

**Final LUPC Staff Report for the Small Lot Subdivision Application To Build 2 New SFDs  
LUPC Hearing: April 16, 2014; VNC Board Hearing: April 29, 2016**

**General Information**

**Project Address:** 750 California Avenue

**Assessor's Parcel No.:** 4241006026

**Lot Size:** approximately 40' x 135', a total of 5,401.4 square feet

**Zoning:** RD 1.5-1

**General Plan Land Use:** Low Medium II Residential

**Venice Subarea:** Oakwood, Milwood, Southeast Venice subarea of the Venice Coastal Zone Specific Plan (VCZSP)

**Applicants:** Alon Zakoot, Robert Hawrylo, and Oren Madar, self-described as "partners"

**Applicants' Representative:** Richard J. Godina, PE, telephone number: (951) 265-1632, email address: RichardGodina@msn.com

**Case Numbers:** ZA 2013-2003-CDP-MEL-ZAA;

AA-2013-2001-PMLA-SL;

ENV 2013-2002-MND

**Related Case Number:** DIR-2013-1823-VSO-MEL (sign off for demolition permit)

**LAHD Mello Act Determination:** A duplex currently exists on the property. By letter dated May 10, 2013, LAHD determined that "no affordable units exist" based on monthly rent information submitted by the owner.

**Hearings And Meetings Conducted:** No radius map mailing was done for a Neighborhood Meeting. Instead, the adjoining neighbors were contacted and they were asked to pass the word along to other neighbors and potentially-interested parties to inform them of a Neighborhood Meeting, which took place in the back yard of the neighbor to the east (754 California Ave.), on January 26, 2014, with all three partners and the applicants' representative and two neighbors present. The LUPC will conduct a hearing on this application on April 2, 2014.

The AA/ZA hearing was held downtown at City Hall on April 9, 2014. The applicants, one neighbor, Robert Aronson, and Chris Robertson, the Councilman's Senior Planning Deputy, spoke at the hearing. The hearing officer took the case under advisement because the plans, drawings, and maps were incomplete, and also to obtain VNC input.

**Project Description**

The applicants seek to demolish the duplex and detached garage, subdivide the lot into two lots under the Small Lot Subdivision Ordinance, and build one house on each new lot, of approximately 2,767 and 2,122 square feet, with four legal (tandem) parking spaces plus a flat driveable area that can be one unapproved, substandard parking space with dimensions of 15' x 7½'. The substandard parking space does not have the required back-up distance into the alley, but is usable. The proposed houses each would be 25' tall with a flat roof, except that originally the applicants have requested a variance to build planter boxes above the 25' height limit, and to install trees that bring the height to 30'. The applicants state that they have withdrawn that request. The two houses would be 4 inches apart in some places, however the applicants have agreed to a minimum 5 foot separation on the second floor between the two houses, to allow light and air circulation for the neighbors. The applicants originally requested a total of 7 adjustments/slight modifications, as listed and discussed below, but the applicants state that they have withdrawn three of the requests.

The City's Notice Of Public Hearing describes the application as follows:

A Small-lot Preliminary Parcel Map to allow 2 detached single family dwellings and 4 parking spaces on an approximately 5400 square foot lot in the RD1.5-1 Zone; and as a related case, a Coastal Development Permit and Mello Act Compliance is requested to allow the demolition of one existing single family dwelling and the creation of the 2 lots to construct the 2 new single family dwellings.

It is unclear why the City's Notice of Public Hearing states that there is one existing single family dwelling on the lot, when in fact the house has been divided into a duplex. The applicants state that this has been corrected by the applicants informing the City that the existing structure is a duplex.

### **Parking Requirement**

The two lots resulting from the proposed small lot subdivision will be 40' wide. Section 13.D. of the Venice Coastal Zone Specific Plan ("VCZSP") is a "Parking Requirement Table" which sets forth the number of off-street parking spaces. For a "Single-family dwelling on a lot of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley," the required number of off-street parking spaces is "Three spaces; the third space may be uncovered and in tandem with the other two required covered parking spaces." This proposed small lot subdivision requires 6 parking spaces, but provides only 4 parking spaces.

The Director of the Department of City Planning issued a 15-page "interpretation" of the interrelationship between the VCZSP and the SLSO, case number DIR-2008-4703-DI, dated January 26, 2009. This DIR "Interpretation" begins on page 3, and it states, in relevant part:

### **INTERPRETATION: GENERAL REGULATIONS AND PRINCIPLES**

A summary of the Interpretation is as follows, comprised of language that applies generally to Venice Coastal Specific Plan.

