

FINDINGS

Entitlement Findings

1. Coastal Development Permit Findings

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

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. The applicable provisions are as follows:

Article 2 Public Access

Section 30211 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 30212 (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The subject property is comprised of two private lots located on Ocean Front Walk, mid-block between Park Avenue and Brooks Avenue Avenues. The subject property is developed with three residential buildings and does not provide public access to the beach. Access to the Venice Beach Shoreline is provided by Park Avenue (Walk Street) located approximately 115 feet to the north of the property and Brooks Avenue, located approximately 86 feet to the south of the property. Park Avenue and Brooks Avenue provide adequate public access to the beach and shoreline. The proposed development is limited to the subject property. No work is proposed in the public right-of-way. Therefore, the proposed mixed-use will not interfere with or obstruct the public's right to access to coastal resources.

Article 5 Land Resources

Section 30240 requires the protection of environmentally sensitive habitat areas and to prevent significant impacts on such areas.

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources.

The Project site is identified in Venice Land Use Plan as a site located adjacent to the beach which is an Environmentally Sensitive Habitat Area (ESHA). The project site is separated from the ESHA by Ocean Front Walk, a pedestrian pathway. The proposed development would be fully developed within the boundaries of the private lots and would not impact sensitive habitat areas.

The Project site currently improved with structures and is not located in an area identified to contain paleontological or archaeological resources. The proposed excavation and grading are subject to review by the Los Angeles Department of Building and Safety (LADBS) and compliance with the Los Angeles Building Code. In the event archaeological or paleontological resources are discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place.

Article 6 Development

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

Section 30251 The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252 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 non-automobile 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 proposed Project can be accommodated by the existing infrastructure and by the existing public services. The project site is contiguous with and in close proximity to existing developed areas that are able to accommodate it.

The subject property is zoned for commercial uses on property which fronts on a public right-of-way (Ocean Front Walk) that directly serves a beach. The project proposes a ground-level, 50-seat restaurant with nine dwelling units above to replace the existing buildings which together contain nine residential units. This portion of Ocean Front Walk is developed with a mixture of tourist-serving commercial retail uses and residential uses. The property is not located in an area suitable for an agriculture use, nor to directly support recreational boating uses.

There are multiple mixed-use projects and multifamily residential projects along Ocean Front Walk dating from 1910 to 2007. These building range in height between 30 feet and 76 feet and vary between three stories and six stories. Along Ocean Front Walk, there are

seven buildings that vary between four stories and six stories and 13 three-story buildings between Rose Avenue and 17th Avenue.

The subject property is located along a commercial strip fronting on Ocean Front Walk, a pedestrian walkway that fronts on Venice Beach. This commercial strip is part of the larger Venice Boardwalk, which is a regional and international tourist attraction. Surrounding properties include a mix of residential and commercial uses. The northwestern adjoining property, fronting on Ocean Front Walk, Speedway, and Park Avenue, is zoned C1-1 and developed with a one- and two-story multi-tenant commercial retail building. The northeastern and eastern adjoining properties, across Speedway, are zoned RD1.5, and developed with a two- and three-story residential duplex and a three-story single-family dwelling. The southeastern adjoining property, fronting Ocean Front Walk, Speedway, and Brooks Avenue is zoned C1-1 and developed with a two-story-over-garage multi-unit residential building fronting on Speedway and Brooks Avenue and a one-story multi-tenant commercial building fronting on Ocean Front Walk.

Many buildings along Ocean Front Walk are three-stories or more in height, many contain both commercial and residential components, and most maximize their development potential according to the size of their lot. The architectural character of nearby development includes an eclectic mix of architectural styles including modern and contemporary style buildings. The project's proposed contemporary design fits into the architectural diversity of the neighborhood. The building facades clearly identifies the commercial from residential uses with the use of color and material changes. The project height, massing and scale of the project is consistent with existing buildings along Ocean Front Walk. The requested four-foot height increase will not adversely impact the scale of the street. Additionally, the residential portion of the project, levels 2 and 3, are set back 5 feet from the property line decreasing the visual impact of the project along sidewalk of Ocean Front Walk. Therefore, the Project is visually compatible in scale and character with the existing neighborhood, and the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

The proposed Project is located between the first public road and the sea and is located more than 140 feet from the beach. Adequate parking will be provided onsite within at-grade and subterranean parking. The proposed project will not interfere with or obstruct the public's right to access to coastal resources. The proposed development will not have any adverse impacts on public access to the coast. Additionally, the proposed project will comply with the requirements of the Venice Coastal Zone Specific Plan which establishes design guidelines for project. The proposed project will neither interfere nor reduce access to the shoreline as the site does not have direct access to any water or beach. As such, the project will not have a significant adverse impact on coastal resources.

Section 30253 states new development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed development is located within a methane, liquefaction, and tsunami inundation zone, and within 4.75 kilometers of the Santa Monica Fault. As such, the project

is subject to compliance with Zoning and Building Code requirements that will minimize risks to life and property in such hazard areas. The property is also located within Zone B, Areas of 500-year flood.

The project site is also located within an area that may be affected by Sea Level Rise. On August 12, 2015, the Coastal Commission adopted a Sea Level Rise Policy Guidance document, updated and adopted On November 7, 2018. This policy document provides a framework and directions for local jurisdictions to address sea level rise (SLR) in Local Coastal Programs (LCPs) and Coastal Development Permits (CDPs). In May 2018, the City completed an initial sea level rise vulnerability assessment for the Venice Coastal Zone. The report provides that: *Existing wide beaches generally protect Venice from coastal hazards. Coastal assets along or near the beachfront are potentially vulnerable during a large storm event in combination with SLR greater than 3.3 feet. After 4.9 feet SLR, beachfront assets are more vulnerable to damage from flooding or potential erosion of the beach. A SLR of 6.6 feet is a tipping point for Venice's exposure to extreme coastal wave events. Beachfront and coastal assets could flood annually, beaches could be greatly reduced in width, and high water levels could greatly increase potential for flooding of inland low-lying areas. As discussed in the analysis, there is considerable uncertainty around the timing of SLR, how coastal processes may be affected, and what adaptation approaches will be applied in the future (VSLRVA, pg. 45).* Policies and development standards to address the potential impacts of SLR would be addressed in the City's LCP for the Venice Coastal Zone.

