

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Appeal Filed: 6/15/2011
 Applic. Filed: 6/20/2011
 180th Day: 12/17/2011
 Staff: Charles Posner-LB
 Staff Report: 7/26/2011
 Hearing Date: August 10, 2011
 Commission Action:

**W20c&d****STAFF REPORT: DE NOVO & REGULAR CALENDAR**

APPLICATION NUMBER: 5-11-155 **APPEAL NUMBER:** A-5-VEN-11-149

APPLICANT: G & M Weisenfeld Properties (George Weisenfeld)

AGENT: Henry Ramirez

APPELLANT: Coastal Commission Executive Director, Peter Douglas

PROJECT LOCATION: 14 Jib Street Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Permit seven existing dwelling units in a residential building with seven on-site parking spaces.

LOCAL APPROVAL: City of Los Angeles Local Coastal Dev. Permit APCW-2010-3101.

Lot Area	3,150 square feet
Building Coverage	2,010 square feet (approx.)
On-site Parking	7-stall carport
Zoning	R3-1
Building Height	35 feet

SUMMARY OF STAFF RECOMMENDATION

The project site is one block inland of the beach. City of Los Angeles Department of Housing records indicate that the existing apartment building has contained seven dwelling units for at least 24 years (documented since 1988), even though the structure was permitted by the Department of Building and Safety in 1971 to be constructed as a duplex with three guest rooms. On April 6, 2011, the West Los Angeles Area Planning Commission approved a local coastal development permit to authorize the use of the structure as a seven-unit apartment building. That permit was appealed to the Coastal Commission. On July 14, 2011, the Commission determined that **a substantial issue exists** with respect to the grounds on which the appeal was filed because the development does not conform to the current two-unit density limit for the subject lot (as set forth in the certified Venice Land Use Plan), and it provides only seven parking spaces instead of the required sixteen spaces (for seven units).

The size and density within the existing structure are not being changed. Staff is recommending that the Commission **APPROVE** two coastal development permits – one on de novo review of an appeal (A-5-VEN-11-149) and one dual permit application (5-11-155) – for the proposed development with six special conditions. The recommended special conditions begin on Page Four. **See Page Three for the motions to carry out the staff recommendation.** The applicant agrees with the recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. City of Los Angeles Local Coastal Development Permit No. APCW-2010-3101-CDP.
3. City of Los Angeles Project Permit Compliance Case No. APCW-2010-3101-SPP.
4. City of Los Angeles Mitigated Negative Declaration No. ENV-2010-3102-MND.

STAFF NOTE - DUAL PERMIT JURISDICTION:

Pursuant to Coastal Act Section 30600(b), any development which receives a local coastal development permit from the City must also obtain a second (or “dual”) coastal development permit from the Coastal Commission if the development is within the areas specified in Section 30601 (e.g., within three hundred feet of the beach or sea). The areas specified in Section 30601 are known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The local coastal development permits in both the single and dual jurisdiction areas are appealable to the Commission.

As a result of the project site being located within three hundred feet of the beach, the proposed development is located within the *Dual Permit Jurisdiction*. On June 20, 2011, the applicant submitted the required “dual” Coastal Commission coastal development permit application (Application No. 5-11-155) for Commission review and action. In order to minimize duplication, Commission staff has combined the de novo appeal permit (A-5-VEN-11-149) and the dual coastal development permit application (5-11-155) into one staff report. The public hearings for the “dual” application (5-11-155) and the de novo review of the appeal of the local coastal development permit (Appeal No. A-5-VEN-11-149) will also be combined.

Because there are two permits involved, the Commission’s approval, modification or disapproval of the proposed project will require two separate Commission actions: one action for the de novo review of the appeal of the City’s permit and one action for the dual coastal development permit application. Staff is recommending that the Commission approve both permits with the following identical special conditions and findings.

