

**Venice Neighborhood Council
Unadopted Minutes
Land Use and Planning Committee Meeting
Westminister Elementary School
February 28, 2007**

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

2
3 Challis Macpherson called the meeting to order at 6:45 pm. A quorum was
4 established. Ms. Macpherson called the roll—Committee members present:
5 Challis Macpherson, Robert Aronson, Maury Ruano, Lainie Herrera, Jed
6 Pauker, and Susan Papadakis. Arnold Springer arrived later.

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8 **2. APPROVAL OF MINUTES**

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10 **... moved to approve the agenda; seconded by Jed Pauker.**

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12 Minutes for the meeting held on February 7, 2007 meeting.

13 **3. ANNOUNCEMENTS**

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15 Ivan Spiegel commended the quality of the LUPC report submitted to the
16 Board at the last meeting.

17 **4. LUPC CHAIR REPORTS**

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20 a. VNC Board action on LUPC recommendations

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22 Challis Macpherson provided copies of a report (Attachment 1) regarding
23 VNC Board actions on LUPC recommendations for proposed development
24 projects at 718 Oxford Street ratified unanimously; 1136 Abbott Kinney
25 ratified 9-6-0; 812 Main Street ratified unanimously; 2337 McKinley ratified
26 12-3-0; 650 Indiana Street ratified unanimously. Ms. Macpherson stated
27 that these issues may not be heard by the Area Planning Commission
28 until April 2007. Ms. Macpherson reported appearing before the Area

29 Planning Commission hearing on February 21st regarding 2327 McKinley
30 Boulevard, and noted that the Planning Commission was aware of the
31 fence issues regarding three properties on McKinley and that the fences
32 would be coming down. Ms. Macpherson offered to provide audio copies
33 of the APC meeting to interested stakeholders.

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35 **5. LUPC TASK FORCE REPORTS**

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37 a. Agenda Building

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39 Maury Ruano provided an update on agenda building, noted that
40 applicants are scheduled with appearances before the Area Planning
41 Commission kept in mind.

42 b. Policies and Procedures

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44 Challis Macpherson noted a March 5, 2007 meeting regarding LUPC
45 Policies and procedures.

46 c. Review of Venice Coastal Zone Specific Plan

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48 Challis Macpherson noted that the amount of public input required
49 precluded this topic being deliberated upon at this time.

50 d. Information Management

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52 Jed Pauker stated that the information management team will have more
53 to report within a week or so. Challis Macpherson reported that the
54 Venice Neighborhood Council will be getting a new domain name,
55 [www.VeniceNC.org\(?\)](http://www.VeniceNC.org(?)). Arnold Springer arrived.

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6. PUBLIC COMMENT

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Lydia Ponce complained about a vote change by a PLUM Committee

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member three years ago that “changed the quality of life” for residents living

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near the intersection of Electric Avenue, Abbott Kinney, Fifth Street, Santa

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Clara and San Juan. Ms. Ponce asked that the developer agreed to

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landscaping that has not been done.

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7. CONSENT CALENDAR

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There were no Consent Calendar items.

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8. OLD BUSINESS

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There was no old business.

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9. DELIBERATION OF FOLLOWING PROJECTS/ISSUES

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a. Mildred Avenue

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Challis Macpherson introduced Jonathan Day, ... Day Architecture,

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described the task assigned to him by his client and described the

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character of the homes in the area. Mr. Day reported that variances to the

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Venice Specific Plan that are being requested are to allow the proposed

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new construction to remain in character with the neighboring homes—30

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foot flat roofs; ingress/egress from the front (because there is no alley on

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this street); two (2) parking spaces instead of three (3); a five (5) yard front

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setback and five (5) yard side yard instead of six (6); reduced lot width;

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and reduced lot area. Mr. Day reported a public hearing on January 7,

87 2007 and a meeting with neighbors, that resulted in changes being made
88 to accommodate input received from neighbors.

89 Russ Jones, Margaret Roberts and John ..., organized opposition,
90 provided a presentation that categorically objected to the variance
91 requested, stated that a large number of, noted that the proposed
92 buildings are oversized for the lots on which they are located, and
93 provided letters signed by neighbors objecting to the project.

94 John ...stated that the proposed structures will deprive neighbors of light
95 and cause vegetation and landscape problems as well as privacy and
96 aesthetic problems. Mr. ... also complained about parking.