However, this proposed project, a Wave Uprush Study/Coastal Engineering Report (February 1, 2020) was prepared by Pacific Engineering Group for the subject property to determine the wave uprush limit and design parameters for the proposed project. The Report analyzed the project's vulnerability to flood hazards, considering a scenario of a minimum 5.5-foot sea level rise and a 100-year storm scenario. The analysis found that the maximum storm wave uprush at the property will occur 145 feet seaward of the subject property. The report provides recommendations for foundation systems, minimum finished floor elevations, and construction materials. The report concluded that the project will not have an adverse effect on the normal coastal and littoral processes along the shoreline provided the project is constructed per the elevations and recommendations in the report and that the construction will not have any effect on the natural coastal hazards affecting any of the adjacent structures or properties. Furthermore, any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review. As conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

The proposed development will have no adverse impacts on public access, recreation, public views, or the marine environment. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, to a maximum height of 39 feet, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

- b. The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.***

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be

made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory. The subject site is located within the North Venice Subarea with a land use designation of Community Commercial and zoned C1-1.

The following are applicable policies from the certified LUP:

Policy I.B.6 Community Commercial Land Use. The areas designated as Community Commercial will accommodate the development of community serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses.

Uses/Density: On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.

The applicant is proposing the construction use and maintenance of a three-story 39-foot high, approximately 13,412 square foot, mixed-use building containing a 1,568 square foot ground level restaurant, two upper residential levels with nine dwelling units, including one unit set aside as a Low Income unit, and at grade parking and a subterranean parking level providing a total of 30 required on-site parking spaces. The ground floor level contains a restaurant fronting on Ocean Front Walk designed with 574 square feet of Service Floor area and 50 seats. The ground floor restaurant will enhance the pedestrian experience, providing neighborhood-serving commercial uses and dining options. The proposed neighborhood serving uses have the added benefit of attracting more pedestrian activity to activate the streets in the surrounding area.

Commercially zoned properties in the North Venice Subarea are limited to a maximum of one dwelling unit per 800 square feet of lot area using the R3 density standard. The proposed project with a lot area of 9,001 square feet would allow for 11 dwelling units to be built. The Project proposes the construction of nine dwelling units.

Policy I.B.7 Commercial Development Standards. The following standards shall apply in all commercial land use designations, unless specified elsewhere within this Land Use Plan.

Density/Intensity: Maximum Floor Area Ratio (FAR)

- 0.5 to 1 for retail only (including restaurants)*
- 1.0 to 1 for retail / office*
- 1.5 to 1 for retail and/or office and residential*

Lot Consolidation. Two commercial lots may be consolidated, or three with subterranean parking with the following restrictions:

- 1. Methods for insuring that the structure does not look consolidated (breaks in front wall of ten feet minimum) shall be utilized.*
- 2. Subterranean parking shall be fully depressed with roof at natural grade.*

Yards: Per the following Ground Level Development Policy which requires that commercial development be designed in scale with, and oriented to, the adjacent pedestrian accessways (i.e. sidewalks).

Ground Level Development: Every commercial structure shall include a Street Wall, which shall extend for at least 65% of the length of the street frontage, and shall be located at the property line or within five feet of the property line, except on Ocean Front Walk, where all commercial buildings shall have the Street Wall set zero (0) feet from the building line. The required Street Wall at sidewalk level shall be a minimum of 13 feet high. (A Street Wall is the exterior wall of a building that faces a street.)

Street Walls adjacent to a sidewalk café, public plaza, retail courtyard, arcade, or landscaped area may be setback a maximum of 15 feet along the project which consists of the sidewalk café, public plaza, retail courtyard, arcade, or landscaped area. Such areas shall not be considered in calculating the buildable area of a project but, with the exception of areas used only for landscaping, shall be considered in calculations for required parking.

The Venice Land Use Plan permits a Floor Area Ratio (FAR) of 1.5 times the buildable area of the lot for mixed-use projects in the C1-1 zone (VSP Section 11.B.3). The buildable lot area is 9,001 square feet, so a FAR of 1.5 to 1 permits a total floor area of approximately 13,502 square feet. The project proposes a maximum FAR of 1.49, a total project size of 13,412 square feet.

The project consists of the consolidation of two lots with one level of subterranean parking providing 30 required parking spaces. The subterranean parking structure is fully below the natural grade.

The proposed ground floor commercial will include a full-service restaurant and that restaurant space will front on Ocean Front Walk, observing no setback from the building line. Ground floor uses will enhance the pedestrian experience, providing neighborhood-serving commercial uses and dining options. The proposed neighborhood serving uses have the added benefit of attracting more pedestrian activity which will help to activate the streets in the surrounding area.

Policy I.A. 14. Parking Requirements for Affordable Housing. Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A. 13; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.

The proposed Project includes the demolition of nine existing residential dwelling units within three buildings, and the construction use and maintenance of a three-story 39-foot high, approximately 13,412 square foot, mixed-use building containing a 1,568 square foot ground level restaurant, two upper residential levels with nine dwelling units, including one unit set aside as a Low Income unit, and at grade parking and a subterranean parking level providing a total of 30 required on-site parking spaces. Vehicle parking for the Affordable Housing Unit is provided consistent with LAMC Section 12.22-A.25, Parking Option 1 providing one parking space. The required parking for the market rate housing units and commercial use is provided consistent with Venice Coastal Zone Specific Plan Parking Requirement Table (Policy II.A.3) providing 27 parking spaces.

Policy II. A. 4. Parking Requirements in the Beach Impact Zone (BIZ). Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund. Projects within the Beach Impact Zone (BIZ) shall provide one parking space for each 640 square feet of floor area of the ground floor commercial. The project contains 1,568 square foot of ground floor commercial floor area necessitating an additional 2 parking spaces for the BIZ requirement.

- 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 this determination.***

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used “in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources.” On June 14, 2001, the Coastal Commission certified the Venice Coastal Zone Land Use Plan (LUP), which provides policies and development standards to guide development in the Venice Coastal Zone. As discussed in Finding 1.b, the proposed development is consistent with the applicable policies of the certified LUP. Furthermore, the Regional Interpretive Guidelines do not outline specific guidelines for development in the North Venice Subarea.

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

The project consists of the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats and is located within the dual permit jurisdiction of the Coastal Zone, where the local jurisdiction (City of Los Angeles) issues Coastal Development Permits and the Coastal Commission will render a decision on the a second Coastal Development Permit. The Coastal Commission took action on the following residential projects in the Venice Coastal Zone:

Application Nos. 5-18-0212 and A-5-Ven-18-0017 (appeal) – On November 28, 2018, the Commission approved a Coastal Development Permit (de novo hearing) for the demolition of an existing residential structure containing two dwelling units and three guest rooms and the construction of a new 3, 139 square-foot, two-story single-family dwelling with an attached four-car garage, basement having no habitable rooms, and a roof deck, at 3011 South Ocean Front Walk in the dual permit jurisdiction of the Coastal Zone.

