



**Venice Neighborhood Council**

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**LAND USE AND PLANNING  
COMMITTEE STAFF REPORT**

Submitted to LUPC November 2,  
2011

Preliminary Informal Hearing  
June, 29, 2011

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



**DRAFT**

**Case Numbers:** APCW 2011-588-SPE-CDP-ZAA-SPP-MEL  
ENV-2009-2489-MND  
VTT-70870-SL

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

**Property Owners:** Mark Judaken

**Owner's Representatives:** Len Judaken, Eric Lieberman

<b>CASE NUMBERS:</b>	APCW 2011-588-SPE-CDP-ZAA-SPP-MEL ENV-2009-2489-MND VTT-70870-SL
<b>LUPC CASE MANAGER:</b>	Sarah Dennison
<p>The Venice Neighborhood Council does <u>not</u> support the proposed development project at 522 Venice Boulevard because the Neighborhood and Community:</p> <ol style="list-style-type: none"> <li>1) Does not want the public land adjacent to this property sold and or developed for private use, but rather, wants it maintained used as public open space;</li> <li>2) Requests that any small lot subdivision project that is built on this site requiring affordable units under the Mello Act must provide those units on-site, not off-site at another location;</li> <li>3) Requests any affordable units built as a part of this sub-division project must be in place on-site and approved as such by the appropriate City of Los Angeles planning, housing and building and safety authorities prior to the issuance of any Certificate of Occupancy for this project;</li> <li>4) Finds the character, mass and scale of the project as presented, not compatible with the residential neighborhood within which it resides;</li> <li>5) Has recognized continued strong opposition to the project's density as evidenced by the large number of Venice stakeholders who have voiced public concern at the project's Community Outreach meeting as well as at subsequent LUPC and VNC meetings.</li> </ol>	
<b>MADE BY:</b>	Sarah Dennison
<b>SECONDED:</b>	Jake Kaufman
<b>VOTE:</b>	5-0 passed

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**PROJECT SUMMARY TO VNC:**

This project is an application for demolition of one existing 3-unit residential building currently being used for some commercial purposes and the new construction of 12 single-family dwellings (SFD's) on 12 new lots requested under the provision of the City of LA's Small Lot Subdivision Ordinance. The site property, roughly triangular in shape, fronts on four streets, South Venice Blvd. to the northwest, Washington Way to the north, Mildred Ave. to the south and Ocean Ave. to the southwest. The land for the proposed development consists of 14,800 SF of land deeded to the owner as well as 2600 SF of City-owned land that the owner proposes to purchase to assemble a total site of 18,400 SF.

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**LUPC STAFF REPORT**

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**SYNOPSIS:**

The application requests a Coastal Development permit, Approval of a Vesting Tentative Tract Map for the 12 lot subdivision, Mello Act conformance, a Zoning Administrator Adjustment to reduce yards between site perimeter, neighbors and public right of way, and a revocable permit to utilize a portion of the public way (within the area of the Venice Blvd approved landscape plan) for private landscaping adjacent to sidewalks. In addition, the owner wishes to purchase 2600 SF of land from the City of LA at the corner of Venice, Ocean and Mildred to enhance the amount of land he owns. The community has reserved this land for a small public park, and has received approval for a \$10,000 matching beautification grant from the City with required community matching funds now in place for a total of \$20,000 raised.

Although the City of LA's Small Lot Subdivision Ordinance will allow the applicant's property to be divided into 12 lots for 12 Single Family Dwellings (SFD's) provided each lot is 1500 SF in area on average across the entire property, the language of the Venice Coastal Zone Specific Plan will only allow maximum density of 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. These figures do include the area of the public land. (see calculations below). If however, lots are consolidated, Section 9.A.c. of the VCZSP restricts the maximum number of residentially-zoned lots that may be consolidated to two lots.

Applicant notified property owners within a 500' radius of a community outreach meeting and held that 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.

This project has drawn a great deal of community comment, much of it negative, based upon the density, mass/scale, traffic concerns and purchase of city land now slated for use as Venice public open space. The owner has made some concessions such as redesigning the Venice Blvd. street facades, and agreeing to withdraw a request for setback reductions at the property perimeter.

