



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



West Los Angeles Area Planning Commission

Date: January 5, 2011
Time: After 4:30 p.m.
Place: Henry Medina West Los Angeles Parking
Enforcement Facility
11214 W. Exposition Boulevard
2nd Floor Roll Call Room
Los Angeles, CA. 90064

Public Hearing: November 8, 2010
Appeal Status: To City Council
Expiration Date: January 8, 2010
Multiple Approval: Specific Plan Exception is
appealable by the applicant to City
Council if disapproved in whole or
in part.
Per LAMC Sec. 12.36 (Multiple
Entitlements) Coastal Development
Permit, Zoning Administrator's
Determination are appealable to
City Council.

PROJECT LOCATION: 2504, 2508, and 2510 S. Pacific Avenue

PROPOSED PROJECT: Conversion of three existing duplexes which are located on adjacent lots into three 4-unit apartment buildings. The three duplexes include a total of 12 existing dwelling units, of which six are permitted and six were not permitted. No construction is proposed. Each of the three buildings is 2-stories and 28-feet in height with four units and 5 parking spaces. The project also requests the continued use and maintenance of an over-height fence in the front yard of each building along the combined project frontage. The project is located on three lots with a combined area of approximately 7,980 square feet, classified in the RD1.5-1-O residential zone, and also located within the North Venice Subarea of the Venice Coastal Zone Specific Plan.

REQUESTED ACTIONS:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt** the Mitigated Negative Declaration for the above referenced project.
2. Pursuant to Section 11.5.7 F of the Municipal Code, **Exceptions** from the Venice Coastal Zone Specific Plan (Ordinance #175,693) as follows:
 - A. From section 10 F.2.a. 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).
 - B. From Section 13 D and E 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.

Case No.: APCW-2010-2130-SPE-
CDP-ZAD-SPP

CEQA No.: ENV-2010-2131-MND

Related Cases:

Council No.: 11

Plan Area: Venice

Specific Plan: Venice Coastal Zone and
Los Angeles Coastal
Transportation Corridor

Certified NC: Grass Roots Venice

GPLU: Low-Medium II Residential

Zone: RD1.5-1-O

Applicant: Robert J and Rose E.
Rothstein

Representative: Henry Ramirez

3. Pursuant to Section 12.20.2 of the Municipal Code, 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.
4. Pursuant to Section 12.24.X.7 of the Municipal Code, 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.
5. Pursuant to Section 11.5.7 of the Municipal Code, a **Project Permit Compliance** determination with the Venice Coastal Zone Specific Plan.

RECOMMENDED ACTIONS:

1. **Disapprove** 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 RD1.5-1O zone.
2. **Disapprove** the requested **Specific Plan Exception** to permit reduced parking for three 4-unit dwellings with each building providing five parking spaces (total of 15 parking spaces) in lieu of 8 parking spaces (total of 24 spaces) otherwise required.
3. **Approve** the requested **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. **Approve in Part** the request for a Coastal Development Permit for a 6-foot high fence in the front yard.
5. **Disapprove in Part** the request for a Coastal Development Permit to convert three existing duplexes, to three 4-unit apartments providing reduced parking as described above
6. **Disapprove** the requested **Project Permit Compliance** determination with the Venice Coastal Zone Specific Plan.
7. **Adopt** the attached Findings.

MICHAEL J. LO GRANDE
Director of Planning

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 - A1 – Vicinity Map (required)
 - A2 – Radius Map (required)

- B - Plans
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PROJECT ANALYSIS

Project Summary

The project is the conversion of three existing duplexes with one guest room which are located on adjacent lots into three 4-unit apartment buildings. The three structures include a total of 12 existing dwelling units, of which six are permitted and six were not permitted. No construction is proposed. Each of the three buildings is 2-stories and 28-feet in height with four units and 5 parking spaces. The parcel is located on the east side of Pacific Avenue approximately 28 feet south of 25th Avenue. Strong's Drive provides access to the parking spaces to the rear (east) of the site

The project also requests the continued use and maintenance of an over-height fence of six (6) feet in lieu of a 42 inch high fence that is otherwise permitted in the front yard of each building along the combined project frontage. This fence encircles the perimeter of subject site without separating the adjoining lots. This fence was constructed by the applicant.