Application No. A-5-VEN-19-0020 (appeal) – On June 12, 2019, the Commission found No Substantial Issue with the City’s approval of a Coastal Development Permit for the

development of a four-story, 44-foot tall, 35 unit affordable housing project (supportive housing) providing 17 vehicle and 48 bicycle parking spaces on two consolidated lots at 718-720 Rose Avenue, in the single permit jurisdiction.

Application No. A-5-VEN-05-206 (appeal) – On August 9, 2005, the Commission approved a Coastal Development Permit (de novo hearing) for the development of a three-story, 37-foot tall (up to 50 feet for one clock tower), mixed use project comprised of 70 residential condominium units of which seven are restricted for Very Low Income Households, five live/work units, and one ground floor commercial use (bakery/restaurant), providing 247 parking spaces within a subterranean garage; the project is located on eight consolidated lots at 512 Rose Avenue, in the single permit jurisdiction.

In these decisions, the Coastal Commission approved Density Bonus incentives for increased height, determining that the resulting development would be consistent and visually compatible with existing development in the project vicinity. The Commission also found that reduced parking was consistent with the Policy I.A.4 of the certified LUP and provided: “In a recent study conducted by Fehr & Peers in April 20, 2017, 42 affordable housing sites within the City of Los Angeles were surveyed for vehicle trip generation and parking. The results indicate that parking utilization ratios are less than the ratios required in the certified LUP. The study indicated that permanent supportive affordable housing, created a demand between 0.2 and 0.48 spaces per unit.

As such, this decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

- e. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.***

Section 30210 of the Coastal Act states the following in regards to public access:

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, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

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.

The subject site is located on the eastern (inland side) of Ocean Front Walk, between Park Avenue to the north and Brooks Avenue to the south, both within 120 feet of the property and of which provide vehicle as well as pedestrian access to Venice Beach. Ocean Front Walk is a public right-of-way which separates the beach from developed inland areas. There is no evidence of any previous public ownership of the lot and the project does not conflict with the goal of providing appropriately located public access points to the coast.

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

A Categorical Exemption, ENV-2019-2284-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act. The project proposes the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats requesting on-site sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Section 15332 (In-fill Development). A full discussion is provided in Finding Number 6 – Environmental Finding.

2. Density Bonus/Affordable Housing Incentives Compliance Findings

The applicant requests one (1) On-Menu Incentive and three (3) Waiver of Development Standards pursuant to the Density Bonus/Affordable Housing Incentives Program, as follows:

- An **On-Menu Incentive** to permit a maximum building height of 39 feet in lieu of 35 feet, as otherwise permitted by Venice Coastal Zone Specific Plan Section 10.F(3)(a),
- A **Waiver of Development Standards** to permit a six-foot in width passageway in lieu of a 12-foot passageway, as otherwise required by LAMC Section 12.21.C(2)(b),
- A **Waiver of Development Standards** to permit a two-foot nine inch by two-foot five inch triangular portion of the upper portion of the building to encroach into the 45 degree step-back plane, as otherwise required by the Venice Coastal Zone Specific Plan Section 10.F(3)(a), and
- A **Waiver of Development Standards** to permit a Roof Access Structure with a maximum height of 12 feet in lieu of 10 feet, as otherwise permitted by the Venice Coastal Zone Specific Plan Section 9.C(1)(a).

Following is a delineation of the findings related to the request for the On-Menu Incentive and Waivers of Development Standards pursuant to Government Code 65915 and LAMC Section 12.22.A.25. The Commission shall approve a Density Bonus and requested Incentives unless the Commission makes a finding based on substantial evidence that:

- a. The incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low-, low-, and moderate-income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of On-Menu Incentives in LAMC Section 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Planning Department will always arrive at the conclusion that the Density Bonus On-Menu Incentives provide identifiable and actual cost reductions that provide for affordable housing costs, because the Incentives by their nature increase the scale of the project, allow the construction of increased residential floor area, allow for processing, construction and design efficiencies, and collectively allow more market-rate floor area whose rents will subsidize the affordable units.

Height. The project site is zoned C1-1. The 1 height district limits which provides for unlimited building height. The Venice Coastal Zone Specific Plan further limits building height to 35 feet. The applicant requests a height of 39 feet. Pursuant to LAMC Section 12.22 A.25(f)(5), the project is eligible for a percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Project is eligible; the height increase shall not exceed 11 feet or one story. The requested On-Menu Incentive for an 4-foot increase in height is expressed in the Menu of Incentives per LAMC Section 12.22 A.25(f) and as such, allows exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive will allow the developer to expand the building envelope and build an additional story, increasing the overall space dedicated to residential use.

- b. The incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Gov. Code 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects.

The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

- c. The incentives are contrary to state or federal law.**

There is no substantial evidence in the record that the requested incentives are contrary to state or federal law.

Following is a delineation of the findings related to the request for the Waiver of Development Standards, pursuant to Government Code Section 65915.

Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission shall approve a density bonus and requested Waivers of Development Standard(s) unless the Commission finds that:

d. The waiver(s) or reduction(s) of development standard(s) are contrary to state or federal law.

A project that provides 10 percent of base units for Low Income Households qualifies for one (1) Incentive, and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as Waivers of Development Standards. Without the below Waivers, the existing development standards would physically preclude development of the base units, proposed density bonus units, build out of the incentives, and project amenities:

Passageway Reduction. LAMC Section 12.21-C.2, requires a passageway of 12 feet in width, extending from the street to the entrance of each dwelling unit or a hallway (common entrance to a multi-family residential structure) for three-story multi-family residential structures. The proposed project would provide a 12-foot passageway extending from the street to the entrance of the stairwell access to the residential units on the upper floors. Thereafter the passageway will be reduced to six feet on the southerly side yard setback.

In order to accommodate the 9 residential units on the second and third floor and provide elevator access and the necessary two exit stairs, a reduction to this passageway is required from Ocean Front Walk to the elevator. The proposed solution sets the building back 12 feet from the south property line but provides the exit stair and exit balcony within this 12-foot passageway. The mass of the building does not change because the second and third floor residential units are set back 12 feet from the south property line where the passageway is required but the exit stair and exit balcony will be located within the passageway.

