

Venice Neighborhood Council

Post Office Box 550

Venice, CALIFORNIA 90294



Land Use and Planning Committee MINUTES June 27, 2007



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1 **1. CALL TO ORDER – ROLL CALL**

2
3 Challis Macpherson called the meeting to order at 6:43 pm. LUPC members
4 present: Ruthie Seroussi, Jed Pauker, Susan Papadakis, Stewart Oscars,
5 Challis Macpherson, Maury Ruano and Jim Murez. Arnold Springer,
6 Sylvianne Dungan and Robert Aronson arrived later.

7
8 Approval of this agenda as presented or amended.

9
10 The Agenda was approved by acclamation.

11
12 **2. APPROVAL OF PREVIOUS MEETING MINUTES**

13
14 Postponed.

15
16 **3. ANNOUNCEMENTS – INFORMATION ABOUT SPECIFIC EVENTS**
17 **IMPORTANT TO VENICE**

18
19 None noted.

20
21 **4. PUBLIC COMMENT**

22
23 (Taken out of order) Roberto Perez Rosado, stakeholder and resident at 52
24 Paloma, a rent controlled building that is being turned into a hotel that has no
25 parking, alerted LUPC that action should be taken regarding the proposed
26 development. Arnold Springer asked if there was “institutional memory”
27 regarding converting an apartment building to hotel. Challis Macpherson
28 discussed research she had done on the property, and reported that the
29 building was being returned to its original use, a hotel. Mr. Springer voiced
30 his concern about this form of development.

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2 Laurie, also a resident at 52 Paloma, also spoke against the changeover,
3 stated that she has lived at 52 Paloma for 27 years, noted that hotel use of
4 this building may have been 100 years ago when traffic was not as relevant a
5 factor, and also noted the absence of handicapped accessible facilities.
6 Sylvianne Dungan suggested that the stakeholders request the Administrative
7 Committee put this issue on the agenda for the Board for discussion.
8

9 Amarie Starr provided pieces of a mural that was demolished, at 5th and Rose
10 at the old Pioneer bakery building, to LUPC members. Arnold Springer stated
11 that Francisco Latelier was the artist who created the destroyed mural.
12

13 Jim Murez stated that the historic significance of buildings should be
14 conditioned into consideration of projects before LUPC.
15

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

17
18 LUPC Staff for this project: Arnold Springer
19

20 Item 5B: 1638 Abbot Kinney Boulevard, Case #ENV 2007-1600 CE and ZA
21 2007-1599 CDP. Architect and representative: Robert Thibodeau, 529
22 California Avenue, Venice 90291, 310.452.8161, 310.452.8171. Permit
23 application 4/3/07, requesting renovation of existing ground-level commercial
24 space, addition of a 2nd floor with 3 offices, and addition of a new single
25 family dwelling unit at the 2nd and 3rd floors. Needs categorical exception,
26 Coastal Development Permit, Mello Act compliance review. Both project plans
27 and project documents are posted on VNC web. The Zoning Administration
28 hearing is scheduled for June 28, 2007.
29

30 Responding to Stewart Oscars' question, Challis Macpherson explained the
31 procedure that will be followed because of the hearing scheduled for June 28,
32 2007. Arnold Springer deferred to the developer's representative, Robert
33 Thibodeau, who discussed the building's history, current use, and plans for
34 development of the site.
35

36 Yolanda Gonzalez stated that the alley behind the proposed development is
37 hazardous.
38

39 Ivan Spiegel discussed parking in the area, noted that the proposed
40 development claimed 12 grandfathered parking spaces, and stated that no
41 further development should be allowed until parking in the area is resolved.
42

43 Robert Rosado asked why the proposed development has no provision for
44 renewable energy resources.

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1
2 Laurie ... stated that renewable energy resources should be a part of the
3 proposed development and that adequate parking should be provided.
4

