

Venice Neighborhood  
Council  
Post Office Box 550  
Venice, CALIFORNIA 90294



**Land Use and Planning  
Committee  
MINUTES  
February 27, 2008**



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

4

Challis Macpherson called the meeting to order. LUPC members present:

5

Dennis Hathaway, Jed Pauker, Jim Murez, Maury Ruano, Ruthie Seroussi,

6

and Challis Macpherson.

7

**Approval** of this agenda as presented.

8

**Jed Pauker moved to approve the Agenda as presented; seconded by Jim**

9

**Murez.**

10

The Agenda was approved by consensus.

11

**2. APPROVAL OF PREVIOUS MINUTES:**

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The Minutes of the January 23, 2008 meeting were not yet transcribed.

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**3. ANNOUNCEMENTS**

14

Dennis Hathaway reported attended a meeting of the City Council PLUM

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committee regarding digital billboards and remarked that the inventory

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inspection program is not expected to begin for at a year, that a fee planned

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for assessment for each billboard will be litigated by the billboard companies

23 and that he plans to ask for support from the community and from other  
24 Neighborhood Councils to ensure that the City does not back down on this  
25 issue. Jim Murez reported on a meeting between Coastal Commission and  
26 the Council office regarding billboards, on "street furniture," where it was  
27 stated that any additional street furniture installed without Coastal  
28 Commission permission will result in due assessments and take action  
29 against the installation. Jed Pauker reported on a forum sponsored by the  
30 Los Angeles Neighborhood Initiative, an organization founded by CALTrans,  
31 that is intended to encourage participatory democracy; Mr. Pauker stated that  
32 there is an online resource, similar to ZIMAS, Google Maps, or Microsoft  
33 Maps, and noted that stakeholders can upload information on community  
34 assets and challenges. Mr. Pauker stated that stakeholders can inventory  
35 and upload information on billboards on this site. Robert Aronson asked the  
36 City of Los Angeles will provide verification that a particular billboard is legal;  
37 Dennis Hathaway said no. Mr. Aronson suggested taking position that no  
38 information kiosks should be permitted, because the intent for the kiosks is  
39 advertising.

40  
41 Jim Murez advised that the Council office chose not to support the Abbott  
42 Kinney and Venice landscaping plan and actually endorsed paving of the area  
43 that was to be landscaped, that existing palm trees will be pruned by Patrick  
44 Tulley, and that a violation of the Coastal Act is the result. Arnold Springer

45 asked if precedent will be set, and stated that he will write a letter to Aldis  
46 Browne.

47  
48 **4. PUBLIC COMMENT**

49  
50 Yolanda Gonzalez advised that VNC moved to seek Quimby funds last year,  
51 and that she had waited to speak with Laura Chick about this issue. Ms.  
52 Gonzalez suggested that staff should be assigned to research the available  
53 and disposition of the \$10 million set aside for Venice. The information  
54 provided by Ms. Gonzalez will be posted on the LUPC website.

55  
56 **5. NEW BUSINESS: DELIBERATION OF FOLLOWING PROJECTS/ISSUES:**

57  
58 A. [542 Venice – across from Venice Library](#). Applicant, Robert D’Alia, hasn’t  
59 applied for permits yet. He wants to [gauge public feeling for this project](#)  
60 [before applying for permits](#).

61  
62 Jim Murez reported on the location of the proposed development and  
63 noted that the developer proposes to demolish the existing 28 units and  
64 replace them with 18 detached single family homes, per the Small Lot  
65 Subdivision ordinance. Bob D’Alia introduced Hank Koning, Koning  
66 Eisenberg Architecture. Mr. Koning described the proposed development,  
67 and discussed the reasons for the proposed over-height variance request  
68 and the request for concessions regarding setback. Mr. Koning remarked  
69 that this is a preliminary presentation. Mr. D’Alia provided additional  
70 clarification and discussed features of the project that are conforming with  
71 the Venice Coastal Zone Specific Plan.

72  
73 Jason Saville compared the proposed development to other construction  
74 currently under way, remarked that the proposed development is not in  
75 keeping with the character of the neighborhood, and asked for support for  
76 installation of speed deterrents on Washington.

77 Felice Perez asked about the sale price of the proposed homes and was  
78 told that the homes would be sold at around \$1.3 million. Ms. Perez  
79 stated that long-time Venice residents such as herself cannot afford  
80 similar prices.

81  
82 Zoe Garaway asked how displacement of the current tenants will be  
83 handled and voiced concern about the diminishing stock of affordable  
84 homes. Ms. Garaway called for a joint effort by community agencies and  
85 offices to increase the stock of housing to low income residents.