LUPC heard this case 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 required 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 at the March 7, 2012 meeting.

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**CASE CONTINUATION SUMMARY (for October 17, 2012 LUPC Re-Hearing)**

After the motion was proposed and voted on by the LUPC on March 7, 2012, the applicant asked that he be able to come back with design revisions that would allow him to address LUPC and community concerns. LUPC granted the continuation and gave him a month to do so. The applicant is returning to LUPC this October 17, 2012, some 7 ½ months later.

**Project Changes** (per (9/28/12 Letter from Allan J. Abshez):

Mello Act Compliance: Project Applicant has not changed the project plans that still show 12 separate townhouses, but agrees to provide 2 very low-income units to be located off-site at 1426 Main Street in Venice. Each unit is a 500 SF one-bedroom dwelling currently renting for \$1750 per month. Under today's standards each unit would rent for \$613 per month. The location of these units remote from the project site will need to be approved by the LA Planning Commission as the permanent Mello Act Ordinance is not yet in place.

Design Changes: Density still exceeds the density of Section 10.G.2.a.(2) of the VCZSP. No design changes have been made to the density mass or scale of the project since the last presentation to LUPC on March 7, 2012. There is still no indication that the landscaping proposed complies with the City Approved Landscape Plan for Venice Blvd. and Ocean. Applicant indicates that changes have been made to mitigate the "reverse corner lot" setback condition at Ocean and Mildred, that roof top structures have each been reduced to 100 SF as measured from the exterior perimeter. In response to some community comments offered at the June 22, 2011 Community Outreach Meeting applicant has revised the design of building facades fronting the streets altering color and materials and presented these elevations at the LUPC Continuation Hearing.

Public Land Purchase and Community Arts Proposal: Applicant still proposes to purchase 2737 SF of City land at the corner of Venice, Mildred and Ocean for incorporation into the parcel of land to be used for the 12 proposed units. The Grant Deed for that parcel deeded to the City by the Venice Fundamental Church in June 1961 bears a statement that the property is "to be used for public street purposes". The City of LA has agreed to allow a public park on this land and has approved a grant for matching beautification of \$10,000 to aid in the development. The applicant's position that this grant has been rescinded is unsubstantiated. In exchange for purchase of this parcel, and once his entitlements are received, the applicant is willing to commit up to \$50,000 in matching funds to the community to provide additional landscaping and permanent and changing art exhibits in Centennial Park, to work with the VNC and local Venice architects "to explore different motifs for the Project", and to move palm trees from his site to align with similar trees on the Venice Library property to create a "Gateway to Venice" on the south side of Venice Blvd.

Affordable Units Designated for Veterans: The applicant brought Los Angeles Area US veterans to this meeting to speak in favor of the project after the owner requested that these units be reserved as affordable units for veterans only. These arguments were heard and acknowledged, but the people supporting that proposal were not Venice community members.

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**Requests:**

- 1) **VCZSP exception** under SLSO to create 12 separate lots to accommodate 12 separate single family homes (SFDs)
- 2) **Zoning Administrator Adjustment** to allow setbacks of 0'-0" at front; 5'-0" at neighboring property and 0'-6" between SFD's
- 3) **Coastal Development Permit** to develop 12 detached SFD per SLSO
- 4) **Specific Plan Project Permit Compliance**
- 5) **Mello Act Compliance** for demolition of one market-rate triplex development of 12 SFD's per SLSO
- 6) Owner has **applied to purchase City-owned land** parcel at corner of S. Venice Blvd., Ocean Ave. and Mildred Ave.

7) Owner will also apply for **revocable permits** to utilize 5'-0" of public way along S. Venice Blvd and Mildred Ave. for landscaping

**Size of Parcel:** 18,484 SF  
**Size of Project:** 25,450 SF  
**Number of Stories:** 3 stories (including partial below-grade parking)  
**Lot Dimensions:** unknown  
**Assessed Land Value:** unknown  
**Last Owner Change:** 2007  
**Project Description:** 12 lot small lot subdivision, demolition of one market rate triplex and merger and subsequent re-subdivision of public land  
**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:** November 2, 2011  
**Advisory Agency Hearing Date:** TBA  
**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

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**ARGUMENTS FOR THIS PROJECT:**

**Height Limits:** Project height along streets is 25'. On the inside of the site, a portion of sloping roof rises to 30', all within VCZSP limits.

