

Venice Neighborhood  
Council  
Post Office Box 550  
Venice, CALIFORNIA 90294  
**310-606-2015.**

**Land Use and Planning  
Committee**

Staff Report to Board of  
Officers  
**June 8, 2009**



**Case Number:** CPC 2008 3327  
TT-63154  
APCW-2005-9354-SPE-CDP-SPP-ZAA

**LUPC Staff:** Kelly Li

**Address of Project:** 1020 West Venice Blvd, (the "Project")  
SW corner of Venice & Lincoln

**Size of Parcel:** 12,040 square feet (according to ZIMAS)  
14,689 square feet (according to Applicant)  
Lot dimensions: Approximately 120' by 125'

**Improvements:** 21,900 square feet currently permitted  
46,660 square feet proposed

**FAR:** 1.5:1 currently permitted  
2.46:1 proposed

**Currently on parcel:** Vacant lot  
**Assessor Parcel Number:** 4237017001  
**Venice Subarea:** VCZSP Section 10 (G) (2): Oakwood, Milwood, Southeast

**Zoning – Current:** C2-1  
**Zoning – Proposed:** RAS 4-1  
**Permit Application Date:** August 8, 2008

**Applicant:** Valley Heart Group LLC  
**Address:** 9631 Olympic Blvd. Beverly Hills, CA 90212

**Representative:** Allen Matkins Leck Gamble Mallory & Natsis LLP  
Eric Owen Moss/Michael Gonzales  
515 South Figueroa Street, 7<sup>th</sup> Floor  
Los Angeles, California 90071-3398

**Contact Information:** 213.622.5555, 213.620.8816  
[mgonzales@allenmatkins.com](mailto:mgonzales@allenmatkins.com),  
[www.allenmatkins.com](http://www.allenmatkins.com)

**Date(s) heard by Advisory  
Agency Division of Land:**

**Date(s) heard by LUPC:** May 27, 2009 (Motion & Recommendation)  
September 26, 2007 (preliminary exploratory)

**WLA Area Planning  
Commission Dates:**

**Community Planning Bureau  
Dates: (if known)**

**LUPC Motion to Recommend that the VNC Board of Officers (language from minutes)**

On May 27, 2009, the Land Use and Planning Committee (“LUPC”) passed a Motion recommending that the Venice Neighborhood Council (“VNC”) Board of Officers recommend that the City *DENY* the application’s request for a zone change and *DENY* any exceptions to the Venice Coastal Zone Specific Plan regarding height, density, parking and set-backs. Further, the VCN strongly recommends that the City mandate that any exceptions granted under density bonuses or density bonus incentives<sup>1</sup> be in compliance with VCZSP.

It is duly noted that despite a preliminary meeting with LUPC on September 26, 2007 as well as other community outreach meetings, Applicant has not changed the scope of the Project, particularly with respect to height, massing and scale, density or traffic considerations.

**Vote:** 6 votes in favor of motion denying the project;  
2 abstentions; 0 opposed; 1 member recused

---

**REPORT**

**Project Description:**

Mixed use building containing 40 multi-family residential units and approximately 5,000 sq. ft. ground floor commercial space (the “Project”) to be built on vacant parcel situated on the intersection of Lincoln Blvd and Venice Blvd. Half level of at grade parking plus 2 levels of subterranean parking.

28 of the 40 units will be market rate units (38 are 1 bedrooms/studios, 2 are 2 bedrooms). Additionally, 4 units will be low income affordable Units (the “Affordable Units”) and 8 will be work force units (the “Work Force Units”). Work Force Units are units targeted at persons or families whose income is anticipated to be between 120% and 150% of Area Median Income.

---

<sup>1</sup> California Government Code Section 65915 (Senate Bill No. 1818, hereinafter called, the “Density Bonus Law SB1818”) and City Ordinance 17981, effective April 15, 2008, implementing ordinance (the “Implementing Ordinance”)

The Project has incorporated numerous sustainable (green) features and techniques.

Actual physical number of stories, including basements, garages, and/or underground parking is 2 levels below grade, 6 levels above grade.