The project provides 15 ground level parking spaces at the rear (east) of the project site, five (5) spaces for each lot. The parking spaces are covered with 12 spaces in a tandem configuration. The project is the continued use and maintenance of 12 dwelling units with a total of 15 parking spaces and a six (6) foot high fence in the front yard.

The current Venice Community Plan was adopted September 29, 2000 and designates the subject site as Low Medium II Residential with corresponding zones of RW1, RW2, RD2 and RD1.5. The zoning for the subject site is RD1.5-1-O. The Venice Coastal Specific Plan was effective on December 22, 1999 and amended on January 12, 2004. The subject site is located within the North Venice Subarea. The provisions for residential development in this subarea permit a maximum of two (2) dwelling units per lot on multiple –family residentially zoned lots.

Specific Plan Exception

The applicant requests two exceptions from the Venice Coastal Zone Specific Plan. The first is 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. The second exception is 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) as is otherwise required by the Specific Plan.

The subject site is located in the North Venice Subarea. Section F.2.a of the Specific Plan regarding density states the following:

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.

Section D of the Venice Coastal Zone Specific Plan provides a Parking Requirement Table. The provisions that apply to this project are: "Multiple dwelling and duplex on a lot less than 40

feet in width or less than 35 feet in width if adjacent to an alley. Two spaces for each dwelling unit is required.”

Fence Height Determination

The applicant requests 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.

Background

Existing Uses

The project site is comprised of three (3) rectangular shaped adjacent lots. These lots are independent of each other and not tied by use or recorded affidavit. Each lot has an area of approximately 2,660.2 square feet (sq. ft.) and the total area for the project site is 7,980.6 sq. ft. The site is located on the east side of Pacific Avenue approximately 28 feet south of 25th Avenue. Strong's Drive provides access to the parking spaces to the rear (east) of the site. The topography of the site placed the parking area under the residential units as Strong's Drive is approximately 10 feet lower than Pacific Avenue. Each of the three lots were developed with a duplex (two dwelling unit) structure each with one guest room and five (5) covered parking spaces in 1971. The Certificates of Occupancy for these lots indicate this configuration.

The case records show that each building has a floor area of approximately 3,297.4 sq. ft. with a height of 28 feet as measured from the lowest point of the property at the rear (east) of the site. At some point after the issuance of the Certificates of Occupancy, the interior configuration of each building was revised to provide four (4) dwelling units on each lot. When first constructed, four (4) bedroom units were located on the first level while three bedroom units and individual guest rooms were on the second level. The revisions changed the first levels by separating two of the bedrooms to create additional one-bedroom units. The second levels were revised by merging one of the bedrooms with the Guest Room also creating additional one bedroom units. This revision increasing the number of dwelling units was completed without any documentation or building permits from the City of Los Angeles. The applicants purchased the property in 1972 after the revisions were completed. The case records indicate that the applicants believed that they had purchased three lots with three multiple family buildings of four dwelling units; a total of 12 dwelling units.

The zone on the subject site was R4-1 when it was constructed in 1971. The Los Angeles Municipal Code (LAMC) provisions in effect at the time of construction provided for up to two (2) dwelling units on lots that have a width of less than 50 feet or an area of less than 4,000 sq. ft. The LAMC at that time permitted one (1) guest room per 500 sq. ft. of lot area. On December 27, 1973, Ordinance No. 145,252 changed the zone from R4-1 to RD1.5-1. The LAMC defines a Guest Room as “Any habitable room except a kitchen designed or used for occupancy by one or more persons and not in a dwelling unit.” No changes were made to the LAMC provisions on guest rooms at that time. The development described in the 1971 Certificates of Occupancy complied with the provisions of the code in effect at that time. The revisions that created four (4) dwelling units on each lot and were in place at the time of the applicant's purchase exceeded the provisions of the LAMC in 1972. The Sec.12.23 of the LAMC defines Nonconforming (Grandfathered) buildings or uses as follows: “A building or structure with nonconforming use and a nonconforming building or structure may be maintained, repaired or structurally altered and a nonconforming use may be maintained provided the building or use conformed to the requirements of the zone and any other land use regulations at the time it was built or established...”

