

812 S. Robertson Variance Findings (Use and Parking)

1. Explain why the strict application of the zone code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

The applicant is converting an office building to a jewelry business with part office and part retail uses. Excalibur Jewelry, which the applicant has owned and operated since 1981, specializes in the sale estate jewelry, new jewelry, repairs and similar services, with sales both local US and international sales. The use itself consists of part office use for the administration of the business and international sales, and part retail space as a jewelry showroom for both new and estate jewelry.

There are two practical difficulties presented here pertaining to the requested change of use. The first is that all of the proposed uses are permitted in the C2 zone, with the exception of the estate jewelry portion of the business, since a Q condition on the property limits the use to those allowed in the C1 zone (see copy of AB283 Ordinance attached). Under LAMC, technically the estate jewelry portion of the business, while high end and expensive in nature, is considered the sale of used goods like a pawn shop, and C1 uses prohibit the sale of used goods/pawn shops. Jewelry stores, on the other hand, are specifically permitted in the C1 zone. The applicant has three different parts to his business, two of which - international retail and new jewelry sales - are permitted in the C1 zone. The estate jewelry portion of the use is technically not permitted. The elimination of used goods sales in the C1 zone seems to exist primarily for the purpose of eliminating "low end" pawn shops, used clothing stores, thrift shops, etc. The only similarity between the proposed use and these "low level" uses, particularly pawn shops, is that a police permit is required for businesses that sell used goods - in part or in full, and regardless of the nature of the businesses themselves as they pertain to the intentions of the applicable zoning regulations. In this case, the strict application of the zoning presents practical difficulties in that a business of this nature (a reputable, high end jewelry store) is completely appropriate in the C1 zone, but is being categorized as a pawn shop due to this technicality in the Q condition that is not relevant to this business. Where a pawn shop use might be deemed inconsistent with the intention of the relevant zoning regulations, a jewelry store is completely consistent. This is a high end business proposed in a high end neighborhood. Thus, strict application fo the zone code would result in practical difficults or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

Further, the applicant requests a variation from parking regulations that would require three additional parking spaces for the conversion of the first floor from office to retail. The applicant is providing 5 vehicle spaces and 8 bicycle parking spaces (equivalent to two vehicle spaces per Bicycle Parking Ordinance CF 12-1297-S1), with a total of seven spaces provided and eight technically required. While a portion of the proposed first floor plan could be considered an office use as a it deals with international sales and

administration of the business, LADBS parking regulations require that the entire floor be considered retail, and thus require four parking space per thousand square feet, as compared with the two spaces per thousand that should actually be required for the office portion of the first floor. The resulting parking count is based on this nonsensical LADBS interpretation. On a practical level, due to the nature of the business as an appointment only, low sales volume enterprise, the additional parking is not necessary to the operation of the business. Thus, strict application of the zoning regulations as they pertain to parking result in practical difficulties and unnecessary hardships.

2. Describe the special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

Most businesses in the surrounding neighborhood do not have what would be considered a mixed commercial use (office and retail) as does the proposed use. As previously stated, the international sales and administration portion of the business constitutes an office use and the retail portion involves on-site sale of both new jewelry and estate jewelry. The subject property is located in a commercial business district containing a variety of single use businesses including a tanning salon, personal trainer, law offices, computer shop, nail salon, and even an American Cancer Society Discovery Shop (second hand store).

Interestingly, the properties directly across the street from the subject property and properties one and one half block to the north are located in the City of Beverly Hills.

3. Explain why the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

The subject property is located in a commercial business district containing a variety of single use businesses including a tanning salon, personal trainer, law offices, computer shop, nail salon, and even an American Cancer Society Discovery Shop (second hand store). Many of the neighboring businesses are located in older buildings that were constructed when parking regulations for office and retail were the same at 2 spaces per 1,000 square feet. Thus, it has been possible for some buildings to use grandfathered non-conforming parking rights to acquire Certificates of Occupancy for retail uses without providing additional parking required by more recent LAMC parking regulations (4 spaces per 1,000 square feet instead of the original 2 spaces per 1,000 square feet). Other businesses have remained offices and continued to provide the required 2 spaces per 1,000 square feet. The subject case proposes a mix of office and retail use in which the office portion of the first floor is not honored by the parking regulations, and thus the requested reduction in parking by one space would be consistent with the non-conforming parking regulations enjoyed by other properties with similar uses in the same zone and vicinity.