The Commission's standard of review for the proposed development in both the *Dual Permit Jurisdiction* area and within its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The City of Los Angeles certified Land Use Plan (LUP) for Venice is advisory in nature and may provide guidance.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permits with special conditions:

MOTION I: *"I move that the Commission approve with special conditions Coastal Development Permit Application No. A-5-VEN-11-149 per the staff recommendation."*

MOTION II: *"I move that the Commission approve with special conditions Coastal Development Permit Application No. 5-11-155 per the staff recommendation."*

The staff recommends two **YES** votes. Passage of the motions will result in **APPROVAL** of the de novo permit (A-5-VEN-11-149) and dual coastal development permit application (5-11-155) with identical special conditions, and adoption of the following resolutions and findings, as set forth in this staff report. Each motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions of Permit A-5-VEN-11-149

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Resolution: Approval with Conditions of Permit 5-11-155

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

III. Standard Conditions of Permits A-5-VEN-11-149 & 5-11-155

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. Special Conditions of Permits A-5-VEN-11-149 & 5-11-155**1. Approved Development - Permit Compliance**

Coastal Development Permit 5-11-155/A-5-VEN-11-149 permits the use of seven dwelling units in the existing structure on the site consistent with the following special conditions. All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Parking

The proposed on-site parking supply (a seven-stall carport) shall be provided and maintained on the site for the residents of the building. Vehicular access to the on-site parking shall be taken only from Speedway Alley or the rear alley. Vehicular access is not permitted on the Jib Street right-of-way.

3. Affordable Housing Units

As required by City of Los Angeles Project Permit Compliance Case No. APCW-2010-3101-SPP, two dwelling units on the project site shall be maintained by the permittee as affordable rental units (affordable to Moderate Income Households). The two affordable

replacement housing units shall be reserved and maintained as affordable housing units for the life of the building.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall: a) identify to the Executive Director specifically which of the two units on the project site are being preserved as affordable rental units, and b) submit documentation, for the review and approval of the Executive Director, demonstrating that the applicant has recorded a covenant and agreement with the City of Los Angeles Housing Department, or with a non-profit housing organization approved by the Executive Director, assuring on-going compliance with the affordable housing provisions of this permit.

4. Local Government Approval

The proposed development is subject to the review and approval of the local government (City of Los Angeles). This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Los Angeles Department of City Planning Case No. APCW-2010-3101-SPP (Specific Plan Project Permit). In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit 5-11-155/A-5-VEN-11-149 shall prevail.

5. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

6. Condition Compliance

Within ninety (90) days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

V. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The project site is a 3,150 square foot lot fronting a walk street in the Marina Peninsula area of South Venice (See Exhibits). The site is one block inland of the beach. The property is developed with a 35-foot high, 5,375 square foot, seven-unit apartment building with a seven-stall carport (accessed from Speedway alley). The surrounding properties are developed with a single-family residence, several duplexes and four-unit structures, and three large multi-unit condominium projects on the boardwalk.

The applicant is not proposing to change the size or residential density of the existing structure, which currently contains seven apartment units (four one-bedroom units, two flats with lofts, and one 340 square foot one-room apartment). The applicant is requesting a coastal development permit to legalize the seven existing apartment units in the existing structure.

The City of Los Angeles Department of Building and Safety permitted the structure in 1971 to be constructed as a duplex with three guest rooms. Guest rooms are an old category of habitable units without kitchens or bedrooms. The structure was constructed in 1972, before coastal development permits were required. As constructed, the lot contained a duplex, four guest rooms, and one recreation room and, therefore, did not comply with the project permitted by the Department of Building and Safety. Subsequent to the building's construction the recreation room was converted to a residential unit also, and kitchens have been installed in all seven units. The City has since determined that the existing building has a legal non-conforming status (to the extent that it was originally permitted) because it was built prior to the effective date of the Venice Coastal Specific Plan (1999). The Commission certified a Land Use Plan for the Venice sub-area of the City of Los Angeles in June of 2001.

The applicant's request for a permit was initiated recently when it was discovered that the seven dwelling units in the structure are not properly permitted. The applicant asserts that the seven units existed when he purchased the building in 1986. A current tenant who has lived in the building since 1979 substantiates the applicant's claim that there have been seven units in the building for over thirty years (Exhibit #6). In addition, the City of Los Angeles Department of Housing records indicate that the existing apartment building has contained seven dwelling units for at least 24 years (documented since 1988).

The City of Los Angeles Department of Building and Safety records, however, show that only five dwelling units are permitted. The Los Angeles County Assessor records also state that there are five dwelling units on the property. The Coastal Commission has no records for the property.

B. Public Access/Density and Parking

The primary Coastal Act policy raised by this permit application is the project's effect on the public's ability to access the shoreline. The Commission has consistently found that density of development and a project's parking supply can impact public access. The Coastal Act requires that new development shall not interfere with public access to the coast.

