



# WEST LOS ANGELES AREA PLANNING COMMISSION

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

Determination Mailing Date: MAR 24 2015

**CASE NO:** ZA-2013-1085-CDP-MEL-ZAA-1A  
**CEQA:** ENV 2013-1084-MND-REC2  
**Related Case:** AA-2013-1086-PMLA-SL

**Location:** 758 East Sunset Avenue  
**Council District:** 11 - Bonin  
**Plan Area:** Venice  
**Zone:** RD1.5-1

**APPLICANT:** Rupesh Lunia / Richa Ruchita  
Representative: Andy Liu

**APPELLANT:** Serafin Guzman  
Representative: Ivonne Guzman

At its meeting on **February 4, 2015**, the following action was taken by the **West Los Angeles Area Planning Commission**:

1. Adopted the Findings of the Zoning Administrator for the Coastal Development Permit.
2. Granted the Appeal in part.
3. Sustained the Zoning Administrator's decision and Approved a Coastal Development Permit to allow the demolition of an existing single-family dwelling and detached garage and to allow the construction, use and maintenance of two single-family dwellings on two separate lots (small lot subdivision), in conjunction with Preliminary Parcel Map No. AA-2013-1086-PMLA-SL, in the single permit jurisdiction area of the California Coastal Zone pursuant to Los Angeles Municipal Code Section 12.20.2.
4. Sustained the Zoning Administrator's decision and Dismissed:
  - a. Zoning Administrator's Adjustment to allow parking to encroach 5 feet into the required 5-foot side yard, inasmuch as the parking is unenclosed, makes the request unnecessary;
  - b. Zoning Administrator's Adjustment to allow balconies to extend one-foot into the required side yard, as prohibited by Section 12.22-C,20(d) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code, and
  - c. Zoning Administrator's Adjustment to allow architectural features to extend 1-foot 8 inches into the required side yard in lieu of 10 inches permitted by Section 12.22-C,20(b) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code pursuant to Los Angeles Municipal Code Section 12.28 .
5. Overturned the Zoning Administrator's decision and Denied:
  - a. Zoning Administrator's Adjustment from Section 12.09.1-B,4 to allow a reduced lot area of 4,670 square feet in lieu of the required 5,000 square feet in the RD1.5 Zone; pursuant to Los Angeles Municipal Code Section 12.28.
6. Adopted Mitigated Negative Declaration ENV-2013-1084-MND-REC2.

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

This action was taken by the following vote:

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

**Vote: 4 - 0**

**Effective Date**

Effective upon the mailing of this notice

**Appeal Status**

Not further appealable to City Council

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

**The Coastal Development Permit is effective at the City level on the mailing date of this determination. The Coastal Development Permit is not further appealable at the City level, but appealable only to the California Coastal Commission – South Coast District Office. The California Coastal Commission, upon receipt and acceptance of this determination, will establish the start of the 20-day appeal period.**

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

Attachment: Modified Conditions of Approval and Findings

cc: Notification List  
Jose Carlos Romero-Navarro  
Joey Vasquez  
Linda Clarke

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit to allow the demolition of an existing single-family dwelling and detached garage and to allow the construction, use and maintenance of two single-family dwellings on two separate lots (small lot subdivision), in conjunction with Preliminary Parcel Map No. AA-2013-1086-PMLA-SL, in the single permit jurisdiction area of the California Coastal Zone;

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby DISMISS:

a Zoning Administrator's Adjustment to allow parking to encroach 5 feet into the required 5-foot side yard, inasmuch as the parking is unenclosed, makes the request unnecessary;

a Zoning Administrator's Adjustment to allow balconies to extend one-foot into the required side yard, as prohibited by Section 12.22-C,20(d) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code, and

a Zoning Administrator's Adjustment to allow architectural features to extend 1-foot 8 inches into the required side yard in lieu of 10 inches permitted by Section 12.22-C,20(b) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code.

