

# Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



## Land Use and Planning Committee MINUTES May 7, 2008



# DRAFT

1 **1. CALL TO ORDER – ROLL CALL**

2

3 Challis Macpherson called the meeting to order at 7:06 pm. LUPC members

4 present: Dennis Hathaway, Challis Macpherson, Jim Murez, Jed Pauker,

5 John Reed, Ruthie Seroussi, Arnold Springer and Maury Ruano.

6

7 **2. APPROVAL OF THIS AGENDA AS PRESENTED OR AMENDED**

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10 **3. APPROVAL OF OUTSTANDING MINUTES**

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13 **4. ANNOUNCEMENTS**

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15 Dennis Hathaway announced that the Los Angeles City Council approved the

16 Lincoln Boulevard CDO, which will provide design guidelines for development

17 along Lincoln Boulevard.

18

19 **5. PUBLIC COMMENT**

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21 Bruce Birch encouraged stakeholder participation in a VNC on-line message

22 board, accessible from the [www.venicenc.org](http://www.venicenc.org) website. Jed Pauker

23 commented that there are two links to the forum page, and that the website is  
24 being renovated.

25

26 **6. NEW BUSINESS**

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28 **DELIBERATION OF FOLLOWING PROJECTS/ISSUES:**

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30 A. LUPC Staff: Ruthie Seroussi, 2812-2814-2816-2819 South Grand Canal.  
31 Case Numbers: ZA 2007-743, AA 2007-624 PMLA, ENV 2007-625 MND  
32 Applicant Kathy Magee, represented by Constantine Tziantzis, is  
33 requesting a zone variance to split the parcel (2812 through 2819) into two  
34 separate lots with two dwelling units on each lot. Four dwelling units  
35 already exist on this parcel. They would be divided into two on each lot.  
36 Planning documents, site plans and photographs on LUPC web site.  
37 Hearing by Parcel Map Unit/Division of Land May 21, 2008.

38

39 Challis Macpherson referred to a memorandum regarding the proposed  
40 development distributed by Darryl DuFay. Ruthie Seroussi summarized  
41 the applicant's variance request, to split the previously tied parcel into two  
42 lots, and listed the documentation being provided regarding the project's  
43 history and concerns raised by stakeholders.

44 Constantine Tziantzis, representative and applicant, reported on the three  
45 variances being requested—density (change of use), parking, and side  
46 yard setback.

47 Darryl DuFay presented arguments in favor of the variance requests. C.

48 J. Cole read a statement from the Venice Canals Association asking that  
49 conditions be imposed on any VNC support of the project: "any additional  
50 change defined as enlargement, reconstruction or condo conversion or  
51 otherwise shall not be allowed under this permit/variance. Any future

52 changes to any structure on either parcel would have to fully comply with  
53 the rules, setbacks, parking requirements and RW1-1 zoning of the  
54 property, i.e., any new structures would have to be a single family home  
55 adhering to the required setbacks and parking requirements. Further, we  
56 request that this condition be recorded as a covenant on the property.  
57 Members of our Board of Directors have discussed this property with the  
58 City Planning staff member, Mark Loesching. He is definitely aware of the  
59 strong interest in this by the Venice Canals Association and has said that  
60 he will present these suggested conditions to be added to the variance by  
61 the zoning administrator.” Nadine Parkos thanked the LUPC, particularly  
62 Ruthie Seroussi, Jim Murez, Jed Pauker, and stated that everyone should  
63 be pleased with the end result.

64 Jed Pauker asked about the construction of the existing 2-car garage on  
65 the 2812-2814 lot; Constantine Tziantzis stated that it was Type R, wood  
66 frame/stucco exterior construction and that the garage was built some  
67 time ago. Mr. Pauker suggested that the garage could be rebuilt and  
68 asked why this project an exception should be made for this project.

69 Dennis Hathaway asked why the owner is having the project done this  
70 way; Mr. Tziantzis stated that the owner would have to be asked that  
71 question. Mr. Hathaway asked for rental income information; Mr. Tziantzis  
72 stated that each unit is under \$2000 each. There was discussion that  
73 speculated on what could be done once the lot split has taken place; Mr.

