

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

Submissions by the public in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, are distributed to the Commission and uploaded online. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. Please review the Commission ROPs to ensure that you meet the submission requirements. The ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

Material which does not comply with the submission rules is not distributed to the Commission.

ENABLE BOOKMARS ONLINE:

**If you are using Explorer, you need will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 | www.VeniceNC.org

Email: President@VeniceNC.org

July 23, 2024



Sent via Email to:

Luis Lopez (luis.lopez@lacity.org)

Los Angeles City Planning Department

200 North Spring Street

Los Angeles, CA 90012-2601

**Subject: 1648 S. Abbot Kinney Blvd.
APCW-2024-275-SPE-SPP-CDP-WDI**

To Whom It May Concern:

Please be advised that at a regular public meeting of the Venice Neighborhood Council (VNC) Board of Officers, held on July 16, 2024, the following motion was approved 11-2-4 on the Land Use and Planning calendar.

MOTION: The Venice Neighborhood Council recommends approval of a City CDP and a Specific Plan Project Permit for the project at 1648 Abbot Kinney Blvd for the construction of a new 1-story, 22 foot high (flat roof), 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 six short-term and six long-term bicycle parking spaces, including a waiver of the one-foot dedication and a Specific Plan Exception for a Floor Area Ratio of 0.74:1 in lieu of 0.5:1.

Thank you for your attention to this matter.

Brian Averill
President, Venice Neighborhood Council

BA/mj

cc: Tima Bell (secretary@venicenc.org)
Jeff Khau (Jeff.Khau@lacity.org)
Eric Stevens (eric.stevens@coastal.ca.gov)

APPLICANT RESPONSE TO STAFF REPORT
VENICE COASTAL ZONE SPECIFIC PLAN EXCEPTION FINDINGS (UPDATED NOV 1, 2024)
(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 a Floor Area Ratio (FAR) of 0.74:1 in lieu of the 0.5:1 FAR limit per section 11.B.3, which represents a 645 square foot increase in floor area.

In this case, the strict application of the Specific Plan FAR limit for stand-alone retail uses would result in a maximum allowable floor area of 1,350 square feet (1/2 of the lot area), which would result in an impractical building size and it would render the property financially infeasible for construction as a retail use.

The general purpose and intent of the Venice Coastal Zone Specific Plan is stated as follows:

- A. To implement the goals and policies of the Coastal Act.
- B. To implement the Local Coastal Program (LCP) for that portion of the Venice community within the Coastal Zone as designated by the State Legislature.
- C. To protect, maintain, enhance and, where feasible, restore the overall quality of the Coastal Zone environment and its natural and man-made resources.
- D. To assure that public access to the coast and public recreation areas are provided as required by the Coastal Act and the LCP.
- E. To prepare specific provisions tailored to the particular conditions and circumstances of Venice Coastal Zone, consistent with the general policies of the adopted Los Angeles General Plan.
- F. To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community and to provide for the consideration of the aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas.

Further, the primary finding in granting a Project Permit Compliance Review in the Venice Coastal Zone is (1) That the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

The Land Use Plan of the Venice Local Coastal Program (LUP), Exhibit 3 “Locating and Planning New Development” provides a summary of Venice Coastal Issues impacting Commercial Land Use Development:

- Encouragement of coastal development, recreation, neighborhood- and visitor-serving facilities.
- Regulation of development which is out of scale with existing community character.
- Regulation of open-air vendors along Ocean Front Walk.
- Over-development of the Coastal Zone resulting in traffic congestion.
- Over-intensification of commercial uses.

The LUP Program further provides the following summary of issues:

Preservation of Venice as a Special Coastal Community

- Preservation of community character, scale and architectural diversity.
- Development of appropriate height, density, buffer and setback standards.
- Development of a landscape plan.

Preservation of Cultural Resources

- Preservation and restoration, where feasible and necessary, of historical landmarks.
- Designation of historical sites as historic-cultural monuments.
- Preservation of significant archeological sites.