The standard of review in this case is the Chapter 3 policies of the Coastal Act. The following public access policies are relevant in this case:

Section 30210 of the Coastal Act states:

In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The Marina Peninsula area of Venice was established early in the twentieth century and many of the older residences do not have adequate on-site parking. Since many of the buildings do not provide enough off-street parking to meet parking demands, the residents compete with each other and beachgoers for the limited amount of on-street parking. The amount of on-street parking is limited because most of the residential streets on the Marina Peninsula are walk streets that provide no space for vehicle storage. The competition for the limited amount of on-street parking is intense, especially on busy summer weekends. There are no public parking lots within one-quarter mile of the project site. The project site, however, is close to a public bus stop for the bus route that runs along Pacific Avenue (Exhibit #2).

The proposed project is the legalization of seven existing dwelling units. The land use designation for the project site, as set forth by the certified Venice LUP, is Multi-Family

Residential – Low Medium II. The property is zoned R3-1 (Multi-Family Residential). The certified Venice LUP sets forth the following policy for Low Medium II residential land uses on the Marina Peninsula, where the project is located:

Policy I. A. 7 Multi-family Residential - Low Medium II Density. *Accommodate the development of multi-family dwelling units in the areas designated as “Multiple Family Residential” and “Low Medium II Density” on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.*

c. Marina Peninsula

Use: Two units per lot, duplexes and multi-family structures.

Density: One unit per 1,200 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units per lot.

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height: Not to exceed 35 feet. Structures located along walk streets are limited to a maximum height of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

The current density limit for the 3,150 square foot lot, as set forth by the certified Venice Land Use Plan (LUP) is two dwelling units. However, the building was originally permitted in 1971 to contain five dwelling units (a duplex with three guest rooms) which the applicant is permitted to maintain as non-conforming or “grandfathered” units. The Commission does not require the elimination of legal permitted dwelling units because of a subsequent reduction in the density limit. Only two of the existing seven dwelling units do not qualify as pre-existing legally permitted (but non-conforming) units.

The proposed project is also non-conforming in regards to its parking supply. The parking standards set forth in the certified Venice LUP require sixteen parking spaces for seven dwelling units (two spaces per unit, plus two guest parking spaces). Policy II.A.3 of the certified Venice LUP provides guidance for determining parking requirements for projects within the Venice coastal zone, as follows:¹

Policy II. A. 3. Parking Requirements. *The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.*

¹ The parking standards in the certified Venice LUP are identical to the parking standard contained in the Commission’s Regional Interpretive Guidelines for Los Angeles County, adopted 1980.

RESIDENTIAL USES:

Multiple dwelling and duplex on lots of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley.

2 spaces for each dwelling unit; plus a minimum of one guest parking space for each 4 (four) or fewer units.

The City granted the proposed project a Specific Plan Exception for parking because it provides seven on-site parking spaces (or one space per unit) instead of the required sixteen spaces (Exhibit #5). The City approval does not require the applicant to provide more than the seven existing parking spaces or to pay fees (\$18,000 per space) in lieu of providing nine of the sixteen required parking spaces.

In this case the proposed development has been in existence for over twenty years and seven apartment units have been documented since 1988 by the City Housing Department. One on-site parking space will continue to be provided for each dwelling unit. While this proposed one parking space per unit differs from the guidance provided by the Venice LUP, the Commission has considered such an off-street parking ratio to be consistent with the Coastal Act's access policies in certain circumstances. For example, the Commission has found that affordable housing units typically generate a lower parking demand than market-rate units because residents in market-rate units are more likely to own multiple vehicles than residents of smaller affordable units. The applicant is agreeing to maintain two of the units as affordable rental units (affordable to Moderate Income Households) for at least thirty years, and the seven apartment units subject to this permit are all small one-bedroom units. In addition, the building is close to public transportation. The parking demand is not anticipated to exceed the on-site parking supply. Therefore, the approval of the development will not result in any adverse effects on the parking supply or public access.

The Coastal Act encourages the protection of affordable housing opportunities in the coastal zone. Section 30604 of the Coastal Act states, in part:

30604(f): The Commission shall encourage housing opportunities for persons of low and moderate income.

30604(g): The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

Section 30607 of the Coastal Act provides that any development or permit approved "shall be subject to reasonable terms and conditions" in order to ensure that such development or permit will be in accordance with the provisions of the Coastal Act. This includes Sections 30604(f) and (g) which provides that the Commission encourage the protection of affordable housing in the coastal zone.

