

# MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

ORIGINAL

APPEAL TO THE: CITY COUNCIL  
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: APCVY - 2014 - 364 - SPE - SPP - CDP - ENV - 2014 - 0365 MHD

PROJECT ADDRESS: 21 VOYAGE ST. MARINA DEL REY, CA 90242

FINAL DATE TO APPEAL: 01.02.15

- TYPE OF APPEAL:
- Appeal by Applicant
  - Appeal by a person, other than the applicant, claiming to be aggrieved
  - Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

## APPELLANT INFORMATION – Please print clearly

Name: HENRY RAMIREZ / JAY RAMRAS

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

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

Address: 2824 1/2 GRAND CANAL

VENICE, CA Zip: 90291

Telephone: 323 401 3792 E-mail: HRAM.DESIGN@GMAIL.COM

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

Yes  No

## REPRESENTATIVE INFORMATION

Name: HENRY RAMIREZ

Address: 2824 1/2 GRAND CANAL VENICE, CA 90291

Zip: \_\_\_\_\_

Telephone: 323 401 3792 E-mail: HRAM.DESIGN@GMAIL.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: 01.02.2015

*Planning Staff Use Only*

Amount <u>15,932.40</u>	Reviewed and Accepted by <u>VANESSA SOTO</u>	Date <u>1/2/2015</u>
Receipt No <u>31710</u>	Deemed Complete by	Date
<input type="checkbox"/> Determination Authority Notified	<input checked="" type="checkbox"/> Original Receipt and BTC Receipt (if original applicant)	

## JUSTIFICATIONS/REASON FOR APPEALING

**Location:** 21 Voyage Street

**Are you appealing the entire decision or part of it?**

- We are appealing the entire decision of the West Los Angeles Area Planning Commission as presented in their letter of determination -- Corrected Determination Mailing Date of December 18, 2014

**The reasons for the appeal:**

- There are exceptional circumstances or conditions applicable to the subject property that were not taken into account. Considering these exceptional circumstances and conditions, 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. Moreover, granting the exception will not be detrimental to the public welfare or injurious to property or improvement adjacent to or in the vicinity of the subject property. In fact, the Venice Neighborhood Council and the abutting neighbors fully support the approval of this project.

**How are you aggrieved by the decision?**

- The decision of the Planning Commission, if left to stand, would result in the loss of a dwelling unit that has been part of the housing stock for several decades and the displacement of an existing tenant. During this housing crisis that the City is facing, the loss of this dwelling unit would not be consistent with the principles, intent and goals of the specific plan.

**Why you believe the decision-maker erred or abused their discretion?**

- The president of the Planning Commission was concerned that approving this project would set precedent in the area, stating that no other projects like this had been approved by the Commission. He failed to note, however, that this Planning Commission had already approved similar projects seeking the same two Venice Coastal Zone Specific Plan Exceptions. Other similar projects requiring the same exceptions approved by the Planning Commission are attached (see Exhibit 1 and 2).

### THE POINTS AT ISSUE:

#### **I. Proposed Project and Requested Action:**

To permit an existing 830 square foot unit and, thus, allowing a 3-unit building from what is currently designated a 2-unit building in an R3 Zone. To this end, we request the following exceptions: (1) Density - permit 1,137 square foot area per dwelling unit instead of the required 1,200 square foot area per dwelling unit; (2) Parking - permit the existing 6 parking spaces instead of the required 6 parking spaces and 1 guest parking space. No additional square footage was added to the footprint of the building and no additional square footage is being requested or contemplated.

## **II. Venice Community Plan's land use objectives are consistent with the proposed project and requested action.**

The subject property is located within the Venice Community Plan area. The Plan Map designates the subject property for Medium Residential land use with zone R3-1. The following Venice Community Plan's land use objections are consistent with the proposed project and with the requested action:

### Chapter III – Land Use Policies and Programs

Objective 1-1: To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical need of the existing residents and projected population of the Plan area to the year 2010.

*Policy 1-1.1* Designate specific lands to provide for adequate multi-family development.

*Policy 1-1.4* Promote the preservation of existing single-family and multi-family neighborhoods.

Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

*Policy 1-3.2* Proposals to alter planned residential density should consider factors on neighborhood character and identity, compatibility of land uses, impact on livability, adequacy of public services and impacts on traffic levels.

## **III. Venice Coastal Zone Specific Plan**

The subject property is located within the Marina Peninsula subarea of the Venice Coastal Zone Specific Plan ("Specific Plan"). One of the general purposes of the Specific Plan is to regulate all development, including use, height, density, setbacks, buffer zones 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. We are requesting two Specific Plan Exceptions to allow **(1)** increased density and **(2)** reduced parking.

*A. There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

- **Density**

The Specific Plan has placed a density limitation of two dwelling units on lots zoned R-3-1. In addition, within the Marina Peninsula subarea, the lot area per dwelling unit shall not be less than 1,200 sq.ft. In our case, the subject property is zoned R-3-1 and was developed in 1987 as two units with a storage room in a 3,149.80 sq.ft. lot as documented by the original building permits. The third unit was seemingly converted from storage space prior to the adoption of the Specific Plan.

This property is uniquely situated such that it is subject to a Revocable Permit ("R-Permit") provided by the City of Los Angeles Department of Public Works Bureau of Engineering and required by the Specific. The purpose of the R-Permit is to grant conditional encroachment of the public right-of-way by private parties not authorized to occupy the right-of-way. The owner of the property becomes responsible for this additional square footage granted under the R-Permit and must, for instance, incur the additional expense of obtaining liability insurance to protect the City. The owner may then, for instance, erect a wall for the exclusive use of that additional area.

In our case, the property is uniquely situated on a Walk Street such that under the Specific Plan obtaining the R-Permit and maintaining the additional 490 square feet for the subject property is compulsory. However, this additional square footage was not included in the density analysis. Including this additional area for the density analysis of the subject property would result in lot area per dwelling unit of more than 1200 sq. ft., meeting the requirements of the Specific Plan.

*B. 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.*

- **Parking**

One issue of concern for multiple units is the availability of on-site parking for additional tenants. In our case, the subject property has parking for each single occupant tenant in the building. Moreover, under the Zoning Code, the subject property provides adequate parking for each of the three dwelling units. The fact that the subject unit has been part of the housing stock for many years should be an indication that granting the exception (not requiring one guest parking) would not have an impact on off-site parking availability.

Given the housing crisis in Los Angeles, as even noted recently by the Mayor, the removal of the non permitted dwelling unit that has been part of the housing stock for several decades because of the Specific Plan's requirement for a guest parking space would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area.

*C. Granting the exception will not be detrimental to the public welfare or injurious to property or improvement adjacent to or in the vicinity of the subject property.*

- **Approved by the Venice Neighborhood Council and the Abutting Neighbors**

The subject property is located in a fully developed and established Marina Peninsula Subarea. The density, height and parking components of the subject property are consistent with other properties in the area developed prior to the enactment of the Specific Plan. The Venice Neighborhood Council and the abutting neighbors support the requested exceptions (density and parking) for the subject property, which further demonstrates that such exceptions would not be detrimental to the public welfare or injurious to adjacent properties.

*D. The granting of the exception is consistent with the principles, intent and goals of the specific plan.*

- **The Venice Local Coastal Program reads in pertinent part:**

Policy 1.A.5: Preserve and protect stable multi-family residential neighborhoods ... and the

residents' quality of life can be maintained...

The requested exceptions will preserve and protect multi-family housing opportunities in the community and not displace any current residents. Granting the requested exceptions would result in legalizing a unit that have been in existence and occupied for several decades and prior to the Specific Plan. The removal of the non permitted dwelling unit would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area.

**IV. Approve Mitigated Negative Declaration ENV-2014-0364-MND**

As noted by the Planning Commission, an environmental review of the project has been conducted in compliance with CEQA. For the reasons set forth in the Proposed Mitigated Negative Declaration No. ENV 2014-0365-MND, the project will not have a significant effect on the environment. Accordingly the Planning Commission should have approved Mitigated negative Declaration ENV-2014-0365-MND.

**V. Approve a Project Permit Compliance determination with the Specific Plan**

Based on the above findings, the Planning Commission should have approved a Project Permit Compliance determination with the Specific Plan.

**VI. Approve Coastal Development Permit**

The proposed project is consistent with the intent and purpose of the Land Use Plan and the Specific Plan, which are parts of the Venice Local Coastal Program.

We are not proposing any exterior changes. Therefore, as noted by the Planning Commission, the project is not subject to the height regulations of the Specific Plan, the project complies with the vehicle access regulations of the Specific Plan, and is not subject to the Walk Street standards of the Specific Plan. The only two issues involve density and parking. Based on the above, the exceptions should have been granted and the Planning Commission should have approved a Coastal Development Permit for the proposed project.



# 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: APR 27 2011

CASE: APCW-2010-3101-SPE-CDP-SPP-MEL

CEQA: ENV-2010-3102-MND

Location: 14 Jib Street  
Council District: 11  
Plan Area: Venice  
Zone: R3-1

Applicant: George Weisenfeld, G & M Weisenfeld Properties  
Representative: Henry Ramirez

At its meeting on **April 6, 2011**, the following action was taken by the West Los Angeles Area Planning Commission:

1. **Approved** the requested **Specific Plan Exception** to permit seven (7) dwelling units on an approximately 3,150 square foot lot classified in the R3-1 zone, instead of the maximum two (2) dwelling units otherwise permitted, subject to the attached Conditions of Approval.
2. **Approved** the requested **Specific Plan Exception** to permit seven (7) parking spaces instead of the minimum 16 parking spaces that would otherwise be required for a seven unit residential project (two parking spaces per unit and two guest parking spaces).
3. **Approved** the requested **Coastal Development Permit** to allow the conversion of four guest rooms and one recreation room into five dwelling units. The project would provide seven parking spaces for the existing duplex and the requested five additional dwelling units (total of seven units).
4. **Approved** the requested **Project Permit Compliance** determination with the Venice Coastal Zone Specific Plan.
5. **Approved** the requested **Mello Act Compliance** determination review.
6. **Adopted** the attached Findings.
7. **Adopted** the environmental clearance ENV-2010-3102-MND.

