



Venice Neighborhood Council

PO Box 550, Venice CA 90294

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**LAND USE AND PLANNING
COMMITTEE STAFF REPORT**

Submitted to LUPC November 2,
2011

Preliminary Informal Hearing
June, 29, 2011

Submitted to Board of Officers
March 7, 2012

Re-hearing by LUPC after
Continuation

October 17, 2012

Re-submitted to VNC Board of
Officers November 28, 2012

LUPC Requested Hearing (revised
project)

August 7, 2013



DRAFT

Case Numbers: ZA 2013-1420-CDP
VTT-70870-SL

Address of Project: 522 South Venice Boulevard, Venice, CA 90291

Property Owners: Mark Judaken

Owner's Representatives: Len Judaken, Eric Lieberman

LUPC Case Manager: Sarah Dennison

MOTION

Whereas:

- Applicant has provided insufficient project information to LUPC for this hearing,
- Applicant has a proven record of ignoring community recommendations on this project and has continued to do so with this revised application,
- Project application does not make the first 2 discretionary Findings for Bonus Density Incentive Menu thus invalidating the 35% height increase,
- Applicant is not relieved by Code in Venice of the LAMC requirement for 15 foot front setbacks in the RD1.5-1-0 zone,
- Project has 3 front elevations facing 3 streets, Venice Blvd., Mildred Ave. and Ocean Ave.
- Project has one building elevation lacking any articulation facing Ocean

Avenue,

- Project has 9 rooftop access structures which conflicts with VNC motion of 12/7/05 limiting rooftop access structures to one per project,
- No guest parking is provided in a development with 15 dwelling units
- Applicant has presented no evidence of having done a traffic study to assess traffic impacts from project on neighborhood,
- Project consolidating 3 lots into one in a residential zone is in conflict with VZCSP Section 9.A.1.c limiting consolidation to 2 lots in the Southeast Venice sub-area
- Project density, mass and scale are significantly incompatible with the surrounding neighborhood,

Therefore, LUPC recommends that the VNC deny approval for this project.

MADE BY: Sarah Dennison

SECONDED: Jim Murez

VOTE: 5-0-0

DATE APPROVED BY LUPC: August 7, 2013

Public Comment:

PROJECT SUMMARY TO VNC:

This project is a revised application for demolition of one existing 3-unit residential building recently being used illegally for some commercial purposes, and 2 market rate residential units. New construction will consist of 5 single-family dwellings (SFD's) and 5 duplexes on 10 new lots requested under the provision of the City of LA's Small Lot Subdivision Ordinance and its Density Bonus and Incentives program (see LAMC Section 12.22.25.A).

The site property fronts on three streets, South Venice Blvd. to the northwest, Washington Way to the north, Mildred Ave. to the south and indirectly to a fourth street, Ocean Ave., to the southwest seen from that street over the public land approximately 60 feet maximum in width at the corner.

The land for the proposed development consists of 15,740 SF of land in 3 lots to be merged into one lot and then sub-divided into 10 separate lots, with an additional area of 835 SF of street city street dedication along Mildred for a total of 16,575 SF. This number per Menu Item LAMC 12.22.25.A. (f) (8) is being listed as the final lot area for determination of the Density Bonus percentage. Applicant did not respond to requests for information on the revised project.

LUPC STAFF REPORT

SYNOPSIS:

Application History:

LUPC heard the original case (APCW 2011-588-SPE-CDP-ZAA-SPP-MEL) on November 2, 2011 and continued its motion at the applicant's request so that he could have the chance to propose changes to meet the requested criteria. Applicant stated that he would return to present these changes in January 2012. After 5 months, applicant had not yet done so; thus to clear the project from the calendar, LUPC voted on the motion to disapprove the project at the March 7, 2012 meeting. The VNC made a motion to disapprove the project on April 17, 2012. The Applicant came back to LUPC on October 17, 2012 with ideas for a community park funding partnership and off-site Very Low income housing, but no significant changes to the project design or density. The Applicant's revised Tract map and ZA/City Planning Public Hearing Notice for August 14,

2013 were received in VNC mail on July 26, 2013. Drawings requested from the applicant at that time were never received.

City Planner Greg Shoop provided digital files on August 1, 2013.