Proposed height of structure is approximately 65 feet, with portions reaching 70 feet due to photovoltaic solar cells on the roof. Also, a decorative sign and staircase will reach approximately 80 foot. Venice Coastal Zone Specific Plan (“VCZSP”) height restrictions are limited to 30 feet.

Project will provide 68 parking spaces within one half ground level parking behind retail frontage plus 2 levels of subterranean parking. 42 spaces for 40 residential units and 20-22 spaces for the 5,000 sq. ft. commercial space uses.

Currently, an Environmental Impact Study has been submitted to Dept. of Transportation, which includes a residential impact analysis. Property is adjacent to a multi-family residential building that fronts on Naples as well as a commercial strip type structure.

*Permits requested include: Zone Change; Density Bonus; Density Bonus Incentive; Density Bonus Parking Standards; Yard Adjustments; Coastal Development Permit; Mello Act Compliance; Venice Coastal Specific Plan Project Permit Compliance; Lincoln Blvd Community Development Overlay Compliance.*

**Applicant’s Requested Action by LUPC/Venice Neighborhood Council:**

1. To approve zone change from [Q]C21 – RAS4-1.
2. To approve density bonus, which would allow Applicant to be entitled to the 4 requested dwelling units above the 36 unit Residential Base Density allowed under RAS4-1.
3. To approve Density Bonus Off-Menu Incentive to permit an exception to the VCZSP height restriction provided for proposed height of 65 feet in lieu of VCZSP’s permitted 30 feet.
4. To approve application of Density Bonus Parking Standards for affordable project.
5. To permit (i) 0 foot front yard along Lincoln Blvd and (ii) 0 foot rear yard in lieu of the required (a) 5 foot front yard and (b) 5 foot rear yard. The Applicant requests that the underlying lot area be included within the definition of buildable area.

**Section of Venice Coastal Zone Specific Plan (“VCZSP”)and/or the Los Angeles Municipal Code (“LAMC”) governing this particular site:**

**1. Zone Change: LAMC 12.32.**

(i) Pursuant to LAMC Section 12.32, the applicant requests approval of a zone change from the Property's existing [Q]C2-1 zoning (commercial) designation to RAS4-1. RAS4-1 zoning is defined as Residential / Accessory zoning which permits limited ground floor commercial and residential multiple dwelling (apartment house) use.<sup>2</sup>

(ii) No General Commercial Community Plan Amendment is required because RAS4 zone is listed as a corresponding zone per the land use designation and is consistent with the City's General Plan.

---

<sup>2</sup> Definitions found at [http://www.ladbs.org/zoning/zoning\\_manual.pdf](http://www.ladbs.org/zoning/zoning_manual.pdf).

(iii) Note the following:

The VCZSP restricts FAR for mixed-used developments in commercial designations to 1.5:1 and residential density to 1 unit for every 800 sq. ft of lot area for R3 or commercially zoned property. Applicant asserts that this is not commercial zone or R3 zone. Rather, if the VCZSP is silent then LAMC will rules regulate the Property’s density and FAR.<sup>3</sup> LAMC restrictions for RAS4-1 zoning is as follows:

LAMC	VCZSP
Applying LAMC standard of 1 dwelling unit for every 400 sq. ft. of lot area standard, the Project’s residential base density (“Residential Base Density”) of approximately 36 dwelling units based on gross lot area. <sup>4</sup>	VCZSP would apply 1 dwelling unit for every 800 sq. ft. of lot area. Residential Base Density would be approximately 18 dwelling unit.
Applying LAMC, the permitted FAR is 3:1. Applicant’s FAR is approximately 2.46:1 (34,060 sq ft floor area / 13,839 sq.ft. buildable area). <b>FAR was reduced subsequent to preliminary meeting with LUPC from 3.2:1 to the current 2.46:1.</b>	VCZSP FAR restrictions are 1.5:1

**2. Density Bonus: California Government Code Section 65915 (Senate Bill No. 1818, hereinafter called, the “Density Bonus Law SB1818”) and City Ordinance 17981, effective April 15, 2008, implementing ordinance (the “Implementing Ordinance”).<sup>5</sup>**

By restricting some of the 36 Residential Base Density units to persons and families of very low income (the “Affordable Units”), the Project is an “affordable project” and is entitled to a density bonus of up to 35 % over the Residential Base Density.