**1. Where provisions are silent in the Venice Coastal Specific Plan, regulations of the Los Angeles Municipal Code (LAMC) apply, including Section 12.22 C.27.**

**2. PARKING:** Required parking for subdivision projects shall be based on the parking requirements pursuant to the Venice Coastal Specific Plan, 2 or 3 spaces. Each new lot resulting from a small lot subdivision that contains one unit will fall under the "single family dwelling" category in the Specific Plan. **For the purposes of parking calculations, small lot subdivisions shall be considered "less than 40 feet in width, or less than 35 feet in width if adjacent to an alley."** Where new lots resulting from a small lot subdivision include multiple units on a lot, they shall provide two parking spaces for each dwelling unit. (emphasis added.)

The provision of the DIR asserting that a 40' wide lot is less than 40' wide lot appears to be invalid for two reasons. First, the VCZSP is not "silent," and second, the VCZSP specifically addresses the number of parking spaces required for a single-family dwelling on a lot that is 40' wide.

The provisions of the VCZSP are not “silent,” because the VCZSP requires 3 parking spaces for a “Single- family dwelling on a lot of 40 feet or more in width.” The DIR states that a 40' wide lot resulting from a small lot subdivision “shall be considered ‘less than 40 feet in width,’” but this statement is both contrary to reality and appears to be contrary to the law.

The DIR itself, in the very first sentence of the “Interpretation” quoted above, states “Where provisions are silent in the Venice Coastal Specific Plan, regulations of the Los Angeles Municipal Code (LAMC) apply, including Section 12.22 C.” The VCZSP is not “silent,” and specifically and unambiguously requires 3 parking spaces for a “Single-family dwelling on a lot of 40 feet or more in width.” A DIR may not claim to interpret or clarify language that is unambiguous.

This “interpretation” in the DIR **is not** found in the LAMC itself. Even if the invalid language was in the LAMC itself, it would not apply. The law of the land is that a Specific Plan prevails over the provisions of the LAMC. For example, in the VCZSP, at Section 4.B., entitled “Relationship To Other Provisions Of the Municipal Code,” it states:

Wherever provisions of this Specific Plan differ from provisions contained in Chapter 1 of the LAMC, (with regard to use, density, lot area, floor area ratio, height of buildings or structures, setbacks, yards, buffers, parking, drainage, fences, landscaping, design standards, light, trash and signage) this Specific Plan shall supersede those other regulations. Whenever this Specific Plan is silent, the regulations of the LAMC shall apply.

The VCZSP is not “silent,” and in fact does not differ from the LAMC, which provides, in 12.21.A.4.(a), that “In all zones, there shall be at least two automobile parking spaces ... with each one-family dwelling....” Where there is a conflict, the VCZSP supercedes the LAMC. Here, there is no conflict: the VCZSP requires 3 parking spaces, which is “at least two.” The DIR claims to interpret or clarify the number of parking spaces required for a single-family dwelling on a 40' wide lot, but there is no ambiguity to interpret. Unless I am missing something, the reduction in parking by the DIR is illegal and invalid, and the VCZSP applies. The City Attorney should be consulted on this question.

### **Other Issues Related To This Small Lot Subdivision**

The proposed single-family dwellings both have flat roofs built to the maximum allowable height of 25', with reasonable size roof access structures and a jacuzzi on each roof deck. The applicants have offered to install railings on the roof decks that are set back 3' from the edge of the structures along the side yards. The Small Lot Design Guidelines, at Section 6.1, entitled “Privacy,” state:

With small lot developments come issues of privacy – not only for residents of the new townhouses, but also for those of neighboring properties. Improperly designed developments create situations in which balconies overlook neighboring yards or face other balconies, and windows face directly onto neighboring windows. Small lot designs should maximize access to private outdoor space, light, and views, while ensuring an adequate level of privacy of all residents. This will require particular attention to the orientation and spatial form of the development, distances between walls, and the location of windows and balconies.

Privacy Guidelines:

- Windows and balconies should not face or overlook each other.
- When possible, minimize the number of windows overlooking into neighboring interior private yards. Otherwise use translucent glass and/or screen the windows with landscaping.

The proposed development includes windows, balconies, and roof decks that overlook the neighboring private yards. I feel that the applicants' offer to install railings set back 3' from the building edge does not provide sufficient privacy, and that the roof deck railings should be set back no less than 10' from the property line along both side yards.

If the City approves this application and the applicants file for any future requests for modification of the conditions of approval, all neighbors within a 100' radius should be notified by mail, and said neighbors shall be given at least 30 days to respond before any decision is made by the City.

**Description of Requirements For Adjustments/Slight Modifications**

The applicants seek 7 adjustments/slight modifications pursuant to Section 12.28 of the Planning and Zoning Code portion of the Los Angeles Municipal Code. "Adjustments" and "Slight Modifications" can be requested for no more than 20% of what is required, as set forth in Section 12.28.A. and 12.28.B.:

**A. Adjustments.** The Zoning Administrator shall have the authority to grant adjustments in the yard, area, building line and height requirements of Chapter 1 of this Code. An adjustment shall not be permitted for relief from a density (lot area per unit) or height requirement, excluding fences and hedges, if the request represents an increase of 20 percent or more than what is otherwise permitted by this Code. A request for an increase of 20 percent or more shall be made as an application for a variance pursuant to Section 12.27 of this Code, except as may be approved or permitted pursuant to a discretionary approval, as that term is defined in Section 16.05 B. of this Code.