97 Margaret Roberts stated that the setback variances requested will create a
98 look that is not in keeping with the character of the neighborhood. Ms.
99 Roberts was allowed another two minutes, which she ceded to Russ
100 Jones. Mr. Jones

101 stated that three homes, not four, should be built on these four
102 substandard lots.

103 Donald Novak, owner of the property in question, listed his commitment to
104 the Venice community including a business just up the street. Mr. Novak
105 stated that he had built 30 homes in the area and that the proposed
106 development is in keeping with the character of the adjacent properties.

107 Mr. Novak reported that improvements were made to plans for
108 landscaping.

109 L. Friedler, stakeholder and nearby resident, voiced concern about the
110 development's effect on parking in the area.

111 Linda Scheffler commended the developer for the quality of the homes
112 built and noted contributions to the neighborhood made by the developer.

113 Mr. Friedman, stakeholder, referred to the front yard setback, noted that
114 off street parking was affected by similar setbacks on nearby
115 developments.

116 After public comment was closed, another stakeholder was given the
117 opportunity to speak; she stated that the intent is to improve and
118 modernize, and that more people will be attracted to the area because of
119 the proposed development.

120 Maury Ruano stated that the developer is attempting to mislead the
121 Committee, and that he could not agree with the request for the 30 foot
122 height.

123 Jed Pauker stated that the developer should meet with the organized
124 opposition.

125 Challis Macpherson corroborated Mr. Friedman's comment regarding the
126 effect of the smaller setback on parking.

127 Sylviane Dungan stated that the proposed development is in keeping with
128 the character of the street, stated that she did not agree with the request
129 for a height variance or reduced number of parking spaces, that she did
130 not object to the five foot front yard setback, but did object to the side and

131 rear yard variance request. Ms. Dungan suggested a 60/40 proportion for
132 landscaping and building smaller structures.

133 Susan Papadakis stated that the proposed development's massing is
134 similar to other properties, suggested sticking to the 25 foot height allowed
135 for a flat roof structure, noted that other nearby properties have parking in
136 the front, objected to the reduced number of parking spaces and the front
137 yard setback, suggested a way to create more light for neighbors by
138 setting the second and third stories back. Ms. Papadakis did not object to
139 the side yard setbacks and reduced lot size and made a comment
140 regarding the design.

141 Robert Aronson asked stakeholders present about parking available at
142 their homes. Answering Mr. Aronson's question, the developer stated that
143 there are three legal lots in question that have four addresses, and gave
144 the dimensions of the by-right structure size. There was discussion
145 regarding the impact on residents on Washington Way. Mr. Aronson
146 asked why a varied roofline could not be built. Mr. Aronson objected to
147 the reduced side, front and rear setbacks. There was discussion about
148 how the lots can be allocated to create four lots. The developer provided
149 a simulation that showed the amount of sunlight; Mr. Aronson stated that
150 adjacent neighbors want sunlight and stated that the rest of the variances
151 don't trouble him.

152 Lainie Herrera asked about the environmental analysis referred to in the
153 application; the developer stated that there was nothing significant
154 reported. There was discussion about what could legally be built; Ms.
155 Herrera asked if the builder had explored options other than requesting
156 variances.

157 Arnold Springer asked if the developer was aware of the parking spaces
158 required by the Venice Specific Plan; the developer stated that his intent
159 was to use the available street parking and showed how the curb cuts will
160 be minimized to lessen the effect of the loss of parking spaces. Mr.
161 Springer stated that the curb cuts would eliminate four street parking
162 spaces. Mr. Springer provided background on how the guidelines of the
163 Venice Specific Plan were established. Mr. Springer enunciated his
164 objections to the project.

165 Maury Ruano asked about the Venice area in which the project will be
166 located and questioned the actual height of the structure. The developer
167 reiterated that the intent was to maintain the character of the
168 neighborhood. Mr. Ruano suggested the inclusion of subterranean
169 parking. Mr. Ruano stated that the Los Angeles City Code has been
170 modified to allow lots as small as 16 feet wide.