Another interesting point is that due to the subject property's proximity to the Los Angeles/Beverly Hills property line, many of the nearby properties that relate the most to the subject property are located in the city of Beverly Hills, where the parking requirements for office and retail are the same at 1 space per 350 s.f. (approximately 3 spaces per 1,000 square feet, as compared with LAMC's required 4 spaces per 1,000 square feet). This serves as further justification for the requested reduction of one parking space as it compares with parking requirements for surrounding businesses.

Therefore, in this case, the strict application of parking regulations causes an unnecessary hardship on the proposed business to enjoy a use generally possessed by other property in the same zone and vicinity.

4. Explain why the granting of the variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.

The nature of the proposed use is that of a jewelry store which is expressly permitted by the applicable zoning regulations. The proposed use variance is needed not because of the use itself, but due to the nature of the strict interpretation of the relevant Q condition that deems a business involving the sale of estate jewelry a pawn shop. It would be extremely unfair to categorize a high end business such as the proposed in the same manner and proposing the same restrictions that were originally intended to protect neighborhoods from pawn shops, thrift shops, and similar "low end" businesses that could bring crime, unethical business practices or unwanted foot traffic to a specific neighborhood. The only similarity between estate jewelry shops and lower end shops addressed in the intention of the relevant Q condition is that both require a police permit for the sale of used goods. Neither the intention of the relevant Q condition nor the requirements for acquisition of a police permit pertain to the nature of the businesses at hand - only the technical fact that resale products are being sold is considered. To be clear, as a high end jewelry store in a high end neighborhood, the proposed business will in no way be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.

The application of strict retail parking regulations to an entire floor for a business that has mixed uses and should have appropriate mixed parking requirements is not equitable. There are many office uses, such as real estate, insurance brokers, law offices, etc that generate far more parking needs than the subject business, which due to its low traffic, high price nature does not require much parking. The retail portion of the business is generally by appointment only, and is not located in an area with heavy foot traffic that would expect to attract a large volume of walk-in business. Further, the business has a full time security guard that reduces walk-in volume. The proposed mixed use and aforementioned lack of distinction between retail and office uses on the first floor per LADBS technical interpretation of parking regulations creates an ambiguous situation as it pertains to parking. It is not unreasonable that a reduction of one space be granted.

In conclusion, not only would the granting of the variance not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located, this high end business will help enhance the character of the neighborhood and is consistent with the lifestyle and business options in the surrounding community.

5. Explain why the granting the variance would not adversely affect any element of the General Plan.

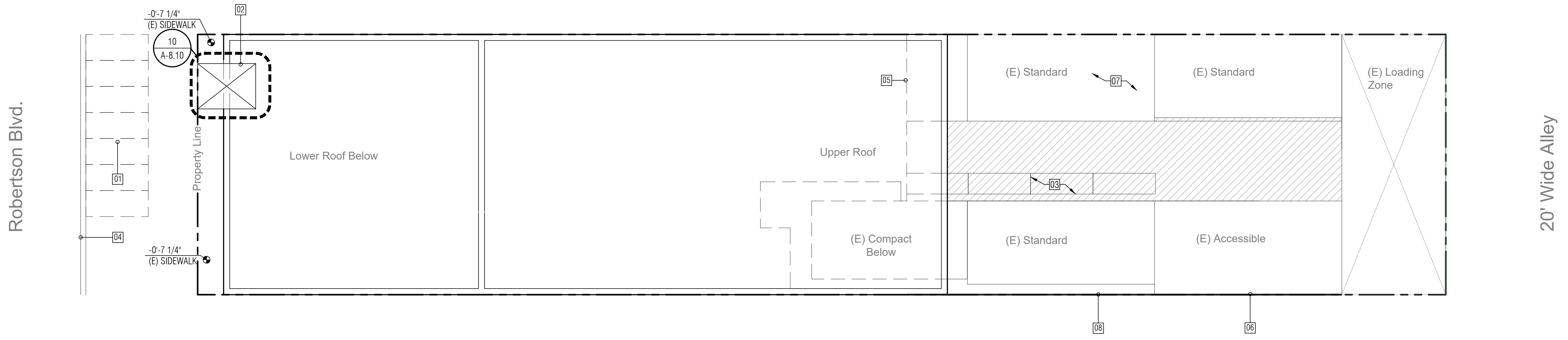
The General Plan designation for the subject property is limited commercial. The Q condition limits the C2 zoning to C1 uses. The jewelry business use is a permitted use in the C1 zone. The only aspect of the proposed business requiring a variance is the technical second hand nature of the estate jewelry portion of the business. As a high end jewelry business, this does not in any way effect the General Plan designation nor is it inconsistent with with uses intended by the General Plan for limited commercial areas. The General PPlan does not specifically relate to a mixed occupancy use such as the proposed use, nor are there guidelines or specific requirements for parking in such circumstances. The proposed reduction of parking has no impact or negative effect on the General Plan.