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 Foster  
Seconded: Commissioner Lee  
Ayes: Commissioners Foster, Lee, and Donovan  
Nays: Commissioner Linnick  
Absent: Commissioner Martinez

Vote: 3 - 1

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

**Effective Date / Appeals:** The Commission's determination on the Specific Plan Exception and Project Permit Compliance will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

LAST DAY TO APPEAL           MAY 12 2011          

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.

Attachments: Findings and Conditions of Approval

cc: Notification List  
Kevin Jones, Senior City Planner

## CONDITIONS OF APPROVAL

### A. Entitlement Conditions

1. **Specific Plan Exception.** A Specific Plan Exception is granted to permit seven (7) dwelling units on an approximately 3,150 square foot lot classified in the R3-1 zone. Any demolition, addition of any floor area or height increase on the existing buildings shall render this Exception null and void requiring a new Discretionary Action.
2. **Specific Plan Exception.** A Specific Plan Exception is granted to reduce parking of seven (7) parking spaces instead of the minimum 16 parking spaces that would otherwise be required for a seven unit residential project. Any demolition, addition of any floor area or height increase on the existing buildings shall render this Exception null and void requiring a new Discretionary Action.
3. **Affordable Housing.** The applicant shall suitably guarantee to the satisfaction of the Housing Department that two (2) dwelling units shall be designated as affordable to Moderate Income Households for a period of 30 years.
4. **Coastal Development Permit.** A Coastal Development Permit is granted to allow the conversion of four guest rooms and one recreation room into five dwelling units. The project would provide seven parking spaces for the existing duplex and the requested five additional dwelling units (total of seven units) classified in the R3-1-O zone located within the dual jurisdiction area of the California Coastal Act.

### B. Environmental Conditions (MM)

5. **Air Pollution (Stationary) III-50** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety. (MM)
6. **Green House Gas Emissions VII-10** At the time the unpermitted work was completed, there were likely new direct and indirect increases to greenhouse gasses; however, at the present time the project is an existing seven-unit apartment building with no new construction proposed. The following mitigation measures have been included in the event tenant improvements are proposed that involve removing existing water heaters and painting.
  - Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwellings. (MM)
  - Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project. (MM)
7. **Utilities (Local Water Supplies) XVII-500** At the time the unpermitted work was completed, there were likely new direct and indirect demands on Local Water Supplies; however, at the present time the project is an existing seven-unit apartment building with no new construction proposed. The following mitigation measures have been included in the event tenant improvements are proposed that involve removing existing plumbing fixtures and water consuming appliances.

- Install/retrofit high efficiency toilets (maximum 1.28 gpf), including dual-flush water closets in all restrooms as appropriate. (MM)
- Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute. (MM)
- Install/retrofit no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute. (MM)
- Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. (MM)
- Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. (MM)

### **C. Administrative Conditions**

8. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
9. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
10. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
11. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
12. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
13. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
14. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

15. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

## FINDINGS

1. **Environmental Findings (CEQA)** - An environmental review of the project has been conducted, in full compliance with the California Environmental Quality Act. Accordingly, a mitigated negative declaration has been prepared for the project, incorporating those mitigation measures which are required in order to reduce any potentially significant environmental effects to a level less than significant. The project will comply with all such mitigation measures.

For the reasons set forth in the Proposed Negative Declaration number ENV-2010-3102-MND, the project will not have a significant effect on the environment.

### General Plan Findings

2. **General Plan Land Use Designation.** The subject property is located within the Venice Community Plan area, which was adopted by the City Council on September 29, 2000 (pursuant to Council File 2000-1505 and CPC-97-0047-CPU). The Plan Map designates the subject property for Medium Residential land use with corresponding zones of R3. The Community Plan includes footnotes that are applicable to the Zones of the Land Use designations. Footnote number 7 for the Multiple Family Corresponding Zones states: "Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles, Municipal Code (LAMC) as permitted by such zones unless further restricted by adopted Specific Plans..." The Venice Coastal Zone Specific Plan (Ordinance No. 175,693, effective January 19, 2004) restricts development on the subject site to a maximum of two (2) dwelling units. The subject lot has an area of approximately 3,150 square feet (sq. ft.), and a width of 35 feet. The lot was developed with a duplex (two dwelling unit) structure with four guest rooms and one recreation room with seven (7) covered parking spaces in 1972.
3. **General Plan Text.** The following Venice Community Plan's land use objectives are consistent with the proposed development:

#### Chapter III - Land Use Policies and Programs.

Objective 1-1: To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical need of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.1 Designate specific lands to provide for adequate multi-family development.

Policy 1-1.4 Promote the preservation of existing single-family and multi-family neighborhoods.

Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Policy 1-3.2 Proposals to alter planned residential density should consider factors on neighborhood character and identity, compatibility of land uses, impact on livability, adequacy of public services and impacts on traffic levels.

4. **The Venice Coastal Specific Plan.** The subject property is located within the Marina Peninsula subarea of the Venice Coastal Zone Specific Plan. The Specific Plan was

adopted by the City Council on October 29, 1999 (Ordinance No. 172,897, effective December 22, 1999) and was superseded by Ordinance No. 175,693, adopted by the City Council on December 2, 2003, (effective January 19, 2004). One of the general purposes of the Specific Plan is to regulate all development, including use, height, density, setbacks, buffer zones 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. The proposed project does not comply with the Specific Plan and Exceptions are needed to grant relief from the provisions. The applicant has requested two Specific Plan Exceptions to allow increased density and reduced parking.

5. **Venice Coastal Zone Specific Plan Text.** The Venice Coastal Zone Specific Plan includes the following relevant land use policies applicable to projects within the Marina Peninsula subarea:

*Density. On R3 zoned lots, a maximum of two dwelling units per lot shall be permitted and the lot area per dwelling unit shall not be less than 1,200 sq ft.:*

The subject site has an area of 3,150 square feet and under the provisions of the Specific Plan would be permitted a maximum of two (2) dwelling units. The subject property is zoned R3-1. The lot was developed with a duplex (two dwelling unit) structure with four guest rooms and one recreation room with seven (7) covered parking spaces in 1972. The existing building has a legal non-conforming status to the two units and independent guest room because the structures were built prior to the effective date of the Specific Plan. While the existing permitted duplex with guest room building use in the R3 zone continue indefinitely (given its non-conforming lot area), continuing to maintain more than double the number of dwelling units would be inconsistent with the maximum density allowed for multiple-family residentially zoned lots in the Plan and in this area in particular.

*Parking Requirements: Multiple dwelling and duplex on a lot less than 40 feet in width or less than 35 feet or more in width if adjacent to an alley: Two spaces for each dwelling unit.*

The applicant proposes to provide seven (7) parking spaces on-site in lieu of the 16 parking spaces as required by the Specific Plan. The Specific Plan provides for the payment of an in-lieu fee into the Venice Coastal Parking Impact Trust Fund for a portion of a deficiency created due to the change of use. The applicant has requested an exception to the parking requirement including the payment of the in-lieu fee in a parking congested area one block from the beach and one block from the Venice Canals.

6. **Venice Local Coastal Program (LPC) – Land Use Plan (LUP).** A Local Coastal Program (LCP) consists of a local government's Land Use Plan (LUP) and a Local Implementation Plan (LIP). Currently, there is no Local Implementation Plan for the Venice LCP, and therefore no actual certified LCP. However, the Venice Land Use Plan (which when combined with the LIP, will form the Venice Local Coastal Program) was adopted by City Council on March 28, 2001 and subsequently certified by the California Coastal Commission on June 14, 2001.

The Venice Land Use Plan covers the Venice Coastal Zone which is the area generally bounded by Marine Street and the City-County boundary on the north, Washington Boulevard and Via Marina on the south, Lincoln Boulevard and Via Dolce on the east, and the Pacific Ocean on the west. The subject property is located within the Marina Peninsula subarea. The LUP states a policy of accommodation of the development of multiple-family dwelling units in the areas designated as "Multiple Family Residential" and "Medium Density Residential" on the Venice LCP Land Use Plan. The Plan also states development shall comply with the density and development standards set forth in this LUP. The requested

exceptions, to permit one unit for each 450 sq. ft. of lot area and one (1) parking spaces in lieu of two (2) parking spaces for the new units, would be inconsistent with and contrary to the LUP. However, the inclusion of a condition requiring two unit to be available to moderate income households address the need to provide affordable housing in the area and the number of units in the City.

**7. Specific Plan Exception Findings (from Section 10.F.2 and 13.D.3 of the Venice Coastal Specific Plan).** Pursuant to Municipal Code Section 11.5.7 F:

- A. *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 Venice Coastal Zone Specific Plan Ordinance identifies the following purpose: "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..."

The Applicant is seeking to legalize the conversion of four (4) guest rooms and a recreation room into two (2) studio units and three (3) one-bedroom units. The current building owner purchased the building in 1986 and the building had the converted units.

The subject site currently has seven (7) covered parking spaces. The Venice Coastal Specific Plan requires two parking spaces for each dwelling unit as the subject site is 35 feet in width. This current building configuration of seven (7) dwelling units would need a total of 16 spaces.

The units have provided housing for many years and have been occupied by long term tenants. The removal of the non permitted dwelling units would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition to provide two housing units that are available to Moderate Income Households on the lot would partially fulfill the intent of the Specific Plan to provide affordable housing in the Marina Peninsula Subarea.