The Zoning Administrator shall also have the authority to grant adjustments in residential floor area of no more than a ten percent increase beyond what is otherwise permitted by Chapter 1 of this Code. A request for an increase in residential floor area greater than ten percent shall be made as an application for a variance pursuant to Section 12.27 of this Code, except as may be approved or permitted pursuant to a discretionary approval, as that term is defined in Section 16.05 B. of this Code.

**B. Slight Modifications - Authority of Zoning Administrator.** The Zoning Administrator shall have the authority to grant slight modifications in the yard and area requirements of Chapter 1 of this Code where circumstances make the literal application of the yard and area requirements impractical. Slight Modifications from the yard and area requirements shall be limited to:

1. deviations permitting portions of buildings to extend into a required yard or other open space a distance of no more than 20 percent of the width or depth of the required yard or open space only when the request is filed incidental to another application or appeal within the jurisdiction of the Zoning Administrator; and

2. deviations of no more than ten percent from the required lot area regulations. In those cases, the procedures for notice, hearing, time limits and appeals shall be the same as those applicable to the underlying application or appeal. In granting a slight modification, a Zoning Administrator may impose conditions as he or she deems necessary to protect the public health,

safety or welfare, and to assure compliance with the objectives of the General Plan, in accordance with the purpose and intent of Chapter 1 of this Code.

The findings required, and the right to impose conditions of approval, are set forth in Section 12.28.C.4. and 12.28.C.5.:

**C. 4. Findings for Approval of Adjustments.** Before granting an application for an adjustment the Zoning Administrator must find:

(a) That the granting of an adjustment will result in development compatible and consistent with the surrounding uses.

(b) That the granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.

(c) That the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

(d) That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.

(e) That the site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.

**C.5. Conditions for Approval.** In approving an adjustment or slight modification, the Zoning Administrator may impose those conditions he or she deems necessary to remedy a disparity of privileges and that are necessary to protect the public health, safety or welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the zoning.

### **Letters From Adjoining Neighbors On Two Sides**

The applicants have provided sun/shade studies to the neighbors to help them assess the effect of the proposed structures on their properties. The adjoining neighbor immediately to the west of the site is 746 California Avenue, and the adjoining neighbor immediately to the east of the site is 754 California Ave. The neighbors at 746 and 754 California Ave. have signed separate letters expressing their support for the project, which are attached to this report. The neighbor at 745 Milwood Ave. has also signed the same letter as the neighbors at 746 California Ave., however the proposed project would have no impact on the sun or shade of 745 Milwood Ave. The letter from the neighbors at 746 California Avenue, on the west side of the project, includes a detailed description of the side yard setbacks which are incorrect as to the side yard setback on the east side. The letter from the neighbor at 754 California Ave. does not include any description of the side yard setbacks, and this neighbor states that she signed the letter because she was told there were no variances requested and the setbacks would be 5', both of which are not accurate. This neighbor opposes any variances, and there is a question of whether this neighbor will continue to support the proposed development.

The neighbor at 758 California Avenue has submitted an email opposing any development that does not comply with the VCZSP with respect to density, setbacks, height, or parking.

### **Description of Requested Adjustments/Slight Modifications and Analysis Of The Issues**

The applicants originally requested 7 adjustments/slight modifications, and the applicants state that they have withdrawn three of the requests, all 7 of which are described and analyzed as follows:

1. The Applicants are requesting a ten (10) foot front yard for 750 California and six (6) foot at second floor line for 752 California setback in lieu of the required 15-foot front yard. The applicants designate the front house as having the address 750 California Ave. and the back house as 752 California Ave.

The applicants are requesting (please see number 5, below) that the City designate the alley to be the front yard of the back house, and that the back house orient its front door to the alley. LAMC Section 12.22.C.27(b) states, in relevant part: “The Advisory Agency shall designate the location of front yards in the subdivision tract or parcel map approval.”

There is no provision for front and rear yard setbacks in the Oakwood subarea of the VCZSP, so the front and rear setbacks must comply with the LAMC. Normally, the front and rear setbacks are 15' in accordance with LAMC Section 12.09.1.B.1. and 12.09.1.B.3., respectively.

The requested reduction of 5' from a 15' requirement for the front house is a 33 $\frac{1}{3}$  % reduction and would not qualify as a “slight reduction,” and a reduction of 9' from a 15' requirement for the back house is a 60% reduction and would not qualify as a “slight reduction” as defined in LAMC Section 12.28.B.