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby DISAPPROVE:

a Zoning Administrator's Adjustment from Section 12.09.1-B,4 to allow a reduced lot area of 4,670 square feet in lieu of the required 5,000 square feet in the RD1.5 Zone; and

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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 Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in

the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or 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.
7. The conditions of approval established under Preliminary Parcel Map No. AA-2013-1086-PMLA-SL shall be required as conditions of approval of these requests and shall be satisfied prior to the utilization of this grant (see attached Preliminary Parcel Map No. AA-2013-1086-PMLA-SL Conditions of Approval).
8. The project shall comply with those mitigation measures recommended in ENV-2013-1084-MND-REC2, dated December 5, 2013, attached as Exhibit "B", to the case.
9. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

#### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are

not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after December 24, 2014, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Figueroa Plaza

Marvin Braude San Fernando

201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

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.

#### NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

#### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on January 18, 2014, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

#### **BACKGROUND**

The subject property is a level, rectangular-shaped, interior, record lot, having a frontage of 40 feet on the south side of Sunset Avenue and a uniform depth of 120 feet. The subject site contains a total of 4,670 net square feet after required dedications. The subject property is zoned RD1.5-1 and designated Low Medium II Residential in the

Venice Community Plan. The property is located within the Venice Coastal Zone Specific Plan (Oakwood subarea) and the Coastal Transportation Corridor Specific Plan.

The subject property is currently developed with a single-family dwelling which will be demolished. Surrounding properties are zoned RD1.5-1 and are developed with a mix single-family and multiple family dwellings (two to four units).

The project as originally proposed was a three lot subdivision under the Small Lot Ordinance for three single-family dwellings. As designed the dwellings were three stories with a maximum height of 30 feet.

The project was revised after the public hearing to two single-family dwellings under the Small Lot Ordinance. As redesigned, Parcel A will be 2,200 square feet in size and Parcel B will be 2,470 square feet in size, thereby meeting the minimum 600 square-foot lot size of the Small Lot Ordinance. Lot coverage will be less than the 80% permitted for each lot. Both lots also meet the minimum lot width of 16 feet. As required by the Ordinance, the proposed project is consistent with the density requirements of the RD1.5 Zone.

As designed, the single-family dwellings will be two stories with a maximum height of 25 feet. Per the Venice Coastal Zone Specific Plan regulations for the Oakwood subarea, projects with a varied roofline are permitted a maximum height of 30 feet, provided that any portion of the roof that exceeds 25 feet is set back from the required front yard at least one foot in depth for every foot in height above 25 feet.

Zoning Information File No. 2406 (Z.I. No. 2406) clarifies the Venice Coastal Specific Plan as it relates to the Small Lot Ordinance. Per Z.I. No. 2406, required parking for subdivision projects shall be based on the parking requirements of the Specific Plan. Each new lot resulting from a small lot subdivision that contains one unit falls under the "single-family dwelling" category in the Specific Plan. For purposes of parking calculations, small lot subdivisions are considered less than 40 feet in width, or less than 35 feet in width if adjacent to an alley. The proposed project is providing two parking spaces per unit, which is consistent with the Specific Plan. Also consistent with the Specific Plan, access to the parking will be from the alley (Sunset Court). Parking for the two dwelling units will be located on Parcel B. Parking for the dwelling on Parcel A will be within an enclosed garage; parking for the dwelling on Parcel B will be uncovered tandem spaces.

Per Z.I. No. 2406, existing lots may be subdivided into multiple small lots so long as the averaged newly resulting lot size is equivalent to the minimum 1,500 square feet lot area per dwelling unit required in the RD1.5 Zone. The average lot size for the proposed project is approximately 2,335 square feet.

The subject property is located within a liquefaction area, and a seismic fault is approximately two miles away. There are no other known hazards associated with the

subject property. The project engineer has provided a tree letter certifying that there are no protected trees on the site.

Sunset Avenue, adjoining the property to the northwest is a Local Street dedicated to a width of 60 feet and improved with curb, gutter and sidewalk.

Previous zoning related actions on the site include:

Case No. AA-2013-1086-PMLA-SL – On December 9, 2014, the Advisory Agency approved two single-family lots under the Small Lot Ordinance No. 176,354.

Ordinance No. 183,165 – Adopted on July 30, 2014. Amends Los Angeles Municipal Code Section 17.06 to permit issuance of a building permit for a small lot subdivision if the applicant for the permit has received a vesting Tentative Map approval or Preliminary Parcel Map approval for the project and has submitted proof to the satisfaction of the Department of Building and Safety that a covenant and agreement has been recorded.