Strict compliance with the passageway requirement on the ground floor would physically preclude the development of two dwelling units by substantially reducing the width and floor area of unit one and unit six. In addition, due to the narrow lot, the required passageway results in the elimination of two residential parking spaces on the ground floor required for the units. Compliance with the passageway requirement would require the removal of floor area that could otherwise be dedicated to the number, configuration, and livability of the units including the affordable housing unit. By waiving this development standard, the applicant will not be physically precluded from constructing the proposed development with nine units, of which one are affordable dwelling units.

Step-Back Plane. Pursuant to Venice Coastal Zone Specific Plan Section 10.F(3)(a), development project shall be limited to a maximum height of 30 feet for flat portions of the roof and 35 feet for varied rooflines (slope greater than 2:12), measured from the centerline of street. Any portion of the roof that exceeds 30 feet shall be set back from the required front yard at least one foot in depth for every foot in height (45 degrees) above 30 feet.

The proposed project would provide a two-foot nine-inch by two-foot five inch encroachment into step-back plane. Compliance with the step-back requirement would substantially reduce the floor area and livable space for 4 of the 9 proposed units (Units 1, 2, 6, and 7) as proposed. Without the waiver, the applicant would be physically precluded from constructing some portion of the residential units. The requested waiver will allow the developer to expand the building envelope so the units can be constructed, and the overall space dedicated to residential use is increased.

Roof Access Structure. Pursuant to Venice Coastal Zone Specific Plan Section 9.C(1)(a), Roof Access Structures may exceed the building height by up to ten feet in height. An elevator structure is necessary to provide access to the third floor. Based on the overhead mechanical equipment for the elevator, a waiver of this standard is necessary for building design or construction efficiencies that provide for affordable housing costs. The elevator from the ground floor to the upper third level is required by the City's Building Code to comply with ADA requirements for all the units. The elevator shaft size is mandated by the Building Code and the top of the shaft enclosure is 41 feet in height which exceeds the Roof Access Structure maximum height by one foot. Without this waiver, the applicant would be physically precluded from constructing a residential level as the building height would need to be lowered to accommodate 10 feet in height roof access structure, which would result in the loss of buildable floor area.

- e. **The waivers will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate-Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Gov. Code 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed waivers will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25(e)(3), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

- f. **The waivers are contrary to state or federal law.**

There is no substantial evidence in the record that the requested incentives are contrary to state or federal law.

3. Conditional Use Permit Findings

- a. **That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The project site is located on Ocean Front Walk within a commercial zone developed with restaurants, entertainment uses, and recreational uses. Restaurant uses are essential to

the local economy and the project site is zoned for such uses, with the intention that the restaurants serve nearby residents and visitors to the Venice Beach shoreline. The sale of alcoholic beverages is incidental to food sales. It is generally accepted that the availability of alcoholic beverages has become a component of the dining experience.

A variety of commercial uses are necessary for the conservation, development, and success of a vibrant neighborhood. The proposed project would contribute to a vibrant sidewalk and provide transparency on the street with glazing along the façade. The current project site contains three vacant residential structures. As such, the mixed use development would enhance the built environment and the surrounding neighborhood. The proposed use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will assure that the service alcoholic beverages will not be disruptive to the community. The availability of a full line of alcoholic beverages for on-site consumption in conjunction with the restaurant will offer an amenity to the local residents and visitors to the Venice area.

- b. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.**

Restaurant uses contribute to the overall success of the surrounding community and the local economy. Furthermore, restaurant uses are desirable to the public convenience and welfare as such uses are intended to serve nearby residents and visitors. However, the sale of alcohol for on-site consumption is necessary for new restaurants to compete with other area restaurants for patrons who desire this service. As the project site is located within an active and vibrant commercial and recreational area, the ability to serve a full line of alcoholic beverages for on-site consumption will help to ensure the lasting financial success of the restaurant. The proposed size and location of the restaurant is consistent with other restaurants along Ocean Front Walk. The approval of the subject CUP request not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

Conditions have been imposed to encourage responsible management and deter criminal activity. As conditioned, the continued operation of the restaurant with the sale of a full line of alcoholic beverages for on-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

- c. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

There are eleven elements of the General Plan including the Framework Element, a Land Use Element and twelve citywide elements which address various citywide topics. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code (LAMC).

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the property for General Commercial land uses with the corresponding zones of C1.5, C2, C4, CR, RAS3, and RAS4 and Height District No. 1. In addition, the Venice Community Plan outlines objectives regarding the importance of strengthening commercial development.

The CUP request is consistent with the intent of the Venice Community Plan, which aims to increase pedestrian activity and economic prosperity. The subject request meets the following goals and objectives:

- *Goal 2: A strong and competitive commercial sector, which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.*
- *Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.*
- *Objective 2-2: To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.*
- *Policy 2-2.1: Encourage pedestrian-oriented uses and mixed-use in designated areas.*

Approval of the subject request would further the goals of the Plan to promote the economic well-being of the community and enhance pedestrian activity in the area.

While the Framework Element and Venice Community Plan provide general policies that support commercial uses in existing commercial areas, the Venice Coastal Zone Specific Plan and Land Use plan outline additional development regulations regarding the intensity of commercial uses within the Venice Specific Plan area.

The Venice Local Coastal Land Use Plan (“LUP”) was certified by the California Coastal Commission. The LUP designates the property as a General Commercial area.

The subject property is in the North Venice Subarea on parcels designated for “Community Commercial” use. The Venice Land Use Plan provides policy direction for the Community Commercial designation. The project substantially conforms and complies with the LUP Policies and Coastal Guidelines as demonstrated by the following policies:

- *Policy I. B. 2: Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use.*
- *Policy I. B. 6: The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and visitor-serving commercial uses... The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses.*
- *Policy III. A. 1(a): Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing housing opportunities of the area and provided there is sufficient infrastructure capacity to service such facilities.*
- *Policy I. B. 6. (c): Properties located along Ocean Front Walk from 17th Avenue to the Santa Monica City Line, which includes the project site, are designated as “Community Commercial Areas of Special Interest” with the intention of promoting: “Visitor-serving and personal services emphasizing retail and restaurants. Mixed-use with retail and/or personal services on the ground floor with either residential or personal services on upper floors.”*

The Venice Community Plan, Venice Land Use Plan (LUP), and Venice Coastal Zone Specific Plan text are silent as to alcoholic beverage sales. The Los Angeles Municipal Code authorizes the Zoning Administrator to grant the subject request in the zones corresponding to the Plan's Land Use Designation of Community Commercial. The subject request is a permitted use by this land use category in the Venice Community Plan. Indeed, the LUP states that "Community Commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants". As conditioned, the proposed project conforms with the purpose, intent and policies of the General Plan, Land Use Plan and Specific Plan.

d. The proposed use will not adversely affect the welfare of the pertinent community.