It does not appear that the applicant took adequate action to verify that the existing buildings complied with the records on file with the Department of Building and Safety or with the City of Los Angeles Planning and Zoning Code. Although the structures have been maintained with four dwelling units for each building for many years, a nonconforming status cannot be used in this case following the LAMC standards. As such, it appears that the applicant's hardship is self imposed and not by the provisions of the Specific Plan.

Surrounding Zones and Uses

The surrounding area is a mix of single and multiple family residential uses. Many structures are over 50 years old. The majority of the older structures are low rise one and two story structures. The area is relatively flat. Some newer development has introduced higher three story buildings into the area.

North: RD1.5-1-O – North of the project site the area is developed with low rise single and multi family residential uses that are one, two and three stories in height. Many of these structures are over 50 years old. The land use designation for this area is Low Medium II Residential.

East: RD1.5-1-O and RW1-1 – East of the project site are single and multi-family residential uses on Strong's Drive. Further east is the Grand Canal and the Canal section of Venice. The land use designation for this area is Low Medium II Residential. The structures have varying ages with one, two and three stories.

South: R3-1-O and C1.5-1-O-CA – South of the project site the area is developed with low rise single and multi family residential uses that are one, two and three stories in height. The land use designation for this area is Low Medium II Residential.

West: R3-1-O, C1-1-CA, and OS-1XL-O - The west side of Pacific Avenue is developed with low rise multi family residential uses. The structures are one, two and three stories in height. The land use designation for this area is Low Medium II Residential..

Streets and Circulation

Pacific Avenue adjacent to the west side of the subject site is a designated Secondary Highway that the dedicated to a width of 50 feet. Parking is not available in front of the subject site due to restrictions. A sidewalk of approximately five (5) feet is located on the east side of Pacific Avenue only and is adjacent to the subject site.

25th Avenue approximately 28 feet north of the subject site is a designated Local Street that has a dedicated width of 35 feet. This street is not improved with typical curbs, gutters, sidewalks, or roadway surface between Pacific Avenue and Strong's Drive and therefore does not allow vehicular circulation. Between Pacific Avenue and Speedway, 25th Avenue is a Walk Street and is not accessible by any vehicles.

Strong's Drive adjacent to the east side of the subject site is a designated Local Street that has a dedicated width of 35 feet. This street is not improved with typical curbs, gutters but does have a roadway surface permitting vehicular circulation. Sidewalks are not installed on this street and street parking is not available.

25th Place across from the subject site is a designated Local Street that has a dedicated width of 35 feet. This street is not improved with typical curbs, gutters, sidewalks, but has a roadway surface to allow vehicular circulation. Street parking is not available.

Issues

Use. The proposed project is the continued use and maintenance of 12 dwelling with a total of 15 parking spaces and a fence in the front yard with a height of six (6)-feet. The applicant requests two Specific Plan exceptions, a Project Permit Compliance and a Fence Height determination. The issue presented by this project is that it will add six dwelling units to buildings that do not have nonconforming rights. The buildings as sold to the applicant exceeded the provisions of the Planning and Zoning Code in effect at the time of their purchase. The intent of the Specific Plan is to control density, parking and building size to preserve the existing character of the neighborhood. The incremental increase in density and reduction of parking is clearly addressed in Specific Plan text. The applicant provided information saying that the added six units were on the property at the time of purchase in 1972 and the construction of the units cannot be documented.

The Venice Community Plan is to provide adequate land use amounts and capacities to accommodate the projected population until 2010. The Venice Community Plan designates approximately 918 acres for residential uses. This acreage is adequate to accommodate additional residential units and the projected population. The requested increase in density beyond that allowed in the RD1.5 zone is not compatible with the Low Medium II Residential Land Use Designation or the Specific Plan.