74 Tziantzis stated unequivocally that only one single family residence can be  
75 put on each lot. Keith Stevenson stated that the question of why the lots  
76 are being split was not answered to his satisfactions. Mr. Stevenson lives  
77 in an adjacent property.

78 Jim Murez stated that the parking requirement was made by the City in  
79 error; Mr. Murez initiated a discussion regarding whether the property in  
80 question was ever two tied lots. Mr. Murez raised the question of quality  
81 of life if the project is approved as presented and suggested a condition be  
82 added that would not allow a fence between the two lots. Mr. Murez then  
83 asked where the new stairway will be located. Ruthie Seroussi asked  
84 Constantine Tziantzis for a clarification of whether there were two lots tied  
85 together. Mr. Tziantzis stated that he will provide that information after the  
86 meeting. Arnold Springer referred to a recent presentation regarding a  
87 property on San Juan, and stated that he did not have a problem with  
88 approving the project as presented.

89 **Ruthie Seroussi moved to recommend that the Venice Neighborhood**  
90 **Council approve the project as presented, subject to the following**  
91 **conditions: that any additional change defined as enlargement,**  
92 **reconstruction or condo conversion shall not be allowed under this**  
93 **permit/variance. Further, we request that this condition be recorded as a**  
94 **covenant on the property; seconded by Jim Murez.**

95 Jim Murez questioned the proposed project's impact on the character  
96 and scale of adjacent property. Dennis Hathaway stated his opposition  
97 to the project as presented, based on what could happen in the future  
98 with regard to the loss of rental property. Jed Pauker suggested that  
99 the developer provide benefit to the community in the form of additional  
100 parking by requiring that the garage be moved and widened.

101 **VOTE: 4 in favor; 3 opposed; 1 abstention.**

102 **Jim Murez moved that a condition be added to the project that as long as**  
103 **the two duplexes exist that there be no more than a 42" high fence, wall or**  
104 **hedge on the interior side yard; seconded by Ruthie Seroussi.**

105 **VOTE: 5 in favor; 2 opposed; 1 abstention.**

106 B. LUPC Staff: Challis Macpherson, Presenter Leila Levy. Mrs. Levy wishes  
107 to convert the roof of her home at 18 North Venice Boulevard (at  
108 Speedway) into a prototype "Green" environment to be duplicated by other  
109 residents. She brought this project to Councilman Rosendahl who  
110 suggested that she bring it to the VNC/LUPC and then to Gail Goldberg,  
111 GM of City Planning, and Emily Gabel Luddy, Urban Design Studio.

112 (Taken out of order) Leila Levy reported that a website and blog regarding  
113 the proposed project have been set up and presented materials relevant  
114 to the project. Ms. Levy discussed her efforts with regard to  
115 environmental studies, sustainability, as well as aesthetic education; the  
116 project is intended to become a teaching tool. Responding to a question  
117 from Maury Ruano, Challis Macpherson reported that the presentation is  
118 being made to gain VNC endorsement, and to ensure that the proposed  
119 development is within Venice Coastal Zone Specific Plan guidelines. Jim  
120

121 Murez complained, at length, that the requisite project form has not been  
122 completed, and that the process has not been followed. The architect,  
123 name not provided, provided arguments in favor of support for the project.  
124 After further discussion, Ms. Macpherson offered to provide a project form  
125 and more complete documentation. The project will be reviewed at the  
126 next LUPC meeting.

127  
128 Richard Davenport made comments regarding rainwater conservation,  
129 graywater conservation, and structural engineering for the project.

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131 **7. PUBLIC COMMENT**

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133 Laura Silagi reported that the City Council passed the Lincoln Boulevard CDO  
134 and suggested that VNC thank Councilman Bill Rosendahl and the City  
135 Planning Department's Shanna Bonstin. Challis Macpherson will submit an  
136 agenda request for approval of a letter of thanks to Councilman Bill  
137 Rosendahl and City Planner Shanna Bonstin for networking and supporting  
138 the Lincoln Boulevard Community Design Overlay.