## **PUBLIC HEARING**

A public hearing on the project was conducted on January 8, 2014. Twelve persons spoke at the public hearing, including the project architect, a representative of the Eleventh District Council Office, and two members of the Land Use Committee of the Venice Neighborhood Council.

The applicant's representative indicated that the proposed project will benefit the neighborhood by providing three single-family dwellings with six parking spaces. The project is one of architectural distinction that is consistent with the scale of the street and neighborhood and with recent developments in the area. The representative indicated that there were many two- and three-story dwellings on Sunset Avenue. Finally, the project complies with all design guidelines and provisions of the Small Lot Ordinance and the Venice Specific Plan.

Mehrnoosh Majallai, a member of the Venice Neighborhood Council Land Use Committee, requested that the applicant come back to the Committee as there was no time left for public comments when they first came to the Committee.

Jake Kaufman, Chairman of the Venice Neighborhood Council Land Use Committee, stated that every small lot project that is more than two units has been voted down by the Neighborhood Council.

Eight residents spoke in opposition to the proposed project. The common concern and objection was that the proposed project is out of scale and mass with the neighborhood. Most dwellings on the street are one-story. It was expressed that small lot developments in Venice are having a cumulative effect that is threatening the unique



character of the community. The Small Lot Ordinance was created to provide more affordable housing but has had the opposite effect of eliminating affordable housing.

Chris Robertson, representing the Eleventh District Council Office, expressed concern about the lack of public participation and the number of adjustments being requested that are not related to the early construction of the small lot development. Ms. Robertson requested that a decision be delayed to give the applicant time to work with the community. She requested that the project be revised in order that the requested adjustments to allow projections into the side yards are no longer necessary.

### **COASTAL DEVELOPMENT PERMIT FINDINGS**

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

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

Chapter 3 of the California Coastal Act provides standards by which "...the permissibility of proposed developments subject to the provision of this division are determined." Pertinent to the instant request are the policies with respect to Development.

Section 30250 of the Coastal Act provides that "New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."

The proposed project can be accommodated by the existing infrastructure and by existing public services. The area surrounding the project is developed with a mix of single-family and multiple family dwellings, thereby making the project site contiguous with, and in close proximity to existing developed areas that are able to accommodate it. The Venice Community Plan designates the project area for Low Medium II Residential which allows a density of 18 to 29 dwelling units per net acre.

Section 30251 of the Coastal Act provides that "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually

degraded areas."

The subject site is not located near the shoreline and therefore will not impact or impair public views. Additionally, the Preliminary Parcel Map has been conditioned to comply with the requirements of the Venice Coastal Zone Specific Plan which establishes design guidelines for projects and which is incorporated by reference as part of a condition of this grant.

Section 30252 of the Coastal Act provides that the location of new development should maintain and enhance public access to the coast. Once constructed, the proposed project will neither interfere nor reduce access to the shoreline as the site is located approximately three-quarters of a mile from the ocean via roadways, and does not have direct access to any water or beach.

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard; and assure stability and structure integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that substantially alter natural landforms along bluffs and cliffs.

The proposed project was subject to review by responsible City Agencies, including the Bureau of Engineering, the Department of Building and Safety, and the Fire Department. Their conditions of approval have been incorporated into the conditions of approval of the accompanying Preliminary Parcel Map.

2. **The development will not 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 project is consistent with the goals of the California Coastal Act and the project will not prejudice the development, adoption or implementation of a Local Coastal Program (LCP) for the Venice Coastal Zone.

The Land Use Plan portion of the Venice Local Coastal Program has been certified by the California Coastal Commission pursuant to the California Coastal Act of 1976. The adopted Venice Community Plan designates the subject property for Low Medium II Residential density with corresponding zones of RD1.5, RD2, RW2, and RZ2.5. The 0.11 acre property is zoned RD1.5-1. The project is located in the Oakwood subarea of the Venice Coastal Zone Specific Plan. The proposed map is consistent with the land use and development regulations of the Specific Plan. Therefore, there is no apparent reason to conclude that the approval of two single-family dwellings on two separate lots would interfere with the implementation of a Local Coastal Program.