86  
87 Maraya Cernell spoke against reducing the stock of available housing and  
88 referred to RAD Developers' compliance with the Mello Act.

89  
90 Tim Merrigan spoke against the project.

91  
92 Yolanda Gonzalez spoke in favor of the proposed development and  
93 suggested that tenants' relocation fees should be put into an escrow  
94 account to be dispensed accordingly.

95

96 Hartley Brown referred to the proposed development as a tremendous  
97 enhancement to the neighborhood, and spoke in favor of it.

98  
99 Arnold Springer spoke in favor of the proposed development, commended  
100 the elimination of the roof access structures, praised the aesthetic  
101 qualities of the proposed design, referred to the effect on quality of life in  
102 Venice that could occur as a result of the imposition of SB1818, and noted  
103 that LA Housing may issue a ruling on the issue of SB1818. Mr. Springer  
104 asked why an affordable unit is being offered off-site. Robert D'Alia  
105 reported that LAHD determined that there are currently 10 to 12 affordable  
106 housing units currently on the property.

107  
108 Robert Aronson raised the question of lot size; Robert D'Alia stated that  
109 the current plan is designed to accommodate a central driveway. Hank  
110 Koning responded to Mr. Aronson's question regarding the placement of  
111 gardens. Mr. Aronson advised that the off-site affordable housing will  
112 make the proposed development financial infeasible. Mr. Aronson stated  
113 his intent to support the requirement that no tenant in the current structure  
114 will be displaced until replacement affordable units are made available.  
115 Mr. D'Alia stated plans to comply with existing laws.

116  
117 Maury Ruano referred to the City's procedures for developers and stated  
118 that the proposed 12 affordable units are needed. Mr. Ruano asked if the  
119 Beach Impact Zone (BIZ) parking requirement is being met. Mr. D'Alia

120 and Hank Koenig stated that the BIZ does not apply. With regard to the  
121 over-height request, Mr. Ruano stated his preference to allow over-height  
122 roof access structures.

123  
124 Jed Pauker asked if approval is being sought at this time; Jim Murez  
125 reiterated that the development is still in a preliminary, purchase decision-  
126 making stage, and that the developer wants to determine the level of  
127 approval attainable from the community. Mr. Pauker suggested more  
128 consideration be given to the existing neighborhood character and asked  
129 the developer to ensure that the project be made to conform to the scale  
130 and character of the neighborhood. Mr. Pauker suggested that further  
131 outreach be done and asked if a design had been considered that  
132 conforms to the Venice Specific Plan. Mr. D'Alia discussed the concerns  
133 that the proposed project addresses. Hank Koenig described the attention  
134 paid to ensuring adjacent neighbors have access to sunlight. Mr. Pauker  
135 reiterated concern about affordable housing.

136  
137 Challis Macpherson also voiced concern about affordable house, asked  
138 Mr. D'Alia to participate in proposed Affordable Housing Task Force.  
139 Ruthie Seroussi referred to LUPC's procedures set up to dictate how  
140 outreach is to be accomplished, asked for clarification of setback from  
141 Venice, and if fencing is to be done. Ms. Seroussi asked if the developer  
142 had considered smaller lot size and additional units. Hank Koenig stated

143 that consolidation of lots would have to occur; Robert D'Alia reported that  
144 parking would be an issue. Ms. Seroussi also voiced concern about the  
145 available stock of affordable housing.

146 Dennis Hathaway asked about outreach; Jim Murez responded that there  
147 is no public requirement because the project is not permitted and  
148 discussed the constraints under which outreach was made. Mr. Hathaway  
149 spoke of the importance of outreach, and asked about Leeds certification.  
150 There was further discussion about "green" construction. Mr. Hathaway,  
151 regarding exception to Venice Coastal Zone Specific Plan, stated his  
152 reluctance to support piecemeal exceptions to the VCZSP. Mr. Hathaway  
153 referred to the signification number of renters in the area and stated that  
154 he had a problem with removing 28 affordable rental units.

155 Jim Murez noted suggestions made to the developer regarding the  
156 proposed project's frontage with regard to setback, reiterated his concern  
157 about landscaping maintenance being done by property owners in  
158 accordance with the plan to have a uniform plan from Lincoln to Pacific,  
159 and suggested that the City allow residential projects to incorporate space  
160 in front of the site as part of the front yard setback in exchange for  
161 conformance to a community landscape plan. Mr. Murez asked about  
162 retention of old growth trees on site, and pointed out that the proposed  
163 development will be located in an area of Venice Boulevard that is more  
164 than 350 feet wide and stated that the property's height should not be an  
165

166 issue. Hank Koning explained that a survey has not yet been done, but  
167 that adjustment of the lot lines could be done.