And, LUP Policy I.E.2. states: Scale. New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscaping of existing residential neighborhoods.

The Department of City Planning’s staff report for Case No. APCW-2024-275-SPE-SPP-CDP, dated November 6, 2024, states the following on page A-8:

ISSUES

Floor Area Ratio The intent of the Venice Coastal Zone Specific Plan is to encourage the development of mixed use structures and small-scale businesses. The purpose of limiting single-use structures to an FAR of 0.5 to 1 is to encourage small-scale businesses, and the Specific Plan only allows a larger FAR for structures that provide office-retail or residential uses to incentivize mixed-use development. Additionally, Policy I.B.3 of the Venice Land Use Plan states that the intent of the Artcraft land use designation is to “to create enclaves in which the artisan segments of the population may live, create, and market their work, to maintain the variety and distinctiveness of Venice’s lifestyles.” As such, the Commercial Artcraft designation “emphasize[s] artist-in-residence uses, small businesses, light industrial and artisan activities are

permitted in these areas.” Furthermore, Policy I.B.7 of the Venice Land Use Plan limits FAR to 0.5 to 1 for retail only structures.

The applicant’s request to exceed the required FAR of 0.5 to 1 for a commercial building comprised of a single retail use is inconsistent with the intent of the Specific Plan and the Land Use Designation. Additionally, the request is self-imposed and there are no existing extraneous circumstances that justify a larger FAR. Further, the grant of a larger FAR would be inconsistent with the Venice Land Use Plan, therefore prejudicing the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with the California Coastal Act.

The applicant is in agreement that the FAR limitations in the Venice Coastal Zone Specific Plan (VCZSP) were intended to incentivize mixed-use and artist-in-resident development. During the hearing officer public hearing on September 23, 2024, the applicant’s representative acknowledged that the FAR limits appeared to be “building blocks”, which, since the VCZSP went into effect in 2005, have provided the incentive for large mixed-use or artist-in-residence development proposals.

The applicant respectfully disagrees with the findings made by the Department of City Planning in their staff report:

1. That the project as proposed is inconsistent with the intent or purpose of the LUP, and;
2. That the hardship is self-imposed.

The applicant agrees that FAR standards in the LUP are written to encourage a mix of uses in areas with a commercial artcraft designation, however, this is not a policy which speaks to the “general purpose and intent” of the LUP or the VCZSP. The general purpose and intent of the LUP, as it related to new commercial development, are as quoted above, in part, from exhibit 3 of the LUP.

Most notably:

- Regulation of development which is out-of-scale with community character.
- Preservation of community character, scale and architectural diversity.
- Development of appropriate height, density, buffer and setback standards.
- Preservation and restoration, where feasible and necessary, of historical landmarks.

“Small-scale businesses” is not a term that is defined in either the LUP or the VCZSP. In the Department of City Planning’s staff report, the use of the term “small-scale businesses” to mean businesses with a maximum 0.5:1 FAR is arbitrary because it does not take into account factors like lot size or lot consolidation. For example, a retail business on a typical Ocean Front Walk lot in the artcraft district could be as large as 2,500 square feet at a 0.5:1 FAR. Or a small business on Abbot Kinney could achieve a floor area of 2,700 square feet if lots were to be consolidated per VCZSP Section 9.A.1.2.(2).

The subject property attempts to mimic the facades of early commercial developments along Abbot Kinney which are identified as potential independent resources in SurveyLA’s Venice historical

1648 Abbot Kinney Blvd

survey, and as “rare, intact” examples of early commercial development located along the former Venice Short Line.