The project site has long been an area of blight along the boardwalk. The lack of activity has attracted nuisance activity. The proposed development will enhance the area by providing a new restaurant and dwelling units.

The project compliments Coastal policies and guidelines designed to increase the availability of ground floor commercial services within walking or bicycling distance of the waterfront while at the same time fully replaces the existing nine residential units. The project will increase quality of life within the community and offer added amenities for visitors.

The request for a CUP to allow on-site alcohol sales is compatible with the surrounding uses as the restaurant provides a place for business people, residents, guests and visitors to eat, drink, socialize, and do business. The sale of alcoholic beverages is an expected amenity that accompanies most restaurants and further enhances their economic viability.

The project is located within a commercial corridor developed with primarily restaurant and retail uses, abutting Venice Beach recreational areas. A variety of commercial uses are an integral part of these service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the sale of a full line of alcoholic beverages for on-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of a full line of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. Therefore, with the imposition of such conditions, the sale of a full line of alcoholic beverages for on-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

e. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, 3 on-site and 1 off-site consumption licenses are allocated to the subject census tract (Census Tract 2734.02). Currently there are 16 on-site licenses and three off-site licenses in this census tract. Records from the California Department of Alcoholic Beverage Control show no active ABC Licenses for the subject site.

Within 1,000 ft. of the Project Site there are 4 total active licenses, two for on-site sales and two for off-site sales. Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience.

According to statistics provided by the Los Angeles Police Department's Pacific Division Vice Unit, within Crime Reporting District No. 1412, which has jurisdiction over the subject property, a total of 904 crimes were reported in 2019 (268 Part I and 636 Part II crimes), compared to the citywide average of 170 offenses and the high crime reporting district of 204 crimes for the same reporting period.

Part I Crimes reported by LAPD include, Homicide (0), Rape (3), Robbery (9), Aggravated Assault (61), Burglary (37), Auto Theft (29), Larceny (129). Part II Crimes reported include, Other Assault (25), Forgery/Counterfeit (0), Embezzlement/Fraud (2), Stolen Property (2), Weapons Violation (2), Prostitution Related (0), Sex Offenses (3), Offenses Against Family (0), Narcotics (40), Liquor Laws (130), Public Drunkenness (22), Disturbing the Peace (1), Disorderly Conduct (0), Gambling (0), DUI related (3), Moving Traffic Violations (2), Miscellaneous Other Violations (52), Pre-Delinquency (1) and other offenses (351). Of the 904 total crimes reported for the census tract, 130 arrests were made for liquor laws, 22 arrests were made for under the influence of alcohol, and 3 arrest was made for driving under the influence. Crime reporting statistics for 2020 are not yet available.

In these active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers located within revitalized hubs are supported by a significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. Additional conditions have been included to prevent public drinking, driving under the influence, and public drunkenness.

The above statistics indicate that the crime rate in the census tract where the subject site is located is higher than the city average. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance, responsible management and deterrents against loitering. The conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages for off-site consumption at the subject location will benefit the public welfare and convenience because it would add an amenity to nearby residences.

The Venice Beach Boardwalk has a long history as a commercial tourist attraction that draws over 18 million visitors annually. A large concentration of the alcohol licenses issued along Ocean Front Walk predate the advent of CUB permitting and offer the operators "grandfathered" rights. A survey of the establishments operating closest to the project shows many operate with these grandfathered licenses.

The conditions placed on CUB's will set this project apart from the grandfathered license holders in the area and form the basis for a partnership between the applicants and the community to provide a supervised sales process in a safe environment. The LAPD Pacific Area Vice Unit reviewed the case and submitted a letter, dated January 29, 2020, stating no objections to the CUB.

- f. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments**

All sales will happen in conjunction with sit-down food service within a quality restaurant. Service will be conducted and monitored at all times by employees certified to have completed Standardized Training for Alcohol Retailers (STAR Training) and security staff will routinely patrol the building exterior and parking lot to discourage loitering.

This commitment to safety on the part of the applicants has been recognized by LAPD as evidenced by the Pacific Area Vice Unit review of the prior 2014 case and ultimate support of the project. The applicants will continue to work with LAPD to ensure a safe environment for the entire community.

While the project site is within proximity to nearby sensitive uses, the location of the site does not directly adjoin these sensitive uses and service of alcoholic beverages is anticipated to be ancillary to the sale of food at the restaurant. The project site is located within a developed commercial area and will not detrimentally affect the neighboring commercial uses. To the west and west of the project site the properties are zoned RD1.5- and are developed with single- and multi-family residential uses. These residential areas are, however, buffered from the project site by commercial zones and uses.

The project site is zoned for commercial uses and will be redeveloped as a mixed use development with a restaurant use. The following sensitive uses are located within a 1,000-foot radius of the site:

- Venice Beach
- Westminster Off-Leash Park
- Westminster Avenue Elementary School

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

4. Project Permit Compliance Review Findings

- a. The project substantially complies with the applicable regulations, findings, standards, and provisions of the Venice Coastal Zone Specific Plan.**

The project consists of the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats requesting on-site sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level. As conditioned, the proposed project complies with the applicable General Land Use and Development Regulations set forth in Section 9, Land Use and Development regulations for the North Venice Subarea set forth in Section 10.F, Commercial and Industrial Design Standards in Section 11, and the Parking provisions set forth in Section 13 of the Specific Plan as evidenced below:

Section 8.C of the Specific Plan outlines the following required findings:

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

The subject property is comprised of two legal lots with a combined width of 60 feet and a length of 150 feet for a total lot square footage of 9,001 square feet. The subject property is zoned C1-1 and the surrounding properties are zoned C1-1 and RD1.5-1. The proposed project will consist of a three-story mixed-use project containing a restaurant on the ground floor and 9 residential units totaling on the second and third floors with a maximum height of 39 feet. The Venice Local Coastal Program Land Use Plan Policy I.B.6. identifies commercial properties along Ocean Front Walk between Santa Monica City Line and 17th Avenue as areas of special interest with "Visitor-serving and personal services emphasizing retail and restaurants uses." Mixed-use projects with the ground floor commercial and residential units on upper floors is encouraged. There are multiple mixed-use projects and multifamily residential projects along Ocean Front Walk constructed between 1910 and 2007. These buildings range in height between 30 feet to 76 feet and vary between 3-stories and 6-stories. Along Ocean Front Walk, there are seven buildings that vary between six-stories and four-stories and 13 three-story buildings between Rose Avenue and 17th Avenue.