GENERAL NOTES

- IN NO CASE SHALL DIMENSIONS BE SCALED FROM DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS IN THE FIELD BEFORE PROCEEDING WITH SUBSEQUENT WORK.
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- DIMENSIONS MARKED "MIN." INDICATE A MINIMUM CLEARANCE THAT MUST BE MAINTAINED.
- REFER TO SHEET A-0.0 FOR SYMBOLS AND ABBREVIATIONS.
- ALL FRAMING MEMBERS SHALL BE SO ARRANGED AND SPACED AS TO PERMIT INSTALLATION OF PIPE CONDUITS AND DUCTWORK WITH A MINIMUM OF CUTTING. CONTRACTOR SHALL PROVIDE AND INSTALL ALL STIFFENERS, BRACES, BACK-UP PLATES AND SUPPORTING BRACKETS AS REQUIRED FOR THE INSTALLATION OF ALL WALL MOUNTED OR SUSPENDED MECHANICAL AND ELECTRICAL EQUIPMENT.
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- ALL GYP. BD WALLS TO BE TAPED, SANDED, AND PRIMED TO LEVEL 4 FINISH U.N.O.
- REF. A-7.0 FOR TYPICAL WALL, CEILING, AND PENETRATION DETAILS.
- ALL WORK SHALL COMPLY WITH CURRENTLY ADOPTED CALIFORNIA BUILDING CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA GREEN BUILDING, AND CALIFORNIA ENERGY STANDARDS. ALL CODES WITH CITY OF LOS ANGELES AMENDMENTS.
- ITEMS NOT MARKED "EXISTING" INDICATE NEW PROPOSED CONSTRUCTION.
- PROVIDE SEISMIC GAS SHUTOFF VALVE AT FUEL GAS LINE ON THE DOWNSTREAM SIDE OF THE UTILITY METER AND BE RIGIDLY CONNECTED TO THE EXTERIOR OF THE BUILDING OR STRUCTURE CONTAINING THE FUEL GAS PIPING (PER ORDINANCE 170, 158).

PLAN NOTES (#)

- SHORT-TERM BICYCLE PARKING PROVIDED (X6) BY BELSON OUTDOORS MODEL U190-SF-G.
- PROPOSED CANOPY.
- LONG-TERM BICYCLE PARKING PROVIDED (X4) BY THE HOME DEPOT MODEL #CL72.
- LINE OF SIDEWALK.
- LINE OF BUILDING BELOW.
- ACCESSIBLE PARKING SIGN POSTED IMMEDIATELY ADJACENT TO THE PARKING SPACE.
- TANDEM PARKING STALLS WITH AN ATTENDANT. DOUBLE STRIPING OF STALLS BE PER FIG.7 OF THE CITY OF LA BLDG. DEPT. STANDARDS.
- (E) FENCE WALL.



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SITE DEMO- ROOF PLAN SCALE: 3/16" = 1'-0" **03**

Number	Date	Description
2	04/20/17	PC REVISIONS RESUBMISSION
1	02/24/17	PC SUBMITTAL SET

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DRAWING TITLE:
SITE PLAN

SCALE: 3/16" = 1'-0"
 DATE: 04/20/17
 DRAWING NUMBER:
A-2.00

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10. ITEMS NOT MARKED "EXISTING" INDICATE "NEW" PROPOSED CONSTRUCTION.