Rendering of proposed project:



1648 Abbot Kinney Blvd

Proposed: 1,995 square feet, 1-story, 1.74:1 FAR

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

1648 Abbot Kinney Blvd

1100 S Abbot Kinney Blvd (below) is a 3,890 square foot single-use retail building with FAR 0.96:1



Primary Address: 1100 S ABBOT KINNEY BLVD
Other Address: 1102 S ABBOT KINNEY BLVD
350 E WESTMINSTER AVE
Name:
Year built: 1922
Architectural style: Commercial, Vernacular

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Commercial Development, 1873-1934
Sub theme:	No SubTheme
Property type:	Commercial - Retail
Property sub type:	One-story Commercial Strip
Criteria:	A/1/1&C/3/3
Status code:	3S;3CS;5S3
Reason:	Rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; most examples from this period do not retain integrity.

1103 S Abbot Kinney Blvd (below) is a single-use 3,400 square foot retail building with FAR 0.97:1



Primary Address: 1103 S ABBOT KINNEY BLVD
Name:
Year built: 1926
Architectural style: Commercial, Vernacular

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Commercial Development, 1873-1934
Sub theme:	No SubTheme
Property type:	Commercial - Retail
Property sub type:	One-story Commercial Strip
Criteria:	A/1/1&C/3/3
Status code:	3S;3CS;5S3
Reason:	Rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; most examples from this period do not retain integrity.

1648 Abbot Kinney Blvd

1112 S Abbot Kinney Blvd (below) is a 6,300 square foot single-use retail building with FAR 0.78:1.

Venice Report

Individual Resources – 04/02/15





Primary Address: 1112 S ABBOT KINNEY BLVD

Other Address: 1110 S ABBOT KINNEY BLVD
1114 S ABBOT KINNEY BLVD
1116 S ABBOT KINNEY BLVD

Name:

Year built: 1923

Architectural style: Commercial, Vernacular

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Commercial Development, 1873-1934
Sub theme:	No SubTheme
Property type:	Commercial - Retail
Property sub type:	One-story Commercial Strip
Criteria:	A/1/1&C/3/3
Status code:	3S;3CS;5S3
Reason:	Rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; most examples from this period do not retain integrity.

1118 S Abbot Kinney Blvd (below) is a 4,200 square foot single-use retail building with FAR 0.78:1



Primary Address: 1118 S ABBOT KINNEY BLVD

Other Address: 1122 S ABBOT KINNEY BLVD
1124 S ABBOT KINNEY BLVD

Name:

Year built: 1925

Architectural style: Commercial, Vernacular

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Commercial Development, 1873-1934
Sub theme:	No SubTheme
Property type:	Commercial - Retail
Property sub type:	One-story Commercial Strip
Criteria:	A/1/1&C/3/3
Status code:	3S;3CS;5S3
Reason:	Rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; most examples from this period do not retain integrity.

1648 Abbot Kinney Blvd

1108 S Abbot Kinney (below) is a 3,054 square foot single-use retail building with FAR 0.75:1



Primary Address: 1106 S ABBOT KINNEY BLVD
Other Address: 1108 S ABBOT KINNEY BLVD
Name:
Year built: 1923
Architectural style: Commercial, Vernacular

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Commercial Development, 1873-1934
Sub theme:	No SubTheme
Property type:	Commercial - Retail
Property sub type:	One-story Commercial Strip
Criteria:	A/1/1&C/3/3
Status code:	3S;3CS;5S3
Reason:	Rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; most examples from this period do not retain integrity. Includes early metal sign that reads "Irv's Market" and "Carnation."

1201 S Abbot Kinney Blvd (below) is a 3,200 square foot single-use retail building with FAR 0.92:1



Primary Address: 1201 S ABBOT KINNEY BLVD
Name: Buock Building
Year built: 1927
Architectural style: Commercial, Vernacular

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Commercial Development, 1873-1934
Sub theme:	No SubTheme
Property type:	Commercial - Retail
Property sub type:	One-story Commercial Strip
Criteria:	A/1/1&C/3/3
Status code:	3CS;5S3
Reason:	Rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice. Due to some alterations, including replacement of doors and storefronts, the property does not retain sufficient integrity to be eligible for listing in the National Register.