Requests for Entitlements: (See Requests section below)

The application requests a Specific Plan Permit, Coastal Development Permit, Approval of a Vesting Tentative Tract Map for the 10 lot subdivision, a 35% Density Bonus with 2 Menu Incentives with discretionary eligibility included and (not stated in the application) a Zoning Administrator Variance to reduce front yards on both Mildred Ave. and Venice Blvd ranging between 0 feet to 5.9 feet in lieu of the 15 feet required by the LAMC in the Small lot Sub-Division Ordinance Venice Coastal Zone Specific Plan (VCZSP) Director's Determination dated Jan.26, 2009. There also appears to be a request (again, unstated) for a revocable permit and street vacation to utilize a portion of the public way (within the area of the Venice Blvd approved landscape plan) for private landscaping in front of adjacent to sidewalks along Venice Blvd. The owner is no longer requesting to purchase the public land at the corner of Venice, Ocean, and Mildred.

Sub-Division and Lot Consolidation:

The City of LA's Small Lot Subdivision Ordinance (SLSO) will allow the applicant's property to be divided into 10 lots for 15 Dwelling Units (DU's) provided 1500 SF in overall lot area is available on average across the entire property. The language of the Venice Coastal Zone Specific Plan will only allow maximum density of 8 or 9 dwelling units (6 dwelling units plus a possible 3 additional affordable units) if the 3 lots shown on Tract Map 6329 and Assessor's Map 422803001 remain separate, depending on the exact area of each lot. If lots are merged, Section 9.A.c. of the VCZSP restricts the maximum number of consolidated lots in the RD1.5-1-0 project zone to two lots.

Community Outreach: At the time of the previous application the Applicant notified property owners within a 500' radius of a community outreach meeting and held a community outreach meeting on June 22, 2011 at a church near the project site. Approximately 40 community members attended and voiced opinions. An informal presentation was also made to LUPC on June 29, 2011 during the Public Comment segment of the Agenda. Many members of the community also attended this meeting and voiced opinions. Almost all of the comments were in opposition to the project as presented.

CASE REVISION SUMMARY (for August 7, 2013 LUPC Re-Hearing)

Requests for Entitlements:

Requests for Entitlement to be included in CDP, SPP and MEL permits all to be granted in only one single City hearing on 8/14/13:

1. Small Lot Subdivision (SPP) – Merger of 3 lots into one lot; subdivision of resulting one lot into 10 lots; Southeast Venice sub-area Specific Plan 9.A.1.c limits lot consolidation to 2 lots
2. Construction (CDP) of 5 Single Family dwellings and 5 duplexes on 10 lots for a total of 15 dwelling units. Each unit requires 1500 SF of lot area averaged over the site.
3. Density Bonus and Incentives (MEL) for providing 2 Very Low Income Restricted Affordable Housing Units to include:
 - 35% density increase in # of units (from 11 to 15)
 - Two "Menu Incentives" (See LAMC 12.22.A, 25, f.5 and f.8)
 1. A 35% Height increase from Specific Plan; 33.75' flat roof in lieu of VSP 25' and 40' roof sloped 1:1 in lieu of 30'
 2. Use of pre-dedication (highway) area to be used for density calculations (Eligibility requirements for Menu Incentives, LAMC 12.22.A, 25, e.2., i and ii, are discretionary requiring Findings that:
 - i. The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane so that the façade is not a flat surface
 - ii. All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street-facing elevations

4. [Request for Permanent Street Vacation](#) for strip of City-owned land along South Venice Blvd. ranging from 2.2' to the southwest to 5.3+' wide at the northeast (in lieu of a revocable permit requested in original application voted on by LUPC and VNC in 2012).
5. [Street Dedication](#) (not dimensioned on Plans) of land along South Venice Blvd. to allow for a 52' public right-of-way with resulting sidewalk width undesignated; 7' on Mildred Ave.
6. [Front Yard Setback Variance](#) (not stated in application) from the Small Lot Sub-division Ordinance requirement for 15' front yard setbacks (from LAMC 12.09.1, B.1, as Specific Plan is silent on this issue) on both Mildred Avenue and Venice Blvd.
 - Front setback on Mildred Ave. is 3' for 3 units and 5' for the one abutting the driveway
 - Front setback on Venice Blvd is not dimensioned on Plans, but appears to be between 0' and 5.9' along Venice Blvd.

