



## WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

Determination Mailing Date: DEC. 23 2013

**CASE NO:** VTT 70870-SL-1A

**Related Cases:** ZA-2013-1420-CDP-1A

DIR-2011-588-DB-SPP-MEL

**CEQA:** ENV-2009-2489-REC2

**Location:** 522 East Venice Boulevard

**Council District:** 11

**Plan Area:** Venice

**Zone:** RD1.5-1-0

**Applicant:** Mark Judaken, Kalnel Gardens Inc.  
Representative: Eric Liebermann

**Appellants:** 1) Robert Mitchell  
2) Regan Kibbee

At its meeting on **December 4, 2013**, the following action was taken by the West Los Angeles Area Planning Commission:

1. Granted the appeals.
2. Overturned the decision of the Advisory Agency and denied Vesting Tentative Tract Map 70870-SL for a maximum of 10 lots pursuant to the Small Lot Ordinance (Ord No. 176354) in conjunction with the construction, use, and maintenance of five single-family dwellings and five detached duplexes.
3. Adopted the revised Findings.
4. Did not adopt Mitigated Negative Declaration Reconsideration (Addendum) ENV-2009-2489-REC2 as the environmental clearance for the project.

**Fiscal Impact Statement:** There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

**Moved:** Commissioner Donovan  
**Seconded:** Commissioner Halper  
**Ayes:** Commissioners Foster and Linnick

**Vote:** 4 - 0

Rhonda Ketay, Commission Executive Assistant  
West Los Angeles Area Planning Commission

**Effective Date/Appeals:** This action of the West Los Angeles Area Planning Commission regarding the Tentative Tract will be final within 10 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. The Director's Decision is not further appealable. All appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).

**Final Appeal Date:** JAN 02 2014

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Revised Findings

cc: Notification List  
Jim Tokunaga  
Joey Vasquez  
Linda Clarke

**ACTION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION  
DECEMBER 4, 2013  
VTT-70870-SL  
REVISED FINDINGS**

**FINDINGS OF FACT (SUBDIVISION MAP ACT)**

Following (highlighted) is a delineation of the findings and application of the relevant facts of the case to the same:

- (a) THE PROPOSED MAP IS INCONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

In granting the appeal and overturning the Advisory Agency's approval of Vesting Tentative Tract No. 70870-SL to allow a maximum of 10 lots pursuant to the Small Lot Subdivision Ordinance No. 176,354, the West Los Angeles Area Planning Commission made the finding that the project is not consistent with the Venice Coastal Zone Specific Plan. One of the City's primary purposes in adopting the Specific Plan was to regulate development, including height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community (Venice Coastal Zone Specific Plan, Section 3. F.). The project, however, is out of scale, out of character, and out of compliance with the Specific Plan. Therefore, according to applicable law, the project cannot be approved as proposed.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE INCONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The project is proposed to be three stories with additional parapet and roof features projecting above the third floor. The maximum building height is proposed to be 40.5 feet, but the roof features could project over 43 feet in height according to the project's conditions of approval. Section 10.G.3 of the Venice Specific Plan sets a very strict height limit for Venice, and in this particular area, heights are limited to 25 feet for a building with a flat roof, and can only go up to 30 feet if the roofline is articulated. The proposed project exceeds the maximum height limit by over 10 feet, which is a significant increase in the total height of the 10 buildings proposed for the project site. The proposed 3 stories and 40.5 height are completely out of character for the community as well as in conflict with the Venice Specific Plan.

- (c) THE SITE IS PHYSICALLY UNSUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The project is too large for the site and the existing community; therefore leading to a lack of on-site open space, minimal front yard setbacks much smaller than

prevailing setbacks on adjacent blocks of South Venice, minimal front yard landscaping, an unsafe driveway entrance, and traffic generation far above the limitations of Mildred Avenue. The intersection of Venice Boulevard, Mildred Avenue, and Ocean Avenue is a particularly constrained intersection, and the project would only exacerbate the concerns that already exist in the area. Residents have reported numerous accidents at the intersection, the majority of which involved pedestrians and cyclists, rather than only vehicles. The stretch of Mildred Avenue where the project is proposed to be located is narrow, congested, and has an irregular configuration. Adding a driveway that will serve 15 residential units will further impact the already congested and constrained conditions at the intersection. This corner of Mildred Avenue cannot support an additional driveway serving as the only access to a project of this size.

- (d) THE SITE IS PHYSICALLY UNSUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The project was previously proposed for fewer units – 12 units – on a larger project site. In redesigning the project, the applicant has attempted to maximize the development on the project in a manner that is out of character with the surrounding community. The area is characterized by smaller block patterns and pedestrian-scale streets. Many of the blocks in the area contain only 15 or 16 houses, which means this one project proposes an entire block's worth of development on one lot. The proposed project also lacks thoughtful design, and instead proposes large expanses of unarticulated facades that tower over the neighborhood. In granting the appeal, neighboring properties will not be subject to the massive scale, blank walls, and bulky design in a neighborhood that is characterized by varied architecture and articulated design.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The analysis of the project under the California Environmental Quality Act (CEQA) was insufficient. No analysis of traffic impacts was done, even though the information presented by the community raised a fair argument that a potential impact exists. Additionally, there are several instances in which analysis of a potential impact was deferred until the building permit stage, which is well after project approval. CEQA requires that the public and decision makers be notified of the potential impacts of a project prior to the approval of the project in order to make an informed decision. By deferring studies and analysis until well after the project approval, the Mitigated Negative Declaration for this project fails to provide sufficient analysis of the project's potential environmental impacts. Without a sufficient environmental analysis under CEQA, the project cannot be approved. Therefore, before the City can act to approve the project, the CEQA analysis would need to be revised and recirculated.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision. However, the West Los Angeles Area Planning Commission determined that the project was not in compliance with the Venice Coastal Zone Specific Plan.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. However, the West Los Angeles Area Planning Commission determined that the project was not in compliance with the Venice Coastal Zone Specific Plan.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

The West Los Angeles Area Planning Commission determined that the project was not in compliance with the Venice Coastal Zone Specific Plan.