However, the Small Lot Subdivision Ordinance, LAMC Section 12.22.C.27.(e), has changed the regular yard requirements, as follows:

No front, side, or rear yard shall be required between lots within an approved small lot subdivision. However, a five-foot setback shall be provided where a lot abuts a lot that is not created pursuant to this subdivision.

The Small Lot Design Guidelines, at Section 2.1, entitled “Setbacks And Sideyards,” state, in relevant part:

No setbacks are required; however, neighborhood context should provide direction for setting buildings further back from the street. ... On residential streets, preexisting setbacks will guide how far a small lot development is set back.  
Setback Guidelines

- For both commercial and residential streets, provide space for an entry, front landing, and transitional landscaping between the public sidewalk and the private entryway.
- Match existing setbacks to the extent possible.
- On streets with varying setbacks, align small lot dwellings with the furthest protruding dwelling.

The Small Lot Design Guidelines also contain the following additional recommendations:

- ▶ In residential neighborhoods, AVOID configurations that ignore existing setbacks.
- ▶ Where a uniform neighborhood setback exists, align the small lot development with this setback. Slight deviations from the setback are acceptable.

The applicants have submitted a study showing the prevailing front and rear yard setbacks in the neighborhood, and this is posted on Cityhood.org. The applicants state that this study was done exclusively using aerial photos. The applicants interpret the study to find that the prevailing front yard setback in the neighborhood is 15' and the prevailing rear yard setback in the neighborhood is 5', not including dedications. The applicants point out that their requests for reductions of the front and rear yards are consistent with the prevailing setbacks in the

neighborhood.

As to the front house, there is a 5' dedication required of the applicants, presumably for eventual street widening, and including this 5' dedication, the effective front yard setback is 15', which is slightly larger than the prevailing front yards on adjoining lots, so this seems like a reasonable request.

As to the back house, if the front yard of the back house is the alley, there is a 2½' dedication required of the applicants, and including this dedication, the effective rear yard setback is 8½'. More information is needed to determine whether this request is consistent with the prevailing rear yard setback in the neighborhood, particularly because reducing the rear yard setback would increase massing and interfere with the light and air circulation. The neighbor on the east of the project has surveyed the rear yard setbacks and is comfortable with the applicants' request for the reduced rear yard setback. This request needs to be discussed and evaluated by the LUPC as part of an overall consideration of this proposed project.

2. The Applicants are requesting a 4' side yard instead of the required 5' side yard.

There is no provision for side yard setbacks in the Oakwood subarea of the VCZSP, so setbacks are in accordance with the LAMC. If this project was an apartment building or a condominium, the side yard setbacks are 4' for a 2-story building on a 40' wide lot, in accordance with LAMC Section 12.09.1.B.2.(a), which provides:

For a main building not more than two stories in height in the RD1.5 and RD2 zones, there shall be a side yard on each side of said building of not less than five feet, except that where the lot is less than 50 feet in width, the side yard may be reduced to 10% of the width of the lot, but in no event to less than three feet in width. For a building more than two stories in height in the RD1.5 and RD2 zones, one foot shall be added to the width of such yard for each additional story above the second story, but in no event shall a side yard of more than 16 feet in width be required.

However, this is modified in the Small Lot Subdivision Ordinance, LAMC Section 12.22.C.27.(e), as quoted above, to a requirement of 5' side yard setbacks.

A slightly enlarged 5' side yard setback seems reasonable considering that the Small Lot Subdivision Ordinance allows a much larger building mass by decreasing the rear yard setback. For the front house, on the ground floor the side yard setback is 5', but the second floor has a setback of 4'. For the back house, the side yard setback is 4' for the 15 ½' long portion of the building closest to the front house. The first floor setback is of less consequence because the fence along the property line can be 6' tall, effectively creating no side yard setback at grade level. The setback on the second floor also has a more significant impact on the obstruction of light and air circulation by having a larger mass. The applicants disagree, and point out that the side yard setbacks on the first floor are important for fire access, safety, drainage, and pedestrian access. The applicants believe that the larger building allowed by reducing the side yard setbacks to 4' instead of 5' will have a negligible impact on light and air circulation.

The applicants' Master Land Use Permit Application states that the reduced side yards "will not result in a development that is incompatible with the predominant character of the area," but the applicants provide no quantifiable basis for this statement. The applicants point out that

their study of prevailing front and rear side yard setbacks in the neighborhood shows aerial views from which the side yard setbacks can also be observed. However, it would not be possible to accurately discern the side yard setback from an aerial photo without survey monuments in the aerial photos.

As mentioned above, the letter supporting the proposed project signed by the neighbors at 746 California Avenue, on the west side of the project, includes a detailed description of the side yard setbacks that is not accurate as to the side yard setback on the east side of the project

For all of the above reasons, I do not believe that it is possible for the ZA to make the requisite five findings for a slight modification of the side yard setbacks.

