

**CALIFORNIA COASTAL COMMISSION**

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

Appeal Filed: 6/15/2011  
49<sup>th</sup> Day: 8/3/2011  
180th Day: N/A  
Staff: Charles Posner-LB  
Staff Report: 6/23/2011  
Hearing Date: July 14, 2011  
Commission Action:



# Th21b

**STAFF REPORT: APPEAL - SUBSTANTIAL ISSUE**

**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:** Appeal of City of Los Angeles Local Coastal Development Permit No. APCW-2010-3101, approved with conditions to permit seven dwelling units in an existing residential building with seven on-site parking spaces.

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 staff recommends that the Commission determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed because the City-approved development does not provide adequate parking on the site for seven units. The inadequate parking supply could adversely affect public access to the shoreline by increasing competition for the limited amount of on-street public parking that exists in the area (the project site is less than one block from the beach). **See Page Five for the motion to make the substantial issue determination.**

The Commission will not take public testimony during this phase of the appeal hearing unless at least three commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

**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.
3. City of Los Angeles Mitigated Negative Declaration No. ENV-2010-3102-MND.
4. Coastal Development Permit Application 5-11-155 (Weisenfeld - 14 Jib St.).

**I. APPELLANT'S CONTENTIONS**

On April 6, 2011 the West Los Angeles Area Planning Commission approved Local Coastal Development Permit No. APCW-2010-3101 to allow the conversion of four guest rooms and one recreation room into five dwelling units in an existing duplex (for a total of seven dwelling units). The grounds for the appeal filed by the Executive Director on June 15, 2011 are:

- Density. The proposed project does not conform to the two-unit limit for the subject lot, as set forth in the certified Venice Land Use Plan.
- Public Access. The proposed project does not provide adequate parking on the site (for seven units) as required by Section 30251 (sic) of the Coastal Act. The proposed project does not comply with the parking requirements set forth in the certified Venice Land Use Plan. The inadequate parking supply could adversely affect public access to the shoreline by increasing competition for the limited amount of on-street public parking that exists in the area (the project site is less than one block from the beach).
- Prejudicing the LCP. The proposed project is not consistent with Chapter 3 policies of the Coastal Act and previous Commission approvals, and could prejudice the City's ability to prepare an LCP.

**II. LOCAL GOVERNMENT ACTION**

On November 16, 2010, the applicant submitted an application for a local coastal development permit to the City of Los Angeles Department of City Planning seeking approval (after-the-fact) for the conversion of an existing 5,375 square foot duplex with four guest rooms and a recreation room into a seven-unit apartment building (Case No. APCW-2010-3101-SPE-CDP-SPP-MEL). The application also included requests for Specific Plan Exceptions to permit seven dwelling units instead of the maximum density of two units, and to permit seven parking spaces instead of the required sixteen parking spaces that are required for seven dwelling units (two spaces per unit, plus two guest parking spaces).

On April 6, 2011, after a public hearing, the West Los Angeles Area Planning Commission approved the Local Coastal Development Permit and the Specific Plan Exceptions with conditions (Exhibit #5). One of the conditions of approval (Condition A.3) requires the applicant to designate two of the seven approved dwelling units as affordable to Moderate Income Households for a period of thirty years (Exhibit #5, p.3). The Planning Commission also adopted Mitigated Negative Declaration No. ENV-2010-3102-MND for the project.

The City's Notice of Final Local Action for the Planning Commission's approval of the local coastal development permit was received in the South Coast District Office in Long Beach on May 18, 2011, and the Commission's required twenty working-day appeal period commenced. The appeal by the Executive Director was filed on June 15, 2011 in the South Coast District Office. The Commission's twenty working-day appeal period ended on June 16, 2011, with no other appeals filed.

### **III. APPEAL PROCEDURES**

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.]

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeals of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a *de novo* hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of substantial issue. If the Commission decides that the appellants' contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government stands. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the *de novo* phase of

the public hearing on the merits of the application at a subsequent Commission hearing (concurrently with the dual permit application). A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

#### **IV. DUAL PERMIT JURISDICTION**

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. The Commission’s standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. 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.

