

## FINDINGS

As amended by the Commission on June 2, 2021

### General Plan Findings

#### 1. General Plan Land Use Designation

The subject site is located within the Venice Community Plan area. The Community Plan designates the Project site for Limited Manufacturing land uses, with corresponding zones of CM, MR1 and M1. The site is zoned M1-1-O and (T)(Q)CM-1-O, which prohibits residential uses on the M1-1-O portion of the site. The site is legally nonconforming for the existing residential use.

The existing residential use would be consistent with the uses permitted in the CM Zone. The site will maintain five residential dwelling units and expand the existing commercial and residential floor area. The Zone Change from M1 to CM is consistent with the corresponding zones in the Limited Manufacturing land use designation. Therefore, the Project is in substantial conformance with the purposes, intent, and provisions of the General Plan as reflected in the adopted Community Plan.

#### 2. General Plan Text.

- a. Land Use Chapter, Framework Element.** The Framework Element of the General Plan was adopted by the City of Los Angeles in 2000. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the subject site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, and public services.

The proposed Project will support and be generally consistent with the General Plan Framework Land Use Chapter, as it will provide a use that supports the needs of the City's residents within the Venice Community Plan area. The proposed Project will comply with the following objectives and policies set forth in the General Plan Framework Land Use Chapter as follows:

*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.*

*Policy 2-1.1: New commercial uses shall be located in existing established commercial areas or shopping centers.*

*Policy 2-1.3: Ensure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

*Policy 2-1.5: Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.*

*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.*

*Policy 2-2.2: New development in designated areas should focus on pedestrian street activity.*

*Objective 2-3: To enhance the appearance of commercial districts.*

*Policy 2-3.1: Require that new development be designed to enhance and be compatible with adjacent development.*

*Objective 3.8: Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit.*

The project site is located on Abbot Kinney Boulevard between Palms Boulevard and Venice Boulevard. This segment of Abbot Kinney Boulevard is a popular visitor-serving destination containing a mix of retail, office, and residential uses. Moreover, this segment of Abbot Kinney Boulevard is identified as a Pedestrian Enhanced District in the Mobility Plan 2035<sup>1</sup>. The proposed project will remodel the existing mixed-use structure, while preserving the pedestrian friendly features of the building façade. The ground floor retail will be used for commercial activity and foot traffic. In addition, the proposed project will remodel an existing structure thus maintaining the distinctive character of this commercial corridor. As such, the Project is consistent with the Framework Element of the General Plan.

- b. Housing Element.** The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element identifies the City's housing conditions and needs, establishes goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The proposed project would be in conformance with the following goals, objectives and policies of the Housing Element as described below:

*Objective 1.2 Preserve quality rental and ownership housing for households of all income levels and special needs.*

*Policy 1.2.1 Facilitate the maintenance of existing housing in decent, safe and healthy condition.*

*Policy 1.2.8 Preserve the existing stock of affordable housing near transit stations and transit corridors. Encourage one-to-one replacement of demolished units.*

*Objective 2.4 Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.*

*Policy 2.4.1 Promote the preservation of neighborhood character in balance with facilitating new development.*

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<sup>1</sup> Pedestrian-Enhanced Districts are an analysis of a snapshot in time of areas where pedestrian improvements are prioritized relative to other modes. These areas may be located near schools, transit stations, areas of high pedestrian activity, areas with high collision frequency, or other placemaking opportunity areas.

The project site is located in a Transit Priority Area, served by Los Angeles Metro Lines 33 and 733 at the intersection of Venice Boulevard and Abbot Kinney Boulevard.<sup>2</sup> The Project involves the remodel and addition to the existing 4-unit, mixed-use structure, and the rehabilitation of a single-family dwelling, an eligible historic resource. As such, the project maintains the existing housing stock with improvements to ensure the units are rented in a safe and healthy condition by bringing the structure up to current building and safety standards. Further, the project will maintain five (5) rent stabilized (RSO) units near transit. Lastly, by reinvesting in existing structures, the proposed project balances the need for neighborhood preservation and facilitating new development. As such, the proposed improvement is consistent with the Housing Element of the General Plan.

**c. Mobility Plan 2035.** The Mobility Element includes the following relevant policies:

*Policy 2.3 Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.*

*Policy 2.6 Provide safe, convenient, and comfortable local and regional bicycling facilities for people of all types and abilities.*

*Policy 3.1 Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes – including goods movement – as integral components of the City's transportation system.*

*Policy 3.8 Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

The subject site is located in a Transit Priority Area and a Pedestrian Enhanced District in close proximity to transit stops and bicycle routes providing local and regional access. Specifically, the subject site is served by bus lines (Los Angeles Metro Lines 733 and 33) along Venice Boulevard providing travel to downtown Los Angeles. The project will maintain existing housing near transit and provide a pedestrian-friendly façade within a Pedestrian Enhanced District. As such, the Project is consistent with the Mobility Plan.