HATCH LEGEND

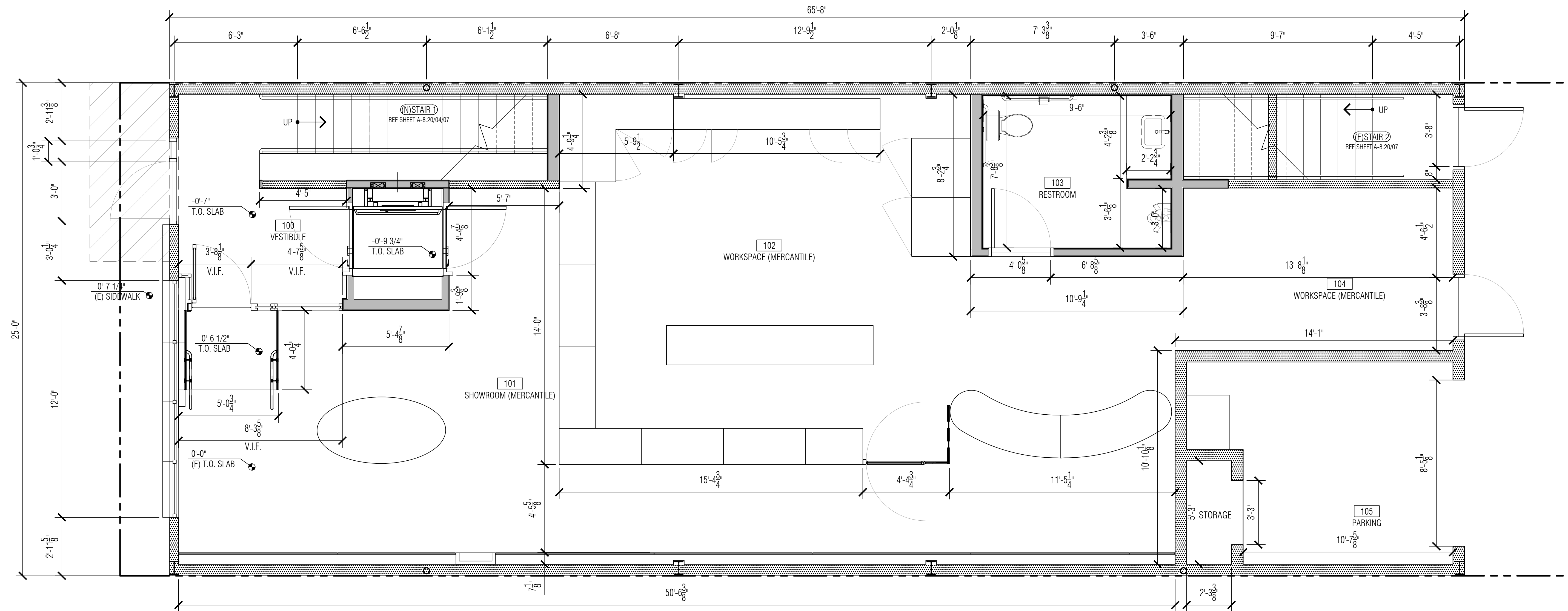
- (E) WALL TO REMAIN
- NEW WALL

DIMENSION PLAN NOTES

1. 60" CLEAR LEVEL DOOR LANDING WITH 24" STRIKE SIDE CLEARANCE.
2. 60" CLEAR LEVEL DOOR LANDING WITH 18" STRIKE SIDE CLEARANCE.
3. 48" CLEAR LEVEL DOOR LANDING WITH 12" PUSH SIDE CLEARANCE.
4. FLOOR SPACE. A CLEAR MANEUVERING SPACE AT LEAST 30 INCHES BY 48 INCHES SHALL BE PROVIDED AT LAVATORIES AND SHALL BE CENTERED ON THE LAVATORY.
5. THERE SHALL BE A MINIMUM CLEAR FLOOR SPACE 48 INCHES PARALLEL BY 30 INCHES PERPENDICULAR TO THE SIDE OF A BATHTUB OR BATHTUB-SHOWER COMBINATION (MEASURED FROM THE FOOT OR DRAIN END OF THE BATHTUB) TO PROVIDE FOR THE MANEUVERING OF A WHEELCHAIR AND TRANSFER TO AND FROM THE BATHING FACILITIES.
6. 5' DIAMETER MANEUVERING SPACE