At the AA/ZA hearing, the hearing officer stated that the 5' side yards should be maintained, and the Councilmember's office expressed the same opinion: that 5' side yards and not 4' side yards are appropriate.

3. The Applicants are requesting a 4-inch building separation in lieu of the required 10-foot separation.

There is no building separation required in a Small Lot Subdivision. This request seems to be made to allow construction to begin prior to the time that the subdivision is completed. Section 6.2 of the Small Lot Design Guidelines discuss providing "Air, Light, and Ventilation" to the dwellings internal to the project, as opposed to the impact on the adjoining dwellings:

Certain configurations lend themselves better than others to meeting these criteria. In general, one should avoid configurations that rely on narrow sideyards (less than 6 feet from building face to building face) for access to air and light. Look to provide courts, niches, alcoves and other spaces to allow for access to air, light, and ventilation.

The applicants are not required to provide a 6' building separation although the Small Lot Design Guidelines recommend this. The applicants have offered to provide a 5' building separation at the second floor if the neighbor to the east, at 754 California Ave., agrees to support the project, as reflected in the attached letter.

4. Request to use parking in side setback areas.

I am not aware of any restriction on parking in the side yard setback areas, either in the VCZSP or the LAMC. Parking in the side yards has no affect on the adjoining neighbors, since it takes place entirely behind the 6' tall fence.

At the AA/ZA hearing, the hearing officer expressed the opinion that the side yard should not be used for parking. On a lot that is 40' wide, with 5' side yards, that forces the parking toward the center of the lot, with no ascertainable benefit, unless there are fire and safety issues implicated.

5. Request to allow subdivision of a property that is 40' wide (instead of 50').

I am not aware of any restriction on subdividing property that is less than 50' wide, and the applicants state that this request has been withdrawn.

6. Request a determination that both homes/properties are front facing towards the street with their backs to each other (including home that faces Court/Alley).

The applicants originally requested that the City designate the alley to be the front yard of the back house, and that the back house orient its front door to the alley. LAMC Section 12.22.C.27(b) states, in relevant part: “The Advisory Agency shall designate the location of front yards in the subdivision tract or parcel map approval.”

Each house must have a 5' wide path of travel from the street to the front door of each house, and this path can not be blocked by parked cars. The applicants state that the back house has a front door that has a passageway to the street, in addition to the door oriented to the alley, which is unobstructed by the parked cars.

There is no identifiable benefit to the community by requiring the back house to have the front door facing somewhere besides the alley. Rather, there is a benefit to the community in having the front door face the alley, as this would result in more eyes and ears and pedestrian traffic in the alley, factors that should reduce crime. This request seems reasonable, however the applicants state that this request has been withdrawn.

7. Request permission to allow 30' height limit with shrubs on roof deck in lieu of 25' limit.

The applicants state that this request has been withdrawn.

The maximum allowable height in the Oakwood subarea, set forth in Section 10.G.3.a. of the VCZSP, states:

Venice Coastal Development Projects with a Flat Roof shall not exceed a maximum height of 25 feet. Venice Coastal Development Projects with a Varied Roofline shall not exceed a maximum height of 30 feet, provided that any portion of the roof that exceeds 25 feet is set back from the required front yard at least one foot in depth for every foot in height above 25 feet.

“Flat Roof” and “Varied Roofline” are defined in the VCZSP in Sections 5.K. and 5.Z, respectively. This project has a Flat Roof, and is limited to 25' in height. The applicants have proposed roof decks on both houses, each with a round 72 square foot Roof Access Structure at the top of a circular staircase, and each with a jacuzzi. The applicants have set back the railings on the roof decks to minimize the ability to look down into the adjoining properties.

The applicants do not provide any justification for this request in their Master Land Use Permit Application, and that is because there is none. The only structure allowed on the roof is the Roof Access Structure, as defined in Sections 5.U. of the VCZSP. If the owners of the proposed houses were to install 5' tall (and growing) trees instead of the allowed transparent guardrails, it would add 5' to the height of the buildings, and would obstruct the light and air circulation for the neighbors, and would grow and exacerbate the problem.

The applicants should be required to maintain any trees on the roof deck to a height no greater than the guardrails.

## **Comments Concerning Small Lot Subdivisions In The VCZSP Oakwood Subarea**

As stated above, the law of the land is that a Specific Plan prevails over the general provisions of the LAMC. In the VCZSP, at Section 4.B., entitled “Relationship To Other Provisions Of the Municipal Code,” it states:

Wherever provisions of this Specific Plan differ from provisions contained in Chapter 1 of the LAMC, (with regard to use, density, lot area, floor area ratio, height of buildings or structures, setbacks, yards, buffers, parking, drainage, fences, landscaping, design standards, light, trash and signage) this Specific Plan shall supersede those other regulations. Whenever this Specific Plan is silent, the regulations of the LAMC shall apply.