171 Jed Pauker indicated that there is a basic credibility issue and that there
172 are things not right about the application. Mr. Pauker suggested that three
173 houses should be built, not four, and that the proposed project height is

174 not in keeping with the Venice Specific Plan. The developer asked about
175 a project currently in construction and was told that the project was put
176 through prior to the Neighborhood Council being in force.
177 Challis Macpherson objected to the height, parking and stated her
178 preference that the developer build three houses, not four. Ms.
179 Macpherson voiced concern about adjacent neighbors' access to sunlight.
180 The developer rebutted that the instant case involves substandard lots
181 and that the City of Los Angeles is encouraging developments such as
182 his.
183 Sylviane Dungan listed compromise setback amounts, suggested
184 subterranean first floor, a 25 foot height limit and a reduced internal
185 setback on the first floor, but not on the second and third.
186 Susan Papadakis agreed that the rear yard setback should not be reduced
187 and that the height should be kept to 25 feet.
188 Robert Aronson asked about the dimensions of the lot and asked if the
189 third floor could be stepped back from the rear property line. Challis
190 Macpherson suggested that the developer be invited to return with a better
191 design.
192 Lainie Herrera concurred that the developer should be invited to make an
193 additional presentation and show that he is willing to make an effort to
194 comply with the Venice Specific Plan. The developer discussed
195 alterations that could be made to address issues raised and asked if that

196 is an acceptable compromise. There were further suggestions by Challis
197 Macpherson and Lainie Herrera about ways to achieve successful
198 compromise. Arnold Springer listed issues raised—parking, three units
199 rather than four, height limit and noted that the variances requested would
200 not have a de minimis impact.

201 **Susan Papadakis moved that the Land Use and Planning shares the**
202 **concern with the neighbors of insufficient parking, reduced setbacks, loss**
203 **of light and that the height of the project exceeds the Venice Specific Plan**
204 **and requests the applicant to return with a redesigned project; seconded**
205 **by Sylviane Dungan.**

206 There was discussion about the wording of the motion; Robert Aronson stated
207 that the motion should require that the developer communicate with the
208 neighbors repeatedly. Mr. Aronson also asked if the developer could be
209 given assurance that there is less concern about height and setback on the
210 front of the property, on Mildred. Challis Macpherson concurred with Mr.
211 Aronson's statement regarding communication between the developer and
212 the neighbors.

213 **Vote: 7 in favor; 0 against; 1 abstention.**

214 Challis Macpherson reported that a Planning and Land Use Committee member
215 will appear at the March 7, 2007 Area Planning Commission meeting to report
216 the decision made by the Planning and Land Use Committee. There was

217 discussion about initial findings on the project by Area Planning Commission
218 staff.

219 b. Issue of Disposition of Surplus City Property in Marina Venice Peninsula
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221 Mark Winters appeared to ask for recommendations from the Land Use
222 and Planning Committee regarding the disposition of property owned by
223 the City of Los Angeles adjacent to the Ballona Canal and provided a
224 presentation giving details and history on the area at issue. Mr. Winters
225 noted that the lots provide the perfect complement to the canal and its
226 planned restoration. Mr. Winters asked that an ad hoc subcommittee be
227 formed to explore ways and means to create more public open space, to
228 dedicate these lots as park space, to coordinate with the Canal
229 Restoration Panel to see how these things relate to one another, and
230 explore the possible sources of funding for design, development and
231 maintenance. Arnold Springer suggested that Eileen Weiss be recognized
232 for her work on canal restoration and asked Mr. Winters if he was sure the
233 City of Los Angeles will approve a park being built on these lots. Mr.
234 Winters referred to the Venice General Surplus Fund created in 1978 and
235 reported a very significant meeting he attended earlier that day with the
236 City Council regarding the issue. Mr. Winters reported a commitment
237 obtained from Councilman Bill Rosendahl's chief of staff, Mike Bonin, to
238 put a moratorium on lot sales in the Venice community until a full
239 accounting can be made of funds from lot sales. Mr. Winters also stated

240 that the Department of Parks and Recreation is a likely candidate to
241 consider taking this over. Mr. Winters reported that the park is essential,
242 to keep the canal from being walled over by development. Robert Aronson
243 asked if some of the lots could be used to build affordable housing; Mr.
244 Winters noted his belief in the value of affordable housing and that the
245 community is being subject to tremendous pressure with regard to
246 development to emphasize the importance of preserving some open
247 space.

248 Challis Macpherson moved that the LUPC form an ad hoc committee to
249 identify ways and means...

250 After further discussion, it was agreed that a proposed ad hoc committee
251 is actually under the purview of the Venice Neighborhood Council Board,
252 not the Planning and Land Use Committee.