The Commission grants incentives such as density bonuses in order to increase or preserve the stock of affordable housing in Venice and elsewhere in the coastal zone. All seven units in this case have existed at least since 1988 according to City Housing Department records. Affordable housing units, and small apartments in general, are less likely to generate the same demand for parking (two spaces per unit) as a market rate dwelling unit. Therefore, in consideration of a lower parking demand generated by these existing dwelling units, two of

which will be dedicated as affordable units, the Commission finds that the proposed development, as conditioned, is consistent with the public access policies of the Coastal Act cited above.

The Commission imposes special conditions on this permit, in accordance with its obligation to protect affordable housing, in order to ensure that the two affordable housing units are provided as proposed by the applicant and as required by the City's approval of the Project Permit. In addition, the proposed project must provide and maintain seven on-site parking spaces (one per unit) for use by the building's residents. The special conditions also require the applicant to record a deed restriction on the property that includes the conditions of this permit, and to record the required covenant with the City (agreeing to provide the affordable housing units) before the permit is issued. The deed restriction will ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit.

In regards to the City's in lieu fee program for parking, the Commission finds that the payment of fees in lieu of providing actual parking spaces will not mitigate the parking impacts of the proposed project because the City's in-lieu fee of \$18,000 per space is not equivalent to the cost of providing an actual parking space, and the City's in-lieu fees are not being used to provide any new parking or to improve coastal access. The in lieu parking fees previously collected by the City have allegedly been transferred to the City's general fund and used for more general purposes.

The Commission finds that, only as conditioned, is the proposed development consistent with Sections 30210, 30211, and 30252 of the Coastal Act pertaining to public access to and along the shoreline.

C. Unpermitted Development

Prior to applying for this coastal development permit, some of the development on the site occurred without the required coastal development permit. The unpermitted development is conversion of a duplex with three guest rooms to a seven-unit apartment building. To ensure that the matter of unpermitted development is resolved in a timely manner, a special condition requires that the applicant satisfies all conditions of this permit which are prerequisite to the issuance of this permit within ninety days of Commission action, or within such additional time as the Executive Director may grant for good cause. Although development has taken place prior to Commission action on this permit application, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Commission action on this permit application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

D. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this coastal development permit, the Commission imposes one additional condition which requires the property owner to record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of

the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. As a result of the proposed project's consistency with the Coastal Act, approval of this project will not prejudice the City of Los Angeles' ability to prepare an LCP that is consistent with Chapter 3 of the Coastal Act.

F. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. On April 6, 2011, the City of Los Angeles West Los Angeles Area Planning Commission adopted Mitigated Negative Declaration No. ENV-2010-3102-MND for the project. As conditioned by this permit, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE, CA