Parking. The surrounding area has severely limited amounts of street and on-site parking supplies. This limitation is caused by a number a factors including; much of Venice was developed prior to the effective dates of many of the City's building standards; small lot sizes; limited street widths, and geologic limitations due to the high water table. Due to the limited amounts of available parking, the Specific Plan contains provisions to address this issue with increased parking standards. The Specific Plan identifies the Beach Impact Parking zone and the subject site is located in this area. The provisions of this section are as follows: *Multiple dwelling and duplex on a lot less than 40 feet in width or less than 35 feet in width if adjacent to an alley: Two spaces for each dwelling unit;*. The project provides five (5) parking spaces for each lot a project total of 15 parking spaces. Following the provisions of the Specific Plan the project is required to provide eight (8) parking spaces for each lot; a total of 24 spaces for the entire project. The existing permitted development is comprised of 3 duplex buildings each with an individual guest room that provides 15 covered parking spaces that was constructed in 1971. The request to provide a project total of 15 parking spaces for the proposed additional dwelling units will not meet the standard for the Specific Plan and the applicant has requested the Exception.

Fence Height. – A fence of approximately six (6) feet is located along the front property line of the subject site on Pacific Avenue. The case records do not indicate when the fence was constructed. A survey of the area disclosed that several fences that exceed the LAMC standards are located at 2516, 2520, 2602, and 2606 S. Pacific Avenue. Another factor is that some buildings are located at the front property line including 2500, 2512 and 2524 S. Pacific Avenue. The fence is metal with an open design similar to a wrought iron bar fence. A fence delineates the property line from the public sidewalk that is only on one side of Pacific Avenue and is relatively narrow. Driveways and parking areas are not accessed from the east side of Pacific Avenue so there is a reduced amount of pedestrian and vehicular circular interaction. The roadway does not have any curves that could obscure views of traffic circulation.

CONCLUSION

The Department recommends the disapproval of the Specific Plan Exceptions and the Coastal Development Permit as discussed in this report. The Planning Department has considered the proposed project, the surrounding land uses and zones and concludes that the Specific Plan Exceptions for the subject site would not be appropriate. The subject site is realizing the benefits of its nonconforming status with its higher density and reduced parking. While the applicant has stated that they are willing to register the proposed unit in the Los Angeles Housing Department's Affordable Housing Program, it should be noted that the 12 permitted units are market rate units. The applicant states that the property was purchased with 12 units and 15 parking spaces in 1972. It does not appear the applicant took any action to verify and/or confirm any of the information provided with that on file with the Department of Building and Safety. As such, it appears that the applicant's hardship is self imposed and not by the provisions of the Specific Plan.

Given these factors, the applicant's request for Specific Plan Exceptions to allow the addition of six (6) unit and a reduced amount of parking is not appropriate and therefore the Planning Department recommends the disapproval of the requested entitlements.

The Planning Department is recommending approval of the six foot high fence in the front yard. The sidewalk adjacent to the site is only on one side of Pacific Avenue and is relatively narrow. Most, if not all, of the properties on Pacific Avenue have fences over the allowed height in the front yards or the buildings are located at the property line. The Department has not determined the status of these other fences.

CONDITIONS OF APPROVAL

A. Entitlement Conditions

1. 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.
2. 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.
3. The fence, and gates located within the front yard setback shall be maintained at a height not to exceed 6 feet as measured from grade.

B. Environmental Conditions

4. Aesthetics –

I 10 - (Landscaping) – 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 decision maker. (MM)

I b4 - Aesthetics (Graffiti) - The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104. (MM)

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. The mitigation measures have been revised in consideration of the approval of the requests for the Fence Height Determination only, the disapproval of the Specific Plan Exceptions, and need to comply with other provisions of the Municipal Code. Condition VIII-20 requiring Methane Gas Ventilation and XVII-90 Solid Waste Recycling mitigation has been removed.