**d. Venice Community Plan.** The Venice Community Plan was adopted by City Council on September 29, 2000. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services, which all encourage and contribute to the economic, social, health, and welfare of the Community. The proposed Project is in conformance with the following policies and objectives of the Venice Community Plan:

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

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<sup>2</sup> Transit Priority Area is an area within one-half mile of a major transit stop that is existing or planned. Section 21064.3 of the PRC defines a "major transit stop" as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

*Policy 1-1.2 Protect the quality of the residential environment and the appearance of communities with attention to site and building design.*

*Objective 1-2 To reduce vehicular trips and congestion by developing new housing in proximity to services and facilities.*

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

*Policy 1-3.1 Seek a higher degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.*

The project site is located on Abbot Kinney Boulevard between Palms Boulevard and Venice Boulevard. This segment of Abbot Kinney Boulevard is a popular visitor-serving destination containing a mix of retail, office, and residential uses. There are no single-family zoned areas located in this portion of the Venice Community Plan, North of Venice Boulevard and West of Lincoln Boulevard. The proposed project will maintain the existing mixed-use structure and existing housing stock, as well as preserve an identified historic resource. As such, the Project is consistent with the Venice Community Plan.

- e. **Venice Coastal Zone Land Use Plan.** The Venice Land Use Plan (LUP) was adopted by the City Council on October 29, 1999 and certified by the California Coastal Commission on June 14, 2001. The LUP is part of the Local Coastal Program intended for the Venice Coastal Zone. However, the necessary Implementation Plan was not adopted. The LUP was adopted by means of a plan amendment to the Community Plan and provides policies applicable to development in the Venice Coastal Zone. The proposed project is in conformance with the following policies and objectives of the Venice Land Use Plan:

*Policy I. C. 1. Industrial Land Use. The Land Use Plan designates approximately 53 acres of land for Limited Industry land uses. It is the policy of the City to preserve this valuable land resource from the intrusion of other uses, and to ensure its development with high quality industrial uses. Commercial use of industrially designated land shall be restricted. Artist studios with residences may be permitted in the Limited Industry land use category. Adequate off-street parking shall be required for all new or expanded industrial land uses consistent with Policies II.A.3 and II.A.4. The design, scale and height of structures in areas designated for industrial land uses shall be compatible with adjacent uses and the neighboring community.*

*Policy I. E. 4. Redevelopment. Projects involving large-scale land acquisition and clearance shall be discouraged in favor of rehabilitation, restoration, and conservation projects, especially those involving single-family dwellings.*

*Policy I. F. 1. Historic and Cultural Resources. The historical, architectural, and cultural character of structures and landmarks in Venice should be identified, protected, and restored where appropriate, in accordance with historical preservation guidelines.*

The Project involves the remodel and addition to the existing 3,100 square-foot, three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space and a 704 square-foot addition of residential floor area to the existing four (4) dwelling units. The Project includes the rehabilitation and improvements to an existing single-family dwelling, identified as a historic resource. As discussed in the MND compliance with

mitigation measures MM CR-1 and MM CR-2 and rehabilitation of the structure will reduce any potential impacts to a less than significant level. As such, the project will preserve the integrity of the historic resource and character of the existing area. The applicant also requests a Zone Change for the westerly lot of the site from M1-1-O to (T)(Q)CM-1-O, consistent with the corresponding zones for the Limited Manufacturing land use designation. As such, the Project is consistent with the Venice LUP.

### 3. Zone Change Findings

- a. **Pursuant to Section 12.32 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with the public necessity, convenience, general welfare and good zoning practice.**

The project consists of the remodel and addition to the existing 3,100 square-foot, three-story, mixed-use structure comprised of a 641 square-foot addition of new commercial space and a 704 square-foot addition of residential floor area to the existing four (4) dwelling units, resulting in a 4,445 square-foot, mixed-use structure with 1,398 square feet of ground floor retail use, four (4) dwelling units and a new rooftop deck. The project also includes the rehabilitation and improvements to the existing 680 square-foot, single-family dwelling located at the rear portion of the lot, to raise the structure 13 feet and 5.5 inches above its foundation and construct a carport with five (5) parking spaces. The structures are connected at the second floor with an open staircase and passageway.

Public Necessity, Convenience and General Welfare: Public Necessity, Convenience and General Welfare would be better served by re-zoning this parcel to a zone that would accommodate a residential mixed-use project. The subject site is located in a Transit Priority Area and on a mixed-use corridor with a predominance of ground floor retail uses resulting in a pedestrian-friendly commercial corridor.

Light industrial uses are not an economic activity found on this segment of Abbot Kenny Boulevard between Venice Boulevard and Main Street. Light industrial uses typically include “clean” manufacturing, wholesale, warehousing, and distribution. In many cases, such industrial uses would be contrary to the pedestrian-friendly aspects of this commercial corridor. In fact, few traditional industrial uses remain in the area; nonetheless, the CM zone would not preclude light manufacturing uses in the future if such demand were present.