500' & 100' RADIUS MAP
SPECIFIC PLAN EXCEPTION

COUNCIL DIST.: 11
PLAN AREA: VENICE
NEIGHBORHOOD COUNCIL: VENICE
AREA PLANNING COMM.: WEST LA

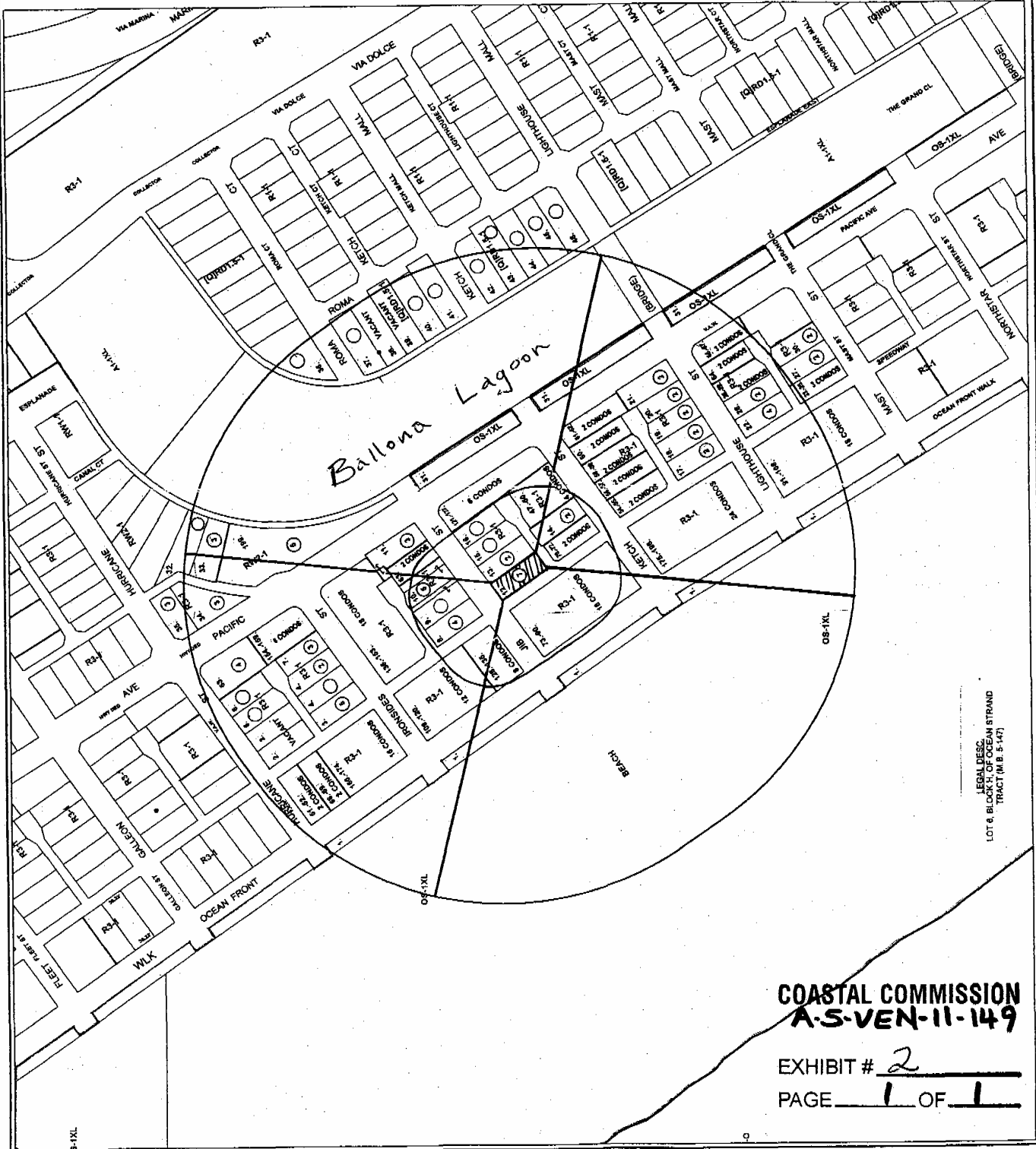
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CASE NO.:
DATE: 1/10/10
SCALE: 1" = 100'
C.M.L: 102A147
T.B. PAGE: 701 GRID: J-1