VCZSP Section 10.G.2.a.(2) limits the density on the property by restricting the number of units on an RD1.5 lot in the Oakwood subarea to two units, and in some circumstances allows a third unit if it is an Affordable Replacement Unit:

RD1.5 and RD2 Zones. A maximum of two dwelling units per lot shall be permitted for all lots; provided, however, that where a lot has a lot area in excess of 4,000 square feet, one additional dwelling unit shall be permitted for each additional 1,500 square feet of lot area in the RD1.5 Zone, and one additional dwelling unit shall be permitted for each additional 2,000 square feet in the RD2 Zone, provided the additional dwelling unit is a Replacement Affordable Unit.

“Affordable Replacement Unit” is defined in Section 5.T. of the VCZSP.

The DIR described above “interprets” the VCZSP to allow a developer to use the SLSO to divide the total square footage of the one original into as many 1,500 square foot lots as possible, and build units on each of the subdivided lots, even though the number of units exceeds the density allowed by the VCZSP on the one original lot.

The City’s “interpretation” clearly violates both the spirit and the intent of the VCZSP by finding that the density (number of units) on a parcel that is subdivided may exceed the density (number of units) that would be allowed on that parcel by the VCZSP.

This DIR also interprets the SLSO to find that only 2 parking spaces are required per unit, with no guest parking at all. The above section discussing “Parking Issues” fully addresses this “interpretation.” The VCZSP parking requirements are set forth in the Parking Requirement Table at Section 13.G. For lots that are at least 35' wide and adjacent to an alley, or at least 40' wide even without an alley, single family dwellings require 3 parking spaces, and apartments or condos require guest parking if there are 2 or more units. For apartments or condos, guest parking is normally calculated at one guest parking space for each four units, and it is rounded up for each ½ space, so that 2 units would require ½ guest parking space, rounded up to 1 guest parking space.

When a project provides only 2 parking spaces per unit and the two are a tandem parking space, guest parking spaces are particularly essential, as many people don’t use tandem parking to park two cars due to the inconvenience. The City violates the parking requirements of the VCZSP and routinely allows SLSO projects to have two parking spaces and no guest parking spaces.

Before the DIR was issued, the Department of City Planning gave presentations and answered questions and promised the Venice community that the VCZSP would not be overruled. The Venice community asked to see a draft of the DIR, and provide comments, but the Department of City Planning refused. After the DIR was issued, the DIR was vigorously challenged by a prominent member of the Venice community, by appealing to the City Planning Commission and to City Council, and the City rejected these challenges. The City knows exactly what the wishes are of the Venice community, and essentially says, if you want to have development abide by the VCZSP, go form your own City. In fact, the City even issued new SLSO design guidelines dated January 29, 2014, which perpetuate the unreasonable density and parking “interpretations.”

For the project at 750 California Avenue, the applicants are proposing to build two units, so the above discussion relating to the density limits of the VCZSP are not relevant. However, under the VCZSP, a total of 6 parking spaces would be required if two single-family dwellings were built as proposed, because the lots are 40' in width. If two apartments or condos were built on the original lot, under the VCZSP, four parking spaces plus one guest parking space would be required. The applicants are sensitive to this issue and have provided one substandard guest parking space to the east of the pathway leading from the alley to the proposed front door of the back house. The City does not consider this a parking space, but if the grasscrete or the slab are shown on the plans to be at grade in the location of the proposed substandard parking space, a guest parking space will effectively be created.

#### **Informal Agreement vs. Resubmission Of Plans**

The applicants do not wish to re-submit the revised plans with a 5' opening on the second floor between the proposed front and back houses, as agreed with the neighbor to the east, because that would slightly delay the issuance of the Determination Letter by the Advisory Agency, but resubmission should be required, rather than an informal agreement. At the AA/ZA hearing, the hearing officer stated that the plans, drawings, and maps were incomplete. It appears that the applicants will be re-submitting these documents, so this issue is moot.

#### **VNC Board Motion To Support Moratorium On Small Lot Subdivisions**

At the LUPC hearing, public comment and committee discussion addressed the fact that the VNC Board had passed a Motion supporting WRAC's Motion for a moratorium on Small Lot Subdivisions. Some felt that a LUPC recommendation in favor of this project would be inconsistent with the VNC Board's position. In response, LUPC staff made two points. First, this project was going to move ahead in the City process and would be approved in some form, and a VNC Motion rejecting the project due to a potential future moratorium would prevent the VNC from having any input in the final version of the project. Second, the project is 2 units where the applicants could have proposed three units, the project is 25' in height where the applicants could have proposed 30' in height, and the project includes a substandard guest parking space so that there are 5 parking spaces.

