

# Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



## Land Use and Planning Committee MINUTES August 13, 2008



1 **1. CALL TO ORDER – ROLL CALL**

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

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Robert Aronson, Dennis Hathaway, Jim Murez, Jed Pauker, John Reed,

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Maury Ruano, Arnold Springer, and Karolina Mouingo. Ruthie Seroussi

6

arrived two minutes later.

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**2. APPROVAL OF THIS AGENDA**

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Challis Macpherson asked for the panel's approval to move item 9A, as

11

amended, to the Consent Calendar. Arnold Springer explained that his

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reason for bringing the issue to LUPC for discussion was to formalize input

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received from stakeholders; the intent behind the motion was to encourage

14

conciliation with developers prior to a project being proposed.

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**Arnold Springer moved to approve the Agenda as amended; seconded**

16

**by John Reed.**

17

Ruthie Seroussi objected. The motion to amend the Agenda was withdrawn.

1       **Arnold Springer moved to approve the Agenda as presented; seconded**  
2       **by John Reed.**

3       **There being no objection, the Agenda was approved by common**  
4       **consent.**

5

6       **3. APPROVAL OF OUTSTANDING MINUTES**

7       **Jed Pauker moved to approve the Minutes for July 23, 2008; seconded**  
8       **by John Reed.**

9       **The Minutes for July 23, 2008 were approved by common consent.**

10       Arnold Springer moved to approve the Minutes for July 29, 2008; there was  
11       no second.

12       This item was postponed by common consent.

13       **4. ANNOUNCEMENTS**

14       Lynn Shapiro invited stakeholders to attend a meeting at the Marina del Rey  
15       Hotel on Thursday, August 21, 2008 from 6 to 8 pm, to discuss amendments  
16       to the local Coastal Plan.

17       **5. PUBLIC COMMENT**

18       There was no public comment noted.

19       **6. CONSENT CALENDAR**

20       There were no Consent Calendar items noted.

21       **7. NEW BUSINESS. DELIBERATION OF FOLLOWING PROJECTS/ISSUES:**

22       a. 1711 Lincoln Blvd, presenter Annette Vait

23

24             Postponed to September 10, 2008

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1           b. 248 Westminster, APCW 2008-2338 SPE SSPP CDP, ENV 2008-2339  
2           EAF,

3  
4           Challis Macpherson introduced John Parker and provided copies of the

5           documents received, including comments posted to the LUPC website.

6           Mr. Parker reported on the two exceptions to the Venice Coastal Zone

7           Specific Plan that are being requested from the City: ten (10) rather than

8           forty (40) on-site parking spaces required by the use, and a floor area ratio

9           (FAR) of 1.67:1 rather than 1.50:1. Mr. Parker reported the intent to file

10          for a Coastal Development permit and a Project Permit Compliance

11          Review. Mr. Parker summarized the site's history, noting unpermitted

12          changes and modifications made to the building by its then-owner,

13          including use of the entire site as office space, and the creation of a one-

14          room studio apartment on the third floor by enclosing an open deck area.

15          Luna Pictures, the present owner purchased the property in 2005 in the

16          mistaken belief that the building was fully suitable and fully legal for use as

17          office space; Mr. Parker presented an explanation of the new owner's

18          request to be allowed a reduction in on-site parking and FAR. Mr. Parker

19          reported input received from the community at a July 28, 2008 meeting

20          and that Luna Pictures is negotiating a lease for 60 parking spaces from

21          the First Baptist Church at 685 Westminster. Mr. Parker stated that the

22          new owner will require its employees to use that lot and will provide shuttle

23          service from that lot to the property; he then discussed alternate

24          transportation means used by approximately 25 percent of Luna Pictures'

1 employees. Mr. Parker then discussed the constraints imposed by  
2 circumstance and compared the site's current use with other possible  
3 uses. Regarding the 1.67:1 FAR request, Mr. Parker reported that the  
4 building's footprint and massing have not changed and will not be  
5 changed; the rationale for the request to change FAR is because of the  
6 enclosure of the formerly open deck. Mr. Parker summed the good faith  
7 intent of the owner.