1648 Abbot Kinney Blvd

1221 S Abbot Kinney Blvd (below) is a 5,866 square foot single-use retail building with FAR 0.86:1

	Primary Address:	1221 S ABBOT KINNEY BLVD
	Other Address:	1223 S ABBOT KINNEY BLVD 1225 S ABBOT KINNEY BLVD 1227 S ABBOT KINNEY BLVD
	Name:	Wilmot Building
	Year built:	1924
	Architectural style:	Commercial, Vernacular
Context 1:		
Context:	Commercial Development, 1850-1980	
Sub context:	No Sub-context	
Theme:	Streetcar Commercial Development, 1873-1934	
Sub theme:	No SubTheme	
Property type:	Commercial - Retail	
Property sub type:	One-story Commercial Strip	
Criteria:	A/1/1&C/3/3	
Status code:	3S;3CS;5S3	
Reason:	Rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; most examples from this period do not retain integrity.	

1331 S Abbot Kinney Blvd (below) is a 10,080 square foot single-use retail building with FAR 1:1

	Primary Address:	1331 S ABBOT KINNEY BLVD
	Other Address:	1327 S ABBOT KINNEY BLVD 1329 S ABBOT KINNEY BLVD 1333 S ABBOT KINNEY BLVD 1335 S ABBOT KINNEY BLVD
	Name:	Bundy Building
	Year built:	1923
	Architectural style:	Commercial, Vernacular
Context 1:		
Context:	Commercial Development, 1850-1980	
Sub context:	No Sub-context	
Theme:	Streetcar Commercial Development, 1873-1934	
Sub theme:	No SubTheme	
Property type:	Commercial - Retail	
Property sub type:	One-story Commercial Strip	
Criteria:	A/1/1&C/3/3	
Status code:	3S;3CS;5S3	
Reason:	Rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; most examples from this period do not retain integrity.	

1648 Abbot Kinney Blvd

1334 S Abbot Kinney Blvd (below) is a 5,400 square foot single-use retail building with FAR 1:1



Primary Address: 1338 S ABBOT KINNEY BLVD
 Other Address: 1334 S ABBOT KINNEY BLVD
 1340 S ABBOT KINNEY BLVD
 510 E ANDALUSIA AVE
 Name:
 Year built: 1929
 Architectural style: Commercial, Vernacular

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Commercial Development, 1873-1934
Sub theme:	No SubTheme
Property type:	Commercial - Retail
Property sub type:	One-story Commercial Strip
Criteria:	A/1/1&C/3/3
Status code:	3S;3CS;5S3
Reason:	Rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; most examples from this period do not retain integrity.

1355 S Abbot Kinney Blvd (below) is a 10,796 square foot single-use retail building with FAR 1:1



Primary Address: 1355 S ABBOT KINNEY BLVD
 Name: Wents Building
 Year built: 1925
 Architectural style: Beaux Arts Classicism

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Commercial Development, 1873-1934
Sub theme:	No SubTheme
Property type:	Commercial - Retail
Property sub type:	One-story Commercial Strip
Criteria:	A/1/1&C/3/3
Status code:	QQQ
Reason:	Appears to be a rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; most examples from this period do not retain integrity. Alterations were in progress at the time of the survey; therefore, the integrity assessment could not be completed.

1648 Abbot Kinney Blvd

In total, there are 10 remaining, in-tact examples of single-use commercial development in the artcraft district along Abbot Kinney Blvd, which represents the community character of the boulevard.

The average square footage of these buildings is 5,618 square feet, and the average FAR is 0.9:1.

The smallest among these buildings is 3,045 square feet, and the lowest FAR found is 0.75:1.