168 Robert Aronson asked Robert D'Alia for his understanding of the  
169 requirements of the affordable replacement housing procedure. Mr. D'Alia  
170 stated "I think that the rules were that the, something about within three  
171 years of the COO, or something, that they had to be covenanted, or  
172 begun, or something like that, I'm not exactly sure. I remember the three  
173 year part. And I don't know if that's changed, I know there've been a lot of  
174 changes in the rules in the last couple years. That was quite some time  
175 ago. And so I don't know if that's the rule right now. I thought it was that,  
176 it seemed logical to me that there would be a lapse of time between when  
177 you start this project and when the other one needed to be completed. Or  
178 when you complete the new project and when the other one needed to be  
179 started, one of those two measures. And I thought those were still several  
180 years, but I don't know." Mr. Aronson asked how that played out in the  
181 San Pedro replacement units. Mr. D'Alia stated that the Venice ... "was a  
182 very different, a unique project because we were in the middle of the  
183 entitlement process when the west incentive law, lawsuit was won against  
184 the City for enforcing affordable housing. And so we were not afforded  
185 some of benefits of incorporating affordable housing on-site in the project,  
186 in which they were allowing density bonuses and some other things as a  
187 matter of statement, so, and we were like on the doorstep of getting final



188 round of our entitlements. So they made a special case for us and gave  
189 us, whatever the time was, it's a long time ago, a number of years to have  
190 it done, and we had to be within three miles of the coastal zone, anywhere  
191 in the City of LA. That was, I do remember that as being the rule, the  
192 timing I don't remember exactly what that was."... "Anywhere in the City of  
193 LA, in the coastal zone, within three miles of the City of LA's coastal  
194 zone."

195 Challis Macpherson asked Robert D'Alia if sufficient input from  
196 stakeholders had been provided, and reminded him that he will have to  
197 appear again, should this project be formalized.

198 B. 1020 Venice Blvd

199  
200 Challis Macpherson reported that the project at 1020 Venice Boulevard  
201 had been reviewed at an earlier meeting and suggested that a Task Force  
202 be set up to investigate a rumor that there is a proposed 65 foot building  
203 slated for this site. Ruthie Seroussi suggested that a letter will be drafted  
204 requesting further information from the Council office. Dennis Hathaway  
205 stated that investigation of rumors is outside the scope of the PLUM  
206 committee. Arnold Springer reported that SB1818 would be applied to  
207 that building and that a public permit process must be followed. Jim  
208 Murez referred to promises made by Councilman Rosendahl to the  
209 community that are not being kept, that he would maintain the landscaping  
210 right of way on Venice Boulevard, that he would maintain the parking

211 restrictions on Abbot Kinney Boulevard. Mr. Murez stated that the  
212 Councilman's office countermanded the clear directive given by VNC with  
213 regard to AXE Restaurant. Jed Pauker stated that waiting for notice to  
214 appear on ZIMAS is not appropriate and suggested that the stakeholder  
215 who relayed the rumor to provide additional information prior to an action  
216 being taken by LUPC. Maury Ruano will follow up.

217  
218 C. [Proposed motion for Extraordinary Developers.](#)

219  
220 Challis Macpherson read the text of Jed Pauker's proposal to create a  
221 "Developer Non Grata" category. Responding to Arnold Springer's  
222 question, Jed Pauker clarified his intent.

223  
224 **Jed Pauker moved to request that VNC Board of Officers approve a new**  
225 **and unique designation for developers, whether individual stakeholder or**  
226 **corporate entity, whose record of violations and continuing blatant**  
227 **disregard for common law and community character leave the community**  
228 **with no other choice but to consider such an entity as "Developer Non**  
229 **Grata."**

230 **Proposed conditions as follows: Every project owned by this developer**  
231 **would be required to be brought into compliance. Such a developer's**  
232 **projects would receive defined special review during all phases, from**  
233 **application to end of life. Such a developer would be disallowed from**

234 **requesting any entitlements for any projects. The developer would be**  
235 **subject to all fees for this added governance.**  
236 **Move to request Venice Neighborhood Council Board of Officers to**  
237 **approve the reconsideration of “Developer Non Grata” designation after**  
238 **ten (10) years of continued compliance with every condition in all past,**  
239 **current and proposed projects. Failure to comply with any of the terms**  
240 **during the conditioned period resets the time clock to a new start date as**  
241 **of the date of newest compliance achieved, subjects the developer to**  
242 **additional, specified fees and requires that the developer bring all existing**  
243 **projects into compliance with current laws; seconded by Arnold Springer.**

244 The discussion that followed concerned whether the designation and its  
245 conditions are enforceable. Jim Murez expressed concern about the  
246 futility of effort by LUPC.