- B. *There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

There are exceptional circumstances involved in this case that include such longstanding 30-year use as dwelling units by long term tenants. Most properties in the Venice Area were built prior to the adoption of the Venice Coastal Specific Plan which places certain restrictions that do not allow for any further expansion or development of the property without filing for a variance. The subject property, like many others, cannot build additional units and meet the 1,500 sq ft requirement due to the size of the lot and close proximity of the building to adjacent buildings. However, some of these properties can do internal reconfiguration of the usable space to create an additional unit without changing the building footprint. Some of the larger lots in Venice have the ability to create additional units on the property, meet the 1,500 sq ft per unit requirement and the 2 space minimum parking requirement because the current structure is not developed to what the lot can accommodate.

The removal of the non permitted dwelling units would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition to provide one low income household unit on each lot would partially fulfill the intent of the Specific Plan to provide affordable housing in the Marina Peninsula Subarea.

- C. *The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The intent of the Specific Plan was to ensure that new development and additions to existing residential buildings was regulated and compatible with the character of the existing community. Most of the properties within a 500 foot radius of the site were developed prior to the Specific Plan (1999). For the most part, all of the lots are similar in size and most of the surrounding properties are rectangular in shape. These lots have the same Medium Density Residential designation and compatible zones of R3. The subject site with two (2) permitted dwelling units and four (4) guest rooms and one recreation room on a 3,150 sq. ft. site has the benefits of nonconforming rights because it was built prior to the establishment of the R3 zone and the Specific Plan. The subject site, as currently permitted, possesses a substantial property right beyond the provision of the Specific Plan.

Illegal units have become a problem to the community of Venice Beach. One of the biggest problems is that illegal units do not provide on-site parking for the additional tenant thus forcing more vehicles to park on the street where parking is extremely impacted. The subject property has parking for each single occupant tenant in the building. As stated in the previous findings the substantial property right is the ability to maximize the property's potential use and for apartments this typically translates to units.

- D. *The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

The subject property is located in a fully developed and established in the Marina Peninsula Subarea. The density, height and parking components of the subject property are consistent with other properties in the area developed prior to the enactment of the Specific Plan. The granting of the requested exceptions will not be detrimental to the welfare of the existing and adjacent Marina Peninsula subarea community. The legalization of the subject units will be more beneficial to the adjacent multi-family properties than if the exceptions were denied and the subject Property reverted to the greater density of two (2) dwelling units plus the additional guest rooms as allowed by the Certificate of Occupancy. The requested exceptions are supported by Councilmember Bill Rosendahl which further demonstrates that such exceptions would not be detrimental to the public welfare or injurious to adjacent properties.

The removal of the non permitted dwelling units would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition to provide two moderate income household units would partially fulfill the intent of the Specific Plan to provide affordable housing in the Marina Peninsula Subarea.

- E. *The granting of the exception is consistent with the principles, intent and goals of the specific plan.*

The Venice Local Coastal Program reads in pertinent part:

Policy 1.A.5: Preserve and protect stable multi-family residential neighborhoods ... and the residents' quality of life can be maintained...

The requested exceptions will preserve and protect multi-family housing opportunities in the community and not displace any current residents. Granting the requested exceptions would result in legalizing the units that have been in existence and occupied for 30 years whereas denial of the requested exceptions would result in a greater density of two (2) dwelling units plus four (4) additional guest rooms. The removal of the non permitted dwelling units would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition to provide two moderate income household units on would partially fulfill the intent of the Specific Plan to provide affordable housing in the Marina Peninsula Subarea.

8. **Coastal Transportation Corridor Specific Plan.** The Coastal Transportation Corridor Specific Plan became effective September 22, 1993 (Ordinance No. 168,999). The specific Plan has established a mechanism and fee structure for new construction to fund the necessary transportation improvements in the area. The project will not result in new construction and is exempt from the ordinance's trip fees.
9. **Coastal Development Permit Findings.** Pursuant to Section 12.20.2 G 1 of the Municipal Code:
- A. *The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).*

The project site is located in the North Venice subarea of the Venice Coastal Zone Specific Plan and the Local Coastal Program - Land Use Plan (LUP). The property is not adjacent to the shoreline, will not affect visual, scenic, or ecological coastal resources, nor archeological or paleontological resources.

No new development is proposed with this project. There are existing multifamily structures on the property that were permitted on the site. However, this request is being made to allow the multifamily structures to remain as they have for many years, which is above the density permitted by the existing R3 zone or the Venice Local Coastal Specific Plan.

- B. *The permitted development will prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.*

The Land Use Plan portion of the Venice Local Coastal Program (LCP) was certified by the California Coastal Commission on June 14, 2001, pursuant to the California Coastal Act of 1976. No new development is proposed with this project. This is an existing multifamily building that was permitted in 1972. This request is being made to allow the existing situation to remain as it has for many years, which is above the density permitted by the existing R3 zone or the Venice Coastal Specific Plan. In the interim, the Coastal Commission's certified coastal Land Use Plan and the Venice Coastal Zone Specific Plan serve as the functional equivalent.

- C. *The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in light of the individual project in making its determination.*

The project is located within the Venice Community, as noted in the Coastal Commission Regional Interpretive Guidelines. However, the Regional Interpretive Guidelines for the Venice Community primarily address development which is located in immediate adjacency to the shoreline or harbor waters, and as such, do not include specific guidance for the subject property. The guidelines address adequate public access and appropriate recreational activities in these areas.

The subject property is located in the Marina Peninsula subarea of the Venice Coastal Zone Specific Plan and Local Coastal Program - Land Use Plan. No new development is proposed with this project. This is an existing multifamily building that was permitted in 1972. This request is being made to allow the multifamily structure to remain as it has for many years, which is above the density permitted by the existing R3 zone or the Venice Local Coastal Specific Plan. This action is being requested in response to Housing Department comments on a related action to legalize dwelling units that were not documented. The property is not adjacent to the shoreline, will not affect visual, scenic, or ecological coastal resources, nor archeological or paleontological resources.

- D. *The decision of the permit-granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.*

The proposed project is located within the dual coastal permit jurisdiction area. This action would not preclude the Coastal Commission from further addressing any concerns it may have during an appeal review process.

- E. *If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.*

The subject property is not located between the sea shoreline of a body of water within the coastal zone and the nearest public road to such geographical features.

- 10. Mello Act Compliance.** - The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 (Mello Act). The proposed project qualifies for the Small New Housing exemption from the Mello Act. Furthermore, on February 23, 2010, the Los Angeles Housing Department declared the project does not involve the demolition or conversion of affordable housing. Therefore, the owners are not required to provide any inclusionary affordable dwelling units on-site or within the Coastal Zone.



# 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: MAR 07 2011

CASE: APCW-2010-2130-SPE-CDP-ZAD-SPP  
CEQA: ENV-2010-2131-MND

Location: 2504, 2508, and 2510 Pacific Avenue  
Council District: 11  
Plan Area: Venice  
Zone: RD1.5-1-O

APPLICANT: Robert J. and Rose E. Rothstein  
Representative: Henry Ramirez

At its meeting on **January 19, 2011**, the following action was taken by the West Los Angeles Area Planning Commission:

1. Approved the requested Specific Plan Exception to permit four dwelling units in lieu of the maximum of two units otherwise permitted on each of three separate adjacent approximately 2,660 square foot lots classified in the RD1.5-1-O zone and legally described as lots 14, 15, and 16; Block 29; Short Line Beach Subdivision #4 (for a total of 12 dwelling units instead of 6).
2. Approved the requested Specific Plan Exception to permit reduced parking for three 4-unit dwellings with each building providing five (5) parking spaces (total of 15 parking spaces) in lieu of 8 parking spaces for each building (total of 24 spaces) otherwise required.
3. Approved the request for a Fence Height Determination to permit the continued use and maintenance of a 6 foot high steel fence located in the front yard of all three properties in lieu of the maximum 42 inch in height (3 ½ feet) fence or wall that is otherwise permitted in the front yard setback of properties located in the RD1.5 Zone.
4. Approved the request for a Coastal Development Permit to convert three existing duplexes, to three 4-unit apartments with a 6-foot high fence in the front yards and providing reduced parking as described above. The site is located within the dual jurisdiction area of the California Coastal Act.
5. Approved the requested Project Permit Compliance determination with the Venice Coastal Zone Specific Plan.
6. Adopted the attached Findings.
7. Adopted the attached Conditions of Approval.
8. Adopted Negative Declaration ENV-2009-2131-ND.

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 Foster  
Ayes: Commissioners Donovan, Foster, Linnick, Martinez  
Absent: Commissioner Lee

Vote: 4 - 0

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

**Effective Date / Appeals:** The Commission's determination on the Specific Plan Exception and Project Permit Compliance will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

LAST DAY TO APPEAL           MAR 22 2011          

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.

Attachments: Findings and Conditions of Approval

cc: Notification List  
Kevin Jones, City Planner

## CONDITIONS OF APPROVAL

### A. Entitlement Conditions

1. **Specific Plan Exception.** A Specific Plan Exception is granted to permit to permit four dwelling units on each of three separate adjacent approximately 2,660 square foot lots classified in the RD1.5-1-O zone and legally described as lots 14, 15, and 16; Block 29; Short Line Beach Subdivision #4 (for a total of 12 dwelling units instead of 6). Any demolition, addition of any floor area or height increase on the existing buildings shall render this Exception null and void requiring a new Discretionary Action.
2. **Specific Plan Exception.** A Specific Plan Exception is granted to reduce parking for three 4-unit dwellings with each building providing five (5) parking spaces (total of 15 parking spaces) in lieu of 8 parking spaces for each building (total of 24 spaces) otherwise required. Any demolition, addition of any floor area or height increase on the existing buildings shall render this Exception null and void requiring a new Discretionary Action.
3. **Affordable Housing.** The applicant shall suitably guarantee to the satisfaction of the Housing Department that one dwelling unit, shall be designated as affordable to Low Income Households for a period of 30 years on each lot legally described as lots 14, 15, and 16; Block 29; Short Line Beach Subdivision #4.
4. **Coastal Development Permit** A Coastal Development Permit is granted to convert three existing duplexes, to three 4-unit apartments with a 6-foot high fence in the front yards and providing reduced parking on three separate adjacent approximately 2,660 square foot lots classified in the RD1.5-1-O zone located within the dual jurisdiction area of the California Coastal Act.

