

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

**Land Use and
Planning Committee**

1638 Abbot Kinney Blvd
Staff Report
June 27, 2007



Case Number: DIR 2006-6915 SPP SPPA
Project Permit Compliance

Zoning: C2-1-CA
Address of Project: 1638 Abbot Kinney Blvd

Size of Parcel: 2,700.7 square feet

Size of Project: 3,981 square feet

Venice Subarea: Oakwood-Millwood-Southeast Venice

Permit Application Date: April 3, 2007
Date of Staff Report: February 22, 2007
Appeal Period Expired: March 7, 2007

Applicant: Donald Lehman & Marie Thoin Matheson
Address: 28809 Boniface Drive, Malibu 90265

Representative: Robert Thibodeau
DuArchitects
529 California Avenue 90291

Contact Information: 310.452.8161, 310.452.8171

Date heard by LUPC: June 27, 2007

Date heard by Zoning

Administrator:

June 28, 2007

NOTE: Zoning Administrator, Mr. Daniel Green, rejected 1638 Abbot Kinney project as presented. Sent the architect, Mr. Robert Thibodeau, back to redraw the plans. The parking is out of compliance with the VCZSP. The ZA’s suggested compromise was to maintain the 2 on-site parking spaces for the 2 residences, and redesign the project to include missing 3 parking spaces need for the office space on the second floor. Applicant responded by increasing the residential space, decreasing the office space and further insistence that they should be exempt from Coastal Development Permit or get a waiver.

Mr. Green’s emailed response to Mr. Thibodeau was, “You can check with the Planning Department public counter about exemptions. My understanding with exemptions is that they have only been issued in some (not all) situations where a single family dwelling is proposed in a neighborhood of single family dwellings - not, as in this case, where you are in a commercial zone with a mixed-use project. With the substandard width alley adjoining your property, I would consider the matter **NOT ELIGIBLE FOR AN EXEMPTION** based upon the lessons learned in the Friends of Westwood v. City of Los Angeles decision. All I am waiting for is some additional information from you to support the Findings previously submitted regarding Interpretive Guidelines and past decisions of the Coastal Commission as I noted at the public hearing.”

Mr. Green will include the VNC Board’s recommendations in his staff report. He has been promised to receive them July 18, 2007 via email.

WLA Area Planning

Commission Dates:

TBA

Section of Venice Coastal Zone Specific Plan governing this particular site:

PARKING: Section 13, D (page 26)

Office Uses: one space for each 250 square feet of floor area

General Retail: one space for each 225 square feet of floor area

HEIGHT: Section G, 3, a (page 19)

Flat Roof: maximum of 25 feet

Varied Roof: maximum of 30 feet...providing 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.

LUPC Motion to Recommend that the VNC Board of Officers approve this project, under the following condition:

1. We find that the project is an intensification of use, specifically an increase in intensity as defined in Section 5e of the Venice Coastal Development Specific Plan,
2. We reject the policy of the Department of Building & Safety and the City's interpretation that grants grandfathered parking;
3. This approval is conditioned on the applicant paying an en lieu fee for each parking space not provided to a maximum of \$45,000 per space or the fee calculated at the time the Certificate of Occupancy is issued, whichever is lower.

Vote: 8-2-0

REPORT

Project Description on permit application:

Renovation of existing ground-level commercial space, addition of a 2nd floor with 3 offices and addition of a new single family dwelling unit at the 2nd and 3rd floors.

LUPC Preliminary Staff Report:

This project was approved by Betsy Weisman for Gail Goldberg, and the staff report was prepared by Christine Mahfouz on February 22, 2007. The following were notified in writing of the issuance of this permit: Venice Neighborhood Council, California Coastal Commission, Dept of Building and Safety, Councilmember Bill Rosendahl, and a radius mailing was done and certified, etc.

WHAT WAS APPROVED BY PLANNING;

#1) A Specific Plan Project Permit Compliance (Exemption) to allow the remodel of an existing 2,268 sq. ft single story commercial building: Including the demolition of 968 sq. ft of the existing building on first floor or story and renovation of the remaining 1,300 sq. feet of commercial space on the first story.

Issues: Parking: The approval requires that the existing on site parking, two spaces, be reserved for the first floor retail commercial. However, the new uses require the four spaces actually being provided on site. According to the VENICE COASTAL ZONE SPECIFIC PLAN 6 parking spaces would be required for 1,300 sq. feet of retail commercial, but since the first floor retail already exists with substandard parking, the City decided to approve this part of the project. At one point the approvals state that the existing two parking spaces be retained for the ground floor commercial!

#2 A Specific Plan Project Permit Compliance (Exemption) to add a second and third story to the older building.

Issues: Parking. The new uses on the second floor. Commercial Office Space of 562 sq. feet. This would require two parking spaces at one parking space per each 250 sq. of service area.

#3 A Specific Plan Project Permit Compliance (Exemption) to permit a new single family residential structure on the part of the second and all of the third story. The new residential unit would be 2,119 sq. feet.

#4 A Specific Plan Adjustment to allow the height of the new structure to be 32 feet 6 inches instead of the 30 flat roof height limit set by the VENICE COASTAL ZONE SPECIFIC PLAN.