8 Andy Rogens (sp?) stated that the enclosed deck area was included in the  
9 original plans, stated that parking is a problem in the area and that on-site  
10 parking is not being used for appropriate purposes.

11  
12 Erica Optamali (sp?) referred to parking problems in the area.

13  
14 Ann McGuire referred to parking problems in the area.

15  
16 Mr. Sage, Luna Pictures co-owner, apologized for parking problems  
17 exacerbated by his company's recent increase in employees and  
18 discussed solutions being actively pursued, which include 17 spaces  
19 already confirmed from Second Baptist Church, the lease for additional  
20 parking currently under negotiation, mechanisms put into place to ensure  
21 cooperation from employees and well as arrangements made to utilize on-  
22 site parking. Mr. Sage also asked for suggestions from the community.

1

2           Toby Sally scoffed at the argument that the prospective purchaser did not  
3           know the zoning on the property, referred to the problems, and stated that  
4           the church does not have 17 parking spaces.

5

6           John Beswell (sp?) stated that the property was not purchased from the  
7           its builder; it was purchased from Mike and Allen Sarlow, and discussed  
8           negotiations he personally held regarding parking.

9

10          A stakeholder commented on 1099 statements made earlier and listed  
11          arrangements made for parking.

12

13          A stakeholder provided her perception of the problem at issue and what  
14          can be done to resolve it.

15

16          John Parker reiterated the developer's proposed solutions and stated the  
17          intent to be a good neighbor.

18

19          Challis Macpherson asked for more information regarding the shuttle. Mr.  
20          Sage reported that a van will be purchased, driven by production  
21          assistants, for specific use as a shuttle.

22

1 Ruthie Seroussi asked for a copy of the current and proposed lease, as  
2 well as a copy of the signed lease once negotiations are complete, written  
3 documentation of the planned provision of a shuttle.

4  
5 Jed Pauker commented that the hearing is premature, because  
6 documentation is still being gathered. Mr. Pauker asked for a specific  
7 number with regard to employees. Mr. Pauker suggested that any motion  
8 made by LUPC address the residential area.

9  
10 John Reed stated that there should be a covenant agreement regarding  
11 parking that should run with the land, and suggested that the business be  
12 limited with regard to employees.

13  
14 Challis Macpherson voiced concern about the Fire Marshall's viewpoint  
15 with regard to occupancy.

16  
17 Arnold Springer referred to state legislation on variances which states that  
18 variances should not be issued except if the applicant feels the need to  
19 enjoy rights that others in the area already enjoy, and that is not the case  
20 in this instance. Mr. Springer advised that a suit should be filed against  
21 the seller of the property. Mr. Springer voiced concern about the  
22 additional off-site parking and concurred with Mr. Reed that a covenant

1 agreement must be put into place. Mr. Springer stated that conditions  
2 cannot be enforced. Mr. Springer speculated on what could take place  
3 once the requested variances are granted. Jim Murez listed his reasons  
4 for stating that a covenant agreement is needed. Dennis Hathaway noted  
5 that parking in the area is a problem, agreed that this is not an appropriate  
6 use of the variance provision, and called for the provision of an ironclad  
7 covenant agreement regarding parking. Maury Ruano agreed with Mr.  
8 Murez, and stated that a calculation of the appropriate square footage be  
9 done to determine the appropriate number of required parking spaces.  
10 Ruthie Seroussi provided comments regarding the existing lease, and  
11 asked for copies of other lease agreements that may be in effect. Ms.  
12 Seroussi stated that the lease should have a provision for replacement.  
13 Mr. Murez asked in what kind of business Luna Pictures engages and  
14 what kind of provisions are made for customer parking. Mr. Murez stated  
15 that the former property owner had been given a concession regarding  
16 parking in the alley.