### B. Environmental Conditions (MM)

5. **Aesthetics (Landscape Plan) I-10** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department. (MM)
6. **Aesthetics (Vandalism) I-90**
  - Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104. (MM)
  - The exterior of all building and fences shall be free from graffiti when such graffiti is visible from a street or alley pursuant to Municipal Code Section 91.8104.15. (MM)
7. **Explosion/Release (Methane Gas) VIII-20** All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal code of a gas-

detection system installed in the basement of on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations. (MM)

8. **General Plan Designation/Zoning XI-10** The applicant shall comply with mitigation measures required by this mitigated negative declaration. (MM)
9. **Utilities (Solid Waste) XVII-90** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as part of the project's solid waste disposal program. (MM)

**C. Administrative Conditions**

10. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
11. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
12. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
13. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
14. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
15. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
16. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
17. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the

defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

## FINDINGS

- 1. Environmental Findings (CEQA)** - An environmental review of the project has been conducted, in full compliance with the California Environmental Quality Act. Accordingly, a mitigated negative declaration has been prepared for the project, incorporating those mitigation measures which are required in order to reduce any potentially significant environmental effects to a level less than significant. The project will comply with all such mitigation measures.

For the reasons set forth in the Proposed Negative Declaration number ENV-2010-2131-MND, the project will not have a significant effect on the environment.

### General Plan Findings

- 2. General Plan Land Use Designation.** The subject property is located within the Venice Community Plan area, which was adopted by the City Council on September 29, 2000 (pursuant to Council File 2000-1505 and CPC-97-0047-CPU). The Plan Map designates the subject property for Low Medium II Residential land use with corresponding zones of RW1, RW2, RD2 and RD1.5. The Community Plan includes footnotes that are applicable to the Zones of the Land Use designations. Footnote number 7 for the Multiple Family Corresponding Zones states: "Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles, Municipal Code (LAMC) as permitted by such zones unless further restricted by adopted Specific Plans..." The Venice Coastal Zone Specific Plan (Ordinance No. 175,693, effective January 19, 2004) restricts development on the subject site to a maximum of two (2) dwelling units. The Specific Plan goes on to state that "...Venice Coastal Development Projects on lots greater than 4,000 sq. ft. are permitted... one unit for each 1,500 sq. ft on R1.5 zoned lots provided that all units beyond the first two are Replacement Affordable units." The subject property of three lots is zoned RD1.5-1-O and was developed in 1971. Each lot has an area of approximately 2,660.2 square feet (sq. ft.), a width of 28 feet and the total area for the project site is 7,980.6 sq. ft. Each of the tree lots was developed with a duplex (two dwelling unit) structure each with one guest room and five (5) covered parking spaces in 1971.
- 3. General Plan Text.** The following Venice Community Plan's land use objectives are consistent with the proposed development:

#### Chapter III - Land Use Policies and Programs.

Objective 1-1: To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical need of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.1 Designate specific lands to provide for adequate multi-family development.

Policy 1-1.4 Promote the preservation of existing single-family and multi-family neighborhoods.

Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Policy 1-3.2 Proposals to alter planned residential density should consider factors on neighborhood character and identity, compatibility of land uses, impact on livability, adequacy of public services and impacts on traffic levels.

4. **The Venice Coastal Specific Plan.** The subject property is located within the North Venice subarea of the Venice Coastal Zone Specific Plan. The Specific Plan was adopted by the City Council on October 29, 1999 (Ordinance No. 172,897, effective December 22, 1999) and was superseded by Ordinance No. 175,693, adopted by the City Council on December 2, 2003, (effective January 19, 2004). One of the general purposes of the Specific Plan is to regulate all development, including use, height, density, setbacks, buffer zones 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. The proposed project does not comply with the Specific Plan and Exceptions are needed to grant relief from the provisions. The applicant has requested two Specific Plan Exceptions to allow increased density and reduced parking.
5. **Venice Coastal Zone Specific Plan Text.** The Venice Coastal Zone Specific Plan includes the following relevant land use policies applicable to projects within the North Venice subarea:

*Residential Zone. A maximum of two dwelling units per lot shall be permitted for all Venice Coastal Development Projects on multiple-family residentially zoned lots. However the lot area per dwelling unit shall not be less than 1,500 sq. ft. on RD1.5 zoned lots and 1,200 sq ft. on R3 zoned lots except that:*

*Venice Coastal Development projects on lots greater than 4,000 sq. ft. are permitted one unit for each 1,500 sq. ft. on RD1.5 zoned lots or one unit for each 1,200 sq. ft. on R3 zoned lots, provided that all units beyond the first two are Replacement Affordable Units....*

The subject site of three (3) lots totals 7,980 square feet of lot area and under the provisions of the Specific Plan would be permitted a maximum of six units. The subject property is zoned RD1.5-1-O. Each of the three lots was developed with a duplex (two dwelling unit) structure with one guest room and five (5) covered parking spaces in 1971. The existing building has a legal non-conforming status to the two units and independent guest room because the structures were built prior to the effective date of the Specific Plan. While the existing permitted duplex with guest room building use in the RD1.5 zone continue indefinitely (given its non-conforming lot area), continuing to maintain the double the number of dwelling units would be inconsistent with the maximum density allowed for multiple-family residentially zoned lots in the Plan and in this area in particular. (Section 13.D)

Parking Requirements: *Multiple dwelling and duplex on a lot less than 40 feet in width or less than 35 feet or more in width if adjacent to an alley: Two spaces for each dwelling unit.*

The applicant proposes to provide 15 parking spaces on-site in lieu of the 24 parking spaces as required by the Specific Plan. The Specific Plan provides for the payment of an in-lieu fee into the Venice Coastal Parking Impact Trust Fund for a portion of a deficiency created due to the change of use. The applicant has requested an exception to the parking requirement including the payment of the in-lieu fee in a parking congested area one and a half blocks from the beach and one block from the Venice Canals.

6. **Venice Local Coastal Program (LCP) – Land Use Plan (LUP).** A Local Coastal Program (LCP) consists of a local government's Land Use Plan (LUP) and a Local Implementation Plan (LIP). Currently, there is no Local Implementation Plan for the Venice LCP, and therefore no actual certified LCP. However, the Venice Land Use Plan (which when

combined with the LIP, will form the Venice Local Coastal Program) was adopted by City Council on March 28, 2001 and subsequently certified by the California Coastal Commission on June 14, 2001.

The Venice Land Use Plan covers the Venice Coastal Zone which is the area generally bounded by Marine Street and the City-County boundary on the north, Washington Boulevard and Via Marina on the south, Lincoln Boulevard and Via Dolce on the east, and the Pacific Ocean on the west. The subject property is located within the North Venice subarea. The LUP states a policy of accommodation of the development of multiple-family dwelling units in the areas designated as "Multiple Family Residential" and "Low Medium Density Residential" on the Venice LCP Land Use Plan. The Plan also states development shall comply with the density and development standards set forth in this LUP. The requested exceptions, to permit one unit for each 665 sq. ft. of lot area and 1.25 parking spaces in lieu of two (2) parking spaces for the new units, would be inconsistent with and contrary to the LUP.

**7. Specific Plan Exception Findings (from Section 10.F.2 and 13.D.3 of the Venice Coastal Specific Plan).** Pursuant to Municipal Code Section 11.5.7 F:

- A. *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 subject property has three lots. The dimensions for each lot are 28' x 95'. The total square footage of the entire property (including the three lots) is approximately 7,980.6 square feet. The site with the three lots was originally permitted for 6 units with three guest rooms and 15 attached parking spaces. In 1972 a Certificate of Occupancy was issued for a each lot for 2-units with a guest room with an attached 5 parking spaces. Current Allowable Density for this lot is 2 units with a minimum square footage of 1,500 square feet per unit in the RD-1.5 Zone.

The Applicant is seeking to legalize the conversion of 3 guest rooms and 3 storage rooms into six one-bedroom units. The current building owner purchased the building in 1972 and the building had the converted units.

The subject site currently has 15 covered parking spaces that have been in existence since the site was developed in 1972. The Venice Coastal Specific Plan requires two parking spaces for each dwelling unit as the lots of the subject site are less than 35 feet in width. This current building configuration of 12 dwelling units would need a total of 24 spaces.

The units have provided housing for many years and have been occupied by long term tenants. The removal of the non permitted dwelling units would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition to provide one low income household unit on each lot would partially fulfill the intent of the Specific Plan to provide affordable housing in the North Venice Subarea.

- B. *There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

There are exceptional circumstances involved in this case that include such longstanding 30-year use as dwelling units by long term tenants. Most properties in the Venice Area were built prior to the adoption of the Venice Coastal Specific Plan which places certain restrictions that do not allow for any further expansion or development of the property without filing for a variance. Many of the lots can accommodate additional units and in some cases such as the subject property one additional parking space. The subject property such as many others cannot build additional units and meet the 1,500 sq ft requirement due to the size of the lot and close proximity of the building to adjacent buildings. However, some of these properties can do internal reconfiguration of the usable space to create an additional unit without changing the building footprint. Some of the larger lots in Venice have the ability to create additional units on the property, meet the 1,500 sq ft per unit requirement and the 2 space minimum parking requirement because the current structure is not developed to what the lot can accommodate.

The removal of the non permitted dwelling units would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition to provide one low income household unit on each lot would partially fulfill the intent of the Specific Plan to provide affordable housing in the North Venice Subarea.

