called to order at 6:55 p.m.

Roll Call:

Name	P	A	Name	P	A
Jake Kaufman, Chair	x		Mia Herron	x	
Sarah Dennison, Vice Chair	x		John Reed	x	
Robert Aronson		x	Steve Traeger	x	
Mehrnoosh Mojallali		x	Robin Rudisill, Secretary	x	
James Murez	x				

- II. Approval of minutes from last meeting(s) – not available.
- III. Motion by Jake Kaufman, seconded by Robin Rudisill to approve the Agenda as presented, except for deletion of item 8A, 812 Main Street, a mixed-use development, which is being deferred until further notice, while options to add additional parking are being considered.
- IV. New Project Review, Staff Assignments and Coding of De Minimis Cases.
 Review, discussion, and possible action on projects identified in applications filed with the City of Los Angeles Department of City Planning as reflected on the CNC Reports, to build Agendas for future meetings. (To review the CNC Reports go to www.Planning.LACity.org and click on "Case Information" on the left side, then click on "Bi-Weekly Case Filing," or visit our VNC working site, www.CityHood.org)
- V. Chair Updates--general updates by Chair, Jake Kaufman.
- A. All four LUPC motions passed at the prior night's VNC Board meeting, including Robert Aronson's motion on what the City says can and can't be legally conditioned (and what is grey area) for CUB's, the motion re the Billboard, the motion on mixed use for 613 Rose, and the motion re. the small lot subdivision on Sunset.

- VI. Land Use and Planning Committee Current Case Updates--committee members provide updates/schedule on their "Pending" cases.
- A. Best line of communication for Community input on projects (Mia Herron) – The group decided that the best and most consistent way for Community members to voice their opinions to the VNC is to simultaneously email the Board and the LUPC directly using their group email addresses:
Board@VeniceNC.org
and
LUPC@VeniceNC.org
 - B. 305 Rose (John Reed)--There will be a Community outreach meeting for the project on October 29th. This project is for a proposed changed of use and proposed zone variance from a church in a residential zone to an office building in a commercial zone. They are not proposing parking or any building size changes, nor are they proposing any concessions.
 - C. 268 Hampton, Sauce Restaurant (Jim Murez)--There was a 90-day extension and the project hearing may be on the next LUPC agenda.
 - D. 530-532 Gran (Sarah Dennison) – This project should be on the next LUPC agenda. Chair, Jake Kaufman, asked that all project agenda requests be submitted on Cityhood.org.
 - E. 522 Venice Blvd. (Chair, Jake Kaufman) – The West L.A. Area Planning Commission public hearing for the Appeal of this project by surrounding Community members was continued to December 4, 2013. The project consists of a 10-lot subdivision, with 15 units/single-family homes, and is located on Venice between Mildred, Ocean and Washington Way. This Appeal should be on the next LUCP agenda so that a VNC position on the Appeal can be recommended to the Board.
 - F. Billboard/neon banner sign (Chair, Jake Kaufman)--The Billboard/neon banner sign was installed without permits. A Revocable Permit waiver will be requested from Public Works.
- VII. Public Comment on non-agenized items related to land use and planning only.
- A. 1414 Main Street--short, informational presentation by Brian Silveira, planning expeditor, including Q&A. (This was not a Community meeting or a public hearing.)
 - 1. Project information: The project is a 4-story, multi-use project located on the east side of Main Street (150 feet of frontage, or 2/3 of the block), between Horizon (80 feet of frontage) and Market, with C-2 zoning. The project has three distinct buildings, and will be providing 242 fully automated parking spaces (1 hydraulic/robotic loading bay, 30 cars/hour), in a 3-level, subterranean garage, with 97 spaces dedicated to public parking. Concessions/incentives for affordable housing (SB 18) include variances for height (asking 46' vs. 35' allowed), setback requirements, and rear yard. They are proposing 3 commercial spaces (restaurants/retail, with courtyard, bike parking and public art) and 26 condos (3 studios, 5 one-bedrooms, and 18 two-bedrooms) vs. 19 base units allowed by right, with 21% affordable housing (4 of the 26 to be low-income units). Their traffic analysis (not required) indicates 4 AM peak hour trips and 32 PM peak hour trips.
 - 2. New information or questions by Stakeholders:
 - a. Carolyn Rios questioned the wall on Main Street and the impact on the Public's Coastal Access (State's Coastal Act).
 - b. Irv Katz, who lives on Market Street, believes there should be a maximum number of food and drink establishments in a given area. He expressed concern about the accuracy of the 4 AM peak hour trips, and noted that if there is a line of cars going in, how will

the cars going out be handled, as the entrance/exit for the automated, robotic parking garage is on an alley that is only 15' wide.