253 **Challis Macpherson moved that the LUPC recommend to the Venice**
254 **Neighborhood Council Board of Officers form an ad hoc committee to**
255 **identify ways and means, etc.; seconded by Jed Pauker.**

256 Robert Aronson suggested that the recommendation to the Board not be
257 limited to information gathering. Challis Macpherson referred to the
258 definition of ad hoc committee. The proposal to create the ad hoc
259 committee will be recommended to the Agenda Committee for discussion
260 by the Venice Neighborhood Council Board; the committee's scope will be
261 to investigate and report back to the Board. Sylviane Dungan asked about

262 the size of the lots. Mark Winters gave an estimate of a total of 20,000
263 square feet on both sides of the Canal. After further discussion initiated
264 by Arnold Springer about the scope of the ad hoc committee to be
265 recommended to the Venice Neighborhood Council Board, Challis
266 Macpherson withdrew her motion and Jed Pauker withdrew his second.

267 **Arnold Springer moved that the Land Use and Planning Committee**
268 **recommend to Venice Neighborhood Council Board that it look**
269 **favorably upon the proposal of Mark Winter to urge the City of Los**
270 **Angeles to preserve the surplus lots in the canal area as open space**
271 **and to form an ad hoc committee to review this proposed project;**
272 **seconded by Jed Pauker.**

273 Mark Winter thanked LUPC for its recommendation and expressed hope
274 that this will set a precedent for the Venice area. Mr. Winter also reported
275 that Laura Chick has made a recommendation to the City of Los Angeles
276 that lots should not be sold without outreach efforts being made in the
277 community. Robert Aronson asked Mr. Winter if there was anything that
278 he would change about the motion. Mr. Winter stated his preference to
279 refer to the proposal as having been made by the Marina Peninsula
280 Neighborhood Association. The motion was changed to read

281 **Arnold Springer moved that the Land Use and Planning Committee**
282 **recommend to Venice Neighborhood Council Board that it look**
283 **favorably upon the proposal of Marina Peninsula Neighborhood**

284 **Association to urge the City of Los Angeles to preserve the surplus lots**
285 **in the canal area as open space and to form an ad hoc committee to**
286 **review this proposed project; seconded by Jed Pauker.**

287 **VOTE: 7 in favor; 1 opposed; 1 abstention.**

288 c. 245 Market Street

289 Maury Ruano summarized a report made regarding this proposed project
290 as introduction; Challis Macpherson commended Mr. Ruano's efforts. Mr.
291 Ruano reported that the applicant, John Reimers, has requested a
292 variance for parking that is not really needed, because the variance and
293 density bonus are automatically granted by state law and the Los Angeles
294 Housing Department is willing to record an affordable housing covenant
295 for that unit. Mr. Reimers listed the history of his ownership of the subject
296 property and explained the reason for his request, noting his discomfort
297 with the "bootleg" unit. The illegal unit on the third floor was in place when
298 Mr. Reimers purchased the property. Mr. Reimers stated his hope that the
299 illegal unit can be legitimized, noted the dearth of affordable housing in the
300 Venice area and referred to plans to arrange for leased parking.

301 Steve Clair referred to the number of illegal units in the City of Los
302 Angeles that are being removed from the market, impacting the housing
303 crisis, reported that the subject property is not in violation of any
304 requirements other than parking, and urged LUPC to look favorably on the
305 request.
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307 John Reimers responded to Challis Macpherson's question by stating that
308 he had no problem with the renovation required to convert the subject unit
309 to affordable housing. Arnold Springer referred to illegal units that are
310 common in the Venice area, and stated his ambivalence on the issue. Mr.
311 Springer stated that an inventory and enforcement provisions are needed.
312 Challis Macpherson asked Maury Ruano to respond; Mr. Ruano stated
313 that a covenant of at least 30 years' duration is required and noted the
314 intent to provide incentives for the provision of affordable housing and to
315 penalize municipalities that do not grant concessions and variances in
316 similar cases. Lainie Herrera objected to the phrasing de facto with
317 reference to affordable housing and stated that she would not object to the
318 stipulation of a covenant of 30 years or in perpetuity. There was
319 discussion about the low, very low and moderate housing designations.
320 John Reimers stated that he was looking for a maximum of \$1107 for
321 rental of a one bedroom unit, which he based on 2006 Mello Act data.
322 Robert Aronson asked about an open space used for storage that could
323 be used as parking; Mr. Aronson urged caution in making the
324 determination regarding legalization of illegal units. Mr. Aronson also
325 urged Mr. Reimers to pursue a leased parking arrangement. Ms.
326 Macpherson summarized the issue at hand. Ms. Herrera pointed out that
327 a precedent is not being set. Susan Papadakis expressed discomfort with
328 making a decision regarding low income housing and suggested that Mr.