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 tha:

Venice Coastal Development projects on lots greater than 4,000 sq. ft. are permitted one unit for each 1,500 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 tree 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.

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 (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 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 not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.*

DENSITY

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 Specific Plan has placed a density limitation of two dwelling units on lots zoned RD1.5 and with lot areas of less than 4,000 square feet. Furthermore, within the North Venice subarea, an additional unit may be added to a site, per the Specific Plan, if the site is greater than 4,000 square feet and the lot area per dwelling unit is not less than 1,500 square feet and that additional unit is a Replacement Affordable Unit. The applicant has decided to not set aside any dwelling units for use by those that qualify for affordable housing. The applicant's site is comprised of three lots each with an approximate area of 2,660 square feet which is well short of the Specific Plan's minimum lot area requirements for any additional units. The proposed additional units would equal approximately one dwelling unit per 665 sq. ft. of lot area. There is no need for the increased density beyond the Specific Plan required two dwelling units for the project. The applicant will continue to benefit from the existing and permitted multi-family structures on lots that are less than the 1,500 square foot lot area per dwelling unit requirement allowed by the Specific Plan.

There are no practical difficulties with this particular site that make it unique to others in the general vicinity. Having to comply with the regulations that limit density to meet the purposes of the Specific Plan would not constitute an unnecessary hardship that is inconsistent with the general purpose and intent of the plan. These regulations apply to all properties in the North Venice subarea. The regulations address the lack of affordable housing in the community, the overbuilding of small lots and the lack of adequate parking. The fact that there are two additional illegal non permitted units on each lot does not constitute a practical difficulty or unnecessary hardship because these units

would have not been permitted even with the property's R4 zoning. Denial of the Exception would result in the property owner's development reverting to two legal units and a guest room on each lot as was permitted by the original R4 zone.

PARKING The Findings for the requested Specific Plan Exceptions for reduced parking cannot be made at this time because the Planning Department is recommending disapproval of the Specific Plan Exception for increased density which will not permit the development of the proposed six additional residential units which are required to entitle the proposed use on the subject site. The surrounding area has severely limited amounts of street parking due to several limiting factors including: Many building were built prior to current standards; small lot sizes; limited street widths; and geologic limitations. The site has non conforming rights to provide 15 parking spaces for the permitted residential buildings. Since the use cannot be established, the Planning Department recommends disapproval of the requested Specific Plan Parking Exceptions.

- B. *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.*

The applicant has not presented a justification as to what the exceptional circumstances are that apply to the subject property and not other properties within the Specific Plan that would justify an increase of the permitted density. Documents in the case file indicate that the structures were constructed in 1971 and that the applicant purchased the property in 1972, prior to the effective date of the Specific Plan. The case records indicate that the interiors on the subject buildings were reconfigured to provide six (6) additional dwelling units after the initial construction but the Department of Building and Safety and the applicant cannot document when the conversion occurred or if there were building permits to do so. The applicant provided a statement that the subject units were on the site at the time of the purchase of the property in 1972.

The subject site of three lots is rectangular shaped with an area of approximately 7,980 total square feet. Further, the existing building configuration is typical of most development along Pacific Avenue in the immediate vicinity. As such, there are no exceptional conditions relative to the lot that do not apply to other properties in the immediate area.

PARKING The Findings for the requested Specific Plan Exceptions for reduced parking cannot be made at this time because the Planning Department is recommending disapproval of the Specific Plan Exception for increased density which will not permit the development of the proposed six additional residential units which are required to entitle the proposed use on the subject site. The surrounding area has severely limited amounts of street parking due to several limiting factors including: Many building were built prior to current standards; small lot sizes; limited street widths; and geologic limitations. The site has non conforming rights to provide 15 parking spaces for the permitted residential buildings. Since the use cannot be established, the Planning Department recommends disapproval of the requested Specific Plan Parking Exceptions.

- C. *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 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. To grant an exception for a site with no special circumstances or practical difficulties would set a precedent that could lead to other requests for additional units on other lots that are developed at or below the required density.

