



Venice Neighborhood Council

P. O. Box 550, Venice, CA 90294

www.VeniceNC.org



LUPC STAFF REPORT

February 1, 2024, updated on July 12, 2024

Case No:	APCW-2024-275-SPE-SPP-CDP-WDI
CEQA Case No:	ENV-2024-276-CE
Address of Project:	1648 Abbot Kinney Blvd.
Property Owner:	Massoud Rabbanian, Forever Properties LLC
Owner's Representative:	Brian Silveira, Brian Silveira & Associates
Standard of Review:	Venice Coastal Zone Specific Plan (VCZSP), Coastal Act, with certified Land Use Plan as guidance
Coastal Zone:	Single Permit Jurisdiction
City Hearing:	Not yet scheduled
LUPC Staff:	Gabriel Smith & Robin Rudisill

Project Description:

Construction of a new 1-story with ~~mezzanine~~ vaulted ceilings, 22 foot high (flat roof), ~~2,651~~ 1,800 square foot ground floor retail use commercial building on a 30 x 90 vacant lot (currently contains a temporary non-fixed structure) totaling 2,700.2 square feet, with a rear patio (inspired by old Tom's shoes location, now Our Place), with no auto parking spaces, providing 2 six short-term and ~~two six~~ long-term bicycle parking spaces. Facade and brickwork is inspired by early 1920's buildings on Abbot Kinney Blvd, including those directly south of Westminster Ave.

Entitlements:

1. Specific Plan Exception (SPE)

Recommend approval. The project appears to meet all of the required SPE findings and exception criteria, as documented in the applicant's proposed findings, which indicate that an exception from the Specific Plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the Specific Plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question. The subject property



Venice Neighborhood Council

P. O. Box 550, Venice, CA 90294

www.VeniceNC.org



has a narrow lot width of 30 feet and a substandard lot size of 2,700 square feet. There is no rear alley access (see photo below). ~~To provide parking on the lot would take up a significant amount of the lot area as a driveway onto the property from Abbot Kinney Blvd. would require space for turning cars around as it would not be safe and therefore not allowed by DOT to back out of the driveway onto Abbot Kinney Blvd.~~ The project does not qualify for a 1:1 FAR as the combined retail/office use would be required to have a second entrance, which is not feasible on a 28-foot-wide lot with no alley access. The use was changed to retail only and FAR was reduced to 0.74:1 in lieu of the required 0.5:1. It appears to be the only lot in the general area with the circumstances of a narrow lot width, substandard lot size, and no rear alley access, preventing the applicant from having two uses (as a second entrance is not feasible) in order to justify a 1:1 FAR. The site's special circumstances and practical difficulties justify an exception as otherwise the owner would be denied a substantial property right or use generally possessed by other property within the same zone and vicinity.

No Alley access:





Venice Neighborhood Council

P. O. Box 550, Venice, CA 90294

www.VeniceNC.org



2. Specific Plan Compliance (SPP)

Recommend approval. The project appears to meet all Specific Plan requirements (except for parking FAR, as noted above, for which an exception is requested, and for the parking requirement, which is overridden by state Assembly Bill 2097 which relieves the project from being subject to any minimum automobile parking requirement).

3. City Coastal Development Permit (CDP)

Recommend approval. The project is located along Abbot Kinney Blvd, which is classified as a secondary highway (Avenue III) containing bicycle lanes and a major bus route. The existing infrastructure in this area will be able to accommodate the project use. At 22' in height and with a brickwork façade, the project would be compatible with the surrounding area with respect to mass, scale and character and therefore is in conformance with LUP Policy I.E.1. and Coastal Act Sections 30251 and 30253(e). The approval of the project with a FAR of 0.74:1 in lieu of 0.5:1 no auto parking will not cause an adverse cumulative impact as it appears to be the only lot in the general area with the circumstances of a narrow lot width, substandard lot size, and no rear alley access. Denial of the project as proposed could be seen as a taking as it would result in a significantly smaller retail building and thus deny the property owner of a substantial property right or use generally possessed by other property within the same zone and vicinity.

4. Waiver of Dedication and/or Improvement (WDI)

Recommend approval. The project appears to meet all the exception criteria for this entitlement, as outlined in the applicant's findings. The waiver would be consistent with 50+ years of precedent of no dedications, including recent cases, and the waiver would result in maintenance of the street wall on Abbot Kinney.