SurveyLA - Venice Survey		
Rare, Intact Examples of Early Commercial Development on Abbot Kinney Blvd		
Address	Total SF	FAR
1100 S Abbot Kinney Blvd	3,890	0.96
1103 S Abbot Kinney Blvd	3,400	0.97
1112 S Abbot Kinney Blvd	6,300	0.78
1118 S Abbot Kinney Blvd	4,200	0.78
1108 S Abbot Kinney Blvd	3,045	0.75
1201 S Abbot Kinney Blvd	3,200	0.92
1221 S Abbot Kinney Blvd	5,866	0.86
1331 S Abbot Kinney Blvd	10,080	1
1334 S Abbot Kinney Blvd	5,400	1
1355 S Abbot Kinney Blvd	10,796	1
Average:	5,618	0.9:1
Lowest:	3,200	0.75

The LUP, in consideration of community character, allows for an up-to 1.5:1 floor area ratio for mixed-use properties along Abbot Kinney Blvd. The applicant in this case is proposing a **0.74:1** floor area ratio, which is less than ½ of the maximum FAR allowed in the LUP for a mix of uses.

The 0.74:1 FAR being proposed is, on average, 16% smaller than original, single-use commercial buildings along Abbot Kinney Blvd and is less overall than the lowest FAR among the 10 remaining examples.

The 1,995 square feet building being proposed is, on average, is 64% smaller than the 10 original, single-use commercial buildings along Abbot Kinney; and is more than 1,000 sf smaller than the smallest observed example.

The subject property therefore preserves and enhances community character by providing a building that is both commensurate in terms of mass and scale with surrounding uses, and by recreating the same design vernacular and scale as early Abbot Kinney Blvd (originally Camino Real).

Therefore, the proposed 1:74:1 FAR in lieu of 0.5:1 FAR is consistent with the general purpose and intent of the LUP.

2. That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the Specific Plan area.

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 a Floor Area Ratio (FAR) of 0.74:1 in lieu of the 0.5:1 FAR limit per section 11.B.3.

It is not possible to provide on-site parking at the subject property under any development scenario.

Conditions applicable to the subject property and the intended use/development of the subject property that do not apply generally to other property in the Specific Plan Area:

- The subject property is a very small, interior, substandard lot, which has neither alley access nor multiple-roadway access.
- The subject property shares a lot line with a single-family dwelling to its rear where the single-family dwelling is oriented such that it is set-back only 5-feet from the rear property line of the subject property.

The vast majority of properties in the Venice Coastal Zone Specific Plan do not have all three of those conditions: (1) No alley access, (2) small, substandard lot, (3) no secondary public access via a through-lot condition or a corner lot. It can therefore be stated that the regulations in the LUP and the VCZSP generally do not consider these constraints.

The subject property's condition is made even more rare by the fact that the rear lot line of the subject property is set-back only 5-feet from a single-family dwelling. This condition creates a hardship for the applicant and a potential conflict the LUP Policy I.E.2., which states in part that "new development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged."

It is physically impossible to provide parking at the subject property. There is an existing curb cut for the property along Abbot Kinney Blvd, however, the lot is only 30-feet wide and 90-feet deep, which creates a condition whereby it is impossible to meet LADBS turn-around requirements on the site interior.

The Los Angeles Department of Transportation (LADOT) and the Los Angeles Municipal Code do not allow for automobiles to back onto a collector street because the backing out would create a public safety hazard, especially on a pedestrian-focused street like Abbot Kinney. This physical limitation does not even consider the fact that a 10' driveway along the front lot line would be in complete disregard of good planning and the design standards contained in the VCZSP Section 11.B.1., and 2.

The applicant is therefore constrained only to developments options that do not require parking.

The subject property is eligible for AB 2097, which prohibits the City of Los Angeles and the California Coastal Commission from imposing minimum automobile parking requirements on residential, commercial, or other development project types.

Contrary to how some may view the law, AB 2097 does not mean that developers can and will build residential and commercial uses with zero parking. AB 2097 simply allows developers the option to reduce or eliminate on-site parking according to factors like cost of parking, site feasibility, and parking demand or the amount of value parking adds to an asset.

Since AB 2097 was enacted on January 1, 2023, there have been very few developers who have found it feasible to provide zero parking for new commercial uses or large residential housing development projects. One major factor is that most construction lenders view zero parking for market rate housing or commercial offices as too risky. The second reason, which correlates with the first, is that there are still certain uses and certain locations where a building cannot be leased without parking, and therefore it is not financially feasible for developers to build those use types without parking, even if they are allowed to do so.