PARKING The Findings for the requested Specific Plan Exceptions for reduced parking cannot be made at this time because the Planning Department is recommending disapproval of the Specific Plan Exception for increased density which will not permit the development of the proposed six additional residential units which are required to entitle the proposed use on the subject site. The surrounding area has severely limited amounts of street parking due to several limiting factors including: Many buildings were built prior to current standards; small lot sizes; limited street widths; and geologic limitations. The site has non conforming rights to provide 15 parking spaces for the permitted residential buildings. Since the use cannot be established, the Planning Department recommends disapproval of the requested Specific Plan Parking Exceptions.

- 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.*

Granting the exception when there is nothing unique to this property or situation would be injurious to property adjacent to and in the vicinity of the subject property. The subject site with six permitted units and three guest rooms on a 7,980 sq. ft. lot 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.

Granting an exception based on existing non-compliant situation would set a precedent as it would be the first density increase in this section of the North Venice subarea since the Specific Plan took effect.

The development of the project site with additional units would increase vehicle trips in the area and the reduction of parking for the proposed unit from two required spaces to one space places additional burdens on severely limited amounts of street parking. Taken together this would increase congestion and parking demand in the area. While the proposed project may not seem dramatic, it would be the incremental increase in density from other sites requesting additional units that would negatively affect the community. The Specific Plan is attempting to regulate overbuilding of the community and an incremental increase in density would undermine those regulations.

- E. *The granting of the exception is not consistent with the principles, intent and goals of the specific plan.*

There is nothing unique to this property or situation. The exception would be inconsistent with the Specific Plan's purpose to regulate all development including; use, height, density, setbacks, buffer zone and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas. The Specific Plan explicitly identifies the area surrounding the site as Medium Density Residential with explicit density levels. The applicant has and is currently enjoying the non conforming benefit of six dwelling units with guest rooms and 15 parking spaces. The proposed project to legalize six non permitted units which exceeds the code maximum of the previous R4 zone as well as the legally mandated levels of the Specific Plan and not provide adequate on-site parking in NOT consistent with the principles, goals, and intent of the Specific Plan and will not provide adequate on-site parking.

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 over in height fence uses are not specifically discussed in these plans. 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 but the fences have not been documented. This request is being made to allow the existing 6 foot high fences to remain as it has for many years, which is compatible to the surrounding neighborhood. This action is being requested in response to the Housing Department comments on the existing conditions.

B. *The permitted 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 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 compatible to the surrounding neighborhood. Most, if not all, properties along Pacific Avenue have over in height fences in the front yards or the buildings are located at the front property line. This action is being requested in response to Housing Department comment on a related request to legalize the status of the multifamily buildings. Because no new development is proposed, there will not be any significant effect on the approval of the LCP. 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 existing 6 foot high fences to remain as it has for many years, which is compatible to the surrounding neighborhood. 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.

No environmental impacts from the fence portion of the proposed project were found in the attached environmental clearance, ENV 2010-2131 MND.

- 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.

PUBLIC HEARING AND COMMUNICATIONS

Summary of Public Hearing Testimony and Communications Received

The Public Hearing on this matter was held at West Los Angeles Municipal Building, 1645 Corinth Avenue, 2nd Floor Hearing Room, Los Angeles, CA 90025 on Monday, November 8, 2010 at 10:00 AM.

1. Present: Four people including the representative of the applicant attended the Public Hearing.
2. Three people provided testimony opposing the project. The entire area does not have adequate parking. The large number of un-permitted units is the source of this primary problem. This approval is an incremental weakening of the Specific Plan that was put in place to control density and parking.

Communications Received

The applicant provided a letter outlining additional justification for the approval of their request. One of the units is occupied by the owner. The property has been maintained in very good condition.

The Department has received 2 communications outlining the issues discussed above.