17  
18 Challis Macpherson listed reasons for postponing further discussion of this  
19 issue. John Reed calculated the appropriate number of parking spaces  
20 required and arrived at 40 spaces. Ms. Macpherson advised that, in the  
21 interim until the next LUPC presentation, Luna Pictures make a good faith  
22 effort to abide by the conditions to which they agreed; Ruthie Seroussi

1 suggested that buy-in from the neighboring stakeholders could be  
2 obtained before the next LUPC meeting as well. Mr. Sage stated that a  
3 van must be purchased to ensure employees' safety. Jed Pauker  
4 suggested that LUNA Pictures vouchsafe more than the number of  
5 parking spaces provided for by law. Arnold Springer stated that there are  
6 no special circumstances that define this developer's situation, and that  
7 covenanted parking is not going to be obtained.

8  
9 **Dennis Hathaway moved to postpone discussion of the development at 248**  
10 **Westminster, Case # APCW 2008-2338 SPE SSPP CDP, ENV 2008-2339 EAF**  
11 **until the September 24, 2008 LUPC meeting; seconded by John Reed.**

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13 There was discussion initiated by Ruthie Seroussi regarding the  
14 documentation provided by the applicant. John Reed asked if ADA issues  
15 will be raised because of the proposed changes to the garage.

16  
17 **VOTE: 7 in favor; 1 opposed; 1 abstention. The motion passed.**

18  
19 c. 660 East Venice Blvd, ENV 2008-1151 EAF, ZA 2008-1150 CDP SPP.  
20 Applicant: Howard Robinson, Land Use Consultant, L&M, LA, LLC Art  
21 Gallery, previously known as GBLM LLC. Presenter: [project architect is](#)  
22 [Kulapat Yantrasast of WHY Architecture](#). Permit application March 21,  
23 2008. Project documents on LUPC web site.

24  
25 Applicant considers this project to be in complete accordance with the VCZSP,  
26 with a sculpture garden and environmental features.

27  
28 Motion that LUPC recommend that the VNC Board of Officers accept the

29 LUPC Staff report and recommend the following action:

30 **CHALLIS: Any presentation made by Jim Murez or Howard**

31 **Robinson was not recorded. Your second file began with Dennis**

32 Hathaway asked about noise that could be generated by a rooftop patio.



1 Mr. Howard stated that the roof is “green” and will not be permitted for  
2 occupation. Mr. Hathaway made a remark about the usurpation of public  
3 property along Venice Boulevard; Mr. Robinson stated that the fence will  
4 be left as is, and that there is no intent to use the public right of way; the  
5 area will be landscaped and maintained, and is subject to a revocable  
6 permit being considered by the Bureau of Engineering. Mr. Murez voiced  
7 his objection to the use of the public right of way for private purposes and  
8 the removal of existing coast live oak trees and a walkway. Mr. Robinson  
9 stated that he had no knowledge of the prior owner’s actions and was not  
10 responsible for those actions; he reiterated plans to file for a revocable  
11 permit for the fence. Mr. Robinson referred to public benefit and stated  
12 that he had no plans with regard to parking. Mr. Murez referred to action  
13 taken by the owner of the neighboring property, referred to attendance at  
14 a workshop and restated his intent to fight the work proposed by Mr.  
15 Robinson. Arnold Springer stated his support of Mr. Murez, then praised  
16 the project proposed and noted the benefit to the public with regard to  
17 public art. Mr. Springer asked about the height of the new building, and  
18 was told it was 30 with the articulated roof. Mr. Springer stated that the  
19 proposed development’s massing and scale fit with the neighborhood. Mr.  
20 Springer asked the developer to ensure that the neighbors are not  
21 affected by the building’s lighting, and asked that effort be made to ensure  
22 that cars are not parked by the valet service on residential streets. Challis