- c. Kevin Kerslake, who has lived two houses away from the site for 30 years, is also concerned about the alley clogging up. He asked why a lower height has not been entertained, as height limits in Venice have mostly been respected. He noted that a building that tall blocks wind and light, and would obliterate the historical character of the neighborhood. The project adds 26 condos to the area, which now only has about 26 houses. The project will cause a significant increase to traffic and noise. He asked who would compensate the current property owners and residents for all of their losses. He moved to Venice as it had a vibe and atmosphere that he liked, and said that this project is not Venice or what Venice is about.
 - d. Annette Kerslake, who lives 30' away from the alley behind the proposed project, is concerned about public safety. She doesn't see how they can have so many cars all going through the one small alley.
 - e. Stephen Fernandez, who lives at 219 Horizon, asked if there will be any variances or conditional use permits requested, and he was told that they are proposing SB 18 variances. He asked if there have been any public notices yet, and was told that there will be 2 public hearings, and then a draft motion from LUPC to the VNC Board, and then a letter from the VNC Board to the Zoning Administrator, who will hold a zoning hearing for owners/residents within the 500' radius. He noted that the project proposes not only massing exceptions but also setback variances, which he has serious concerns about.
 - f. Steve, who lives on the 200 block of Market and was at the prior meeting for the proposed project, is also concerned about the safety issues with the increased traffic in an alley of that size. He is also concerned that there will be approximately 80 employees from the restaurants and other businesses in the project who will need parking, and as the businesses usually don't pay for their employees' parking, it's likely that these employees will be trying to find parking on the street, which will significantly impact parking available for the surrounding residents. He noted that conditions have been imposed for recent projects to provide on site parking for employees. He expressed a concern about the accuracy of the 4 AM peak hour trips in the traffic analysis.
3. Other Project Information: Brian Silveira indicated that proposal of the density bonus incentives to the City Planning Commission is 6-7 months out. All available information is on Cityhood.org. A CDP is required. Any questions should be emailed to: silveira.brian@gmail.com. Chair, Jake Kaufman, suggested that they create a website where people can interact with them on their questions and issues.

VIII. Active Cases

- A. 812 Main Street—agenda item deferred until further notice, while options to add additional parking are being considered.
- B. 101 Dudley Avenue: cell tower on residential building
 1. Case Number: ZA-2012-2118-CUW and ENV-2012-2119-EAF
 2. Background Information: see website--
<http://www.cityhood.org/ReportCaseActivityDetail.cncx?CID=29654&UGP=Anonymous>
 3. Staff--Jim Murez: The proposed project is 1 block south of Rose, with an older building that is non-conforming to VSP in height, has substandard plumbing, has 2 bathrooms per floor,

and has 29 units on 3 floors. The Applicant is proposing a cell tower on the roof. Jim is recommending denial of the project, as this is a new use adding additional height on a building that is already over the VSP height limit.