Motion:

The Venice Neighborhood Council recommends approval of a City CDP and a Specific Plan Project Permit for the project at 1648 Abbot Kinney for the construction of a new 1-story ~~with mezzanine~~, 22 foot high (flat roof), ~~2,651~~ 1,800 square foot ground floor retail use commercial building on a 30 x 90, 2,700 SF vacant lot (currently contains a temporary non-fixed structure), with no auto parking spaces and ~~two~~ six short-term and ~~two~~ six long-term bicycle parking spaces, including a waiver of the one-foot dedication and a Specific Plan Exception for ~~no auto parking on site~~ a Floor Area Ratio of 0.74:1 in lieu of 0.5:1.



Venice Neighborhood Council

P. O. Box 550, Venice, CA 90294

www.VeniceNC.org



Rendering:





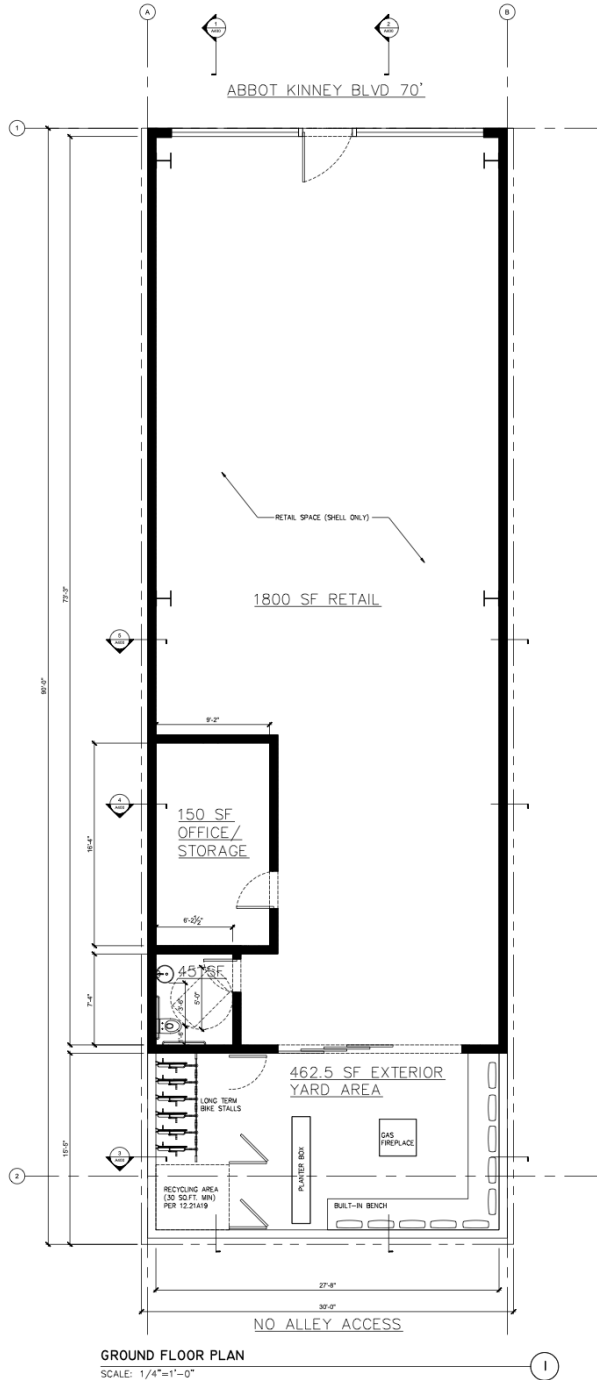
Venice Neighborhood Council

P. O. Box 550, Venice, CA 90294

www.VeniceNC.org



Site Plan:





Venice Neighborhood Council

P. O. Box 550, Venice, CA 90294

www.VeniceNC.org



Findings Prepared by Applicant for Specific Plan Exception for FAR:

VENICE COSATAL ZONE SPECIFIC PLAN EXCEPTION FINDINGS (LAMC Section 11.5.7-F)

The Area Planning Commission may permit an exception from a Specific Plan if it makes all the following findings:

1. That the strict application of the regulations of the Specific Plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Specific Plan.

The Applicant is requesting an exception from the Venice Coastal Zone Specific Plan to permit construction of a new one-story 1,995 square foot retail building with an Floor Area Ratio (FAR) of 0.74:1 in lieu of the 0.5:1 FAR limit per section 11.B.3 due to lacking physical access to an alley which could accommodate vehicular or pedestrian ingress and egress from the rear of the property. The strict application of the regulations of the Specific Plan to the subject property would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of

Brian Silveira & Associates – PO Box 291, Venice, CA 90294

2

1648 Abbot Kinney Blvd

the Specific Plan. The subject property is situated with 30 feet of frontage along Abbot Kinney Boulevard and the rear of the property abuts directly to a lot zoned both C2-1-O-CA and R3-1-O, which results in having no physical access from the alley, Alhambra Court. Section 11.B.5.a of the Venice Coastal Zone Specific Plan stipulates that, "Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleys unless the Department of Transportation determines that it is not feasible. New and existing curb cuts shall be minimized in order to protect and maximize public on-street opportunities."