1 Macpherson asked if the developer planned a presentation to the  
2 Presidents Row Neighborhood Association; Mr. Robinson stated his  
3 willingness to comply. There was discussion about which neighborhood  
4 associations should be contacted. Mr. Springer questioned the need for  
5 the presentation being made, if the project complies with the Venice  
6 Coastal Zone Specific Plan. Mr. Murez speculated on the reason the  
7 presentation was requested. Mr. Robinson stated that a Coastal  
8 Development Permit and a Specific Plan Project Permit are being  
9 requested, but no other permissions are required. Mr. Robinson stated  
10 that he had researched the grandfathered parking issue raised by Mr.  
11 Murez and found that grandfathering did not apply because this is a  
12 change of use. John Reed asked if the project complies with the street  
13 wall requirement and was told that it does. The discussion that followed  
14 touched upon the nature of the property and its use. Ruthie Seroussi  
15 made suggestions regarding outreach and removing the fence. Arnold  
16 Springer suggested that a plaque be posted that commemorates the  
17 location's association with Ray Bradbury. Jed Pauker questioned the  
18 motives for the demolition of the existing property and called for the  
19 Bradbury plaque to be replaced. Ms. Seroussi suggested that a motion be  
20 made. Mr. Murez made a remark regarding a suggestion made by a VNC  
21 Board member that sparked discussion tangential to the issue at hand Mr.  
22 Springer noted that the proposed "C" usage in an M zoned area, and

1 suggested that the motion reflect permitted usage. There was further  
2 discussion of the allowable use and required parking for the proposed  
3 retail use. Mr. Robinson and Mr. Murez discussed their understanding of  
4 a conversation that took place prior to the meeting between Mr. Robinson  
5 and Chuck Posner. Ms. Seroussi listed the issues she felt were important  
6 to the discussion. Mr. Murez made a suggestion regarding permits for  
7 special events.

8 **Ruthie Seroussi moved to recommend that the Board of Governors of the**  
9 **Venice Neighborhood council support the project as presented subject to**  
10 **the following conditions: that the lighting on the property not affect ... or**  
11 **... affect the residential neighbors, that the applicant must pull a permit for**  
12 **special events including the valetification of openings and comply with all**  
13 **required parking for the event, that the applicant, its employees and its**  
14 **contractors not use residential street parking, that the applicant place an**  
15 **historical plaque commemorating Ray Bradbury somewhere on the**  
16 **premises in a place where the public can view it, that the applicant design**  
17 **and place mitigating landscape measures in the rear areas of the property**  
18 **buffering resident neighborhoods to minimize the noise, that the applicant**  
19 **remove the existing front fence and restore the public right of way as it was**  
20 **or comparably so per the approved Venice landscape plan, that the**  
21 **landscape plans be retained... and that the ground cover is used from the**  
22 **selection of the palate of the approved landscape plans, and use of the**

1 **public right of way be subject to a revocable permit; seconded by John**  
2 **Reed.**

3

4 **VOTE: 7 in favor; no opposition; 1 abstention. The motion passed.**

5 Jed Pauker stated that he did not know what the motion was. Howard

6 Robinson stated that he would type his notes of the

7 Jed Pauker moved to recommend that the wording on the plaque

8 commemorating Ray Bradbury be acceptable to the Venice Community;

9 seconded by Ruthie Seroussi. Mr. Pauker withdrew his motion.

10

11 **8. PUBLIC COMMENT**

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14 **9. OLD BUSINESS**

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16 a. Policy statement on conditions placed on a project and VNC/LUPC follow  
17 up procedures. Specifically JPI Project in Oxford Triangle which has been  
18 brought up before VNC/LUPC before. This is a policy statement to  
19 expand and codify VNC/LUPC conditioning process.

20

21 Challis Macpherson asked LUPC members to review the following:

22

23 **LUPC POLICY STATEMENT TO BE PRESENTED TO VNC BOARD ON**  
24 **CONDITIONS PLACED ON A PROJECT, FOLLOW UP TO THOSE**  
25 **CONDITIONS, AND PLACING CONDITIONS ON ANY CHANGES TO THAT**  
26 **PROJECT.**

27

28

29 LUPC considers that any significant variance or exception request from the  
30 Venice Coastal Zone Specific Plan, Oxford Triangle Specific Plan or the Los  
31 Angeles Municipal Plan within the boundaries of the Venice Neighborhood  
32 Council is within the purview of the Land Use and Planning Committee and must  
33 be brought to the attention of Venice stakeholders with all due speed.