4. **Applicant: Marianne Harwood** (maryann.harwood@rlsusa.com), representative for AT&T, noted that the need for this proposed project is that there is a service coverage gap during periods of high demand. She pointed out that there has been a lot of concern about the need for this and about what other alternative sites have been considered. They are proposing 12 wireless antennae in 3 sectors, with 8 appearing like a faux chimney and the other 4 being incorporated into the Penthouse door, which is now not in compliance but which they would fix as part of the project. This gap in service coverage is of concern mainly during peak demand hours. 34 alternate properties were considered, but none of them work, for various reasons ranging from location unable to fully cover the gap in service coverage to owner/landlord refusing. An EME report requires the frequencies being emitted from the antennae to stay less than 40% under levels identified as harmful/worst case scenarios. Chair, Jake Kaufman, noted that they would be required to bring the building up to code, however, the question of whether the building is in conformance with code is not the issue. The service coverage gap is for Santa Monica residents to the north of Rose, to the west of Pacific Ave, and along Main Street. Santa Monica municipal code does not allow cell towers in a residential area, but LAMC does, with discretionary approval by City Planning. The exceptions/variances for setback and height (actual 33'6", limit 28', proposed 44') are being requested via a CUW submitted to Gretchen Oliver in City Planning, and not via the VSP exception/variance process. The project location is outside of the Dual Jurisdiction Coastal Zone, and a Coastal Exemption request will be submitted. Proposed rent to be paid to the owner for the long-term lease for the cell towers to be placed on the building is not provided as it is proprietary information.
5. **Public Comment:**
 - a. **Nathan Korman**, who owns property next to the proposed location, says that the design of the antennae doesn't really look like a chimney. He says that there is huge value to be had from this project, but only for one person, the property owner. Other areas of L.A. have successfully fought cell towers. In one case the cell tower was placed in a City park and was made to look like an attractive statue. The building is 100 years old and has grandfathered exceptions to code. All of the buildings in the surrounding area are 1-2 stories, and this building already sticks out like a sore thumb, and is already the highest land point in the area, and the cell tower would make it stand out even more.
 - b. **Ted Hassar**, who has lived at 17 Dudley Avenue for 42 years, says that the building is already too damn tall and has no yards. This project would be putting an industrial use to a building turned down by Venice Community Housing, and if it becomes an industrial facility, there's nothing to stop them from making it even more industrial.
 - c. **Benton Quin**, a building resident on the floor right under the Penthouse, says that the Applicant has been turned away at this location twice before, and at least half a dozen others have turned them down as well. The only party to profit from this is the absentee landlord, Antoine, who lives in Florida. Also, it's only going to help people in Santa Monica (with their cell phone service at peak hours).
 - d. **Ann Raskeda**, a building resident, just heard about the project. Her main concern is the impact of a disaster, such as a fire. Just recently someone left a pipe burning in one of the units. No fire alarm went off, and this is not the only time that a drug user in the building left something burning. In such emergencies the tenants are supposed to go up

onto the roof, but with the antennae up there that isn't possible due to the dangerous levels of radiation being emitted. Also, if there is a malfunction, the radiation could accidentally point downwards into the building, towards the residents, just a few feet away, and this would be an unmanned facility. There is no room in the alley for a maintenance vehicle to park.

- e. Bruce Meed, a building resident, says that the residents are concerned with the noise from the 2 commercial air conditioners, which would be located very near their living area, and that they deserve the right to quiet enjoyment of their residences. He noted that it is unlawful to operate an air conditioner on the premises that would be louder than 5 decibels. Also, at night, a sensitive hearing person cannot be disturbed. It was noted by the Applicant that materials could be placed in the laundry room where the air conditioners would be located to decrease the noise, and that the air conditioners only run some of the time. The people who live there do not benefit from the added cell coverage, and they should not have to listen to the hum of AT&T air conditioners in their residential building. This is the only landlord who is agreeable to leasing the space to AT&T, only because he doesn't care.
 - f. Ben, also a building resident, summed up the resident group's comments by saying that the building would just simply be too tall, and the number of variances and exceptions taken together would simply be too significant.
6. **LUPC Discussion:** There is a petition with 200 people against the project. Verizon does not have the same problem with coverage as it is on a different frequency than AT&T. Their wavelengths are different, and they each have different kinds of issues. A co-location of carriers was discussed, but the location for the two closest carriers with existing nearby locations, T-Mobile and Verizon, is Public Storage, and this is too far away. The only option for AT&T to extend this coverage appears to be to submit an application for a deviation via a CUW, and as AT&T services the Emergency 911 service, that will be a huge benefit to them when City Planning considers the deviation. All project information is available online.
7. **Motion to VNC Board:**
- a. The VNC *recommends denial* of the proposed project for a cell tower at 101 Dudley Avenue, as presented, for the following reasons:
 - i. The existing building has non-conforming height entitlements. Adding the proposed equipment and enclosure structures to the existing height would not comply with height restrictions as defined in the VSP and the LUP.
 - ii. The existing rooftop structure is an oversized and non-conforming part of the existing building; and the proposed project would bring the building's rooftop structure even further out of compliance with the VSP and LUP.
 - iii. The proposed locations of the front, side and rear cell tower enclosures will encroach into the required setbacks. Besides this being a violation of LAMC, VSP and LUP, these proposed encroachments will cast shadows onto and block light into adjacent properties and the Dudley Avenue walk street.
 - iv. The proposed project would increase the existing building height by 9 additional feet. (LUP, pg. 45, only allows five feet on residential projects where the use of said equipment is essential for the building).
 - v. The building is already over weight and over use (29 units) and this proposed project increases the height, mass and the usage.
 - vi. There is no parking for maintenance vehicles.
 - vii. The proposed project may cause unacceptable noise levels for the residents and neighbors.