The subject property is located along a commercial strip fronting on Ocean Front Walk, a pedestrian right-of-way adjacent to Venice Beach. This commercial strip is part of the larger Venice Boardwalk, which is a regional and international tourist attraction. Surrounding properties include a mix of residential and commercial uses. The northwestern adjoining property, fronting on Ocean Front Walk, is zoned C1-1 and developed with a two-story multi-tenant commercial retail building constructed in 1989. The northeastern and eastern adjoining properties, across Speedway, are zoned RD1.5, and developed with a three-story single-family dwelling and a lot containing three-story duplex and a one-unit structure. The southeastern adjoining property, fronting Ocean Front Walk, Speedway, and Brooks Avenue is zoned C1-1 and developed with a three-story mixed-use project with ground floor commercial and two stories of residential constructed in 2000. The western adjoining property (across Ocean Front Walk) is zoned OS-1XL-O and is maintained as a beach. The buildings fronting Ocean Front Walk Between Rose Ave and 17th Avenue were constructed between 1910 and 2007 with varying building heights. There are 20 buildings along this length of Ocean Front Walk that range between three and six stories, with 14 buildings exceeding 40 feet in height. The tallest building is 76-feet 9-inches.

Generally, the buildings along Ocean Front Walk are three or more stories in height and many contain both commercial and residential components, and most maximize their development potential according to the size of their lot. Architectural character of nearby development includes an eclectic mix of architectural styles including modern and contemporary style buildings. The project's proposed contemporary design fits into the architectural diversity of the neighborhood. The building facades clearly identifies the commercial from residential uses with the use of color and material changes. The project height and scale of the project is consistent with existing buildings along Ocean Front Walk. The requested 4-foot height increase will not adversely impact the scale of the street. Additionally, the residential portion of the project, levels 2 and 3, are set back 5 feet from the property line decreasing the visual impact of the project along sidewalk of Ocean Front Walk. Therefore, the Project is compatible in scale and character with the existing neighborhood, and the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

ii. That the Venice Coastal Development Project is in conformity with the certified Venice Local Coastal Program.

A Local Coastal Program is comprised of a Land Use Plan and Implementation Plan, certified by the California Coastal Commission. The Venice Local Coastal Land Use Plan ("LUP") was certified by the Coastal Commission on June 14, 2001, however, the necessary Implementation Plan was not certified. The proposed project conforms to the applicable policies of the certified Venice LUP, as outlined in Finding No. 1.b.

iii. That the applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed Venice Coastal Development Project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.

No on-site affordable dwellings have been documented. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 14, 2015 concluded that no affordable units exists at the project site. HCIDLA reviewed data from June 2012 to June 2015.

On May 10, 2007, a Notice of Intent to Withdraw Units (Ellis Act) from Rental Housing Use was filed with the Los Angeles County Recorder's Office and was granted by HCIDLA on September 24, 2009. On February 2008 and July 2012, the HCIDLA Enforcement inspectors noted the subject property was vacant and boarded up. In addition, the owner provided a security contract and billing statements for 24-hour security patrol for the period from April 2013 to April 2016.

The Notice of Intent to Withdraw Units, Security contract/billing statements and HCIDLA database indicate the property has been vacant for more than 365 days and therefore shall not be classified as an affordable unit.

As such, there is no requirement to replace any Affordable Dwelling Units in conjunction with this project.

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

The Project proposes nine new Residential Units and qualifies as a Small New Housing Development. The proposed development is therefore exempt from the Inclusionary Residential Units requirement.

In addition to the requisite findings set forth in Section 8.C of the Specific Plan, the project also complies with all applicable provisions of the Specific Plan, as set forth below:

B. Section 9. General Land Use and Development Regulations

1. *Lot Consolidation.* Lot consolidation of more than two lots shall be permitted for mixed-use and multi-family residential Venice Coastal Development Projects. The project site is comprised of two adjacent lots which would be consolidated to create a unified mixed-use building across the lots. The project complies with the development standards in Section 9.A.2 as the subterranean parking is fully below grade and not visible from the street, the building provides a variety of visual breaks and architectural features to create a change in material or a break in the plane for every 20 feet in horizontal length and every 15 vertical feet, and includes residential balconies to provide architectural variety.
2. *Height* As shown in "Exhibit A", the height of the structure is measured from the centerline of Ocean Front Walk and conforms to the standards of measurement as outlined in Section 9.B of the Specific Plan.
3. *Roof Structures.* Roof Access Structures shall not exceed the Flat Roof height limit by more than ten feet regardless of roof type. The North Venice subarea specifies a 30 foot height limit for a Flat Roof. The Project includes an elevator to provides access on all levels and the elevator enclosure is 42.5 feet in height. The Project requests approval of a Density Bonus Waiver of Development Standard to permit a 42.5 foot Roof Access Structure in lieu of 40 feet permitted.

C. Sections 10.F. Land Use and Development Regulations for North Venice Subarea

1. *Density.* Projects in the North Venice Subarea on a commercially-zoned lot shall not exceed the density permitted in the R3 Zone. The R3 Zone permits a residential density of one dwelling unit per 800 square feet of lot area which permits a maximum of 11 dwelling units on the subject site. The project proposes 9 dwelling units which complies with the density provisions in the North Venice Subarea.
2. *Height.* Pursuant to the Venice Specific Plan North Subarea, Venice Coastal Development Projects with Varied Rooflines may be up to 35 feet in height, provided that those portions of the building which exceed 30 feet in height are set back from the required front yard one foot for every foot in height over 30 feet. Pursuant to LAMC Section 12.22 A.25(f)(5)(i), the project requests a Density Bonus on-menu incentive to permit 39 feet in height in lieu of 35 feet otherwise permitted by Venice Coastal Zone-Specific Plan Section 10.F(3)(a). The building is setback approximately five feet on the second and third residential levels from the front property line and a two feet nine inches by two feet six inches triangular portion of the upper portion of the building encroaches within the 45 degree step back requirement. The project requests a Density Bonus Waiver of Development Standard to permit the minor height

stepback encroachment. The project's proposed height is measured from the centerline of street adjacent to the front lot line measured from the projection of the midpoint of the lot frontage. Elevations. With approval of the Density Bonus incentive, the project complies with the height provisions of the Specific Plan. The height increase is also consistent with the mass and scale of existing buildings fronting Ocean Front Walk where there are 20 buildings that range between 3 stories and 6 stories between Rose Avenue and 17th Avenue.