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 regards to this appeal, if the Commission finds that a substantial issue exists in regards to the City’s approval of the Local Coastal Development Permit No. APCW-2010-3101, the subsequent de novo action on the local coastal development permit will be combined with the required “dual” Coastal Commission coastal development permit application. The matter will not be referred back to the local government.

On the other hand, if the Commission finds that no substantial issue exists in regards to the City’s approval of the local coastal development permit, then the local coastal development permit approved by the City will be final, and the Commission will act on the required “dual” Coastal Commission coastal development permit as a separate agenda item at a future meeting.

In order to minimize duplication, Commission staff intends to combine the de novo permit action for this appeal (if the Commission finds that a substantial issue exists) and required “dual” Coastal Commission coastal development permit application into one staff report and one hearing for concurrent Commission action at a future Commission meeting.

## **V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that **a substantial issue exists** with respect to whether the local government's approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motion:

**MOTION:** *"I move that the Commission determine that Appeal No. A-5-VEN-11-149 raises no substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

Failure of the motion will result in a de novo hearing on the application and adoption of the following resolution and findings. A majority of the Commissioners present is required to pass the motion.

### **Resolution to Find Substantial Issue for Appeal A-5-VEN-11-149**

The Commission hereby finds that Appeal No. **A-5-VEN-11-149** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

## **VI. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE**

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 property is developed with a 35-foot high, 5,375 square foot apartment building with seven parking stalls that are accessed from Speedway alley. The City's record states that the apartment building was constructed in 1972 as a duplex (two dwelling unit) structure with four guest rooms and one recreation room (Exhibit #5, p.7). The Los Angeles County Assessor records state that there are five dwelling units on the property. 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.

City of Los Angeles Local Coastal Development Permit No. APCW-2010-3101 permits the conversion the existing duplex (with four guest rooms and a recreation room) into a seven-unit apartment building. The current density limit for the site, as set forth by the certified Venice Land Use Plan (LUP) is two dwelling units. The parking requirement for multi-family dwelling units, as set forth by the certified Venice LUP, is two spaces per dwelling unit plus guest parking at the rate of one guest space for each four or fewer units. The City's approval includes Specific Plan Exceptions to permit seven dwelling units instead of the maximum density of two units, and to permit seven parking spaces instead of the required sixteen parking spaces that are required for seven dwelling units (two spaces per unit, plus two guest parking spaces).

**B. Substantial Issue Analysis**

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that the local government action raises no substantial issue as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist with the local government's approval of the project.

The appellant contends that the proposed development does not provide adequate parking on the site for seven units, and the City's approval of the project could prejudice the City's ability to prepare an LCP because the approved development does not conform with the density and parking policies set forth in the certified Venice LUP.

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.

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 (LCP) which conforms with Chapter 3 policies of the Coastal Act:

Section 30604(a) of the Coastal Act states:

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 grounds for this appeal relate primarily to the proposed project's potential adverse impacts to public access. The project, as approved by the City, will supply one on-site parking space per dwelling unit, much less than the parking demand anticipated to be generated by seven apartment units. The Commission has consistently required the provision of at least two on-site parking spaces for each new dwelling unit permitted in the Venice area in order to protect public access to the shoreline. The only public parking in the neighborhood is supplied on the public streets, and the competition for this parking is intense because there are so few spaces to meet the parking demands of beach visitors and residents. The walk streets and alleys provide no parking, and there are no public beach parking lots in the immediate area. The inadequate parking supply adversely affects the public's ability to use the public beach and access the shoreline.

The project site is less than one block from the beach. Therefore, any increase in the demand for parking will increase the competition for the limited amount of on-street public parking that exists in the area. The provision of only seven on-site parking spaces for seven apartment units raises a substantial issue with regard to whether the proposed development provides adequate parking facilities as required by Section 30252 of the Coastal Act.