Size of Parcel:	15,740 SF
Size of Project:	20,087 SF
Number of Stories:	4 stories (including partial below-grade parking)
Lot Dimensions:	unknown
Assessed Land Value:	unknown
Last Owner Change:	2007
Project Description:	10 lot small lot subdivision, demolition of one market rate triplex, merger of 3 lots and construction of 5 SFD's and 5 duplexes for a total of 15 DU's
Venice Sub-Area:	Southeast Venice
Zone:	RD1.5-1-0
Date of Planning Report:	TBA
Date of End of Appeal Period:	TBA
City Planning Report	
Prepared by:	N/A
LUPC Staff Report Done By:	Sarah Dennison
Owner/Applicant:	Mark Judaken
Owner's Representative:	Len Judaken, Eric Lieberman
Contact Information:	(818) 997-8033
Date(s) heard by LUPC:	June 29, 2011; November 2, 2011; October 17, 2012, August 7 2013
Advisory Agency Hearing Date:	August 14, 2013
Applicant's Neighborhood Mtg:	June 22, 2011; (500' radius)
Mello Act:	Applicant has requested Mello Act exemption due to fact that the owner has 3 existing units on site that rent for market rates.
Environmental:	TBD

ARGUMENTS FOR THIS PROJECT:

Parking: Parking requirements for residential single-family dwellings in the RD1.5-1-0 on lots less than 40' in width are 2 spaces per the SLSO have been met for a total of 30 spaces located enclosed within the project's partially below-grade garages entered from Mildred Ave. No guest spaces are required or provided.

Small Lot Sub-Division: The City of Los Angeles' SLSO allows 10 lots to be created on this property without the inclusion of the street dedication on Mildred if merged property lot area is 15,000 SF minimum. Plans received do not confirm whether the stated lot area of 15,740 SF includes the site area included in the street vacation request.

Rooftop Access: Rooftop access structures measured in plan around the exterior perimeter measure 100 SF or less the required maximum of 100 SF per the VCZSP.

No Purchase of Open Space at West Corner: Applicant is no longer pursuing the purchase of public land to augment the lot area of the development.

ARGUMENTS AGAINST THIS PROJECT:

Street Scale: Project appearance from any of the surrounding streets is now more massive and out-of-scale with the adjacent neighborhood to the immediate north and east that consists of much smaller homes and apartments. This effect is caused by the height increase leading to 3 story in lieu of the original 2 story buildings as seen from the adjacent streets. The effect of massiveness is enhanced by the reduced front yard setbacks ranging from 0' to 5.9' where 15' is required. No setback between individual SFD' and/or duplexes has been provided.

The Applicant has made no attempt to consider LUPC and community requests to reduce the number of townhomes on the site, or to reduce mass and scale through limiting height or providing further building façade articulation, setbacks of second stories, allowing for air and light between individual homes or setting homes further back from the street edge.

The exterior materials used are plaster and wood siding. Colors for the plaster are dark – grey green and charcoal grey. The wood siding that making much of the façade area facing Venice Blvd is dark brown. In LUPC discussion at the 3/7/12 meeting, members requested that the Applicant change the colors and materials to enliven the facade, and provide more façade articulation such as architectural features, projections, balconies and/or porches. These comments have not been addressed. While adding an additional story, virtually no other significant design changes have been made to reduce the appearance of building mass.

Severely Reduced Front Setbacks: The SLSO Director's Interpretation for the VCZSP requires that front, rear and side setbacks be consistent with the Specific Plan. It also states clearly that where VCZSP provisions are silent, regulations of the LAMC apply. The 15' front setback is required by the LAMC for RD1.5-1-0 zones.

Eligibility for Menu Incentives, Required Findings: LAMC Section 12.22.25.A (e) (2) requires 4 findings including 2, (i) that address façade articulation change of material and breaks in plane, and (ii), requiring that all buildings must be oriented to the street by providing windows, architectural features and an/or balconies along front facing along street-facing elevations. Minimal attempt to comply with these findings has been shown by the Applicant on facades facing Mildred and Venice Blvd. No attempt is evident on the facade facing Ocean Ave as seen across the public open space at the corner. This building elevation is treated as a side rather than a street facing façade.

Bonus Density Menu Incentives: LAMC Section 12.22.25.A (f) (1) Menu of Incentives, allows for a 20% decrease in required yards or setbacks, but the Applicant did not choose this as one of his 2 allowed Menu items, so the 15' front still applies. The 2 Menu Items requested and allowed as entitlements in this application are asking for 1) a 35% increase in height which creates buildings significantly out-of-scale with their neighboring surround, and 2) a density calculation allowing the land dedicated for street to be included in the area calculating the maximum density permitted in the relevant zone. Perhaps the density would be less without this provision.