COLUMN TAG

- CL - CENTERLINE
- FS - FACE OF STUD
- CB - CENTER OF BEAM
- FF - FACE OF FINISH (SEE NOTE #2 UNDER GENERAL COMMENTS)
- FC - FACE OF CONCRETE



GROUND FLOOR DIMENSION PLAN

SCALE: 3/8" = 1'-0"
 DATE: 04/20/17
 DRAWING NUMBER: A-2.11

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PC SUBMITTAL

EXCALIBUR

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6. 5' DIAMETER MANEUVERING SPACE

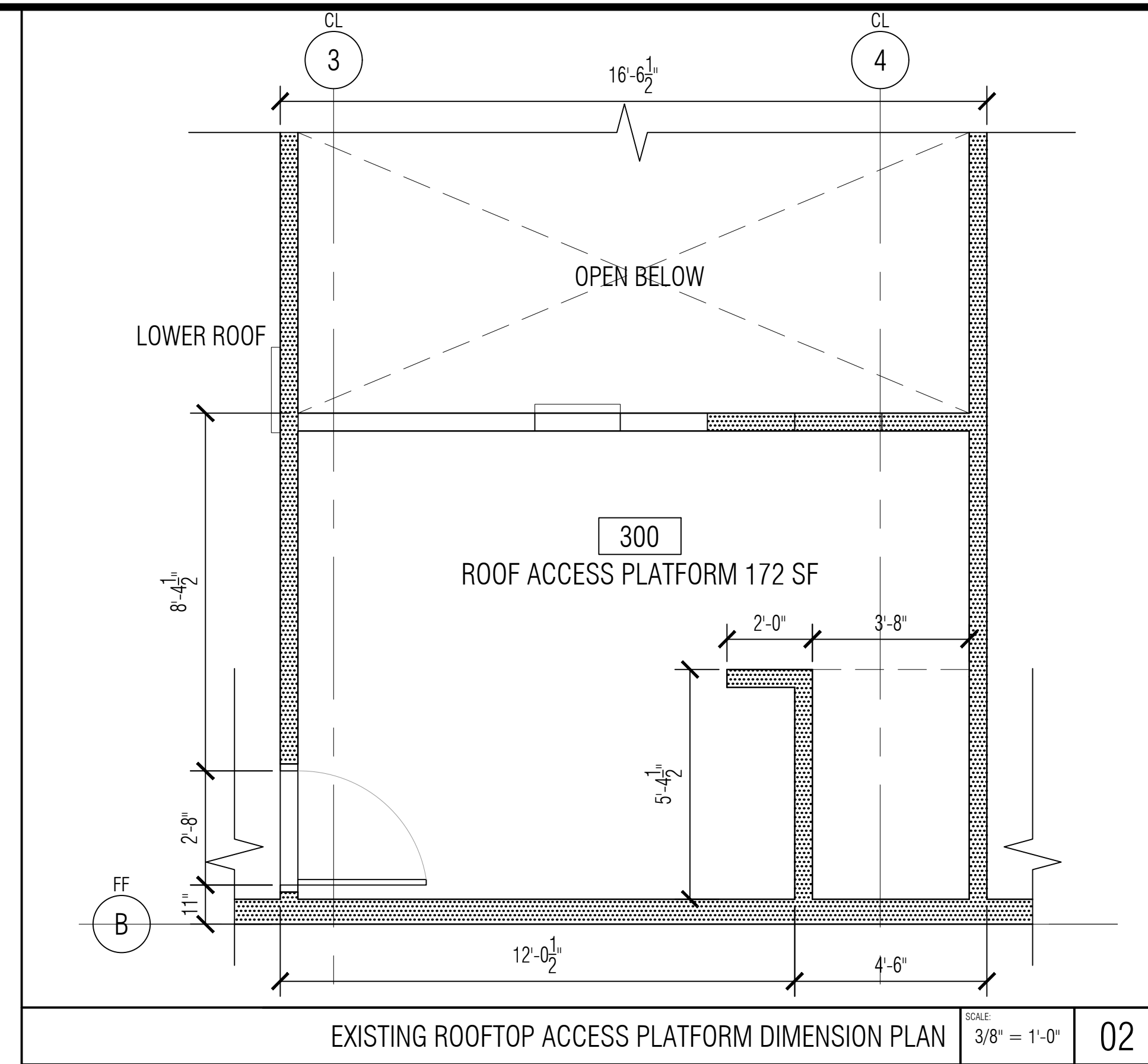
COLUMN TAG

- XX =
- CL - CENTERLINE
 - FS - FACE OF STUD
 - CB - CENTER OF BEAM
 - FF - FACE OF FINISH (SEE NOTE #2 UNDER GENERAL COMMENTS)
 - FC - FACE OF CONCRETE