The number of dwelling units that the City has approved on the site is also a substantial issue as it relates to the on-site parking supply. The record states that the apartment building was constructed in 1972 as a duplex (two dwelling unit) structure with four guest rooms and one recreation room (Exhibit #5, p.7). Although the originally permitted guest rooms could be considered to be the equivalent of a dwelling unit in terms of parking demand, the conversion of a recreation room into a seventh dwelling unit on the property would only intensify the presumed grandfathered non-conforming parking deficit for the project site. Therefore, the appeal raises a substantial issue with regard to the number of dwelling units that the City has approved in relation to the on-site parking supply and the applicant's right to maintain a non-conforming but previously permitted parking deficit.

Finally, because the proposed project involves potential precedent-setting actions with regards to allowable density and on-site parking requirements, the appeal raises a substantial issue with regard to whether the approval of the proposed development will prejudice the ability of the local government having jurisdiction to prepare an LCP that conforms with the Chapter 3 policies of the Coastal Act.

Only with careful review of the proposed project can the Commission ensure that the proposed project will not adversely affect the public parking supply on which public access to Venice Beach is dependant. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing.

# VENICE, CA





500' & 100' RADIUS MAP  
SPECIFIC PLAN EXCEPTION

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

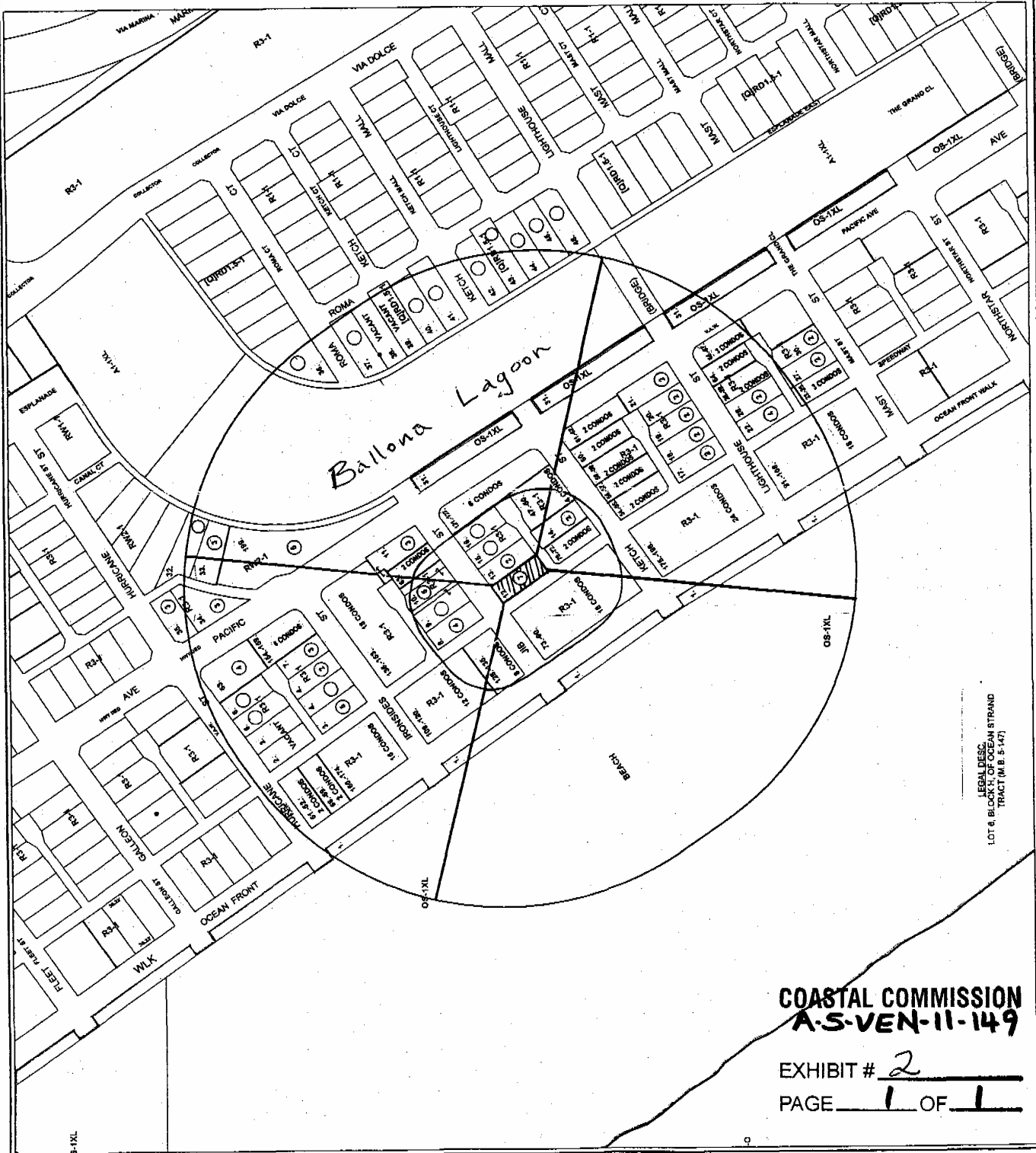
0.072 NET AC.