139 Challis Macpherson and Jed Pauker directed stakeholder Darryl DuFay to the  
140 LUPC page that lists projects that will be reviewed at particular LUPC  
141 meetings.

142 Richard Davenport asked for and received clarification from LUPC members  
143 of the phrase "setting a precedent" used with reference to LUPC issues being  
144 reviewed. Bruce Birch referred to actions taken at Planning hearings that

145       refute the contention that precedents are not relevant to cases being  
146       reviewed. David Ewing also commented. Jed Pauker reported that not every  
147       Planning case decision refers to a precedent not being set, and discussed  
148       circumstances that Zoning Administrators take into account when a case is  
149       being heard. A stakeholder suggested that documentation and Minutes be  
150       published on the web site in a timely manner and noted that the LUPC  
151       hyperlink does not work. There was discussion about time commitments and  
152       efforts made by LUPC members as well as stakeholders.  
153       Jim Murez suggested that links should be included in the initial thread. Ruthie  
154       Seroussi asked if a shorter turn around time for publishing the Minutes can be  
155       gained.  
156       Ellen Korak asked for assistance with regard to a proposed development at  
157       720 Brooks. John Reed will assist Ms. Korak with regard to organized  
158       opposition to the project. There was discussion about community outreach  
159       regarding the project that took place earlier. Mr. Reed stated that nothing  
160       had been submitted by the project applicant. Challis Macpherson will forward  
161       the information she has already gathered regarding the project; there was  
162       discussion about how to ensure the information needed from the developer is  
163       provided. Arnold Springer suggested that, since the developer has not  
164       provided the requested information, the project should be removed from the  
165       May 28, 2008 LUPC Agenda.

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167       **8. OLD BUSINESS**

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A. SB1818 deliberation with recommendation to VNC Board of Officers

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Challis Macpherson referred to the postponement of discussion on

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SB1818 at an earlier meeting, to allow for research to be done. Laura

173

Silagi and David Ewing provided a breakdown of the report submitted by

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the SB 1818 Task Force. Mr. Ewing suggested a joint effort that could be

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made with other Neighborhood Councils. After further, wide-ranging

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discussion on the report and the material presented in the report, Dennis

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Hathaway volunteered to work with the Task Force to generate a

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Community Impact Statement and a more polished document for review

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by the Board at its May 20, 2008 meeting. Ms. Macpherson asked for

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individual Committee members' opinions regarding the proposed action.

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There was discussion about who should receive copies of the CIS and

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report, how the material will be vetted by LUPC and community members,

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and how the material will be submitted to the VNC Board for its review.

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Ms. Macpherson will present the final reviewed material to the Board at its

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next meeting

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B. Digitizing City documents

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Challis Macpherson noted that the proposed document was provided to

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LUPC members in the previous meeting's Agenda. Jed Pauker

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commented that the first version of this document was proposed by Jim

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Murez in December 2006. The present version was approved by LUPC in

192

summer 2007 and by the VNC Board a month or two later. Mr. Pauker



193 then read the attached [Digitizing documents request to City.pdf](#), and  
194 emphasized the need to reinforce the request.

195 **Jed Pauker moved to re-send the proposal to digitize documents;**  
196 **seconded by Jim Murez.**

197 A stakeholder asked that a reference be made to sustainability.

198 **VOTE: Unanimous in favor. The motion passed.**

199 C. Small Lot Subdivision Ordinance deliberation, draft letter from Jim Murez  
200 to send to VNC Board of Officers

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202 **Jim Murez moved to adopt the following policy statement and forward it to**

203 **the VNC Board for approval and distribution; seconded by John Reed:**

204 [Policy Statement –VCZSP Modification Request](#)

205 [LUPC recommends the Board of Officers of the VNC here by resolves the](#)  
206 [following motion and drafts a policy statement letter for distribution to](#)  
207 [reflect the following:](#)

208 [“When a parcel of land is subdivided into two or more lots, the sum of the](#)  
209 [individual lots shall not exceed the whole of the parcel as defined by this](#)  
210 [plan \(VCZSP\). This shall be a City imposed condition of the subdivision](#)  
211 [which will require a reciprocal statement be Recorded on the Title of each](#)  
212 [lot which shall stay in effect as long as the subdivision exists.”](#)