APCW2010 3101

SANTOS PLANNING & PERMITTING
PO BOX 438
AGOURA HILLS, CA 91376
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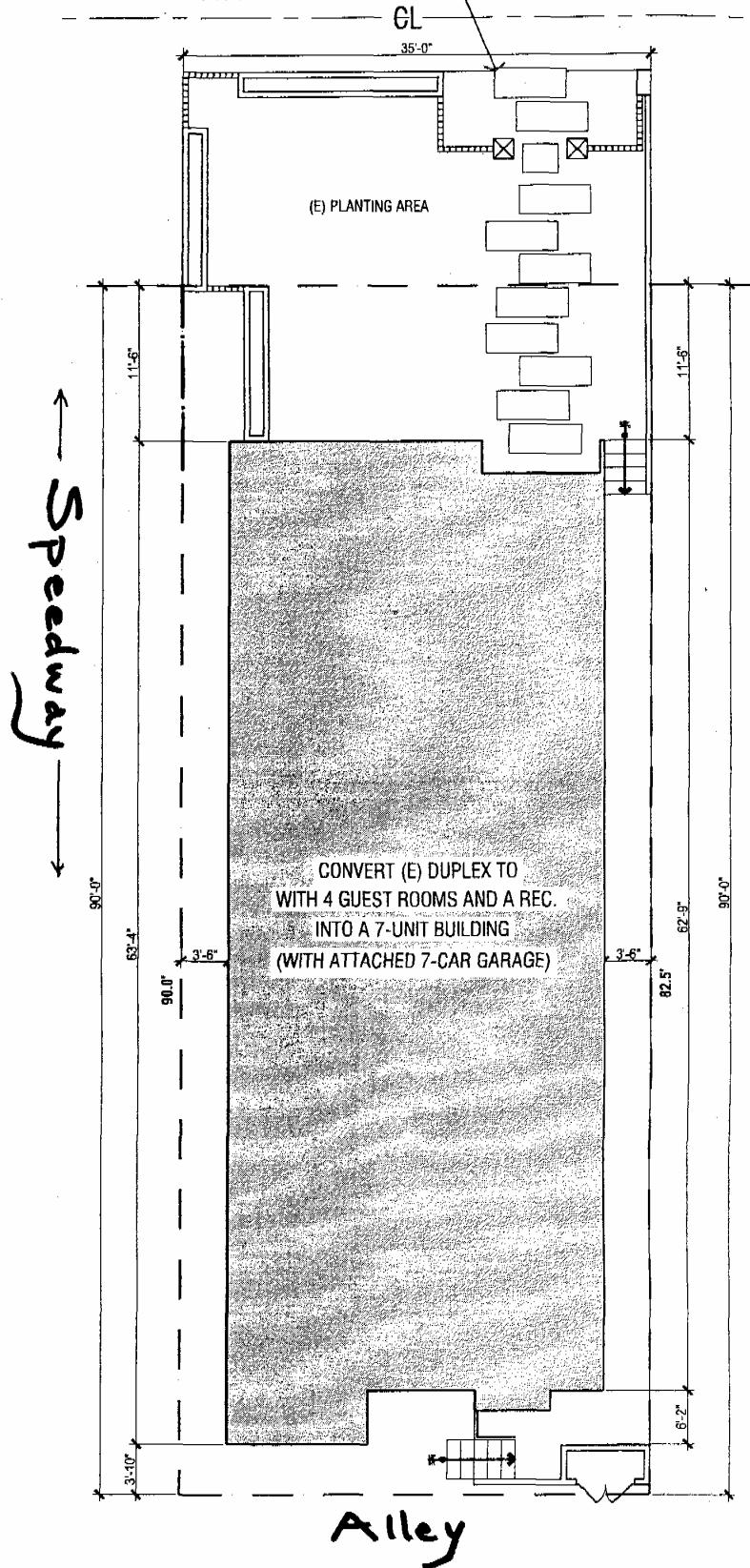
LEGAL DESC.
BLOCK 1, OF OCEAN STRAND
TRACT (M.B. 5-147)

COASTAL COMMISSION
A-S-VEN-11-149

EXHIBIT # 2
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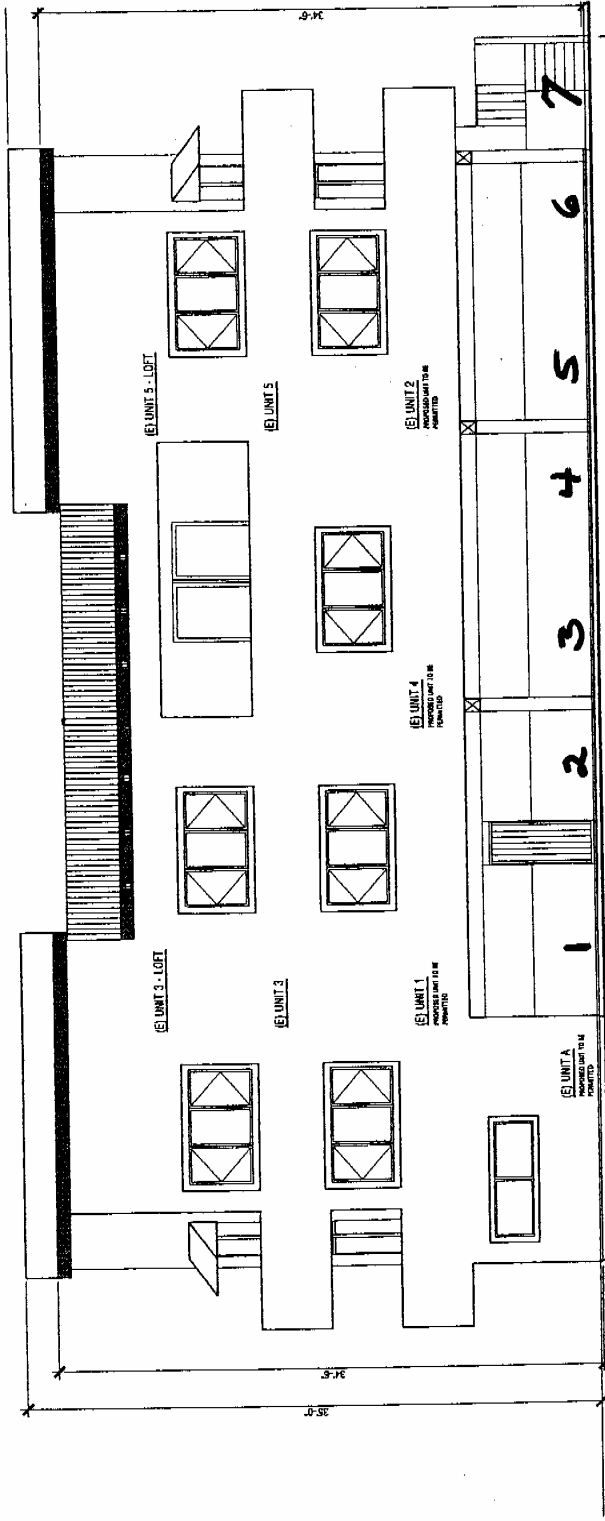
JIB STREET Walk Street (No cars)