5 Arnold Springer asked about the project's height, including that of rooftop
6 structures, questioned the parking provision and allowable grandfathered
7 parking provision. Mr. Springer stated that the procedure used to calculate
8 the allowable amount of parking spaces allocated is a standard one. Mr.
9 Springer asked about the location of the trash collection area. Mr. Thibodeau
10 responded to questions raised by stakeholders regarding green technology
11 and discussed energy-efficient requirements for new construction. Robert
12 Aronson asked how parking was calculated for the proposed use; Mr.
13 Thibodeau stated that calculations were based on information provided by the
14 Department of Building and Safety. Mr. Aronson contended that the Specific
15 Plan provides a definition of intensification of use that applies in this instance.
16 Mr. Aronson reiterated his contention that LUPC should take a position on the
17 grandfathering aspect of the parking issue. Jim Murez asked about how the
18 rear parking and trash collection area is configured, the setback of the rear
19 property; Mr. Thibodeau indicated that the parking area is common to both
20 residential and commercial tenants and that there is a 15 foot setback from
21 the centerpoint of the alley. Maury Ruano asked what the required setback
22 for the property; Mr. Thibodeau stated that there is a zero setback, however
23 because the original building is being retained, a two-foot setback is retained.
24 Mr. Thibodeau discussed changes to the Venice Specific Plan in answer to
25 Mr. Ruano asked about stepping back the second story. Stewart Oscars
26 asked about trash area provisions and made suggestions about the design of
27 the back fence; Mr. Thibodeau stated that provisions of the Venice Specific
28 Plan will prevail in this instance. Sylvianne Dungan referred to the addition of
29 2200 square feet; Mr. Thibodeau stated that 1300 square feet is being added.
30 Ms. Dungan stated that the developer should be required to give something
31 back to the community and to provide renewable energy resources. Susan
32 Papadakis voiced concern about the height and provision of parking spaces.
33 Jed Pauker stated that something should be given back to the community in
34 return for approval of the project and asked Mr. Thibodeau to relay his
35 concern to his client. Mr. Thibodeau rebutted that the proposed mixture of
36 residential and commercial uses was the intent for Abbot Kinney Boulevard,
37 noted his track record with regard to building award-winning structures, and
38 stated that he did not mind walking a block to find appropriate parking.
39

40 Arnold Springer stated that he cannot attend the Coastal Development
41 hearing and ZA hearing that will take place at the same time on June 28,
42 2007, and in his opinion the project will be approved at the hearing. Mr.
43 Springer questioned whether the decision to be rendered tomorrow is
44 appealable.

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2 Robert Aronson asked Robert Thibodeau about calculations for new
3 construction and how parking is calculated based on the new construction.
4 Mr. Thibodeau stated that the calculations were provided by the plan checker.
5 Mr. Aronson restated that the proposed development constitutes an
6 intensification of use and discussed the ramifications of an intensification of
7 use. Mr. Aronson stated that the desired objective is to have commercial use
8 on Abbot Kinney, not solely residential. Mr. Aronson stated that an en lieu fee
9 should be required of the developer and that the requested approval be
10 denied.

11
12 Jim Murez stated that the developer is doing everything that has been
13 requested of other developers and that the only difference is onsite parking
14 that is impossible for him to provide. Mr. Murez voiced concern about the
15 fence at the rear of the property, and stated that the developer should be
16 required to set the fence 15 feet from the center line of the alley, which could
17 provide an additional two parking spaces. Mr. Murez stated that the project
18 should be approved, and referred to questions he raised at an earlier meeting
19 regarding parking spaces required by churches. Mr. Murez stated that the
20 developer should not be punished and warned that requiring provision for
21 parking will result in “mansions” being built on Abbot Kinney Boulevard.
22

23 Maury Ruano stated that he had no problem with the proposed development’s
24 height, that the applicant should not be penalized for a parking problem that
25 existed prior to the development proposed and compared this situation to the
26 payment of taxes.
27

28 At Jim Murez’ request, Stewart Oscars clarified his suggestion that the
29 roofline and trash area be changed.
30

31 Sylvianne Dungan concurred with Jim Murez that the trash area should be
32 inside. Ms. Dungan stated that people benefiting from grandfathered items
33 should be made to provide some benefit to the community.
34

35 Susan Papadakis stated that the location and size of the subject site is
36 appropriate for live/work space. Ms. Papadakis suggested that the project’s
37 design be altered to accommodate live/work use.
38

39 Jed Pauker urged proactive action to encourage developers to design
40 projects that conform to current conditions, rather than LUPC having to find
41 ways to accommodate variance requests.
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1 Ruthie Seroussi called for change to the rooftop structure, asked for a quid-
2 pro-quo with regard to the project's height and parking provision, and stated
3 that en lieu fees will be less than the cost of providing underground parking.
4