3. Setback. Pursuant to the Venice Specific Plan North Subarea, Commercial Venice Coastal Development Projects along Ocean Front Walk may set their front yard at the building line. The project's ground floor and restaurant use is located along the property line abutting Ocean Front Walk. Therefore, the project is in compliance with the setback provisions of the Plan.
4. Access. Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleys, unless the Department of Transportation determines that it is not Feasible. As shown in "Exhibit A", the proposed project maintains vehicle access to from the Speedway, which functions like an alley.

D. Section 11 – Commercial and Industrial Design Standards

1. Ground Floor Commercial Development. Pursuant to the Venice Coastal Specific Plan, all commercial Venice Coastal Development Projects which fronts on Ocean Front Walk shall include a street wall which extends a minimum of 65 percent of the length of the Building Frontage, is set back zero feet from the building line, with a minimum height of 13 feet. In addition, a minimum of 50 percent of the area of the Ground Floor Street Wall of a commercial Venice Coastal Development Project shall be devoted to pedestrian entrances or windows; and there shall be at least one pedestrian entrance into each business or use for each Store Frontage. As proposed, a restaurant will be located on the Ground Floor of the new mixed-use building, and that restaurant space will front on Ocean Front Walk, observing no setback from the building line. The commercial portion of the Street Wall has a height of 13 feet as required. The Street Wall that the restaurant will occupy approximately 78 percent of the lot width and approximately 54 percent of the street wall consists of windows into the restaurant dining area. A pedestrian walkway and entrance are provided for the restaurant from Ocean Front Walk. Therefore, the project complies with the ground floor commercial development provisions of the Plan.
2. Floor Area Ratio. Pursuant to the Venice Coastal Specific Plan, in all commercial zones the floor area ratio is limited 1.5 to one for retail and/or office and residential development. The proposed mixed-use restaurant and residential building is located on an approximately 9,001.75 square-foot property which permits a maximum 13,502.30 square feet of floor area. The project proposes to construct approximately 13,412.60 square feet of floor area for a 1.49 to one floor area ratio which complies with the floor area ratio provisions of the Specific Plan.
3. Access. Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleys, unless the Department of Transportation determines that it is not Feasible. As shown in "Exhibit A", the proposed project

maintains vehicle access to from the alley and Speedway, which functions like an alley.

4. Landscaping. Pursuant to the Venice Specific Plan, any open portion of the lot on which the Venice Coastal Development Project is located, which is not used for buildings, parkways, driveways, or other access features, shall be landscaped. The project proposes a multi-story mixed-use building over a subterranean parking garage. The dimensions of the subterranean parking garage basically correspond to the maximum dimensions of the lot, with exceptions for areas corresponding with the ground-level loading zone and an access stairway. On the second level, the project includes a central courtyard that includes a row of planter boxes and 36 inch boxed olive tree.
5. Light. Pursuant to the Venice Specific Plan, lighting from commercial Venice Coastal Development Projects is to be directed away from residential Venice Coastal Development Projects and Environmentally Sensitive Habitat Areas. The project contains residential uses and is adjacent to others, and westerly of the mean high tide line is designated by the Venice Land Use Plan as an Environmentally Sensitive Habitat Area. No lighting plan has been submitted for review and approval, however, as conditioned the project is in compliance with the lighting provisions of the Plan.
6. Trash. Pursuant to the Venice Specific Plan, Venice Coastal Development Projects are required to have trash enclosures for both regular and recyclable trash. Commercial trash and recycle enclosures and separate residential trash and recycle enclosures are proposed on the subterranean level.

E. Section 13 – Parking

The proposed Project includes the demolition of nine existing residential dwelling units within three buildings, and the construction use and maintenance of a three-story 39-foot high, approximately 13,412 square foot, mixed-use building containing a 1,568 square foot ground level restaurant, two upper residential levels with nine dwelling units, including one unit set aside as a Low Income unit, and at grade parking and a subterranean parking level providing a total of 30 required on-site parking spaces. A total of 30 parking spaces are provided for the project, as follows: Vehicle parking for the Affordable Housing Unit is provided consistent with LAMC Section 12.22-A.25, Parking Option 1 providing one parking space. The parking for the eight market rate housing units is provided consistent with Venice Coastal Zone Specific Plan Parking Requirement Table providing 16 parking spaces.

The parking for the 1,568 square restaurant with 574 square foot Service Floor is provided consistency with the Venice Coastal Zone Specific Plan Parking Requirement, which requires one space for every 50 square feet of Service Floor area. Table providing 11 parking spaces. Pursuant to LAMC Section 12.21-A.4, a maximum 30% of the required commercial vehicle parking may be replaced with bicycle parking. Eight vehicle parking spaces are provided, and three spaces will be replaced with 12 bicycle parking spaces.

Parking Requirements in the Beach Impact Zone (BIZ). Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to

parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund. Projects with the Beach Impact Zone (BIZ) shall provide one parking space for each 640 square feet of floor area of the ground floor commercial. The project contains 1,568 square foot of ground floor commercial necessitating an additional 2 parking spaces for the BIZ requirement.

- b. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Categorical Exemption, ENV-2019-2284-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act. The project proposes the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats requesting on-site sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Section 15332 (In-fill Development). A full discussion is provided in Finding Number 6 – Environmental Finding.

- 5. Mello Act Compliance Review Findings.** Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

a. Demolitions and Conversions (Part 4.0)

The project includes the demolition of nine existing residential dwelling units within three buildings and the construction of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 14, 2015 concluded that no affordable units exist at the project site. HCIDLA reviewed data from June 2012 to June 2015.

On May 10, 2007, a Notice of Intent to Withdraw Units (Ellis Act) from Rental Housing Use was filed with the Los Angeles County Recorder's Office and was granted by HCIDLA on September 24, 2009. On February 2008 and July 2012, the HCIDLA Enforcement inspectors noted the subject property was vacant and boarded up. In addition, the owner provided a security contract and billing statements for 24-hour security patrol for the period from April 2013 to April 2016. The Notice of Intent to Withdraw Units, Security contract/billing statements and HCIDLA database indicate the property has been vacant for more than 365 days and therefore shall not be classified as an affordable unit. As such, there is no requirement to replace any Affordable Dwelling Units in conjunction with this project.

b. New Housing Developments (Part 5.0).