Because the general purpose and intent of design standards for development along Abbot Kinney Boulevard is to encourage pedestrian-oriented commercial activity, the streetscape is engineered to minimize potential unsafe interactions between pedestrians and vehicles. Again, this is a result of the Venice Coastal Zone Specific Plan development standard that driveways and vehicular access are required to be provided from alleys, instead of from the front of the property. This is to prevent vehicles accessing on-site parking from crossing between the heavy foot traffic on the sidewalk and the street. Consequently, in keeping with development standard Section 11.B.5.a, the existing driveway curb cutout in front of the subject site would be eliminated for the provision of two additional on-street automobile parking spaces along Abbot Kinney Blvd.

The subject site having a substandard lot width of 30 feet, makes it infeasible to provide automobile parking for the proposed project or any other proposed development. Namely, there is insufficient space for an automobile to safely maneuver in, on, or out of the subject site under the requirements of LAMC sections 12.21.1.A.5.a & b. The only means of a vehicle egress would be reversing out of a parking space crossing over a pedestrian heavy sidewalk directly into a busy roadway, Abbot Kinney Boulevard. However, this would be impermissible under LAMC 12.21.1.A.5.i, which states "No automobile is required to back onto any public street or sidewalk to leave the parking stall, parking bay or driveway, except where such parking stalls, parking bays or driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway."

A



Venice Neighborhood Council

P. O. Box 550, Venice, CA 90294

www.VeniceNC.org



Typically, such automobile-pedestrian conflicts are resolved by providing vehicular access via an alley, of which the subject site is uniquely deprived. The combination of 1) the lack of alley access; 2) the prohibition of driveways and vehicular access onto Abbot Kinney Boulevard; and 3) the substandard lot dimensions; ultimately prevents the subject site from providing any kind of code-compliant automobile parking under any development scenario. Further, in conjunction with 1) the lack of alley access; 2) the Specific Plan development standards of at least one pedestrian entrance for each business/use (Section 11.B.1.d); and 3) a Street Wall which shall extend for at least 65 percent of the length of the Building Frontage (Section 11.B.1.a); the subject site can only accommodate one pedestrian entrance and no vehicular driveway access along the Abbot Kinney Blvd street frontage, with neither pedestrian or automobile entrances being accessible from the rear of the site.

Strict application of the regulations of the Specific Plan to the subject property imposes an unnecessary hardship that constrains the Applicant to development designs that can neither provide automobile parking nor more than one pedestrian entrance to a use. As a result of these

Brian Silveira & Associates – PO Box 291, Venice, CA 90294

3

1648 Abbot Kinney Blvd

practical difficulties, the subject site is limited to 1) feasibly developing only one land use (retail) rather than having the option of other potential combined uses that permit greater FAR limits of 1.0:1 for retail/office or 1.5:1 for retail and/or office and residential uses; while 2) also being unable to accommodate any kind of automobile parking on-site.

Because approximately half of the of lot area cannot not be utilized for any practical development use (neither with building structure nor parking), the Floor Area Ratio limit of 0.5:1 results in an economically infeasible deadweight loss of 1,350 square feet of lot area for a considerably small commercial lot area of 2,700 square feet. Under circumstances that typically prevail on other properties throughout the Specific Plan area, automobile parking is routinely provided within the lot area not otherwise allocated for floor area. However, the exceptionally burdensome circumstance of the site lacking alley access prevents the subject site from benefiting from the standardized trade-off of building floor area in exchange for allocating lot area to automobile parking area, which otherwise typically prevails throughout the Specific Plan area.

Alternatively, an increased FAR of 0.74:1 significantly reduces the economic deadweight loss by approximately 50%, while also maintaining a relatively under-developed proposed project in terms of floor area, FAR, building height, and on-site parking when compared to new construction development along Abbot Kinney Boulevard between Venice Boulevard and Santa Clara Avenue since the adoption of the Venice Coastal Zone Specific Plan in 2005 (please see *Table 1* below). Consequently, strict application of the regulations of the Specific Plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Specific Plan.