An article entitled “California Assembly Bill 2097: Eliminating Parking Minimums for New Developments Near Major Transit Stops”, published by Law Offices of J.J. Sherman, P.C. and Myaysa Evans, St Josh’s University School of Law, underscores this point. The article says, “While AB 2097 removes the minimum parking requirement from a new development located near a major transit stop, developers still need to assess parking needs for the new development and may elect to include some on-site parking based on market need.”

A 1,995 square foot retail space along Abbot Kinney Blvd is a use for which a tenant would not need parking and the proposed project would therefore be viable as a tenant space on the subject property. The off-site parking analysis included with the application showed (1) that short-term parking is generally available on and around Abbot Kinney Blvd, and (2) that, with very few exceptions, parking was not provided on-site at any other retail stores along Abbot Kinney or Ocean Front Walk, which supported the thesis that the vast majority of people visiting retail stores along Abbot Kinney Blvd or Ocean Front Walk do not expect to park on-site because no single-store is their destination.

Conversely, office and/or residential are examples of uses which are difficult to financially support without long term parking at the subject property because (1) a construction lender would view construction of a new dwelling or office use on Abbot Kinney Blvd without parking as too risky, and (2) the market for a new office space or dwelling on Abbot Kinney does not exist yet and has not been proven.

On June 30, 2023, the California Coastal Commission released a memo entitled, “Implementation of Assembly Bill 2097 (Friedman) Relating to Minimum Parking Requirements Near Major Transit Stops”. The memo is a direct response to AB 2097 and discusses how local governments can impose other types of

The memo concludes:

The Commission and local governments should harmonize the public access and recreation provisions of the Coastal Act and LCPs with the requirements of AB 2097 to the maximum extent feasible. AB 2097 is a potential step towards reducing our car-centric manner of accessing the coast. However, AB 2097 is likely to have impacts on visitors and inland residents that will be difficult to fully mitigate. Implementation in the coastal zone requires careful analysis and an increased emphasis on alternative ways of providing access to the coastal. The Commission and local governments can require and plan for alternatives to imposing minimum automobile parking requirements for development located within one-half mile of a major transit stop, such as LCP amendments encouraging public transit and multi-modal transportation and CDP conditions requiring alternative and public transit amenities. Local governments are encouraged to work closely with Coastal Commission staff to develop strategies that can mitigate for the increased demand for public parking in these areas to the maximum extent feasible and in an equitable manner.

The Department of City Planning's staff report for Case No. APCW-2024-275-SPE-SPP-CDP, dated November 6, 2024, states on page A-8:

The applicant's request to exceed the required FAR of 0.5 to 1 for a commercial building comprised of a single retail use is inconsistent with the intent of the Specific Plan and the Land Use Designation. Additionally, the request is self-imposed and there are no existing extraneous circumstances that justify a larger FAR

Again, the applicant respectfully disagrees with Department of City Planning's assertion that the request is self-imposed.

The impositions to the subject property are the physical constraints that do not allow for on-site parking, thereby rendering residential and office uses infeasible, as described above. In order for a single, retail use to be financially viable, it would need to have an FAR > 0.5:1. The proposed FAR of 0.74:1 would still result in the proposed project being smaller in terms of FAR than all 10 original, single-use commercial buildings on Abbot Kinney Blvd; and the proposed FAR of 0.74:1 would result in the proposed project being *much smaller* than those original 10 buildings in terms of overall square footage.

- 3. 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.**

Newer projects along Abbot Kinney Blvd, including both ground-up developments and additions, are generally able to accommodate much larger floor area ratios by providing a mix a uses.

1648 Abbot Kinney Blvd

The subject property at 1648 S Abbot Kinney is not able to accommodate a mix of uses for the reasons stated above and therefore is limited by code to a floor area ratio of 0.5:1.