- C. *The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The intent of the Specific Plan was to ensure that new development and additions to existing residential buildings was regulated and compatible with the character of the existing community. Most of the properties within a 500 foot radius of the site were developed prior to the Specific Plan (1999). For the most part, all of the lots are similar in size and most of the surrounding properties are rectangular in shape. These lots have the same Low Medium II Density Residential designation and compatible zones of RD1.5. The subject site with 6 permitted dwelling units and three guest rooms on a 7,980 sq. ft. site has the benefits of nonconforming rights because it was built prior to the establishment of the RD1.5 zone and the Specific Plan. The subject site, as currently permitted, possesses a substantial property right beyond the provision of the Specific Plan.

Illegal units have become a problem to the community of Venice Beach. One of the biggest problems is that illegal units do not provide on-site parking for the additional tenant thus forcing more vehicles to park on the street where parking is extremely impacted. The subject property has parking for each single occupant tenant in the building. As stated in the previous findings the substantial property right is the ability to maximize the property's potential use and for apartments this typically translates to units.

- D. *The granting of the exception will be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

The subject property is located in a fully developed and established in the North Venice Subarea. The density, height and parking components of the Property are consistent with other properties in the area developed prior to the enactment of the Specific Plan. The granting of the requested exceptions will not be detrimental to the welfare of the existing and adjacent North Venice subarea community. The legalization of the subject

units will be more beneficial to the adjacent multi-family properties than if the exceptions were denied and the subject Property reverted to the greater density of 2 dwelling units plus the additional guest rooms as allowed by the Certificate of Occupancy. The requested exceptions are supported by the Venice Neighborhood Council and Councilmember Bill Rosendahl which further demonstrates that such exceptions would not be detrimental to the public welfare or injurious to adjacent properties.

The removal of the non permitted dwelling units would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition to provide one low income household unit on each lot would partially fulfill the intent of the Specific Plan to provide affordable housing in the North Venice Subarea.

- E. *The granting of the exception is consistent with the principles, intent and goals of the specific plan.*

The Venice Local Coastal Program reads in pertinent part:

Policy 1.A.5: Preserve and protect stable multi-family residential neighborhoods ... and the residents' quality of life can be maintained...

The requested exceptions will preserve and protect multi-family housing opportunities in the community and not displace any current residents. Granting the requested exceptions would result in legalizing the units that have been in existence and occupied for 30 years whereas denial of the requested exceptions would result in a greater density of two (2) dwelling units plus four (4) additional guest rooms. The removal of the non permitted dwelling units would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition to provide one low income household unit on each lot would partially fulfill the intent of the Specific Plan to provide affordable housing in the North Venice Subarea.

**8. Zoning Administrator's Adjustment** Pursuant to Municipal Code Section 12.24.X.7:

- A. *The proposed wall/fence will be in conformity with the public necessity, convenience, general welfare and good zoning practice.*

The wall, gates, and hedge along the Pacific Avenue frontage are desired to maintain privacy, safety, and security for the residents. The steel bar fence, as designed, will not interfere with visibility onto the adjacent roadway or create a safety hazard. The structure will maintain separation for the yard areas from the public right-of-way, while allowing for access, light, and air circulation. The wall, gates, and hedge will not obstruct or impede the use of the adjoining public right-of-way. The landscaping associated with the property frontage as currently established does not affect visibility to the right-of-way or create hazards; as such, the over-in-height fence is not anticipated to create visibility issues. The project, as conditioned herein, is in conformity with good zoning practice, and will not interfere with the public convenience, necessity, and general welfare.

- B. *The proposed wall/fence will be in substantial conformance with the various elements and objectives of the General Plan.*

The Venice Community Plan designates the property for Low Medium II Residential land use with the corresponding zones of RW1, RW2, RD2, and RD1.5, and height limited to District No. 1.

The Community Plan does not discuss the design of walls in residential areas, leaving these matters to the Los Angeles Municipal Code. Generally, the Plan seeks to promote good design, and to ensure public safety. The granting of the request is consistent with Community Plan objectives to preserve and enhance the character and integrity of existing single-family neighborhoods. The granting of the request will not adversely affect any elements of the General Plan and is in substantial conformance with the various elements and objectives of the General Plan.

- C. *The proposed wall/fence will not be materially detrimental to the property or improvements in the same zone or vicinity in which the property is located.*

The fence and gates will not exceed a height of six (6) feet. The fence and gates will not adversely impact views to the interior of the property or neighboring properties because they are an open design similar to a wrought Iron fence. Access and circulation will not be impaired and will be maintained along the Pacific Avenue frontage. The structure will create an appearance along the frontage, appropriate in character with the adjoining properties and neighborhood. A field review of properties within the area identified the over-in-height fences, walls and hedges at other locations in the neighborhood. Not all have been verified as permitted, though there is no record of citation or violation.

There were no objections cited in the case file or at the public hearing. As designed, the fence and gates are integrated within the existing and proposed landscape and environs. As such, the proposed metal fence and gates will not be materially detrimental to the neighborhood.

- 9. Coastal Transportation Corridor Specific Plan.** The Coastal Transportation Corridor Specific Plan became effective September 22, 1993 (Ordinance No. 168,999). The specific Plan has established a mechanism and fee structure for new construction to fund the necessary transportation improvements in the area. The project will not result in new construction and is exempt from the ordinance's trip fees.

- 10. Coastal Development Permit Findings.** Pursuant to Section 12.20.2 G 1 of the Municipal Code:

- A. *The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).*

The project site is located in the North Venice subarea of the Venice Coastal Zone Specific Plan and the Local Coastal Program - Land Use Plan (LUP). The property is not adjacent to the shoreline, will not affect visual, scenic, or ecological coastal resources, nor archeological or paleontological resources.

No new development is proposed with this project. There are existing multifamily structures on the property that were permitted on the site. However, this request is being made to allow the multifamily structures to remain as they have for many years, which is above the density permitted by the existing RD1.5 zone or the Venice Local

Coastal Specific Plan.

- B. *The permitted development will prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.*

The Land Use Plan portion of the Venice Local Coastal Program (LCP) was certified by the California Coastal Commission on June 14, 2001, pursuant to the California Coastal Act of 1976. No new development is proposed with this project. There are existing multifamily buildings that were permitted in 1971. This request is being made to allow the existing situation to remain as it has for many years, which is above the density permitted by the existing RD1.5 zone or the Venice Coastal Specific Plan. In the interim, the Coastal Commission's certified coastal Land Use Plan and the Venice Coastal Zone Specific Plan serve as the functional equivalent.

- C. *The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in light of the individual project in making its determination.*

The project is located within the Venice Community, as noted in the Coastal Commission Regional Interpretive Guidelines. However, the Regional Interpretive Guidelines for the Venice Community primarily address development which is located in immediate adjacency to the shoreline or harbor waters, and as such, do not include specific guidance for the subject property. The guidelines address adequate public access and appropriate recreational activities in these areas.

The subject property is located in the North Venice subarea of the Venice Coastal Zone Specific Plan and Local Coastal Program - Land Use Plan. No new development is proposed with this project. There are existing multifamily buildings that were permitted in 1971. This request is being made to allow the multifamily structures to remain as they have for many years, which is above the density permitted by the existing RD1.5 zone or the Venice Local Coastal Specific Plan. This action is being requested in response to Housing Department comments on a related action to legalize dwelling units that were not documented. The property is not adjacent to the shoreline, will not affect visual, scenic, or ecological coastal resources, nor archeological or paleontological resources.

- D. *The decision of the permit-granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.*

The proposed project is located within the dual coastal permit jurisdiction area. This action would not preclude the Coastal Commission from further addressing any concerns it may have during an appeal review process.

- E. *If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.*

The subject property is not located between the sea shoreline of a body of water within the coastal zone and the nearest public road to such geographical features.

**11. Mello Act Compliance.** - The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 (Mello Act). The proposed project qualifies for the Small New Housing exemption from the Mello Act. Furthermore, on February 23, 2010, the Los Angeles Housing Department declared the project does not involve the demolition or conversion of affordable housing. Therefore, the owners are not required to provide any inclusionary affordable dwelling units on-site or within the Coastal Zone.



**BOARD OF PUBLIC WORKS  
MEMBERS**

**ANDREA A. ALARCON  
PRESIDENT**

**CAPRI W. MADDOX  
VICE PRESIDENT**

**VALERIE LYNNE SHAW  
PRESIDENT PRO TEMPORE**

**STEVEN T. NUTTER  
COMMISSIONER**

**JERILYN LOPEZ MENDOZA  
COMMISSIONER**

**ARLEEN P. TAYLOR  
EXECUTIVE OFFICER**

**CITY OF LOS ANGELES  
CALIFORNIA**



**ANTONIO R. VILLARAIGOSA  
MAYOR**

**DEPARTMENT OF  
PUBLIC WORKS**

**BUREAU OF  
ENGINEERING**

**GARY LEE MOORE  
CITY ENGINEER**

1149 S BROADWAY, 7TH FLOOR  
LOS ANGELES, CA 90015-2213  
213-847-8766  
<http://eng.lacity.org>

**REVOCABLE PERMIT**

**CITY ENGINEER'S REVOCABLE PERMIT NO.**

**R-1385-0002**

**This Revocable Permit hereby issued on this day of January 9, 2013**

**ISSUED TO:** Jay B. Ramras

**ADDRESS:** 1850 Hoselton Rd., Fairbanks, AK 99709

**FOR THE PURPOSE OF:** encroaching approximately 14.5 feet into the Voyage Street right-of-way with a concrete wall no more than 42 inches high, three trees (two yuccas and one citrus), a wood deck (22' by 12' in surface area), a 4' wide private concrete walkway, and a combination mail and call box.