#### **Motion Passed By LUPC On April 16, 2014:**

The Land Use & Planning Committee recommends that the Venice Neighborhood Council recommends approval of the proposed Small Lot Subdivision at 750 California Avenue, on the following conditions:

(For clarity, the applicants have referred to the front house as having the address 750 California

Ave. and the back house as 752 California Ave., and this Motion follows that usage.)

1. The VNC supports the applicants' request, pursuant to LAMC Section 12.22.C.27(b), for the back house (752 California Ave.), to designate the front yard as the alley, with the back house orienting its front door to the alley.

2. The VNC supports the applicants' request for a reduction in the front and rear yard setbacks, with a ten (10) foot front yard setback for the front house (750 California Ave.) and six (6) foot front yard setback at second floor line for the back house (752 California Ave.), in lieu of the required 15-foot front yard setback. These setbacks are in accordance with the prevailing front yard and rear yard setbacks on the block.

3. The VNC does not support a reduction in the side yards setbacks, and recommends that the requirement of 5' side yard setbacks set forth in the the Small Lot Subdivision Ordinance, LAMC Section 12.22.C.27.(e), shall be followed.

4. The VNC supports the applicants' request for a 4-inch building separation in lieu of the required 10-foot separation between the front and rear buildings,, but only on the first floor of the proposed buildings, and only on the condition that there is a 5' building separation at the second floor between the proposed buildings, and this opening is shown on the building plans approved by the City, as indicated in the area circled in red on page A-5 on the plans for the front house (750 California Ave.).

5. Roof deck railings shall be set back 10' from the property line along both side yards.

6. There shall be no structure on the roof other than mechanical equipment and the roof access structure. Any plants or trees placed on the roof which become hedges shall be maintained in perpetuity so that they are no taller than the height of the guardrails, and shall be maintained so that they are 75% transparent and they do not obstruct the light and air circulation for the adjoining neighbors to the east and west.

7. The VNC supports the applicants' request to allow parking in the side yards, unless the City finds that fire and safety issues are implicated.

8. A fifth, substandard parking space shall be created in the front yard setback of the rear house with access to the alley, where indicated on the plans, with level grasscrete and of dimensions 7½' x 15', as indicated in the area circled in red on page A-3.1 on the plans for the back house (752 California Ave.).

9. If an application is made which requests the modification of the conditions of approval of any kind, however minor or slight, all neighbors within a 100' radius shall be notified by mail, and said neighbors shall be given at least 30 days to respond before any decision or determination is made by the City.

This concludes the Staff Report.

Respectfully submitted,  
Robert A. Aronson  
LUPC Member

CALIFORNIA RESIDENCE

PROVIDED BY:  
**750 CALI LLC**

DESIGN BY:  
**ALON ZAKOOT**

BEHALF OF:  
**ALLIANCE TEAM REALTY, INC.**

PROJECT  
CALIFORNIA RESIDENCE  
750 CALIFORNIA AVENUE  
VENICE BEACH, CA 90291

SHEET TITLE  
ELEVATIONS

REVISIONS

DRAWN  
Y.Y. / J.C. / A.S.