5 **Robert Aronson moved to approve this project under the following**
6 **conditions: 1. reject parking credit as calculated by Building and Safety as**
7 **not in conformity with the Venice Coastal Zone Specific Plan; 2. the**
8 **applicant shall provide an en lieu fee for any spaces that, as the project**
9 **currently exists, are not provided; and 3. that fee be calculated at the time**
10 **of issuance of the Certificate of Occupancy; Mr. Aronson called for**
11 **amendments with respect to trash and fences; seconded by Arnold**
12 **Springer.**
13

14 Jim Murez stated that the Coastal Commission and the City Attorney are
15 not going to change their minds about grandfathering provisions for
16 parking. Discussion followed that concerned policies regarding granting of
17 parking credits to development applicants. Sylvianne Dungan stated need
18 for proactivity, noted the intent to encourage small businesses, and stated
19 that agreement has to be reached with policy makers regarding how
20 parking can be provided. Challis Macpherson clarified that Ms. Dungan
21 requested en lieu fees for 10 parking spaces.
22

23 Robert Aronson suggested that the motion's language should state that
24 the project is a change in intensity of use under the Specific Plan definition
25 in Section 5e, and that there is no precedent or legal requirement for the
26 City's provision of a parking credit.
27

28 As a result of Ivan Spiegel's advice, Robert Aronson withdrew the motion,
29 and Arnold Springer withdrew his second. Ruthie Seroussi suggested
30 adding mention of the trash area inside the property with the fence issue.
31

32 **Robert Aronson moved to recommend approval of the project, under the**
33 **following conditions: we find that the project as presented is an**
34 **intensification of use, specifically an increase in intensity as defined in**
35 **Section 5e of the Venice Coastal Development Specific Plan, we reject the**
36 **policy of the Department of Building & Safety and the City's interpretation**
37 **that grants parking credits to the applicant, that approval is conditioned on**
38 **the applicant paying an en lieu fee for each parking space not provided to a**
39 **maximum amount of \$45,000 per space or the en lieu fee calculated at the**
40 **time the Certificate of Occupancy is issued, whichever is lower; Arnold**
41 **Springer seconded.**
42

43 Ruthie Seroussi asked if the motion should specify that the en lieu fees be
44 paid to the Venice-specific parking fund, to highlight the fact that the

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1 granting of the variance request is in exchange for the payment of en lieu
2 parking fees and suggested that the applicant should be asked to redesign
3 the roof structure.

4
5 Sylvianne Dungan stated that a law should be created requiring the
6 payment of en lieu parking fees whenever insufficient parking exists.
7 Robert Aronson stated that his original motion included mentioned a
8 rejection of the City's policy regarding parking credit and that the parking
9 credit policy is not in conformity with the Venice Coastal Zone Specific
10 Plan. There was discussion between Mr. Aronson and Challis
11 Macpherson regarding procedures followed when insufficient time exists
12 to get full Board approval on LUPC recommendations.

13
14 Jim Murez and Robert Aronson debated on the interpretation and
15 application of intensification of use.

16
17 Maury Ruano suggested an amendment to require the developer to pay
18 the en lieu fee at the time the entitlement application is submitted. Robert
19 Aronson did not accept the agreement. There was no second.

20
21 **VOTE: 8 in favor; 2 opposed.**

22
23 **Jim Murez moved that the rear fence be held at fifteen feet from the center**
24 **line of the alley; seconded by Jed Pauker.**

25
26 Jim Murez reiterated the rationale for this request.

27
28 **VOTE: 8 in favor; 2 opposed.**

29
30 Sylvianne Dungan was advised by Challis Macpherson to submit an agenda
31 item for the next LUPC meeting regarding requiring developers to pay en lieu
32 fees when insufficient parking is provided by a development.

33
34 **6. PUBLIC COMMENT**

35
36 None noted.

37
38 **7. ADMINISTRATIVE:**

39
40 En Lieu Parking Fees – proposed revisions

41
42 Jim Murez discussed his efforts to find a way to address the calculation of en
43 lieu fees and provided two options, one that involved averaging the land value
44 that a parking space is worth, or alternatively, a fee based on the cost to

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1 create the parking space. Mr. Murez noted that a combination of the two
2 approaches is probably most appropriate, and estimated a cost between
3 \$18,000 and \$25,000 per space to build an above-ground parking structure
4 and \$30,000 and \$35,000 per space to build a subterranean parking
5 structure. Mr. Murez's final estimate for construction of a parking structure in
6 Venice was \$40,000 to \$45,000. Sylvianne Dungan provided means to
7 estimate cost but stated her preference that construction of a parking
8 structure should include low income housing.