Applicant states that the Project requires 40 units (a requested increase of 4 additional units) in order to ensure the Project’s economic viability in light of the Affordable Units. 35% density bonus would permit development of the Property with up to 49 residential dwelling unit (36 residential base density units plus 13 density bonus units). The Applicant, however, is only requesting 4 additional residential dwelling units over their Residential Base Density of 36 units or 11% density bonus over. 12 Working Class Units are also included within the 40 units.

**3. Height: Density Bonus Law SB1818 Off Menu Incentive & Implementing Ordinance**

Venice Coastal Zone Specific Plan Section 10(G)(3)(a) restricts height to 25 feet or 30 feet for varied roofline. Implementing Ordinance Section 25 (f)(5)(i), permits an On-Menu Incentive of an additional 11 feet or 1 additional story, whichever is lower, to provide the Restricted Affordable

<sup>3</sup> VCZSP Section 4.B states that “whenever this Specific Plan is silent, the regulations of the Los Angeles Municipal Commercial Code shall apply”.

<sup>4</sup> Pursuant to LAMC Section 12.37G, dedication area can be used to determine the residential density for apartment projects. The Project is not requesting a tentative Tract Map and is thus not subject to LAMC Section 17.05G.

<sup>5</sup> Implementing Ordinance can be found at [http://planning.lacity.org/Code\\_Studies/Housing/DensityBonus.pdf](http://planning.lacity.org/Code_Studies/Housing/DensityBonus.pdf).

Units. Therefore, at most, Applicant would have been entitled to an On-Menu Incentive of 41 feet (assuming the 30 feet varied roof).

The Project request 65 feet – 70 feet height under an “Off-Menu” Incentive (the “Incentive”) as an exception to the VCZSP’s height restriction.

<b>Height Restrictions</b>		
VCZSP Section 10(G)(3)(a):  Restricts height to 25 feet or 30 feet for varied roof.	Density Bonus Law SB1818:  On-Menu Incentive permits max height bonus of 11 feet. <sup>6</sup> Permissible height would be 41 feet.	Density Bonus Law SB1818:  Off - Menu Incentive request for height of 65 feet.

“Off Menu” Incentive falls under discretionary application approval. Approval for Off-Menu shall be granted by the Department of City Planning pursuant to Implementing Order Section 25(g)(2):

The Director shall approve a Density Bonus and requested Incentive(s) unless ...:

- (i) the Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units; or
- (ii) the Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment ...”

Applicant states that in order to be economically viable and include the Affordable Units and Working Class Units, the height must be built up to 65 feet.

**4. Parking Standards: Density Bonus Law SB1818 & Implementing Ordinance**

By incorporating Affordable Units, the Project is an “affordable project” and hence the Density Bonus Law SB1818/Implementing Ordinance parking requirements should be applied:

- (i) 0 – 1 Bedroom = 1 parking space
- (ii) 2 – 3 Bedrooms = 2 parking spaces
- (iii) 4 or more bedrooms = 2.5 parking spaces

Project will provide 68 parking spaces within one half ground level parking behind retail frontage plus 2 levels of subterranean parking.

Accordingly, as per these standards, only 42 spaces for 40 residential units are required. As per VCZSP, between 20 and 22 parking spaces for the 5,000 sq.ft. commercial component are required (depending on commercial retail use).

**5. Yard Setbacks: LAMC Section 12.28**

The Property is located on the intersection of Lincoln Blvd (on northeast) and Venice Blvd (on northwest) and also bounded by Harding Street (on southeast). Accordingly, it has 3 street frontages, with 2 front lot lines, one side and one rear.

---

<sup>6</sup> Implementing Ordinance Section 25 (f)(5)(i).