**The following findings for the approval of the
Specific Plan Exceptions
have been prepared by the applicant for consideration by the
Area Planning Commission for West Los Angeles**

VENICE SPECIFIC PLAN

FINDINGS FOR EXCEPTION

Project Information:

2504-2508-2510 S Pacific Ave.
Venice, CA 90291

- A. That the strict application of the policies, standards and regulations of the geographically specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of such 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 Venice Specific Plan requires that each unit have a minimum square footage of 1,500 square feet per unit. The building is a legal non-conforming use.

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 on 1972 and it had the converted units. The owner of the building is the past and current on-site manager and has remained the on-site manager to this day.

Current parking requirements under the Venice Specific Plan for a multiple dwelling unit is two parking spaces per unit. This would require that the current building would need a total of 27 parking spaces, 24 spaces for tenants and 3 for guest parking. The building currently provides a total of 15 parking spaces. The 15 parking spaces are covered.

The current bedroom break down for the 10 approved units is as follows:

(6) One-bedroom units exists each one with a single occupant. All the single occupants of the 1 bedroom units occupy 1 parking These units would require 1.5 parking spaces under the RD-1.5 Zoning and can be tandem for each would be accessible to one unit.

(6) Two-bedroom units exists each one with a single occupant. All the single occupants of the 1 bedroom units occupy 1 parking These units would require 1.5 parking spaces under the RD-1.5 Zoning and can be tandem for each would be accessible to one unit.

The buildings were originally built in 1972 and the plans have the Certificate of Occupancy showing each lot permitted for 2 units with a guest room with 5 attached parking spaces. This translates that RD-1.5 Zoning the parking requirements were met. Under today's standards the RD-1.5 Zone would require 1.5 spaces for unit.

- B. That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject that do not apply generally to other property in the specific plan area.**

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 fact remains that Venice is a desirable place to live and not too many available spaces for new tenants.

C. That the exception from the geographically specific plan 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.

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

The granting of the extension will in no way be detrimental to the public welfare, injurious to the property or improvements adjacent to or in the same vicinity of the subject property, does not create any additional parking on the streets and does not change the footprint of building by adding any square footage.

E. That the granting of the exception will be consistent with the principles, intent and goals of the geographically specific plan and any applicable element of the General Plan.

It is a known fact that the City of Los Angeles is faced with a housing shortage. It is estimated that by 2010 another 2-3 million people will be living in the Los Angeles basin. With upwards of 11,000 existing housing units being demolished per year to be replaced by considerably more expensive units this application meets the spirit of the Plan.

The City of Los Angeles has insufficient vacant properties to accommodate forecast population increases. The supply of land zoned for residential development is the most constrained in the context of population growth forecasts. Consequently, the City's growth will require the reuse and intensification of existing developed properties or conversion of certain uses where there is insufficient market demand, to an alternative use. The following goals are listed from the City's General Plan and from various community plans:

- Goal 2 of the General Plan's Housing Element states: "A City which actively takes steps to preserve, stabilize and enhance livability/sustainability in all neighborhoods throughout the City, and maintains the quality of life in all residential areas."
- Common goals and objectives of Community Plans #1 "To reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops."
- Common goals and objectives of Community Plans #2 "Encourage higher density residential uses near major public transportation centers."
- Common goals and objectives of Community Plans #3 "Promote greater individual choice in type, quality, price and location of housing."

The proposed request meets the common goals and objectives of the City's General Plan and various Community Plans which support the General Plan. The request also maintains a balance to produce new housing units and a desire to conserve the livability and character of existing neighborhoods. Finally, the proposed use will result in the overall improvement of the City's Housing Stock in a manner consistent with the objectives of the Housing Element. As a result, permitting the proposed use is consistent with the purpose and intent of the General Plan.

The proposed project does not conflict with the goals and policies of the Coastal Act and does not jeopardize or compromise the protection, maintenance, enhancement and restoration of the overall quality of the Coastal Zone environment and its natural and man-made resources. The proposed project does not impede public access to the coast or any public recreation area and is completely compatible with the overall character with the existing community by having consideration for the aesthetics and scenic preservation of environmental sensitive areas.