9
10 Arnold Springer stated that the en lieu parking fee should be raised
11 immediately. Jed Pauker discussed the calculation he used to arrive at an
12 adjusted en lieu parking fee of \$35,000 to \$36,000 and suggested that
13 amount be used until an amount can be calculated.

14
15 There was further discussion on how to proceed; Jim Murez suggested a
16 calculation that will provide an accurate, up to date amount.

17
18 Robert Aronson stated that the issue was not agendized. Mr. Aronson stated
19 that the granting of concessions is the primary issue and warned that
20 establishing a procedure that grants rights to developers will leave LUPC
21 without a position from which to bargain. This issue will be agendized for the
22 July 21, 2007 meeting.

23
24 Community Impact Statement regarding over height fences

25
26 Jed Pauker read the text of a draft Community Impact Statement that totaled
27 104 words. Challis Macpherson stated that the LUPC-approved draft of the
28 Community Impact Statement will be sent on the Board.

29
30 LUPC Chair report on VNC Board of Officers actions relative to LUPC
31 recommendations.

32
33 Not discussed.

34
35 LUPC Task Force reports

36
37 Abbot Kinney Parking

38
39 Robert Aronson reported that an eyes' only draft version will be sent to LUPC
40 members within the next few days.

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42 ERUV

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1 Challis Macpherson directed Committee members' attention to copies
2 provided of the ERUV report.

3
4 **Maury Ruano moved to present the ERUV report to the VNC Board of**
5 **Officers without prejudice and without recommendation for their action;**
6 **seconded by Sylvianne Dungan.**

7
8 Arnold Springer stated his objection. Ruthie Seroussi asked why the issue is
9 being reviewed by LUPC, and was told that the issue had been assigned by
10 the Administrative Committee to LUPC and that the issue is one that will be
11 heard by the California Coastal Commission on July 9, 2007. Ivan Spiegel
12 described how the issue came to be assigned to LUPC for review. Yolanda
13 Gonzalez provided another perspective on the issue.

14
15 **VOTE: 7 in favor; 0 against; 2 abstentions.**

16
17 Lincoln Place Task Force

18
19 (Taken out of order) A brief report was provided by David Ewing.
20 Responding to Mr. Ewing's questions, Challis Macpherson and Ivan Spiegel
21 explained how the Lincoln Place Task Force could be allowed to continue to
22 function until its charter has been accomplished.

23
24 Laura Silagi stated that the first order of business for the Lincoln Place Task
25 Force will be to gather facts as to the current status of the property in order to
26 determine what can legally be built on the property by right without variances
27 or changes in zoning, etc. and the investigation will take the rest of the
28 summer.

29
30 Challis Macpherson advised that the Task Force's main purpose should be
31 stated as fact finding and that the collection of community input should be
32 stated as well.

33
34 Robert Aronson asked if a chair of the Task Force had been chosen; Laura
35 Silagi, David Ewing and Steve Friedman are co-chairs. Jim Murez asked if a
36 web site name has been chosen; none has been chosen. Mr. Murez referred
37 to the potential for conflict of interest if space on the VNC website is
38 requested. Ivan Spiegel advised creation of an Ad Hoc committee. Ruthie
39 Seroussi stated that the Task Force should include people representing the
40 developer's perspective. The discussion that followed concerned how to
41 accomplish the Task Force's stated goals and keep the public in the loop.
42 Steve Friedman stated that the Task Force's goal of independence from the
43 developer was a driving force and that independence from LUPC and VNC
44 was not the intent. Ruthie Seroussi reiterated that fact-finding, not advocacy

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1 is the intent. There was discussion about how reports from the Task Force
2 will be made and how the Task Force will be led.

3
4 David Ewing questioned whether advocacy is involved in the Task Force's
5 charter, and stated his intent to provide balance on the issue. Challis
6 Macpherson rebutted that someone representing AIMCO should then be
7 invited to participate in the Task Force. After further discussion, Ivan Spiegel
8 stated that the VNC Board should be asked for an opinion regarding this
9 issue.

10
11 Staff Assignments: Reference CNC Reports

12
13 The Agenda Request Form Application will be discussed at the July 2007
14 meeting.

15
16 A development project at 1046-1048 West Princeton Drive will be discussed
17 at the July 2007 LUPC meeting.

18
19 **8. ADJOURNMENT**

20
21 The meeting was adjourned by common consent at 10:05 pm.
22