**MICHAEL D. PATONAI, District Engineer  
West L.A. District  
Bureau of Engineering**

**Date:** January 9, 2013

**District Map No.** 100.5-A-149

**Waiver No.** 20130040833

**NOTE:** Insurance per CA 38544.

**SITE ADDRESS / LOCATION OF PUBLIC WAY:** 21 E. Voyage St., Los Angeles, CA 90292



# 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)

**CORRECTED DETERMINATION MAILING DATE:** DEC 18 2014

**CORRECTION: APPEAL LANGUAGE**

**CASE: APCW-2014-364-SPE-SPP-CDP**  
**CEQA: ENV-2014-0365-MND**

**Location:** 21 Voyage Street  
**Council District:** 11  
**Plan Area:** Venice-Marina Peninsula sub area  
**Zone:** R3-1

**APPLICANT:** Jay Ramras  
Representative: Henry Ramirez

At its meeting on **December 3, 2014**, the following action was taken by the West Los Angeles Area Planning Commission:

1. **Disapproved** Mitigated Negative Declaration ENV-2014-0365-MND.
2. **Disapproved** a **Specific Plan Exception** to allow three dwelling units in lieu of the permitted two dwelling units.
3. **Disapproved** a **Specific Plan Exception** to permit six onsite vehicle parking spaces in lieu of the required six residential parking spaces and one guest parking space.
4. **Disapproved** a **Project Permit Compliance** determination with the Venice Coastal Zone Specific Plan.
5. **Disapproved** a **Coastal Development Permit** for the proposed project.
6. **Adopted** the Findings.

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 Halper  
Seconded: Commissioner Waltz Morocco  
Ayes: Commissioners Halper, Waltz Morocco, Margulies, Merritt, and Donovan

**Vote: 5 - 0**

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

**Effective Date / Appeals:** The Commission's determination will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

JAN 02 2015

LAST DAY TO APPEAL \_\_\_\_\_

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.

Attachments: Findings

cc: Notification List  
Kevin Jones

## FINDINGS

### GENERAL PLAN FINDINGS.

1. **General Plan Land Use Designation.** The subject property is located within the Venice Community Plan, adopted by the City Council on April 28, 1980 (Case No. CPC 14311). A Community Plan Update was adopted by the City Council September 29, 2000 (Case No. CPC 97-0047 CPU). The Plan Map designates the subject property for Medium Residential land use. The subject site is zoned R3-1 and therefore is consistent with the Medium Residential land use designation.
2. **General Plan Text.** The Venice Community Plan text includes the following relevant land use objectives, policies, and programs:

#### Residential Land Use

- a. *Objective 1-1: To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.*

*Policy 1-1.1: Designate specific lands to provide for adequate multi-family residential development.*

*Policy 1-1.2: Protect the quality of the residential environment and the appearance of communities with attention to site and building design.*

- b. *Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.*

*Policy 1-3: Seek a higher degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing neighborhoods.*

*Policy 1-3.2: Proposals to alter planned residential density should consider factors of neighborhood character and identity, compatibility of land uses, impact on livability, adequacy of public services and facilities, and impact on traffic levels.*

3. **Venice Coastal Zone Specific Plan.** The Specific Plan (Ordinance No. 175,693) was adopted by the City Council on December 2, 2003, effective January 19, 2004.

The Venice Coastal Zone Specific Plan regulates all development, including use, height, density, setbacks, buffer zones, and other factors in order that development be compatible and in character with the existing community, provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas. The applicant has requested two Specific Plan Exceptions to allow increased density and reduced parking.

The project site is located in the Marina Peninsula Subarea of the Venice Coastal Zone Specific Plan and the Local Coastal Program - Land Use Plan (LUP). The Specific Plan limits density on R3-zoned lots to a maximum of two dwelling units, with a minimum lot area of 1,200 square feet per dwelling unit. In addition, multiple dwelling and duplex structures on a lot 35 feet or greater (if adjacent to an alley) are required to provide two vehicle parking

spaces for each dwelling unit and a minimum of one guest parking space for each four or fewer units (a rate of 0.25 guest parking spaces per dwelling unit). The proposed project is required to provide a total of seven vehicle parking spaces.

**4. Venice Coastal Zone Specific Plan Text.** The Venice Coastal Zone Specific Plan includes the following relevant land use policies applicable to projects within the Marina Peninsula Subarea:

- a. *Density (Section 10.D.1.b.): On R3 zoned lots, a maximum of two dwelling units per lot shall be permitted, and the lot area per dwelling unit shall not be less than 1,200 square feet.*

The subject site maintains a three-story duplex that provides four parking spaces within an attached garage. The property has a lot area of 3,150 square feet, however, for the purposes of calculating density, one-half the width of the adjacent 15-foot-wide alley is assumed to be a portion of the lot, resulting in a lot area of approximately 3,412 square feet. The applicant's request to allow a third dwelling unit within the existing duplex is inconsistent with the maximum density allowed on the site. The current lot area per dwelling unit is approximately 1,706, the addition of a third unit would result in a lot area per dwelling unit of 1,137 which does not meet the minimum 1,200 square feet requirement. The applicant is seeking a Specific Plan Exception to allow for this density.

- b. *Parking (Section 13.D): Multiple dwelling and duplex uses on a lot of 40 feet or more in width, or 35 feet or more in width (if adjacent to an alley) shall provide two spaces for each dwelling unit; plus a minimum of one guest parking space for each four or fewer units. (e.g. 0.25 guest parking spaces per unit, any fraction shall be rounded up to require one additional guest parking space.)*

The existing building currently maintains two dwelling units and provides a total of six parking spaces within an attached garage. A Certificate of Occupancy for the property, dated November 23, 1987, only documents four parking spaces, however, at some unspecified point in time, two additional spaces were added within an attached garage. The addition of a third dwelling unit would require two additional residential unit parking spaces and one guest parking space; a total of seven parking spaces onsite. However, the applicant is seeking a Specific Plan Exception to allow for a total of six parking spaces onsite, provided within the attached garaged, in lieu of the required seven spaces.

- c. *Beach Impact Zone Parking Requirements: All Venice Coastal Development Projects located within the Beach Impact Zone shall provide parking spaces in accordance with this subsection: One parking space for each 1,000 square feet of the floor area of the Ground Floor for multiple dwelling Venice Coastal development Projects of three (3) units or more.*

The proposed project is located within the Marina Peninsula, a Beach Impact Zone, and has approximately 830 square feet of floor area on the Ground Floor. The project is not required to provide any Beach Impact Zone Parking.

**5. Venice Local Coastal Program (LCP)– Land Use Plan (LUP).** A Local Coastal Program (LCP) consists of a local government's Land Use Plan (LUP) and a Local Implementation Program (LIP). The LIP has not been certified by the State of California Coastal Commission, therefore a certified Local Coastal Program is not in place for the community of Venice. The Los Angeles City Council adopted the Venice Local Coastal Program - LUP on March 28, 2001. The Plan was subsequently certified by the State of California Coastal

Commission on June 14, 2001. The project site is designated as Low Medium II Residential in the LUP.

The portion on Coastal Act Policies, Coastal Act Section 30250 contained in the LUP Chapter II Land Use Policies, Policy Group I, states that new residential development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively on coastal resources. Coastal Act Section 30252 states that the location of new development should maintain and enhance public access to the coast.

The project site is located in the Marina Peninsula Subarea of the Venice Coastal Zone Specific Plan and the Local Coastal Program – LUP. The project is subject to development standards and regulations established by the Specific Plan. The Specific Plan was adopted in conjunction with the City's implementation of the Coastal Act Requirements and to ensure that new development is compatible in scale and character with the existing neighborhood. The Venice Coastal Zone Specific Plan regulates the density, height, access, and parking requirements of projects within the Marina Peninsula; where the Specific Plan is silent, all other relevant provisions of the Los Angeles Municipal Code (LAMC) apply.

The Venice Land Use Plan covers the Venice Coastal Zone which is the area generally bounded by Marine Street and the City-County boundary on the north, Washington Boulevard and Via Marina on the south, Lincoln Boulevard and Via Dolce on the east, and the Pacific Ocean on the west. The subject property is located within the Marina Peninsula subarea. The LUP states a policy of accommodation of the development of multiple-family dwelling units in the areas designated as "Multiple Family Residential" and "Medium Density Residential" on the Venice LCP Land Use Plan. The Plan also states development shall comply with the density and development standards set forth in this LUP. The requested exceptions, to permit one unit for each 1,137 sq. ft. of lot area and two parking spaces in lieu of 2.25 parking spaces for each of the three units, would be inconsistent with and contrary to the LUP.

6. **Coastal Transportation Corridor Specific Plan.** The Coastal Transportation Corridor Specific Plan became effective September 22, 1993 (Ordinance No. 168,999). The Specific Plan has established a mechanism and fee structure for new construction to fund the necessary transportation improvements in the area.
7. **The Transportation Element of the General Plan will not be affected by the recommended action herein.**
8. **The Sewerage Facilities Element of the General Plan will not be affected by the recommended action.**
9. **Environmental Findings (CEQA).** An environmental review of the project has been conducted, in full compliance with the California Environmental Quality Act. Accordingly, a mitigated negative declaration has been prepared for the project, incorporating those mitigation measures which are required in order to reduce any potentially significant environmental effects to a level less than significant. The project will comply with all such mitigation measures. For the reasons set forth in Proposed Mitigated Negative Declaration No. ENV 2014-0365-MND, the project will not have a significant effect on the environment.

**VENICE COASTAL ZONE SPECIFIC PLAN EXCEPTION FINDINGS.** Pursuant to LAMC Section 11.5.7 F.

- 10. *The strict application of the regulations of the specific plan to the subject property would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.***

The subject exception is being requested to permit an increase in density for a 3,150-square-foot residential lot in the Marina Peninsula. Section 10.D of the Specific Plan restricts R3-zoned lots within the Subarea to no more than two dwelling units per lot and requires a minimum lot area of 1,200 square feet per dwelling unit. The proposed project includes an exception to allow a third dwelling unit within an existing three-story duplex, and to allow an average lot area of 1,137 square feet per dwelling unit. In addition, the project includes an exception to Section 13.D of the Specific Plan, which requires two vehicle parking spaces per dwelling unit and one guest parking space for each four or fewer units; the proposed project would provide a total of six vehicle parking spaces onsite in lieu of the required seven spaces.