3. **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 this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:**

The Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP, most specifically associated with new development. In this instance, the project conforms with the Guideline standards for the Venice Community Plan and the Venice Coastal Zone Specific Plan with regards to land use, density, design, and parking. Additionally, the project is required to conform with all applicable zoning regulations for small lot subdivisions.

With respect to locating and planning new development, the lot does not provide access to or from the beach as it is sufficiently removed inland and located on a local residential street. All of the lots in the vicinity which are classified in the same zone are being, or have been developed with residential uses. The project will not conflict with the goal of providing appropriately located public access points to the coast.

4. **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, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

No outstanding issues indicate any conflict between this decision and any other decision of the Coastal Commission regarding addition to or development of new single-family dwellings in the Venice area.

5. **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, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The project site is located approximately 3/4 mile from the ocean. The proposed project will neither interfere nor reduce access to the shoreline as the site is not located near any shoreline.

6. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV-2013-1084-MND on September 9, 2013. On November 5, 2013, a reconsideration (ENV-2013-1084-MND-REC1) was issued to include the request for a Zoning Administrator's Adjustment to permit a reduced lot area. A second reconsideration (ENV-2013-1084-MND-REC2) was issued on December 5, 2013 to include the request for a Zoning Administrator's Adjustment to permit a 0-foot side yard for parking and to allow projections into the side yard, which henceforth has been dismissed by this action. On the basis of the whole of the record before the lead agency including any comments received, the lead agency found that with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The mitigation measures are incorporated in the Conditions of Approval for the Preliminary Parcel Map.

The Coastal Development Permit does not involve a change in the scope of the Project. For the reasons set forth in ENV-2013-1084-MND-REC2, the project will not have a significant effect on the environment. The Mitigated Negative Declaration is thereby incorporated into the Conditions of Approval for the Coastal Development Permit.

The project involves the demolition of a single-family dwelling constructed in 1922. A review by the Office of Historic Resources found that although the property retains some aspects of integrity, it does not appear to be significant either individually or as a contributor to a historic district. Therefore it is ineligible for listing in the National Register.

### **MELLO FINDING**

7. **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 Mello Act is a statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of housing units in California's Coastal Zone. All projects that consist of demolition, replacement, conversion, and/or construction of one or more housing units located within the Coastal Zone in the City of Los Angeles must go through a Mello Act Compliance review.

This compliance review is required by the Mello Act, by the City's Interim Administrative Procedures for Complying with the Mello Act (Interim Procedures), and by the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of Los Angeles.

The project involves the demolition of one (1) single-family dwelling with four (4) bedrooms and the construction of two (2) single-family dwellings through a small lot subdivision. Information provided by the owner shows a pattern of housing cost that is above affordable and the Los Angeles Housing and Community Investment Department has determined that no affordable unit exists on the project site. The applicant is therefore not required to provide any replacement affordable dwelling units on-site or within the Coastal Zone.

### **ADJUSTMENT FINDINGS**

In order for an adjustment from the zoning regulations to be granted, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

8. **Site characteristics or existing improvements do not make strict adherence to the zoning regulations impractical or infeasible.**

There is nothing different about this lot from any other lot on the subject street. All are substandard and the same size. Without the adjustment the applicant can still build a house on the lot. There is nothing unusual about the property.

9. **In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will not be compatible with and will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The massing and bulk of the project is not compatible with the rest of neighborhood block.

10. **The project is not in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There is nothing different about this property. The project in whole will not be compatible with the neighborhood in terms of mass and scale.

### **ADDITIONAL MANDATORY FINDINGS**

11. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

12. On September 9, 2013, a Mitigated Negative Declaration (ENV-2013-1084-MND) was prepared for the proposed project. On November 5, 2013, a reconsideration (ENV-2013-1084-MND-REC1) was issued to include the request for a Zoning Administrator's Adjustment to permit a reduced lot area. A second reconsideration (ENV-2013-1084-MND-REC2) was issued on December 5, 2013 to include the request for a Zoning Administrator's Adjustment to permit a 0-foot side yard for parking and to allow projections into the side yard, which henceforth has been dismissed by this action. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.