34

1 Negotiated “Conditions” placed upon a project and how they are enforced  
2 continue to be uncertain.

- 3
- 4 1. LUPC is concerned that conditions cannot be added after the  
5 conditioning process is finished, even if specifically necessary to  
6 condition situations added by developer, fire department, and other  
7 government entities.  
8
  - 9 2. If significant changes are added by developer, fire department, and  
10 other governmental entities after the conditioning process is deemed  
11 finished, LUPC will petition, with approval of the VNC Board of  
12 Officers, to reopen the project and recommend additional conditions as  
13 required.  
14
  - 15 3. Definition of “significant changes” is any deviation from permitted  
16 project in violation of any specific plan and negotiated conditions.  
17
- 18
- 19
  - 20 b. Policy statement submitted by LUPC regarding suggested consideration  
21 by any development applicant of not only the VCZSP but the plans drafted  
22 by the neighborhood (in which the project is proposed) preparatory to  
23 drafting of our VCZSP. These preliminary plans available on VNC/LUPC  
24 web site.  
25

26 Challis Macpherson asked LUPC members to review the following:  
27

28 **LUPC POLICY STATEMENT ON MASSING, SCALE, AND MANSIONIZATION**  
29 **TO BE PRESENTED TO VNC BOARD**

30 **To be read or otherwise presented at each neighborhood meeting arranged**  
31 **to present a project to that neighborhood before it goes before LUPC to be**  
32 **heard**  
33

34 1. Venice Coastal Zone Specific Plan (VCZSP) sets out the guidelines for new  
35 development in Venice.  
36

37 2. VCZSP notwithstanding, the LUPC expects that new development projects  
38 shall attempt to accommodate neighborhood concerns regarding, in particular,  
39 massing and scale.  
40

41 3. New construction projects should be designed so that they do not completely  
42 fill a 30 foot high box, but are rather articulated and designed in such a way that  
43 they address the scale and massing of the immediate neighborhood for which  
44 they are proposed.

1  
2 4. LUPC believes that in order to address neighborhood concerns on massing  
3 and scale, compromises between the maximums permitted under the VCZSP  
4 and the legitimate desires of neighbors and neighborhoods need to be suggested  
5 by applicants, who should try to meet the legitimate concerns of neighbors  
6 regarding height, light, air and space. This issue should be addressed in the  
7 neighborhood meeting suggested by LUPC and convened by the project  
8 applicant.

9  
10 5. All parties looking for guidance should consult not only the relevant sections  
11 and provisions of the VCZSP, but also the plans drafted by each individual  
12 neighborhood, which can be found on the LUPC web site, [www.VeniceNC.org](http://www.VeniceNC.org) or  
13 on [www.Veniceunchained.com](http://www.Veniceunchained.com).

14  
15 These plans were created in a public process organized by the city in 1988 and  
16 are the best indicator of the articulations on scale and massing that the specific  
17 Venice neighborhoods intended to be used as guidelines in their neighborhoods.  
18 These documents and their suggestions about scale and massing represent  
19 evidence of grass roots concern from our neighborhoods but were not  
20 incorporated into the VCZSP when it was compiled by the LA City planning  
21 department.

22  
23 While the VCZSP is the 'law of the land' as are all other specific plans in the City  
24 of Los Angeles—the draft specific plans represent the formally presented 'intent'  
25 of the Venice neighborhoods and should be consulted by both the applicants  
26 and their neighbors prior to the LUPC mandated neighborhood meeting for each  
27 new project.

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29 **10. ADMINISTRATIVE**

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31 Postponed by consensus

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33 **11. ADJOURNMENT**

34  
35 **The meeting adjourned by consensus.**

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