[Note: the City staff report justifies the request for an 'Adjustment 'in the VENICE COASTAL ZONE SPECIFIC PLAN height limit because the project is trying to save an historic building - circa 1913.]

City Staff Report:

"Parking. The existing first floor of retail shall maintain all parking spaces required in previous entitlements, as listed on the certificate of occupancy".

[Note: This might be interpreted to mean that the existing 2 parking spaces on site by retained for the existing commercial uses on the first floor. It could also mean that only "the entitlements" which is to say the grand fathered parking shall be applicable to the first floor and not the new developments on 2nd and 3rd floor.]

"For the addition of the second and third floor, two parking spaces shall be required for each dwelling unit, and one parking space shall be required for each 250 sq. feet of office space."

Page #4 of staff report: Parking: "The proposed project is conditioned to comply with the parking requirements set forth in the Venice Specific Plan. The site is presently developed with a one story retail/commercial building. the first floor shall maintain the existing required parking." "Pursuant to the LAMC section 12.21A4, if no parking spaces exist onsite for the first floor retail structure, the applicant retains non conforming rights to the number of parking spaces that would have been approved today, for the existing single-story structure only. [NOTE; HOW MANY SPACES IS THIS staff report does not say]

"For the addition of the second and third stories, the applicant shall provide an additional two parking spaces for each dwelling unit and one parking space for each 250 sq. feet of office space."

STAFF REPORT COMMENT. A SPRINGER.

The project is providing 4 on site parking spaces. Two existing and two covered additional spaces. However, according to VENICE COASTAL ZONE SPECIFIC PLAN the new uses alone would require 4 parking spaces. The applicant is taking the two existing parking spaces, adding two new parking spaces, and satisfying the parking for the new uses. This leaves the first floor existing retail commercial, which is going to be renovated and upgraded, without any parking at all.

The 1,300 sq. feet of retail commercial would require about 6 parking spaces to comply with the Specific Plan. But the parking seems to be grand fathered in. In the words of the Findings which justify the approval: "The first floor shall maintain the existing required parking. [But] Pursuant to the LAMC section 12.21A4, if no parking spaces exist on site for the first floor retail structure, the applicant retains non conforming rights to the number of parking spaces that would have been approved today, for the existing single story structure only." [We presume that the number would be 6 or so parking spaces for the existing 1,300 sq. feet]

APPEAL PERMIT; Administrative. Coastal Commission. Coastal Clearance, including a Coastal Development Permit if required, shall be obtained from the Coastal Commission and the use and development of the property shall be in conformance with the conditions required by the California Coastal Commission."

[Staff Comment] This is exactly the same language and issues involved in 1427-29 Abbot Kinney (French Restaurant AKB and Milwood) which the LUPC heard last month.

A Coastal Development Permit IS required for this project. A Coastal Development permit WAS issued by the City of Los Angeles on April 30, 2007. It was issued under ZA 2007 1599 -CDP. THERE IS NO INDICATION THAT THE PUBLIC OR VNC WAS NOTIFIED REGARDING THIS CDP. AGAIN, THERE IS A PUBLIC NOTIFICATION ISSUE HERE.

"Renovate existing commercial on the ground floor (2 retail spaces), add 2 parking spaces on the ground floor (for the new residential), and three new offices on the 2nd floor and one new single family residence on the second and third floor." [List pending case #2 relating to his site: DIR 2006-6915-SPPA-PP? Could this be French Restaurant on 1427 AKB?

Findings justifying the CDP for this project appear to be written by the applicant or his representative

Under Justification for approval (Compliance or Exemption from Having to Comply with VENICE COASTAL ZONE SPECIFIC PLAN) (#15) page 6 of 8. JUSTIFICATION UNDER ARTICLE 6 OF CALIFORNIA COASTAL ACT.

"We are decreasing the intensity of use [SIC!] and providing 2 parking spaces for the proposed additional dwelling unit in accordance with Section 13 of the VENICE COASTAL ZONE SPECIFIC PLAN. We have therefore provided adequate parking facilities to accommodate the development (Section 302520."

"The development has been designed with careful attention to the exiting land use, its existing parking impact, and its existing impact on natural and man made resources. The development will not prejudice the City of Los Angeles to prepare a local coastal program...."

Conclusion of LUPC Staff Report:

The applicant is playing a shell game with the parking. He is using the existing 2 on site parking spaces to satisfy his requirements for the new office commercial on the second floor, adding two new parking spaces for the new single family residence, and leaving no parking for the existing 1,300 sq. feet retail commercial on the first floor. The City of Los Angeles is colluding with the developer in this shell game by granting grand fathered parking rights to the first floor. So the applicant counts his existing two parking spaces against the new commercial uses, which leaves him no parking for the existing retail commercial, except that the City gives him legal status by grand fathering the first floor parking so that it provides zero parking for these uses, and allows him to use the two existing parking spaces to count against his new commercial uses.

The City permit says that this development is consistent with the objects of the Coastal Act, the VENICE COASTAL ZONE SPECIFIC PLAN, and will not prejudice the ability of the City to prepare its Local Coastal Program, which incidentally it has refused to present to the California Coastal Commission for certification.

I think this project approval by the City is absurd and distressing.

Author of Report: Arnold Springer

Date: June 27, 2007