

## TRANSMITTAL TO COUNCIL

Case No. VTT-70870-SL-1A	Planning Staff Name(s) and Contact No. JIM TOKUNAGA (213) 978-1307	C.D. No. CD 11
Related Case No(s). ZA 2013-1420-CDP-1A DIR-2011-588-DB-SPP-MEL	Last Day to Appeal JANUARY 2, 2014	

Location of Project (Include project titles, if any.)  522 SOUTH VENICE BOULEVARD
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Applicant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.	
MARK JUDAKEN KALNEL GARDENS INC., 2153 WEST WASHINGTON BLVD. LOS ANGELES, CA 90018 323-737-8181	REP: ALAN ABSHEZ 2029 CENTURY PARK EAST, SUITE 2600 LOS ANGELES, CA 90067 310-788-4444 allan.abshez@kattenlaw.com

Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.  SAME AS ABOVE
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Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, please include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)

**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. **Overtured 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.**

Items Appealable to Council  
**VTT-70870-SL-1A; ZA-2013-1420-CDP-1A is appealable to the City Council pursuant to Los Angeles Municipal Code Section 12.20.2.H.1.**

Fiscal Impact Statement  No	ENV. No., if applicable  ENV 2009-2489-REC2	Commission Vote:  4-0
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Please note: In addition to this transmittal sheet, Council needs:

- (1) One original and two copies of the Commission, Zoning Administrator or Director of Planning Determination
- (2) Staff recommendation report
- (3) Appeal, if applicable;
- (4) Environmental document used to approve the project, if applicable;
- (5) Public hearing notice;
- (6) Commission Determination mailing labels (7) Condo projects only: 2 copies of Determination labels (including tenants and 500 ft. radius).

Prepared by RANDA HANNA <i>Randa L. Hanna</i>	Date JANUARY 6, 2014	Contact Number (213) 978-1300
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# MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: Los Angeles City Council

(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: VTT-70870-SL-1A

RELATED CASE ZA-2013-1420-CDP-1A  
ENV-2009-2449-MND/REL2

PROJECT ADDRESS: 522 S. Venice Blvd

FINAL DATE TO APPEAL: January 2, 2014

**TYPE OF APPEAL:**

1.  Appeal by Applicant
2.  Appeal by a person, other than the applicant, claiming to be aggrieved
3.  Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

**APPELLANT INFORMATION** – Please print clearly

Name: Kalnel Gardens, LLC (Len Judaken)

- Are you filing for yourself or on behalf of another party, organization or company?

Self

Other: \_\_\_\_\_

Address: 2153 West Washington Blvd

Los Angeles, CA

Zip: 90018

Telephone: (323) 737-8181

E-mail: \_\_\_\_\_

- Are you filing to support the original applicant's position?

Yes

No

**REPRESENTATIVE INFORMATION**

Name: Alan Abshez

Address: 2029 Century Park East Suite 2600

Los Angeles, CA

Zip: 90067

Telephone: 310-788-4444

E-mail: allan.abshez@kattenlaw.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

**JUSTIFICATION/REASON FOR APPEALING** – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire  Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

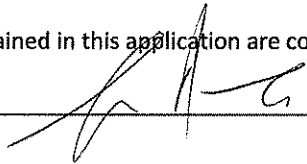
**ADDITIONAL INFORMATION/REQUIREMENTS**

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."  
 --CA Public Resources Code § 21151 (c)*

I certify that the statements contained in this application are complete and true:

Appellant Signature: \_\_\_\_\_



Date: \_\_\_\_\_

12-27-2013

*Planning Staff Use Only*

Amount	\$4,754.05	Reviewed and Accepted by		Date	12/27/13
Receipt No.	0201090620	Deemed Complete by		Date	

- Determination Authority Notified  Original Receipt and BTC Receipt (if original applicant)

**Appeal to the Los Angeles City Council  
VTT-70870-SL and ZA-2013-1420-CDP  
522 S. Venice Blvd**

- 1) The West LA APC's action conflicts with the City of Los Angeles' final decision and findings in VTT-70870-SL and ZA-2013-1420-CDP dated September 20th 2013 that the project is consistent with the Venice Specific Plan;
- 2) The West LA APC's action conflicts with the City of Los Angeles' final decision and findings in DIR-2011-588-DB-SPP-MEL dated September 6, 2013 granting the project a density bonus and on-menu incentives in accordance with Ordinance 179681 and seeks to deprive the project of the final density bonus and on-menu incentives previously granted in the City of Los Angeles' final decision.
- 3) The West LA APC's action conflicts with the City of Los Angeles' final decision and findings in DIR-2011-588-DB-SPP-MEL dated September 6, 2013 certifying Mello Act compliance for the project;
- 4) The West LA APC's action conflicts with the City of Los Angeles' final approval of ENV-2009-2489-REC2 dated July 15, 2013 approving a Mitigated Negative Declaration for the project and finding that the project's potential environmental impacts would be mitigated to a less than significant level;
- 5) The West LA APC's action violates the Mello Act, Density Bonus and Housing Law; and
- 6) The West LA APC's findings are not supported by substantial evidence, conflict with the final findings of the City of Los Angeles in VTT-70870-SL and ZA-2013-1420-CDP and DIR-2011-588-DB-SPP-MEL and ENV-2009-2489-REC2 dated July 15, 2013, and are also in conflict with the substantial evidence in the record which supports the Advisory Agency's approval of the project.

Note: The action of the West LA APC in overturning the Advisory Agency's approval of a CDP for the project in ZA 2013-1420-CDP-1A is appealable to the City Council pursuant to Los Angeles Municipal Code Section 12.20.2.H.1: "If the appeal from any underlying project is further appealable to a second appellate body, the Coastal Development Permit is likewise further appealable. The time within which to appeal shall be the same as that provided for an appeal of the project itself..." ZA 2013-1420-CDP -1A is part of a combined case with VTT-70870-SL-1A and is therefore appealable to the City Council along with VTT-70870-SL-1A.



## 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 0-2 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.