Applicants requests yard adjustments to permit (i) 0 foot front yard along Lincoln Blvd and Venice Blvd. (ii) 0 foot rear yard on non-street boundary in lieu of the required (a) 5 foot front yard and (b) 5 foot rear yard. The Applicant requests that the underlying lot area be included within the definition of buildable area. The residential portions are stepped back 5 feet on all sides and meet the required 5 feet front and rear yard set backs.

Required yard set back are: (i) 5 feet for front set back (ii) 0 feet for ground floor commercial; 5 feet for residential, (iii) 15 feet adjacent to RD (Residential Density Multiple Dwelling) or more restrictive zone; otherwise 5 ft.

Property is adjacent to the rear of a multi-family residential building that fronts on Naples as well as a commercial strip type structure. Multi-family residential building has its own set back and commercial structure has no set back.

### **Summary of Arguments Against this Project/Issue:**

Massing, scale and density:

Change of zoning from C21 to RAS4-1 eliminates many of the VCZSP's restrictions on height, density and FAR. Applicant argues that the VCZSP does not apply because VCZSP is silent as to RAS4-1. Applicant's argument is not an accurate interpretation and is a "run-around" of the VCZSP. VCZSP is silent on RAS4-1 because such RAS4-1 zoning designation came into effect after codification of the VCZSP. VCZSP regulations should govern RAS4-1.

The Project would be precedent setting for (i) request for off menu density bonus incentive allowing for height of 65 – 70 feet structure (ii) zero set back and (iii) increased density. The scale of the building due to the proposed height and zero foot set backs is out of proportion to the surrounding neighborhood and Venice as a whole.

Environmental Impact Study – Traffic:

A traffic study / mitigated negative declaration has been submitted to Department of Transportation ("DOT") and DOT further requested applicant to undertake residential impact study. Copy of traffic study, pending DOT approval, has not been submitted to LUPC. What mitigations is applicant providing above and beyond what is required ?

Traffic will be severely impacted, both in terms of congestion at the main intersection and on the short residential street. Access to the commercial and residential parking is from Harding Street and Venice Blvd. Given the traffic flow configuration, it is difficult to access the parking entrances and thus, more than likely, residential and commercial users of the Project will cut down Coer D'Alene and Naples – residential streets with 2 schools.

Gateway designation should not be used for this Project.

Transit Corridor

Applicant argues that there is a need for increased density around transit corridors in anticipation of Lincoln Corridor Design Overlay goals and the future Expo-Line. Various arguments by the public to counter Applicant's piece meal approach towards the future transit corridor vision was proffered. In any event, VCZSP's restrictions, realistic traffic limitations and the residential impact on the surrounding neighborhood are preeminent factors in any Project's planning and Applicant has not taken such factors into account.

## **Summary of Arguments For this Project/Issue:**

### **Improved Utilization of Land:**

The redevelopment of an unimproved vacant parcel (previously used as a gas station) into a mixed-use commercial and residential development will improve the utility of the land and the surrounding neighborhood.

### **Green Aspects:**

The design is for a “green” building. The shape of the building and the photovoltaic cells on the roof top (which are largely transparent) maximizes the capture of solar energy. Their goal is to be a zero electricity consumer on Los Angeles Department of Water & Power. .

### **Affordable Units:**

The Project does provide 4 low income Affordable rental Units and 8 Working Class Units. This project directly addresses the need for affordable housing in Venice.

### **Cutting edge architecture:**

The project’s cutting edge design is conceived by a well known architect who has built mostly in Culver City.

**Summary of Public Comment:** Majority of public in attendance were opposed to the Project. Primary concerns included: traffic, residential impact, non-compliance with VCZSP re: height, massing and scale, density, set-back. See further public comments at [www.veniceneighborhoodcouncil.com/meetings](http://www.veniceneighborhoodcouncil.com/meetings). The recorded audio transcript of 5/27/09 meeting including public comment and LUPC deliberations is posted on YouTube.

**Summary of Findings by LUPC:** In addition to the public’s concerns as noted above, LUPC members questioned the Applicant’s willingness to amend the design to reduce the interior open courtyard space onto the exterior/roof of the building in order to reduce the overall height of the building as well as reduce the external “bulk” of the envelope of the Project.