The application of the density limitation on R3-zoned lots in the Marina Peninsula Subarea would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Specific Plan. The subject lot currently maintains a three-story duplex with six parking spaces, providing excess parking for the two dwelling units onsite as well as the required one guest parking space. Although the Specific Plan allows for an increase in density to allow Replacement Affordable Units, the proposed project would result in three market rate units. Furthermore, the Marina Peninsula Subarea does not include a provision that allows for Replacement Affordable Units to exceed the maximum density.

- 11. *There are NO exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.***

There are no special circumstances or conditions that are unique to the subject property, such as the shape, topography, or development restrictions that would warrant a Specific Plan Exception. The subject lot has a 35-foot frontage on Voyage Street, with a depth of 90 feet. The total lot area is approximately 3,150 square feet, however, for the purposes of calculating density, one-half the width of the adjacent 15-foot-wide alley is assumed to be a portion of the lot, resulting in a lot area of approximately 3,412 square feet. The subject lot is similar in size and shape to the lots on Voyage Street. Those lots that are similar in size currently maintain two- and three-story duplexes. The subject lot fronts Voyage Street, a Walk Street, and abuts Gage Court, a 15-foot wide alley that provides the only vehicle access to the property.

- 12. *The requested exception is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.***

The subject lot currently maintains a three-story duplex with four parking spaces within a garage; the residential structure was constructed in 1987. The subject site is surrounded by similar-sized lots (approximately 35 feet by 90 feet) that maintain two dwelling units onsite.

- 15 Voyage Street – is a three-story, duplex with six parking spaces onsite (Certificate of Occupancy dated January 13, 1986); this structure is on a lot that is approximately 35 feet by 90 feet, total lot area of 3,150 square feet and lot area per dwelling unit of 1,575 square feet, not including the adjacent alley.
- 17 Voyage Street – is a two-story, duplex with four parking spaces onsite (Certificate of Occupancy dated November 13, 1987); this structure is on a lot that is approximately 35 feet by 90 feet, total lot area of 3,150 square feet and lot area per dwelling unit of 1,575 square feet, not including the adjacent alley.
- 24 Voyage Street – is a three-story, two-unit condominium with four parking spaces provided onsite (Certificate of Occupancy dated September 2, 2004); this structure is on a lot that is approximately 35 feet by 87 feet, total lot area of 3,063 square feet and lot area per dwelling unit of 1,532 square feet, not including the adjacent alley.

Many of the existing structures were constructed prior to the adoption of the Specific Plan (effective 2004) and include residential buildings that do not comply with the density limits of the specific plan:

- 18 East Union Jack Street – is a three-story apartment with six dwelling units and 15 parking spaces onsite (Certificate of Occupancy dated December 30, 1975); this structure is on a lot that is approximately 60 feet by 87 feet, a total lot area of 6,075 square feet and lot area per dwelling unit of 1,012 square feet, not including the adjacent alley.
- 16-20 Voyage Street – is a three-story, three-unit condominium that maintains seven parking spaces onsite (Certificate of Occupancy dated December 7, 1990); this structure is on a lot that is approximately 70 feet by 87 feet, a total lot area of 6,127 square feet and lot area per dwelling unit of 2,042 square feet, not including the adjacent alley.

However, these multi-family structures are on lots that are significantly larger than the subject site and maintain residential and guest parking spaces to comply with the parking requirements of the Specific Plan. The existing duplex is consistent with the surrounding structures and densities and aligns with the general goals and intent of the Specific Plan, to permit higher densities in areas with larger lots and less impacted circulation systems. The addition of a third dwelling unit would result in a hardship that is self-imposed and less onsite parking in an area adjacent to Venice Beach with limited street parking.

**13. The granting of the exception WILL BE detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the subject property.**

The applicant has not indicated that the proposed dwelling unit will be a Replacement Affordable Unit, therefore, the project would result in a market rate unit without sufficient parking. Although the proposed groundfloor unit would not change the overall appearance of the existing duplex, the additional dwelling unit would result in a density that is not permitted. The Marina Peninsula is within the Beach Impact Zone, which requires additional guest parking spaces to offset the limited street parking and high demand for parking in the area. The requested exception to provide a total of six onsite parking spaces in lieu of the required seven parking spaces would result in a loss of parking for the area and may contribute to the overall lack of parking in the neighborhood.

**14. The granting of the exception is NOT consistent with the principles, intent and goals of the Specific Plan and any applicable element of the General Plan.**

Granting the requested exception will result in an additional dwelling unit to an area that was not designated for higher residential densities by the Specific Plan. The Venice Coastal Zone Specific Plan and Venice Community Plan identify areas that have the infrastructure to accommodate multi-family residential development. Residential development within the Marina Peninsula Subarea is limited to that of the R3 zone and is further restricted to no more than two dwelling units per lot with a minimum lot area per dwelling unit of 1,200 square feet. Approval of this exception would result in a density that is inconsistent with the intent of the Specific Plan and General Plan, and would further undermine the general purpose of the parking provisions outlined for multi-family residential projects within the Beach Impact Zone.

**COASTAL DEVELOPMENT PERMIT FINDINGS.** Pursuant to LAMC Section 12.20.2.1 F.4.

**15. The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The project is subject to numerous regulations established by the Venice Local Coastal Program - Land Use Plan. This Plan has been adopted in conjunction with the City's implementation of the Coastal Act requirements and to insure that new development is compatible in scale and character with the existing neighborhood. The LUP regulates heights, landscaping, setbacks, facade treatments, parking and similar elements of new construction, in addition to those requirements set forth in the Municipal Code.

According to a Certificate of Occupancy dated November 23, 1987, the site maintains a two-story duplex with four parking spaces within an attached garage, however, the subject property currently maintains a three-story duplex with six vehicle parking spaces within an attached garage. The proposed project consists of the conversion of an existing groundfloor recreation room into a third dwelling unit. The subject property is located in a highly developed neighborhood of the Marina Peninsula Subarea, approximately 200 feet east of Venice Beach and with limited views of the ocean.

Scenic/Visual Considerations. Section 30251 of the Coastal Act provides that scenic and visual qualities of the coastal areas shall be considered and protected as resources of public importance. Any permitted development is to be visually compatible with the character of the surrounding area. The proposed project would not result in any changes to the exterior of the structure; all construction activities are limited to the interior of an existing three-story structure. Therefore, the proposed project would not alter any existing views or change the visual character of the surrounding area.

Shoreline Access. Section 30252 of the Coastal Act requires new development to maintain and enhance public access to the Coast. The subject site fronts Voyage Street, a Walk Street that provides direct access to Venice Beach (200 linear feet, west of the site). However, the proposed project would not result in any changes to the exterior of the existing three-story duplex that would interfere with or impede public access to the Coast.

Minimization of Adverse Impacts. Section 30253 of the Coastal Act requires new development to minimize risk to life and property in areas of high geologic, flood, and fire hazard, assure stability and structure integrity and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas. New development is also required to be consistent with air quality requirements, minimize energy consumption and vehicle miles travelled, and protect special communities. As analyzed in the Proposed Mitigated Negative Declaration ENV-2014-0365-MND, the proposed conversion of a recreation room into a dwelling unit, within an existing three-story duplex, is expected to result in less than significant impacts and is required to comply with the environmental conditions (mitigation measures) in this document.

The subject site is not identified as an environmentally sensitive habitat area, does not maintain an industrial development, and is not expected to have any identifiable impact on water and marine resources. Therefore, the proposed project is consistent with the provisions of the Coastal Act.

- 16. The development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program (LCP) that is in conformance with Chapter 3 of the California Coastal Act. That the proposed Coastal Development is in conformity with the certified Local Coastal Program.**

The Land Use Plan portion of the Venice Local Coastal Program (LCP) was certified by the California Coastal Commission on June 14, 2001, pursuant to the California Coastal Act of 1976. In the interim, the Land Use Plan and the Venice Coastal Zone Specific Plan (not certified by the Coastal Commission) serve as the Local Coastal Program.

Per the Land Use Plan, the subject property is designated as Low Medium II Residential. However, the subject site has a General Plan Land Use designation of Medium Residential and is zoned R3-1, consistent with the land use designation. The surrounding neighborhood consists of single- and multi-family residential uses. Although the existing duplex is compatible with the overall residential density in the area, the proposed project is not consistent with the development standards of the Venice Coastal Zone Specific Plan, specifically in regards to density and parking. The subject property does not include site constraints or exceptional circumstances that prevent compliance with the Specific Plan. The request for an Exception to provide three dwelling units in lieu of the allowed two dwelling units and to allow a total of six parking spaces in lieu of the required seven spaces results in a self-imposed hardship. The applicant has not provided sufficient justification to support findings for granting the requested Exceptions.

- 17. The Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission and any subsequent amendments thereto have been reviewed, analyzed and considered in making this determination.**

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. It should be noted that the guidelines have not been updated in the last 25 years and do not adequately assist in applying various Coastal Act provisions; they in no case supersede the provisions of the Coastal Act nor enlarge or diminish the powers or authority of the Commissions or other public agencies. Standard practice by the Coastal Commission and the City of Los Angeles regarding the Guidelines is that they have been superseded by the use of the LUP that has been certified more recently.

The Venice Local Coastal Program – Land Use Plan (LUP) was certified on June 14, 2001. The Venice Community Plan designates the property as Medium Residential with a corresponding zone of R3. The property is zoned R3-1 and is consistent with the land use designation. The property is located approximately 200 feet inland from Venice Beach and does not provide access to or from the beach. The lot is privately owned and there is no evidence of previous public ownership of the land. The lots in the immediate vicinity classified in the same zone are developed or undergoing development. The proposed project, consisting of the conversion of an existing recreation room into a third dwelling unit,

is inconsistent with the regulations of the Specific Plan, implementation strategies of the LUP.