213 [Background: The City of Los Angeles passed a Small Lot Subdivision](#)  
214 [Ordinance which is undermining the intent of the Venice Coastal Zone](#)  
215 [Specific Plan. The SLSO is a City wide ordinance which was written](#)  
216 [adopted after the VCZSP. The VCZSP defined maximum restriction for](#)  
217 [parcels of land within the sub areas defined by the plan. The SLSO allows](#)  
218 [a parcel of land to be divided into smaller lots providing each lot does not](#)  
219 [exceed the limits of the specific plan. However, this SLSO allowance does](#)  
220 [not take into account neighborhood and community impacts when a large](#)  
221 [parcel is divided into many smaller lots each of which inherent the](#)  
222 [governing code of the specific plan.](#)

223 [Example: The owner of a 3,000 square foot parcel which is zoned RD1.5](#)  
224 [\(a typical Oakwood or Walkstreets parcel\) applies for a Small Lot](#)  
225 [Subdivision. They intend to divide the parcel into two 1,500 square foot](#)

226 lots. The VCZSP allows the owner to develop each lot based on the rules  
227 that apply for the subarea, in this case a duplex or second structure is  
228 allowed on RD1.5 parcels and a third unit is permitted so long as it is  
229 registered as a replacement affordable dwelling. Hence lies the problem,  
230 the original parcel which allowed only two units after subdividing now has  
231 four units and the requirement for any third unit to be designated as  
232 affordable unit is gone because each of the new lots is too small to have a  
233 third dwelling.

234 Impacts: The impacts to the community include; reduction in affordable  
235 housing, increased traffic, greater demands on the infrastructure and the  
236 recycling of many original and perhaps historic Venice cottage styled  
237 homes (including walk streets).

238 Argument: Most parcels in Venice can be redeveloped to offer greater  
239 density which translates into higher resale profits. The speculation  
240 developer(s) can purchase one lot and elude affordable housing  
241 restrictions thereby maximizing on investment. Lower per house price  
242 because individual homes will smaller and therefore less expensive. More  
243 available houses to choose from are on the market.

244 Definition: In real estate a parcel is "a contiguous area of land described in  
245 a single description by a deed or other instrument or as one of a number  
246 of lots on a plat or plan, separately owned and capable of being separately  
247 conveyed. In other words, a parcel is a unit of land under unified  
248 ownership (with or without buildings)."

249  
250 John Reed read a copy of a statement: in all coastal development  
251 projects, density shall be determined based on legal lots created prior to  
252 the adoption of Ordinance #176354, the Small Lot Subdivision Ordinance.  
253 Challis Macpherson suggested that Mr. Reed's statement could be the  
254 CIS for the policy statement written by Jim Murez. The committee agreed  
255 by consensus to add Mr. Reed's statement at the beginning of a letter to  
256 Gail Goldberg, as well as make it a CIS. Bruce Birch referred to areas of  
257 Venice where the Small Lot Subdivision is not applicable. There was  
258 extensive discussion of the provisions of the Small Lot Subdivision

259 ordinance sparked by Mr. Murez' proposed Policy Statement. Jed Pauker  
260 suggested an amendment to the first paragraph: "When a parcel of land is  
261 subdivided into two or more lots, the density of the sum of the individual  
262 lots shall not exceed..." Mr. Murez suggested another amendment. Ms.  
263 Seroussi and Mr. Ruano suggested that affordability and density are being  
264 confused.

265 **VOTE: 5 in favor; 2 opposed; 1 abstention. The motion passed.**

266 (2:49:40) Mr. Murez asked which amendment was accepted. **IT WAS NOT**  
267 **MADE CLEAR WHICH AMENDMENT, IF ANY, WAS ACCEPTED.**

268  
269 D. Housing Element, deliberation leading to recommendation to VNC Board  
270 of Officers

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272 Ruthie Seroussi voiced concern about the length of time to VNC Board  
273 deliberations regarding this issue, since the housing element has already  
274 been adopted, finalized and sent to the state housing department in draft  
275 form, with public comment taken a short time after.