CASE NO.:  
DATE: 11/10/10  
SCALE: 1" = 100'  
C.M.: 102A147  
T.B. PAGE: 701 GRID: J-1

APCW2010 3101



SANTOS PLANNING & PERMITTING  
PO BOX 438  
AGOURA HILLS, CA 91376  
(310) 980-9468

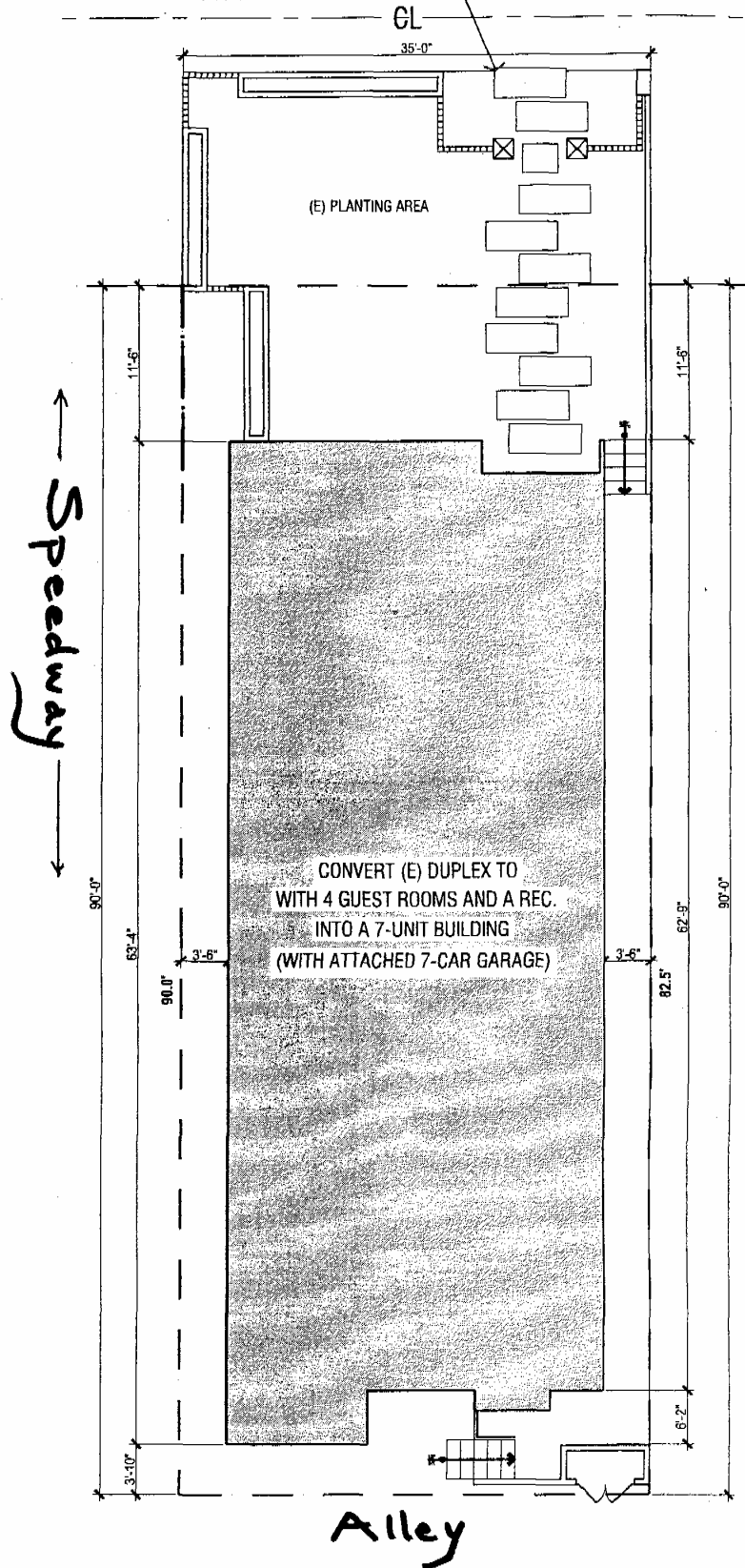