The chart below shows the address, square footage, height, use, and number of parking spaces for all mixed-use projects completed in the Abbot Kinney Blvd artcraft district in the last 30 years.

Address	Year Completed	SF	Stories	Use	# Parking Spaces
1653 Abbot Kinney Blvd	2007	47,552	3	Residential + Commercial	81
1638 Abbot Kinney Blvd	2010	3,126	3	SFD + Office	2
1632 Abbot Kinney Blvd	2016	5,119	3	Artist-in-Residence	2
1511 Abbot Kinney Blvd	2008	3,914	3	Artist-in-Residence	2
1342 Abbot Kinney Blvd	2008	4,488	3	Retail + Artist-in-Residence	4
1319 Abbot Kinney Blvd	2007	4,982	3	Residential + Office	7
1311 Abbot Kinney Blvd	2007	7,456	3	Artist-in-Residence	2
1511 Abbot Kinney Blvd	2008	3,914	3	Retail + Artist-in-Residence	3
1434 Abbot Kinney Blvd	2003	3,137	3	Restaurant + Dwelling	6
1214 S Abbot Kinney Blvd	2007	5,387	3	Retail + Artist-in-Residence	3
1119 Abbot Kinney Blvd	2007	16,080	3	Retail + Joint Living and Work	31
1132 Abbot Kinney Blvd	2014	4,362	3	Retail + Artist-in-Residence	2
Average (excluding 1653 AK)		5,633	3		5.82

The average square footage for mixed use projects on Abbot Kinney Blvd completed in the last 30 years is 5,633 square feet. This calculation excludes 1653 Abbot Kinney as an outlier because it is not within the artcraft district, despite it being located directly across the street from the subject property.

All 12 of these projects are 3-stories in height and provide an average of 5.82 parking spaces.

The proposed project is unable to provide parking because of physical limitations that generally apply only to the subject property.

The proposed project is not able to financially support residential and office tenant spaces without parking, therefore the proposed project is limited to a single retail use.

The single use retail is to a hardship. The FAR limit in the VCZSP and the LUP for single use retail is punitive in our case because it assumes that retail will be only one component of a larger project, and it assumes that the applicant has the standard conditions necessary to build additional uses. Therefore, the 0.5:1 FAR limitation is an unnecessary hardship incurred by a unique set of circumstances that apply only to the subject property.

The 12 properties listed on Abbot Kinney Blvd have been able to achieve an FAR of 1.5:1 and a height of 3-stories in part because they are able to provide parking to support those uses, which is a substantial property right that is not available to the subject property.

4. That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.

Granting an exception from the Venice Coastal Zone Specific Plan to allow an additional 645 square feet of floor area would not be detrimental to the public welfare, injurious to property or improvement to property in the surrounding area.

Conversely, the proposed project would result in a significant improvement and benefit to the neighborhood by developing a vacant lot with a with a single-story building designed in the vernacular of early 1900's Abbot Kinney Blvd, which would help to preserve and enhance the existing (and original) character of Abbot Kinney Blvd.

5. That the granting of an exception will be consistent with the principles, intent and goals of the Specific Plan and any applicable element of the general plan.

The proposed project will help to address the following issues stated in the Venice Coastal Land Use Plan:

Exhibit 3 "Locating and Planning New Development"

- *Encouragement of coastal development, recreation, neighborhood- and visitor-serving facilities.*
- *Preservation of community character, scale and architectural diversity.*
- *Development of appropriate height, density, buffer and setback standards.*
- *Preservation and restoration, where feasible and necessary, of historical landmarks*
- *Conflict between residential and beach visitor parking*
- *Lack of convenient and secure bicycle (parking/storage) facilities provided at public buildings, retail uses, parks and multiple family housing developments.*

The proposed project will help to achieve the following goal for new development in the LUP:

Section 30253:

- Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed project will help to meet the following goals of the VCZSP:

Section 3.F: To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas.



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. Façade 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



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.

DAY OF HEARING SUBMISSIONS