**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 SFD have been met for a total of 24 spaces located enclosed within the project's partially below-grade garages entered from Mildred Ave. No guest spaces are required, however the applicant has provided 3 guest spaces at the west end of the site bringing the total number of spaces to 27. All of these numbers assume that the City-owned property is included in the total site parcel.

**Setbacks:** Applicant has agreed to withdraw his request for reduced setbacks at adjacent properties and will adhere to the setback requirements of the VCZSP and the LA Zoning Code at the overall property perimeter.

**Street Character:** The design of facades fronting on Venice Blvd., and to a lesser extent along Mildred, Ocean and Washington Way have been developed to vary rear rooflines and to provide facades with varied materials, colors, fenestration, building projections and insets, and a small amount of landscaping at the street. The original brown siding has been changed to offer more variation of material and color resulting in some reduction in the perception of the mass and scale of the project.

**Small Lot Sub-Division:** The City of Los Angeles' SLS Ordinance will allow 12 lots to be created on this property.

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

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## **ARGUMENTS AGAINST THIS PROJECT:**

Traffic Safety / Visibility: Community members reported accidents occurring at the corners of Mildred, Ocean and Venice Blvd. due to lack of visibility when the owner erected a high fence around the street edge of the City-owned land. 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.

Purchase of Public Land: There is a community plan for Venice Blvd. approved by the LA Department Public Works that includes a concept to create a landscaped park at the corner of Venice, Ocean and Mildred. Plans have been drawn up, a City matching grant for \$10,000 has been obtained and neighbors are in the process of raising the \$40,000 needed to complete the construction. Community members feel strongly that public space at corner is important to keep as open space, as Venice has very little now.

Density / Small Lot Subdivision vs. the VCZSP: The city SLS Ordinance adopted in 2005 conflicts with the original VCZSP language adopted in 2005. Although the City has issued a Director's Interpretation that overrides the VZCSP 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 3<sup>rd</sup> 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 VZCSP 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.

The applicant's total property area is stated to be 14,484 SF. Without the proposed City land purchase, and 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 of the 3 lots for a total of 8 units.

With City land added to owner's property (14,484 SF plus 2737 SF public land = 17,221 SF) another unit could be built for a total of 9 units (3 affordable).

Project Density: Community members have expressed strong objections to the number of dwelling units (12) proposed for this project site.

Mass, Scale and Character Findings: Although the applicant has revised street front building elevations to use colors and materials that are much more attractive than those used in the original design, and has reduced the floor area of each of the rooftop stair elements to 100 SF as requested, no attempt has been made 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.

Mello Act Findings: If the existing 3 units on site are determined to be affordable units and are demolished to allow the subsequent development of new units on the site, Mello Act Compliance would require new affordable units to be included on the same site. If the units are market rate units as claimed by the applicant, then the affordable units required by the Mello Act result from the project having more than 9 units in one development. Density bonuses of 25% are available to development projects of 5 or more dwelling units provided affordable housing incentive guidelines are followed. Upon appeal the required inclusionary affordable units may be located off-site if the applicant proves it infeasible to build them within the new construction project. Affordable units located at 1426 Main St. would meet these requirements under those circumstances, however the Mello Determination has yet to be made and therefore no appeal has been submitted. Venice constituents prefer to have the affordable units be inclusionary in order to ensure that the units are built on-site and become usable within the same scheduled period as the applicant project's market rate units.

The affordable units referred to in the Density / Small Lot Subdivision vs. VCZSP section of this report are being offered by the owner in the belief that on-site demolition involves only market rate units and that they would benefit from the Density Bonus offered by the Mello Act.

#### **SYNOPSIS OF 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:

54

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

- Revised drawings, received October 15, 2012
- Notes from Community Outreach Meeting with applicant responses held June 22, 2011
- Notes from informal LUPC presentation with applicant responses, June 29, 2011
- Letter from Allan J. Abshez, dated September 28, 2012