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A.S.-VEN-11-149

EXHIBIT # 2  
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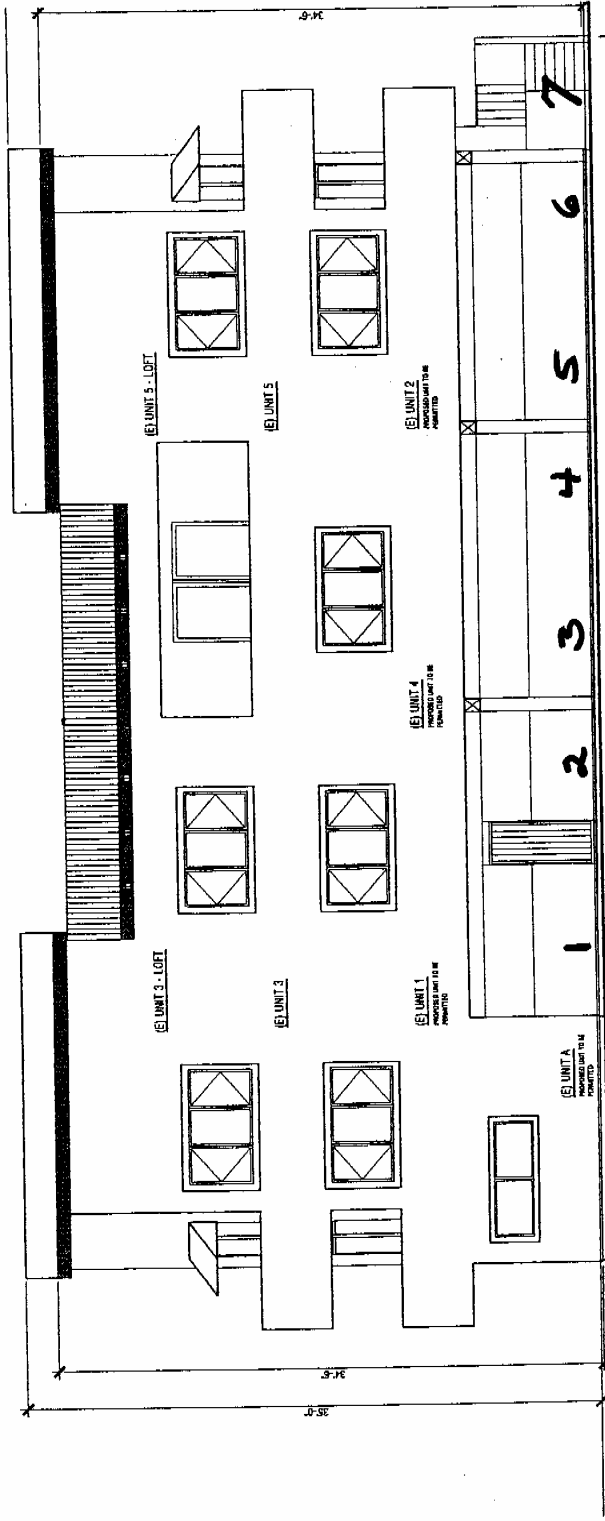
# JIB STREET Walk Street (No cars)