Height Limits: The Incentive Menu Item selected allows for a 35% increase in the height limitation for the zone per the VCZSP. That translates into a project flat roof height of 33.75' and a 1:1 sloped roof height of 40'. Both heights exceed the 25' and 30' respective limits of the VCZSP

Traffic Safety / Visibility: Community members have reported accidents occurring at the corners of Mildred, Ocean and Venice Blvd. due to lack of visibility after the owner erected a high fence around the street edge of the City-owned land. This fence is still in place. They requested that owner take down this fence as he was not yet the owner of that piece of property, but he declined to do so. They believe that the open space at that location allows drivers increased view of oncoming cars. Others requested the owner to provide a traffic study confirming the impact of the project's vehicular entrance along Mildred Avenue. The Applicant has failed to do so.

Venice Blvd Landscape Plan: The project does not comply with the Venice Blvd. Landscape Plan.

Density / VCZSP vs. SLSO: The city SLS Ordinance adopted in 2005 conflicts with the original VCZSP language adopted in 2005. Although the City issued a Director’s Interpretation in 2009 overriding the VCZSP on this issue, and a subsequent appeal from the Venice community was denied, the density allowable per the VCZSP would be much less. Many members of the community oppose the project based upon its density which they feel is incompatible with the existing neighborhood. Below follows a synopsis of the VCZSP requirements.

- *PER VCZSP - Dwelling Units per Lot:* In RD1.5 zones such as this one (VCZSP Section 10.G.2.a.(2)), a maximum of 2 dwelling units per lot shall be permitted for all lots, except where a lot is greater than 4,000 SF, one additional unit shall be permitted for each 1500 SF of additional lot area provided the additional unit(s) are affordable units.
- *PER VCZSP – Lot Consolidation:* In residentially zoned areas of Southeast Venice sub-area such this one (RD1.5-1-0) (VCZSP Section 9.A.c), “a maximum of two...lots may be consolidated”.

Per Tract Map 6329 created in March 1923 prior to the City’s annexation of Venice and Assessor’s Parcel No. (APN), stamped 2003 but showing information as far back as 1983, this property consists of 3 separate lots, 42 and 43 fronting Venice Blvd and Washington Way, and a 3rd lot fronting Mildred created at a later date from the original Pacific Electric Railway right-of-way. The areas of each these separate lots have not been provided.

Land Use per VCZSP Calculation: According to VCZSP Section 10.G.2.a (2), each of the 3 lots would allow 2 dwelling units to be built on the first 4000 SF of lot area, and one additional affordable unit per each 1500 SF of additional lot area on each of the 3 individual lots. No information regarding the size of individual lots has been made available. The applicant’s total lot area is stated to be 15740 SF before street dedication. Depending on the size of each of these 3 lots, 2 units could be built on each lot with the possibility of one extra affordable unit on 2 or of the 3 lots for a total of 8 or 9 units.

SYNOPSIS OF PREVIOUS PUBLIC COMMENT:

(From Community Outreach Meeting and Informal Presentation to LUPC – see all comments attached)

Specific Actions Requested by Community Members: (more than 40 attended meeting held 6/29/110)

- Preserve the public land as a part of the project and include its maintenance under the cooperative maintenance agreement that all SFD owners will be required to fund
- Create a pedestrian – friendly presence along Venice Blvd.
- Provide more light and air between buildings
- Reduce number of units
- Provide financial help to the community to allow construction of the planned open space park on City-owned land at corner
- Come back to the community with additional alternatives before proceeding to LUPC and the Venice Neighborhood Council for approval
- Provide low-income housing as a part of the project
- Propose a scheme which does not require variances of any sort
- Community strongly opposes purchase of public land and revocable permits for landscape strips on surrounding streets
- Traffic studies should be required to test impact of parking, entrances to parking, location of driveways, fire access and traffic along Mildred Ave.
- Honor community needs

LUPC Report compiled by:

Sarah Dennison

Estimated number of hours of staff time:

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Additional Documents provided separately on *cityhood.org* public website.

VTT 70870 and ZA 2013-1420-CDP

- Project Revised Plans, date 4-24-2013

APCW 2011-588-SPE-CDP- ZAA-SPP-MEL

- Notes from Community Outreach Meeting with applicant responses held June 22, 2011
- Project Plans submitted with original application
- Notes from informal LUPC presentation with applicant responses, June 29, 2011
- Letter from Allan J. Abshez, dated September 28, 2012