**18. The decision herein has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the California Public Resources Code.**

The proposed project requests an Exception to the Venice Coastal Zone Specific Plan to allow three dwelling units on a lot in lieu of the maximum two dwelling units. The applicant has not indicated that the proposed dwelling unit would be a Replacement Affordable Unit, therefore it is assumed that three market rate units would be maintained on the lot. Although the Specific Plan allows for additional dwelling units (with the condition that they be Replacement Affordable Units), the Marina Peninsula Subarea does not include such provisions. Therefore, the proposed conversion of a recreation room into a market rate dwelling unit would conflict with previous decisions of the Coastal Commission regarding the number of dwelling units allowed (in excess of the density identified in the Specific Plan) in the Marina Peninsula Subarea.

**19. The Development is not located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone.**

The subject property is located approximately 200 feet east of Venice Beach; the site faces Voyage Street, a Walk Street. The proposed project is not located between Ocean Front Walk, the nearest public road, and the sea or shoreline. The site is not adjacent to the Venice Canals, Ballona Lagoon, or any inland body of water. There is no adjoining public recreational facility. The property does not provide access to or from the beach; the proposed project will not interfere with public access to the shoreline.

**VENICE COASTAL ZONE SPECIFIC PLAN PROJECT PERMIT FINDINGS.** Pursuant to LAMC Section 11.5.7 C.

**20. The Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The proposed project consists of the conversion of an existing groundfloor recreation room, within a three-story duplex, into a dwelling unit. No changes are proposed to the exterior of the structure. The project is requesting an exception to the maximum density, to permit three dwelling units in lieu of the allowed two dwelling units, and required parking, to permit a total of six parking spaces in lieu of the required seven parking spaces (one required guest parking space). The existing duplex complies with height and setback requirements of the R3-1 zone and Marina Peninsula Subarea; the proposed project would result in a residential structure that is unchanged and compatible in character with the existing neighborhood. However, the proposed project would result in a density that is inconsistent with that of similar-sized lots in the neighborhood.

**21. The Venice Coastal Development Project is NOT in conformity with the Venice Local Coastal Program.**

The proposed project is not consistent with the intent and purpose of the Land Use Plan and Specific Plan, which are parts of the Venice Local Coastal Program. The existing three-story duplex was constructed in 1987, which predates the adoption of the Venice Coastal Zone Specific Plan. However, the proposed project is subject to the applicable standards of General Land Use and Development Regulations in Section 9.B, the Land Use and Development Regulations for the Marina Peninsula Subarea in Section 10.D, the Walk

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Maps. The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated through the California Government Code Section 65590 (Mello Act), as implemented through the Interim Administrative Procedures for Complying with Mello Act in the Coastal Zone Portions of the City of Los Angeles, ("Interim Administrative Procedures") per the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman, effective January 2001.

The subject project does not include the demolition or conversion of an existing affordable unit, nor does it involve the construction of 10 or more units, thus the proposed project is not required to provide affordable housing, and does comply with the guidelines set by California Government Code Section 65590 (Mello Act).

Street Residential Development Standards in Section 12, and the Parking Requirements Table in Section 13.D.

- a. **Height.** Building height, measured from the centerline of the Walk Street adjacent to the front lot line to the top edge of the parapet, is limited to a maximum of 28 feet. Although the existing three-story duplex is approximately 35 feet tall, the structure was constructed prior to the adoption of the Specific Plan and is not proposing exterior changes. Therefore, the project is not subject to the height regulations of the Specific Plan.
- b. **Density.** Residential density in the R3-zoned areas of the Marina Peninsula are limited to a maximum of two dwelling units per lot and a lot area per dwelling unit of no less than 1,200 square feet. The project proposes the conversion of an existing recreation room into a third dwelling unit. The property has a total lot area of approximately 3,412 (including one-half the alley), 1,706 square feet of lot area per dwelling unit. However, the addition of a third dwelling unit would result in a lot area of 1,137 square feet, which does not comply with the minimum density requirements of the Marina Peninsula Subarea. The applicant is seeking an Exception from the Density requirements of the Specific Plan.
- c. **Access.** Properties fronting Walk Streets are required to provide vehicle access from streets or alleys other than Walk Streets. The subject site fronts Voyage Street, a Walk Street, and will continue to maintain vehicle access from Gage Court, the rear alley. Therefore, the proposed project complies with the vehicle access regulations of the Specific Plan.
- d. **Walk Street.** The subject property faces Voyage Street, a Walk Street. However, the project does not propose any exterior changes to the existing structure or the encroachment areas of the public right-of-way. Therefore, the proposed project is not subject to the Walk Street standards of the Specific Plan.
- e. **Parking.** Multiple dwelling structures on a lot with a width of 35 feet or more (if adjacent to an alley) are required to provide two vehicle parking spaces per unit and 0.25 guest parking spaces per unit. Venice Coastal Development Projects that provide all required residential parking spaces within fully enclosed areas can pay a fee (the rate defined for Beach Impact Zone parking under Section 13.E(2)) in lieu of providing the required guest parking spaces. The project site currently provides six parking spaces within an attached garage for the existing two dwelling units. The proposed project would result in a total of three dwelling units and would require seven parking spaces onsite: six residential parking spaces and one guest parking space. The applicant is seeking an Exception from the Specific Plan to allow a total of six vehicle parking spaces in lieu of the required seven spaces.

**22. The Applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed project and to register the Replacement Affordable Units with the Los Angeles Housing and Community Investment Department (LAHCID).**

The proposed project does not involve the conversion or demolition of affordable housing. Therefore, the project is exempt from the Mello Act requirements.

**23. The Venice Coastal Development Project is consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).**



**LOS ANGELES**  
 201 N. LOS ANGELES ST., STE. 13A  
 LOS ANGELES, CA 90012  
 TEL: (213)617-9600, FAX: (213)617-9643

**VAN NUYS**  
 14540 SYLVAN ST.  
 VAN NUYS, CA 91411  
 TEL: (818) 779-8866, FAX: (818) 779-8870

**CASE NUMBER:** APPCVY-2014-364-SPE... **BTCID:** LA14-1  
**REFERENCE:** LA14-90 **DATE:** 1/2/2015  
**SITE ADDRESS:** 21 VOYAGE ST.  
**AUTHORIZED BY:** WINSTON

**DESCRIPTION OF SERVICES AND FEES:**

Labels and Mailing Preparation - Number	0	x \$1.77	
Mailing Only – Number	0	x \$1.42	
Appeals – Number	285	x \$1.52	\$433.20
Posting of Site – Number of signs	1	x \$75.00 (1 <sup>st</sup> )	\$75.00
		x \$60.00 (addtl.)	
Research/Add'l N.C. and Council Notification			\$12.20
All Weather Posting (optional)	1	\$20.00	\$20.00
Removal of Signs (optional)	0	\$50.00	

**TOTAL DUE: \$540.40**

A COPY OF THIS FORM MUST BE PRESENTED TO THE PLANNING DEPARTMENT AT THE TIME OF FILING TO HAVE YOUR APPLICATION DEEMED "COMPLETE"

Note: If applicant/map maker is retaining labels for addition of case number, labels must be returned to BTC within 7 days from the date of this invoice, or BTC will be forced to produce labels and charge the applicant/map maker. If bill is not paid, further processing of your other cases will stop. For cases requiring immediate mailing, labels must be submitted on the day of payment or BTC will produce labels and charge applicant/map maker.

x *mc*

The City of LA usually generates a determination letter comprising of one(1) to three(3) pages which requires 1st Class postage. If your project requires a determination letter that exceeds three pages, you will be billed for excess postage and material costs that are due on receipt of bill. A \$ 50.00 fee will be charged if you want a copy of the BTC file(s).

x *mc*

Refunds and Credits only valid one year from the original filing date. Cancellations and changes are subject to a 20% or \$50.00 handling fee, whichever is greater. Returned checks subject to a \$200.00 fee. If the check is fraudulent, the City will be notified that the invoice is null and void. A fee of 10% will be charged to re-activate all null and void invoices. If case goes to appeal, processing & mailing costs of \$1.52/label will be paid.

x *mc*

Signature: *[Signature]*  
 Telephone: (213) 453-0187  
 Print Name: HENRY & ALVARO RAMIREZ



Refunds and Credits only valid one year from the original filing date.

Office: Downtown  
**Applicant Copy**  
 Application Invoice No: 21310

City of Los Angeles  
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

### City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: RAMIREZ, HENRY ( B:323-4013792 )
Representative: SAME AS APPLICANT
Project Address: 21 E VOYAGE ST, 90292

**NOTES:**

APCW-2014-364-SPE-SPP-CDP-1A			
Item	Fee	%	Charged Fee
Appeal by Applicant-85% of the Application Fee (Enter application fee amount) *	\$13,277.00	100%	\$13,277.00
<b>Case Total</b>			<b>\$13,277.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$13,277.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$13,277.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>OSS Surcharge (2%)</b>	<b>\$265.54</b>
<b>Development Surcharge (6%)</b>	<b>\$796.62</b>
<b>Operating Surcharge (7%)</b>	<b>\$929.39</b>
<b>General Plan Maintenance Surcharge (5%)</b>	<b>\$663.85</b>
<b>Grand Total</b>	<b>\$15,932.40</b>
<b>Total Invoice</b>	<b>\$15,932.40</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$15,932.40</b>

LA Department of Building and Safety  
 LA 0031 103053890 1/2/2015 11:51:59 AM

PLAN & LAND USE	\$15,932.40
Sub Total:	\$15,932.40

Receipt #: 0103385282

Council District: 11  
 Plan Area: Venice  
 Processed by SOTO, VANESSA on 01/02/2015  
 Signature: 