276 **Ruthie Seroussi moved that the Land Use and Planning Committee**  
277 **recommend that the Venice Neighborhood Council send a letter to the**  
278 **Mayor, Councilmember Bill Rosendahl and the other City Council**  
279 **members, the Los Angeles Housing Department, the State Department of**  
280 **Housing and Community Development, and other Neighborhood Councils;**  
281 **seconded by Dennis Hathaway.**

282 (1) Registering opposition to the proposed Housing Element in its  
283 current form;  
284 (2) Demanding adequate and meaningful community and public input;

- 285 (3) Requesting that the City revise the draft Housing Element to reflect  
286 such public input;
- 287 (4) Demanding the City to:
- 288 (a) Release data detailing what housing units were destroyed and/or  
289 converted, where this occurred within the City, and what replaced  
290 those units. If these units were replaced by housing, what that new  
291 housing sold/rented for, and how many net-units were lost,  
292 particularly low income units;
- 293 (b) Release the production numbers for the following programs, *along*  
294 *with affordability levels*: Second Unit, RAS, Adaptive Reuse,  
295 Redevelopment Area, Other Inclusionary Requirements;
- 296 (c) Provide details regarding how the Housing Element is going to  
297 achieve the goals it purports to achieve;
- 298 (d) Provide specifics regarding how it will ensure that each community  
299 plan area in Los Angeles will meet its Fair Housing Share goals,  
300 and what the City intends to do to reward those areas that do;
- 301 (e) Revise the language concerning how the City intends to preserve  
302 existing affordable units, as well as units subject to the City's rent  
303 stabilization laws, and provide specific details and solutions  
304 regarding both;
- 305 (f) Devise a long-term plan regarding demolitions and condo-  
306 conversions, including adherence to the City Council's directive  
307 regarding adherence to existing law allowing the City to deny  
308 conversions when the vacancy rate is less than 5%, instituting  
309 allowances regarding the total amount of demolitions and  
310 conversions that may occur each year, committing funds to the  
311 same, among other things;
- 312 (g) Demonstrate how it will facilitate building affordable units, how it will  
313 enforce affordable housing covenants and promises by developers  
314 to build affordable housing on site or within a certain radius of the  
315 proposed project in exchange for variances and permits, and  
316 ensure collection of any lieu affordable housing fees paid where  
317 this is not feasible;
- 318 (h) Include a mandatory city wide program to ensure affordable  
319 housing will be built on sites identified in its inventory and to  
320 address its prior failures in meeting affordable needs;
- 321 (i) Implement a Community Benefit Fee Program establishing a  
322 permanent source of funding for affordable housing, where the  
323 monies collected shall be used for affordable housing in the  
324 community plan area where the development occurred; and
- 325 (j) Require developers to replace, provide or build affordable units  
326 either onsite or within the same community plan area as the  
327 underlying development.  
328

329 David Ewing (?) suggested that the motion make mention of rent  
330 stabilization. Arnold Springer stated that a distinction should be made  
331 between stabilized rent and affordability. Dennis Hathaway suggested an  
332 amendment to request the City implement a community benefit fee  
333 program that will establish a permanent source of funding for affordable  
334 housing. Mr. Springer stated that he could support the concept only if  
335 there was a way to ensure that the funds stayed in Venice. Jim Murez  
336 gave an example of a developer's interpretation that removed affordable  
337 housing from Venice to San Pedro.

338 **VOTE: Unanimous in favor. The motion passed.**

339 **9. ADMINISTRATIVE – Following administrative items postponed until May**  
340 **28<sup>th</sup>.**

- 341
- 342 A. LUPC Chair report on VNC Board of Officers actions relative to LUPC
  - 343 recommendations.
  - 344 B. LUPC Task Force reports
  - 345 C. Staff Reports on Status Current Projects
  - 346 D. Agenda Building
  - 347 E. Report on Zoning Meeting Saturday, May 3, 2008
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350 **10. ADJOURNMENT**

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