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



COASTAL COMMISSION  
A-5-VEN-11-149

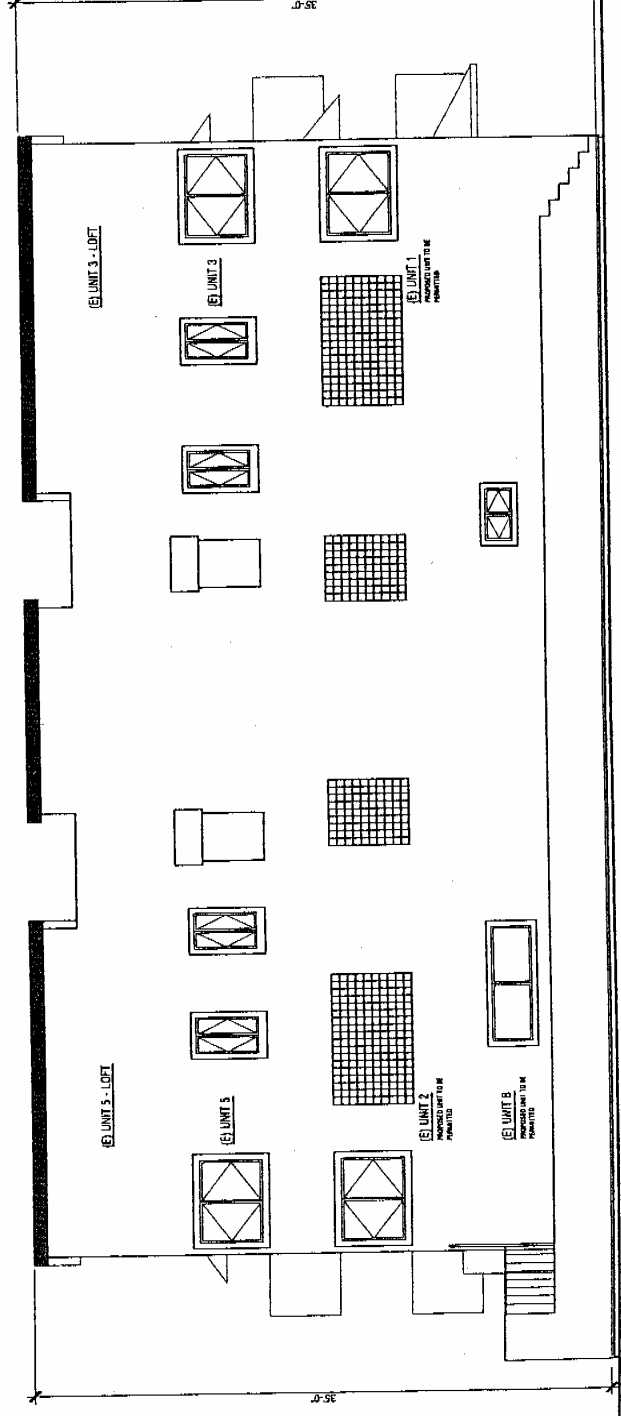
EXHIBIT # 3  
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NORTH ELEVATION  
Speedway SC

7 Parking stalls

35'



SOUTH ELEVATION



## WEST LOS ANGELES AREA PLANNING COMMISSION

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

Determination Mailing Date: APR 27 2011

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

CEQA: ENV-2010-3102-MND

Location: 14 Jib Street

Council District: 11

Plan Area: Venice

Zone: R3-1

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

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

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

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

This action was taken by the following vote:

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

Vote: 3 - 1

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

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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  
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## 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  
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