HATCH LEGEND

- (E) WALL TO REMAIN
- NEW WALL

*REFER TO DEMO PLAN FOR LOCATION ON TRENCHING



EXISTING ROOFTOP ACCESS PLATFORM DIMENSION PLAN SCALE: 3/8" = 1'-0" 02

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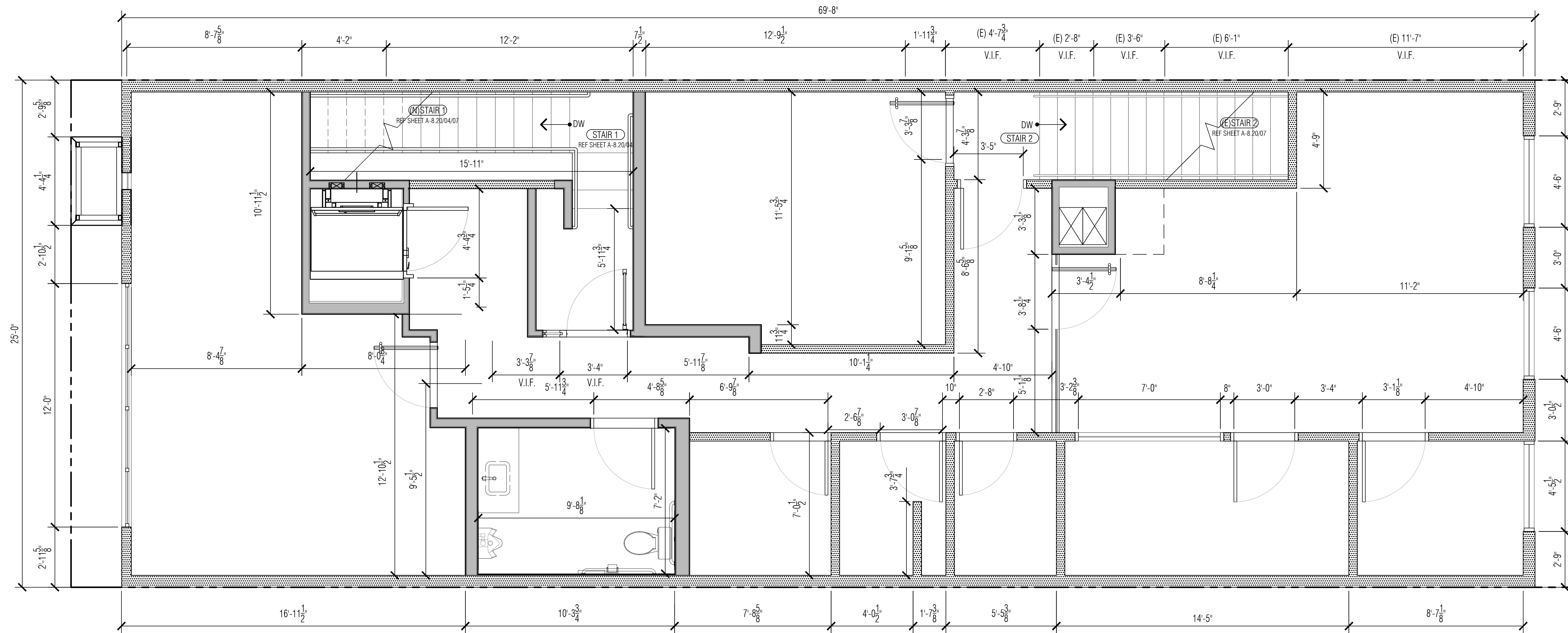
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DRAWING TITLE:
SECOND FLOOR DIMENSION PLAN

SCALE:
 3/8" = 1'-0"

DATE: 04/20/17
A-2.21

DRAWING NUMBER:
 04



SECOND FLOOR DIMENSION PLAN SCALE: 3/8" = 1'-0" 04

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