329 Reimers return after making lease arrangements for parking. Sylviane
330 Dungan suggested Mr. Reimers pay an in lieu of parking fee; Challis
331 Macpherson reminded Ms. Dungan that financial feasibility will preclude
332 the provision of affordable housing if the in-lieu parking fee is required.
333 Jed Pauker stated that the code compliance of the unit will be called in to
334 question if affordable housing is offered; Mr. Pauker stated that the
335 covenant should be in perpetuity rather than 30 years. Mr. Reeves
336 summarized his position and noted that if the project does not “pencil out”
337 the property will probably end up being sold. Arnold Springer asked if it
338 will be necessary to return the property to code should it be sold; Mr.
339 Reimers stated that the property does not have to be returned to code but
340 that a stay has been granted that would allow for the removal of a
341 bathtub/shower. After further discussion, Mr. Reimers proposed a
342 compromise. Ms. Dungan reiterated her proposal for payment into a
343 parking fund; Ms. Herrera reiterated that payment into the parking fund
344 precluded the provision of affordable housing. Mr. Ruano summed up the
345 issues at hand—once the application is approved, the Department of
346 Building and Safety will be responsible for enforcing code restrictions;
347 there is no precedent being set by recommending the application be
348 approved because there is specific language both at the state and local
349 levels that provides for legalization of similar units with the provision of
350 affordable housing. Mr. Ruano referred to Steve Clair’s expertise as

351 Executive Director, Venice Affordable Housing organization and
352 suggested that his recommendations be followed—the affordable unit
353 should be at 60% of the median income of the area (.60 x \$56,200 =
354 \$33,282 for a family of two and the maximum rent for one unit to be
355 occupied by two people = \$831)

356 **Maury Ruano moved to approve the project with the assurance that there**
357 **will be a covenant for affordability recorded for at least thirty years and the**
358 **affordability level should be at 60% of the area median income; Lainie**
359 **Herrera seconded.**

360 Robert Aronson suggested changing the affordability level to 50% and adding
361 the requirement to provide one off-site parking (the cost of which is passed on
362 dollar-for-dollar each month) and any other costs related to legalizing the unit
363 are passed on to the renter until paid. Mr. Aronson asked that Steve Clair be
364 given another opportunity to speak. Susan Papadakis stated that the
365 approval of this project is a gift; Arnold Springer listed his objections to
366 approval, stated that he will vote against it until further review. Challis
367 Macpherson asked if there was urgency in making a decision and suggested
368 that a decision be postponed until the issue can be researched. Sylviane
369 Dungan stated that she concurred with Mr. Aronson's suggestions. Jed
370 Pauker that this is a perfect opportunity to create better communication with
371 the City setting a precedent based on strong arguments.

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373 **VOTE: 2 in favor; 6 against. The motion failed.**

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375 Robert Aronson stated that some direction should be provided to the
376 applicant by giving a motion that passes.

377 **Robert Aronson moved to approve the third unit in this building at a level**
378 **of very low affordable for thirty years with a recorded covenant that one**
379 **parking is required, the cost of which is passed on dollar-for-dollar to the**
380 **tenant above the very low affordable rent and any costs for any repairs or**
381 **changes ordered by Building and Safety are passed on dollar-for-dollar at a**
382 **maximum of \$100 per month until paid; seconded by Susan Papadakis (?)**

383 **VOTE: 4 in favor; 3 opposed; 1 abstained. The motion passed.**

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385 **10. New Business**

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387 None noted

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389 **11. Public Comment**

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391 Dianne Welsh reported rehab centers set up in violation of Section 1520.5 of
392 the California Health and Safety Code and reported complaints by neighbors.
393 Ms. Welsh asked for feedback and direction from LUPC. Arnold Springer
394 asked what purpose the rehab centers fill; Ms. Welsh stated that the centers
395 were for drug and alcohol rehabilitation. DeDe Audet clarified the need for
396 the provisions of Section 1520.5

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398 **12. Adjournment**

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400 **The meeting was adjourned by common consent.**

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