

Letter to the Editor, Palisadian Post – published 7/11/19

I appreciate the Post's coverage of PPCC Board and Land Use Committee (LUC) meetings. Writing solely in my individual capacity, I'd like to clarify a few facts about the 6/27 LUC meeting and the recommendation concerning the mixed-use project proposed for the old Jack-in-the-Box (JIB) site on Sunset Blvd.

1). I explained at the meeting that as with virtually all PPCC committees, the LUC doesn't take positions for PPCC and doesn't speak for the Board. As an advisory committee, it can only make recommendations to the Board – which the immediate past LUC did in the case of the JIB project. The Board in turn considers LUC recommendations at PPCC Board meetings and takes positions only upon a 2/3 vote of Board members. This has not yet occurred in the case of the JIB project.

2). Per PPCC bylaws, all ad hoc PPCC committees, including the LUC, dissolved as of July 1. Appointment of ad hoc committees is at the discretion of PPCC Chair George Wolfberg, who may or may not reappoint the LUC as previously constituted. The past LUC's recommendation concerning the JIB project will likely be on the agenda for the next PPCC Board meeting on 7/25 (having been postponed at the 6/27 Board meeting).

3). As one of the past LUC members, I authored the original proposed recommendation to oppose the JIB project. My proposal did not include anything about parking (now paragraph 5 in the current recommendation, at [pacpalicc.org/Resources/Reports & Summaries](http://pacpalicc.org/Resources/Reports%20&%20Summaries)). That is because we were informed that the proposed parking will conform with all Code requirements. At the 6/27 meeting, past LUC member Reza Akef moved to amend my proposed recommendation to include a demand for more parking (beyond what the law requires in this case). The amendment passed by a vote of 4-3 (I and two other members were opposed). I ultimately voted in favor of the full proposed recommendation (with the addition of paragraph 5) only because I felt it was important to bring the entire matter to the full Board for consideration.

3). I continue to believe that demanding more parking than required under applicable law (no matter how much PPCC or the community would prefer this result) is not a credible position to take in opposition to the project.

In my 12 years on the Board (serving at different times as LUC Chair, PPCC Vice-Chair, Chair, Chair Emeritus and now as PPCC Secretary) – and in my work in reviewing past PPCC land use positions as reflected in the Summary of PPCC Land Use Positions (also on pacpalicc.org) -- I can't recall any instance when the Board demanded that a developer not adhere to applicable law (or based opposition on a demand that the developer should do something *different than what the law requires*) – whether or not a discretionary permit was involved.

In my opinion, such a position would likely be dismissed by the deciding authority and may dilute or substantially weaken other, credible bases for opposition. It might also be construed as contrary to the Guiding Principles, which declare PPCC's respect for all governing land use laws (PPCC Bylaws, Appendix D).

4). In my opinion the main LUC recommendation in this matter — to oppose the JIB project as proposed on the grounds that it violates the Coastal Act requirement of visual compatibility with the character of surrounding areas (Public Resources Code Sec. 30251) — is a credible and even persuasive position which standing alone would not be dismissed out of hand by the deciding authority.

As explained in the recommendation, at 5 stories and without upper level setbacks, the building as proposed would present a monolithic facade which is completely at odds with the adjacent and nearby one story buildings fronting the south side of Sunset Blvd., as well as with the six story building with upper level setbacks across the street.

It's uncertain at this point what position, if any, the Board may take on the JIB project. However, in my view basing opposition on a demand for more parking than what is required under the law would be a failing argument which may have the effect of weakening otherwise credible opposition based on violation of the "visual compatibility" provision of the Coastal Act.

Christina Spitz, Resident