(E) 36" PONY-GLASS WALL AROUND LANDSCAPE AREA



COASTAL COMMISSION
A-5-VEN-11-149

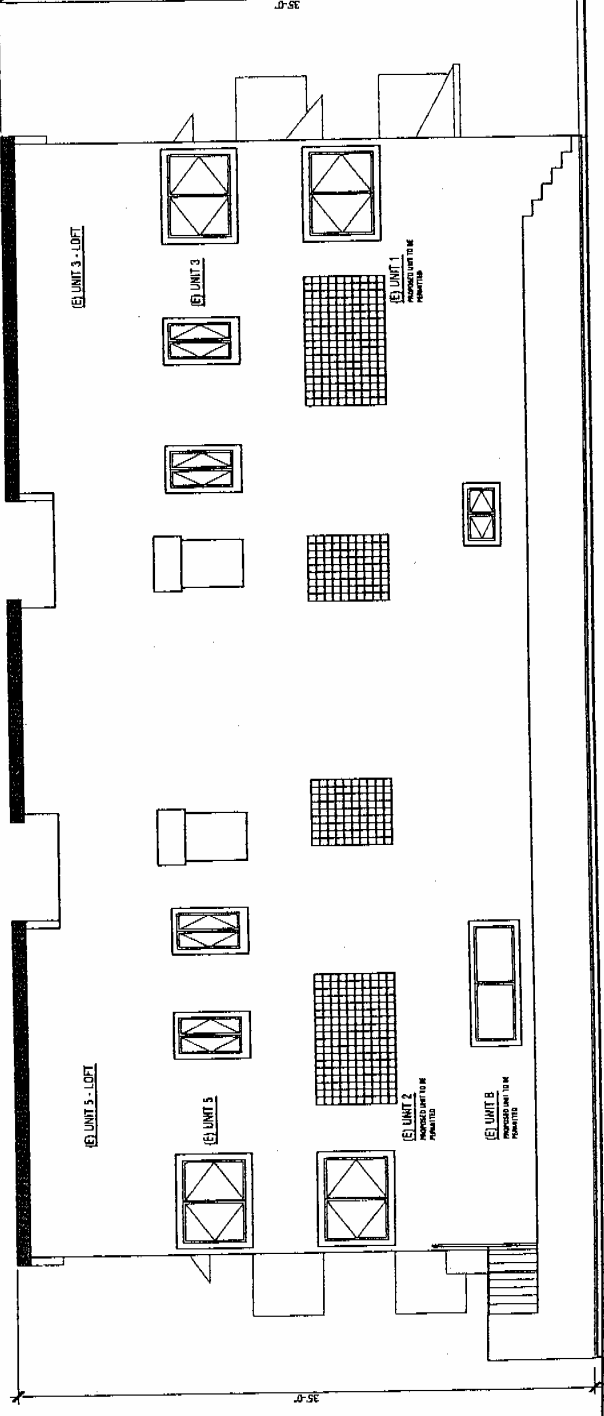
EXHIBIT # 3
PAGE 1 OF 1



NORTH ELEVATION
Speedway SC

7 Parking stalls

35'



SOUTH ELEVATION

0'



WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: APR 27 2011

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

CEQA: ENV-2010-3102-MND

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

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

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

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

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

This action was taken by the following vote:

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

Vote: 3 - 1


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

COASTAL COMMISSION
A-S-VEN-11-149

EXHIBIT # 5
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Effective Date / Appeals: The Commission's determination on the Specific Plan Exception and Project Permit Compliance will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

LAST DAY TO APPEAL MAY 12 2011

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

Attachments: Findings and Conditions of Approval

cc: Notification List
Kevin Jones, Senior City Planner

COASTAL COMMISSION
A.S. VEN. 11-149

EXHIBIT # 5
PAGE 2 OF 11

CONDITIONS OF APPROVAL

A. Entitlement Conditions

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

B. Environmental Conditions (MM)

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

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

C. Administrative Conditions

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

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

COASTAL COMMISSION

EXHIBIT # 5
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FINDINGS

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

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

General Plan Findings

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

Chapter III - Land Use Policies and Programs.