DATE  
03/04/2014

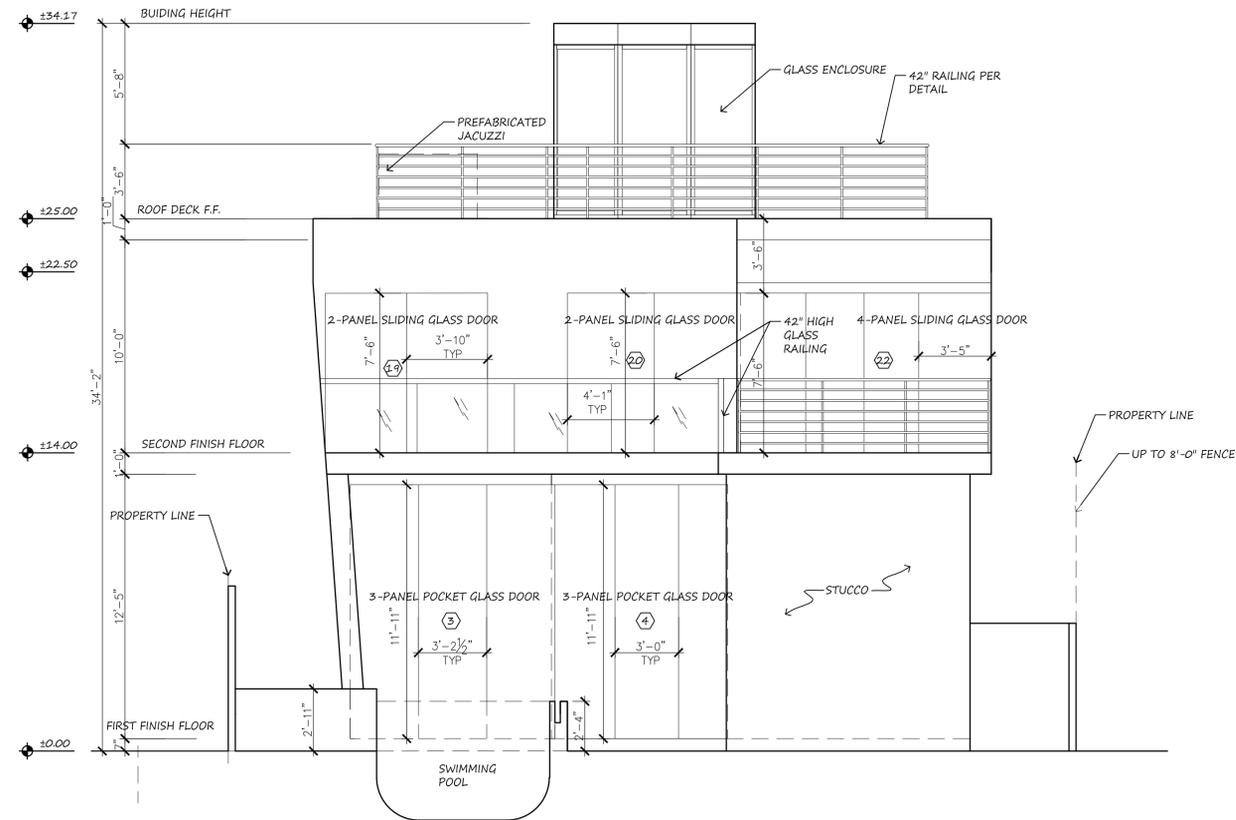
SCALE  
1/4" = 1'-0"

JOB NO.  
001

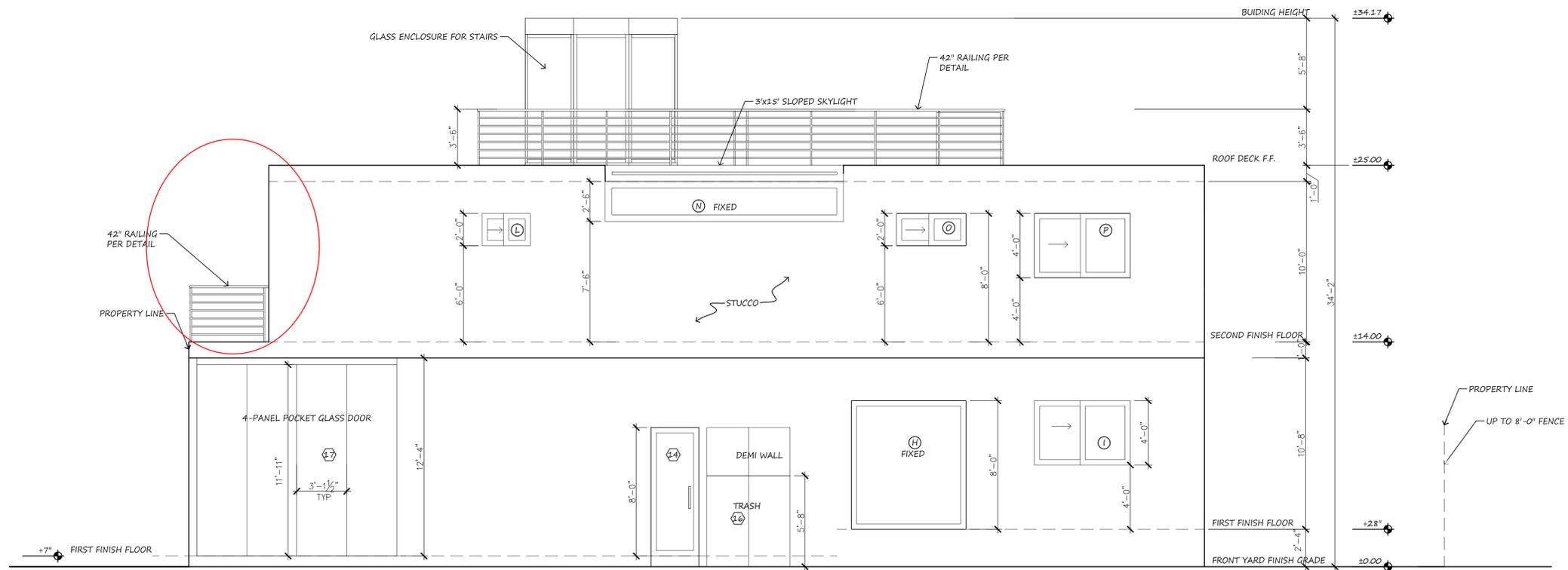
SHEET

**A-5**

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WEST ELEVATION (REAR VIEW)



SOUTH ELEVATION