The project proposes the construction of nine new Residential Units within a mixed-use development. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments, which consist of nine or fewer Residential Units, are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of nine new Residential Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

Environmental Findings

6. Environmental Findings.

The project is for the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats requesting on-site sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level. As a residential mixed used building and a project characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The site currently is developed with buildings that contain nine residential dwelling units, which have been vacant since 2007. The site is zoned C1-1 and has a General Plan Land Use Designation of Community Commercial. The Project consists of the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 30 parking spaces on the ground floor and one subterranean level and is conformance with the General Plan and Zoning designation.

There are eleven elements of the General Plan including the Framework Element, a Land Use Element and twelve citywide elements which address various citywide topics. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code (LAMC).

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the property for General Commercial land uses with the corresponding zones of C1.5, C2, C4, CR, RAS3, and RAS4 and Height District No. 1. In addition, the Venice Community Plan outlines objectives regarding the importance of strengthening commercial development.

The proposed development meets the following goals and objectives:

- *Goal 2: A strong and competitive commercial sector, which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.*
- *Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.*
- *Objective 2-2: To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.*
- *Policy 2-2.1: Encourage pedestrian-oriented uses and mixed-use in designated areas.*

The subject property is in the North Venice Subarea on parcels designated for “Community Commercial” use. The Venice Land Use Plan provides policy direction for the Community Commercial designation. The project substantially conforms and complies with the LUP Policies and Coastal Guidelines as demonstrated by the following policies:

- *Policy I. B. 2: Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use.*
- *Policy I. B. 6: The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and visitor-serving commercial uses... The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses.*
- *Policy III. A. 1(a): Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing housing opportunities of the area and provided there is sufficient infrastructure capacity to service such facilities.*
- *Policy I. B. 6. (c): Properties located along Ocean Front Walk from 17th Avenue to the Santa Monica City Line, which includes the project site, are designated as “Community Commercial Areas of Special Interest” with the intention of promoting: “Visitor-serving and personal services emphasizing retail and restaurants. Mixed-use with retail and/or personal services on the ground floor with either residential or personal services on upper floors.”*

- b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The site – located at 811-815 South Ocean Front Walk – is wholly within the City of Los Angeles, and is completely surrounded by urban uses. Surrounding properties include single story and multi-story commercial and residential uses and Pacific Ocean shoreline.

- c) **The project site has no value as habitat for endangered, rare or threatened species.**

The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. The project site is currently developed with three existing buildings that contain nine residential dwelling units, which have been vacant since 2007. The area around the site is highly urbanized and surrounded by residential, commercial and recreational uses. NavigateLA and the Venice Land Use Plan shows that the subject site is not located in a Significant Ecological Area. The site has been developed since at least 1909 with residential uses and has no value as a habitat for endangered, rare or threatened species.

- d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

These RCMs will reduce any potential impacts on noise and water quality to less than significant. The creation of noise is limited to certain decibels, restricted to specific hours.

The proposed Project is not expected to result in a cumulatively net increase of any criteria pollutant for which the air basin is non-attainable under an applicable federal or state ambient air quality standard. The operational emissions derived from the Project would be minimal due to the small size of the Project, and neither construction nor operation of the Project are anticipated to cause the SCAQMD's recommended threshold levels to be exceeded.

- e) **The site can be adequately served by all required utilities and public services.**

The project site will be adequately served by all public utilities and services given that the property is located in an urban tract with water supply, water treatment, sewage and waste disposal infrastructure, and power lines. The area surrounding the project is developed with a mix of commercial and multiple family dwellings, thereby making the project site contiguous with and in close proximity to existing developed areas that are served by utilities and public services. The street is accessible to emergency vehicles. As such, no significant impact on the capacity of existing utilities and services is anticipated.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

- (a) **Cumulative Impact.** A categorical exemption shall not be used if the cumulative impact of successive projects of the same type in the same place, over time, is significant. The project is consistent with the type of development permitted for the area zoned C1-1 and designated Community Commercial use. The proposed addition of nine new dwelling units and 1,568 square foot of commercial space will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts. Staff did not identify any comparable projects that have either filed or were granted approvals for land use entitlements within a 500-foot radius of the subject site. Moreover, the air quality study indicated construction and operations of the Project would not result in exceedances of SCAQMD daily. Therefore, it is not anticipated that any successive projects of the same type in the immediate vicinity would create cumulative impacts.

- (b) **Significant Effect.** A categorical exemption shall not be used if there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. An unusual circumstance may result if a project “has some feature that distinguishes it from others in the exempt class.” No unusual circumstances exist in this case. Although the project site fronts Venice beach, the project is consistent with the type of development permitted for the area zoned C1-1 and designated Community Commercial use. Moreover, the proposed project is typical of development that has been historically developed along the Venice Beach Boardwalk. There is nothing about the Property that would differentiate it from other Class 32 infill developments that would create a significant impact. Therefore, there is no fair argument or substantial evidence that the Project would create a significant impact, nor can it be readily perceived that the Project would create a significant impact.

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typical in a C1 Zone and the Venice Beach Boardwalk specifically and, as such, no unusual circumstances are present or foreseeable.

- (c) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources within a highway officially designated as a state scenic highway. The project site is not located on or near a designated state scenic highway. There is no evidence that the Project may result in damage to scenic resources within a highway officially designated as a State scenic highway because neither Ocean Front Walk nor any surrounding street is designated as a State scenic highway. According to Appendix B of the City of Los Angeles Mobility Plan, the Project Site is not designated as being on a scenic highway, nor are there any designated scenic highways located near the Project Site.
- (d) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on a designated list of hazardous waste sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code. According to Envirostor, the State of California's database of Hazardous Waste Sites, the Project Site, or any other site in the vicinity, is identified as a hazardous waste site. As such, this exception is not applicable.
- (e) **Historical Resources.** A categorical exemption may not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The Project Site has not been identified as a historic resource by local or state agencies, and the Project Site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register, nor has the Project Site been found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Based on this, the Project will not result in a substantial adverse change to the significance of a historic resource.

Therefore, the project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.

ADDITIONAL MANDATORY FINDING

- 7. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone B, Areas of 500-year flood: areas of 100-year flood with average depths of less than 1-foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year- flood.