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

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

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

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

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

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

adopted by the City Council on October 29, 1999 (Ordinance No. 172,897, effective December 22, 1999) and was superseded by Ordinance No. 175,693, adopted by the City Council on December 2, 2003, (effective January 19, 2004). One of the general purposes of the Specific Plan is to regulate all development, including use, height, density, setbacks, buffer zones and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas. The proposed project does not comply with the Specific Plan and Exceptions are needed to grant relief from the provisions. The applicant has requested two Specific Plan Exceptions to allow increased density and reduced parking.

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

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

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

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

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

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

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

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

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

- A. *The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.*

The Venice Coastal Zone Specific Plan Ordinance identifies the following purpose: "Section 3.F – To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community..."

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

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

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

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

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

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

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

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

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

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

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

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

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

The Venice Local Coastal Program reads in pertinent part:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COASTAL COMMISSION
A-5-VEN-11-149

EXHIBIT # 5
PAGE 11 OF 11

Michael Patchen
4233 Jasmine Avenue
Culver City, CA 90232
310.347.9996

February 25, 2011

Kevin D. Jones
City of Los Angeles
Department of City Planning
200 N. Spring Street Rm. 621
Los Angeles, CA. 90012

RE: #APCW-2010-3101-SPE-CDP-SPP-MEL
14 Jib Street, Marina del Rey 90292

Mr. Jones,

As a former tenant who not too long ago resided at 14 Jib, I'm very familiar with the building, the surrounding neighborhood and the manner in which the building was maintained. I originally planned to live there for only about a year and ended up staying for over nine years, much of it on account of how well the Weisenfelds took care of the property and the tenants' requests. The Weisenfelds have always taken great pride in the upkeep, aesthetics and maintenance of their building. I know that for a second or third time since they owned it, they recently made many cosmetic improvements to greatly enhance the quality once again of the property and for their current tenants' enjoyment. I know the building has never been a problem in the neighborhood and it's actually one of the better maintained apartment buildings of its size and location off Speedway.

When I read the notice you sent out, I was surprised since I can attest to the fact that the building always had seven units from the time I moved in and given my lengthy tenure at 14 Jib I know the tenants and how much they love the building and location. It would be very unfortunate if anyone were needlessly made to leave their home for basically no realistic reason since for what I know has been the same since it was built over 30 years ago. I know they definitely wouldn't be able to find an equivalent apartment in the neighborhood and be as well treated as they are and I was at 14 Jib. Please don't hesitate to contact me if you have any questions or would like additional information.

Sincerely,



Michael Patchen

5-11-155
COASTAL COMMISSION
A-5-VEN-11149

EXHIBIT # 6
PAGE 1 OF 2

Lee Ambler
14 Jib St #1
Marina Del Rey, Ca 90292
310 823-5147

Case No: APCW-2010-3101-SPE
C.DP-SPP-MEL

2/21/11

Hello Kevin Jones,

My name is Lee Ambler and I have lived at 14 Jib Street since 1979. After one year in Apartment # 4, I moved down to Apt. #1, where I have lived since 1980. The building was always consisting of 7 units in the 32 years of my residence here. In 1986 (or so) the building was sold by Jack Majack to the Weisenfelds.

Since that time, the units have been well-maintained. In fact, it is safe to say that since the sale of the building, the units individually and the building and grounds as a whole have been greatly improved. Several of the home owners on Jib Street have commented over the years about just how much they appreciate these improvements.

At 64 years of age and having lived here half of my life, I can say it would be very difficult to have to move out of my apartment. Other tenants have ^{also} mentioned what a hardship it would be for them if they had ^{to} leave 14 Jib Street.

The landlord has done right by all accounts of the tenants, and ^{neighbors,} so hopefully, this matter can be resolved without making life more difficult for everyone involved. Thank You,
Lee S. Ambler

5-1155
COASTAL COMMISSION
A-5-VEN-11-149

EXHIBIT # 6
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