247 **VOTE: 0 in favor. The motion failed.**

248 Robert Aronson moved to recommend that the VNC set up a Committee  
249 of interested stakeholders who will field and investigate complaints of non-  
250 compliance received from the community; seconded by Jed Pauker.

251 There was discussion about a policy adopted by VNC with regard to  
252 investigation of compliance and follow through Ruthie Seroussi will follow  
253 up to find out what is going on with this issue. The motion and its second  
254 were withdrawn.

255

256 D. Street Furniture Site locations as determined by CBS/Deceaux. Proposed  
257 sitings submitted by CD11 staff Arturo Pina. They are:  
258  
259 EB Windward Avenue, FS Pacific Avenue. Approximately 150' East of  
260 intersection  
261 NB Pacific Avenue NS Windward Avenue, Approximately 32' South of  
262 intersection  
263 WB Windward Avenue FS Ocean Front Walk, Place in Plaza area  
264 WB North Venice Blvd FS Ocean Front Walk, approximately 10'8" South  
265 of Venice Blvd  
266 NE corner, 300 South Ocean Front Walk  
267 EB Windward Avenue NS Main Street, Approximately 17' East of  
268 crosswalk  
269 WB North Venice Blvd NS Venice Way, approximately 20' South of tree  
270 well  
271 WB Washington Blvd FS Ocean Front Walk, located on island, NW corner  
272  
273 Jim Murez referred to Culver City's bus shelters, which do not have  
274 advertising on them. Dennis Hathaway stated his belief that LUPC will not  
275 be able to enforce opposition to advertising street furniture. Arnold  
276 Springer stated that a careful record of opposition should be kept. Jim  
277 Murez opined that the Coastal Commission will support opposition to the  
278 public amenity kiosks, spoke in favor of approving individualized bus  
279 benches that do not incorporate advertising and are art objects; Mr. Murez  
280 stated that guidelines must be established about how much sidewalk  
281 space can be taken up by the shelters. With reference to public  
282 restrooms, Mr. Murez stated his opposition to billboard advertising. Ruthie  
283 Seroussi suggested drafting a letter and obtaining buy-in from Coastal  
284 Commission. Mr. Hathaway noted revenue generated for the City by  
285 advertising; Mr. Murez stated that the bus shelters be installed in South  
286 Central. Ms. Seroussi summed up what had been done by VNC to this

287 point and suggested a letter be drafted to be sent to the Coastal  
288 Commission for sign-off and support. Mr. Murez suggested that the VNC  
289 subsidize installation of individualized bus shelters. Mr. Hathaway  
290 expressed concern that just saying no isn't enough. After further  
291 discussion, Mr. Hathaway agreed to draft two letters, one to the Coastal  
292 Commission expressing opposition, and one to Councilman Rosendahl  
293 presenting an alternative solution; Ms. Seroussi will vet the letters. Jim  
294 Murez suggested presenting an argument regarding the number of public  
295 bathrooms, and writing another letter that presents a third option that will  
296 generate income, by asking that cell towers be removed from private  
297 property and only installed on public property; Mr. Murez will write the  
298 letter. Arnold Springer remarked that he had suggested the creation of an  
299 assessment district that will allow the community to pre-empt undesirable  
300 project such as the bus shelters that include commercial advertising.

301 Jim Murez: "I think that if we're going to go on record as opposing the information  
302 kiosks, is that what they call them, the double sided..."

303  
304 Dennis Hathaway: "Those are called public amenity kiosks."

305  
306 Jim Murez: "The public amenity kiosks, the Coastal Commission will back us 100% of  
307 the way. Those things do not provide public information and they believe that they are a  
308 visual blight. If we are going to go on record opposing the bus shelters, we have to be  
309 able to make a case that includes allowing shelters to exist but without billboard  
310 advertising. We might want to go farther and say that because we are in a creative  
311 community, we want to have creative shelters that would be approved by the community,  
312 and we have an arts committee and we have a land use development committee, and they  
313 could be objects of arts that were creating shelters, that were not commercial billboards,  
314 but they were truly individual, not mass produced, not chain store concepts."