- viii. There are significant safety concerns with respect to emergency roof access and with respect to accidents that could occur at this unmanned facility.
 - ix. The aesthetics should be more favorable than simply faux-chimney; there are many examples throughout Los Angeles where antennas are less obtrusive and/or more artistic.
 - x. There is strong community opposition for this proposed project in this residential neighborhood, as evidenced by the Neighborhood Outreach meeting and the public testimony of the neighbors and residents at the LUPC meeting. No one except the Applicant was in support of the proposed project.
- b. MOTION MADE BY JAKE KAUFMAN, SECONDED JOHN REED, OCTOBER 16, 2013, MOTION PASSED 7-0-0

C. 709 5th Avenue: multi-family/unit home variance request (height), in order to legalize the existing structure.

1. Case Number: none currently
2. Staff--Chair, Jake Kaufman
3. Applicant: Mark Baez (mbaez@gte.net)--This is a property with 3 market units on a 1.5 sq ft lot in Oakwood. Due to the over height variance discovered after construction, the property was never able to get a Certificate of Occupancy. According to the contractor, who was in attendance, it is not feasible to lower or take off any part of the building, as the steel is prefabricated and was made 9" too tall. The City Council was asked to approve the variance, and they asked Councilperson Bonin for his recommendation, and Councilperson Bonin asked the VNC/LUPC for their recommendation. A neighbor who lived a block away, Phil Raeder, had originally requested that the height be checked and that is what resulted in the over height variance discovery. He was initially against approving a variance, but now says he's OK with it. The property is up for foreclosure on October 18th, therefore, it was suggested that Councilperson Bonin's office extend the deadline for the City's Order to Comply to allow for review and possible approval of a variance by the VNC Board at its next meeting, on November 26th. A bid would be based only on the value of the land, which is approximately \$1.2 million at current market values, less the cost of the tear down (plus any salvage value).
4. Public Comment:
Susan Papadakis noted that this is a 10-year old issue, and from the beginning this has been an enforcement issue, as the building had a flat roof, and placing solar panels on it did not make it a varied roofline with a higher height limit.
5. LUPC Discussion: Jim Murez noted that if the third unit is made into an affordable unit for 30 years, at least there is some nexus in that it doesn't conform to the height restriction but at least they are getting an affordable unit, as is the case where concessions/incentives are currently made for affordable housing (SB 18). But the owner responded that the economics of converting one unit to be "affordable" does not allow for enough cash flow for his mortgage payment. No one wants to deny the request or see the owner lose the building, but neither can a precedent be set, so the committee feels that it is making the best recommendation possible given the circumstances.
6. Motion to VNC Board:
 - a. The VNC *recommends approval* of the building height for the property to be no more than 32'11", as presented, which is less than 10% over the height limit for a varied roofline, of 30', on the already built, existing structure at 709 5th Avenue, assuming it has a structurally supported varied roofline, and not a varied roofline based on the height of the solar panels, and with one of the three units classified as "workforce

housing affordable," under the following assumptions and conditions:

- i. Under the VSP this property would normally be restricted to 2 units unless the third unit was deemed "affordable," and therefore this solution is based on the third unit being classified as "moderately affordable."
 - ii. The original height variance was caused by an error in design and construction, which was only discovered after construction was completed, and which would have been avoided had the design error happened today, as the rules have been changed since that time so that the inspector must certify the height as soon as the building is framed.
 - iii. We are unable to determine a commercially viable solution other than requiring the affordable unit, and thus the only other options for the property are a tear down or a move of the building.
 - iv. The Applicant shall assure that the building is no taller than 32'11", which is less than 10% over the height limit for a varied roofline, of 30'.
 - v. It is strongly emphasized that this decision is NOT a precedent for future development, as it is only being made due to the fact that there was an error in the design and construction that was only discovered after construction was completed and which would have been avoided under today's rules, and for which there are letters from experts verifying/documenting how and why this occurred; and as LUPC does not support an exception for a height variance by itself, and as this decision is being made based on the condition of making one of the units "workforce housing affordable."
 - vi. At least one week prior to the VNC Board meeting on November 26th, the owner will provide Jim Murez the following supporting documentation: as many meaningful letters of support from the 8 adjacent neighbors as possible, evidence from experts, verifying/documenting that this was a genuine error, evidence of the amount of rent the current tenants are paying and the current housing cost for the building (mortgage, property taxes and insurance), and the building plans reflecting a height of no more than 32'11", with a structurally supported varied roofline (and not a varied roofline based on using the height of the solar panels).
- b. MOTION MADE BY JAKE KAUFMAN, SECONDED BY JIM MUREZ, OCTOBER 16, 2013, MOTION PASSED 4-0-3

D. 1420 Abbot Kinney: change of use from SFD to retail/office.

1. **Case number:** ZA-2013-1466-CDP and ENV-2013-1467-EAF
2. **Background information:** see website--
3. <http://www.cityhood.org/ReportCaseActivityDetail.cncx?CID=32452&UGP=Anonymous>
4. **Staff--Jim Murez**
5. **Applicant: Eric Newman (310-384-9473)** – This is a conversion of a residential duplex to three uses, as reflected on the Master Land Use Application: an office, a retail take out restaurant and a storage space, with 4 parking spaces and handicapped access required for the new uses. The handicapped access path would run from the front of the building to the back and any related alterations are to be minimally invasive. The building has always been leased as residential, and now that the project has been cleared for the Mello Act, it can't go back.
6. **Public Comment:** None.
7. **LUPC Discussion** – Intensification of use is based on trip count, but people probably won't come from very far. If a fifth parking space is ultimately required for the storage use, paying the \$18,000 in lieu fee could cover it. A City-issued CDP is required, and it was noted that the Improvements must be considered minor, i.e. a cost of less than 50% of the replacement value of the structure [or the renovation being performed deemed to not

significantly extend the life of the structure; and the project does not involve reduction of or additional residential dwelling units], in order for a Coastal Exemption to be allowed. The project shall be "fully parked" as per the VSP, which was determined in the DIR to be 0 for the storage use, 1 for the office use and 3 for the retail take out restaurant use, which is no change from the parking required for 2 residential units and a retail take out restaurant. There will be no change to the exterior of the building, although the rear of the building has to be changed to take out the illegal construction, the cost of which will be paid by the future tenant.

Sarah Dennison left the meeting.

8. Motion to VNC Board:

- a. The VNC *recommends approval* of the change of use from duplex to retail/office, as presented, with the following conditions:
 - i. Only minor changes to the exterior of the building (remains maximum 2-story craftsman building with 1-story at front/AK facing). Existing garage, which is proposed for ADA required Handicapped Parking, shall remain open and accessible to the general public during all hours of operation.
 - ii. No alcohol sales of any sort, on-site or take-out.
 - iii. The project shall be fully parked as interpreted under the VSP.
 - iv. The retail areas as defined shall not include any customer seating area(s).
 - v. All food shall be served packaged for "take-out" only, no on-site dining.
 - vi. Trash area, including recycling containers, shall be provided/added to the plans.
 - vii. BMP, as defined by Public Works, shall be required, including grease traps on all retail drains.
 - viii. Mello determination must be cleared.
- b. MOTION MADE BY JAKE KAUFMAN, SECONDED BY ROBIN RUDISILL, OCTOBER 16, 2013, MOTION PASSED 4-1-1

IX. The meeting was adjourned.

In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the LUPC members in advance of a meeting may be viewed at www.CityHood.org, Venice Public Library, 501 Venice Blvd., at our website by clicking on the following link: www.VeniceNC.org/LUPC, or at the scheduled meeting.

In addition, if you would like a copy of any record related to an item on the agenda, please contact the LUPC Chair at Chair-LUPC@venicenc.org or the Committee at LUPC@venicenc.org.