315  
316 Challis Macpherson: "Formulas"

317

318 Jim Murez: “Formula concept, but bus benches. They could be individualized. I think  
319 that if we’re going to go on record saying ‘No, we don’t want them, we need to give them  
320 some grounds that will answer their request that people need something to stand under on  
321 the three days a year that it rains, people need something to stand under at this beach  
322 community to get out of the hot sun. This is the case that they’re making, this is the case  
323 that they made to the Coastal Commission. They need someplace to get out of the rain,  
324 they need someplace to get out of the harsh weather, they need someplace to get out of  
325 the sun while they’re waiting. But I think that if we’re going to do that we also need to  
326 come up with some very clear guidelines about how much of the sidewalk about how  
327 much of the sidewalk they can really take out. Because right now if the bus pulls up  
328 there they create a huge congestion spot. On a beach day, when they have one of those  
329 shelters there’s not enough space for people to get off the bus if the bus stops in front of  
330 the shelter, because it’s only eighteen inches back. And on the other side of the shelter  
331 it’s only three feet wide because they take up 60% of the ten foot wide sidewalk. So I  
332 think we need to document that real clearly and make a real strong case for that, and as  
333 far as the bathrooms are concerned, again, do we want advertising on them? Do we want  
334 the bathrooms at all? Who’s going to be responsible for saying where they go. Property  
335 owners have to be able to buy in. So I think we have to address each one of those three  
336 pieces that they’re trying to put in separately and I think that we have to offer some form  
337 of alternative.”  
338

339 **Robert Aronson moved to postpone discussion of this issue until the**  
340 **March 5, 2008 meeting; seconded by Jim Murez.**

341

342 **VOTE: The motion was approved by acclamation.**

343

344 **6. PUBLIC COMMENT**

345

346 None noted.

347 **7. OLD BUSINESS: Whole Foods, corner of Rose and Lincoln, Applicant**  
348 **asked for a continuance from VNC Board to bring this back to LUPC**  
349 **because they wanted to redefine some of the conditions.**

350

351 (Taken out of order) Michael Besancourt presented justifications for

352 supporting changes to the conditions of approval of previously agreed upon at

353 an earlier LUPC meeting and requested clarification. Dennis Hathaway

354 stated that the supplemental use permit does not run with the property. The

355 permit runs with the business, and voiced concern about paying too close  
356 attention to detail. Robert Aronson stated that the Committee's intent is to  
357 establish a procedure that can be applied across the board.

358 **Jed Pauker moved to postpone the deliberation on this issue until March 5,**  
359 **2008, while Michael Besancourt, Robert Aronson and Dennis Hathaway can**  
360 **discuss the conditions and provide a final document; seconded by Jim**  
361 **Murez.**

362  
363 **VOTE: Unanimous in favor. The motion passed.**

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365 **8. ADMINISTRATIVE:**

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367 **CONSENT CALENDAR: Applications for variances that do not require**  
368 **LUPC deliberation that will receive a letter and CIS indicating that LUPC**  
369 **considers the requested variance applicable, but reserves the right to**  
370 **appeal. This is in accordance with VNC Board approval.**

371  
372 Letters of no position will be sent regarding 602 Main Street and the window  
373 removal at 251 East Market Street (Case CA 2007-5330 CEX). There was  
374 discussion about how to distinguish this case from the fence issue, and about  
375 disposition of the other listed items.

- 376 1. 602 South Main Street, DIR 2007-5155 SPPA  
377 2. 251 East Market Street, ZA 2007-5330 CEX, remove 6'6" window and  
378 replace w/door -different case # than 6' fence  
379 3. 1142 AKB, ZA 2007-4970, interior renovation of existing retail structure  
380 for wine shop  
381 4. 123 West Anchorage, AA 2007-5018 CC, convert duplex into 2  
382 residential condominiums—removed  
383 5. 109 East Eastwind, DIR 2007-4905, remodel existing SFD  
384 6. 747 East Indiana Avenue, ZA 2007-4974 CEX, relocate 1 parking  
385 space, renovate SFD—removed  
386 7. 111 East Dudley, ZA 2007-4120, 575 sf addition to SFD  
387 8. 1310 South 6<sup>th</sup> Street, CHC 2008-521 HCM, Kinney-Tabor House,  
388 historical cultural monument  
389 9. 2400 South Abbot Kinney, ZA 2008-557, New Sign

390  
391 **MISCELLANEOUS:**

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393

1. Proposed Neighborhood Notification Policy

394

395

Tabled.

396

397

2. MTA LOT. It has been requested that LUPC set up a task force to investigate MTA lot between Sunset, Thornton, Pacific and Main.

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Challis Macpherson stated that Carmel Beaumont has agreed to head

401

up this Task Force, which will collect information on the MTA. The

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Committee approved Ms. Beaumont's appointment by acclamation.

403

Ms. Beaumont stated that a mission statement has been formalized.

404

9. **ADJOURNMENT**

405

406

**The meeting adjourned by common consent at 11pm.**