Good Zoning Practices: The site is located within the Venice Community Plan Area. It is zoned M1-1-O with a General Plan land use designation of Limited Manufacturing. The proposed Project is seeking a Zone Change for the westerly lot from M1-1-O to (T)(Q)CM-1-O. The requested (T)(Q)CM-1-O zone is consistent with the Limited Manufacturing land use designation which lists CM, M1, and MR1, as corresponding zones in the Venice Community Plan and Venice Coastal Land Use Plan.

The requested Zone Change will promote good zoning practices by ensuring consistency between the existing Land Use designation and the corresponding zones. Moreover, the requested Zone Change will promote good zoning practices by changing the zoning to match the existing uses on the subject site, thus further preserves the existing housing stock during a housing crisis.

In addition, the zone change to CM would provide a transition from the retail uses (C2 zone) on Abbot Kinney Boulevard to the warehouse/industrial uses (M1 zone) north of Abbot Kinney Boulevard. Moreover, CM uses do not preclude light industrial uses if such demand materializes, thus preserving the industrial zoned land in Venice for the future.

**b. Pursuant to Section 12.32-G of the Municipal Code, T Classification Finding.**

The action, as recommended, has been made contingent upon compliance with the “T” conditions imposed herein. The “T” Conditions are necessary to ensure the identified improvements and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site.

**4. Zone Variance**

**a. The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

Pursuant to LAMC Section 12.27, the applicant requests a Zone Variance to remove the requirement for an on-site loading space, as otherwise required by LAMC Section 12.21-C.6 and to allow 100% of required parking stalls as compact spaces, in lieu of the requirement that a maximum of 40% of required parking stalls may be compact spaces, as otherwise required by LAMC Section 12.21-A.5I.

The subject site is improved with a three-story, 3,100 square foot mixed-use structure to the front of the property and a one-story single-family dwelling to the rear. The single-family dwelling at the rear is identified as an eligible historic resource. The subject site has a frontage on Abbot Kinney Boulevard of 34 feet and an even depth of 105 feet providing of a total area of 3,570 square feet.

The proposed project includes the remodel and addition to the existing three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space and a 704 square-foot addition of residential floor area, the project will also remove and construct a new foundation and for the single-family dwelling. The new commercial floor area and removal/relocation of the single-family dwelling require two (2) parking spaces for the single-family dwelling, five (5) parking spaces for the commercial use, and an onsite loading space. Furthermore, because the historic resource is a Residential Unit in the Coastal Zone, it cannot be converted into a parking structure or replaced with a non-residential use.

The narrowness of the subject site and the placement of the existing buildings at the rear and front property lines creates practical difficulties to provide onsite loading space and standard size parking spaces. The practical difficulties are further compounded by the requirement to preserve a historic resource at the rear portion of the lot;. The Specific Plan requires three additional spaces for the single-family dwelling and access to parking must be provided from the alley, limiting parking and loading design options.

As illustrated on Exhibit A, there is no physical space to provide the 400 square foot loading space and to provide the required five (5) parking spaces for the commercial uses. Further there is insufficient lot width at 34 feet to provide four (4) standard size parking spaces at 8 feet 6 inches in width each and an accessible parking space at 17 feet in width.

The zoning code's development standards exist to ensure that properties do not negatively impact surrounding properties and that property uses fit within a cohesive development scheme. While zoning regulations allow certain land uses in the various zones in order to achieve compatibility between respective uses, such regulations are written on a citywide

basis and cannot take into account unique characteristics, which a specific parcel and its intended use may have.

As such, the strict application of the code requirements for the loading space and standard parking spaces would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the code.

- b. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The Project site is located in an urbanized area that was developed in the 1910s and 1920s, where structures were built to the property lines on small lots. The subject site has a frontage on Abbot Kinney Boulevard of 34 feet and an even depth of 105 feet providing of a total area of 3,570 square feet. Specifically, properties on Abbot Kinney Boulevard were developed on narrow lots, generally 30 feet in width. However, typical parcels zoned for light manufacturing uses have a minimum lot size of 15,000 square feet.

Further, commercial uses in a M1 zone are required to provide commercial loading spaces that must be accessed from the alley. In addition, the subject site must comply with the Venice Specific Plan, which requires all access to be taken from the alley. As illustrated on Exhibit A, there is no physical space to provide the 400 square foot loading area and to provide the required five (5) parking spaces for the commercial uses. Further there is insufficient lot width (34 feet) to provide four (4) standard size parking spaces (8 feet 6 inches in width) and an accessible parking space (17 feet in width) in any configuration.

In addition, as previously stated, the development potential is limited by the Historic Resource located on the subject site. The required parking can only be accommodated by elevating the existing historic resource 13 feet 5.5 inches above its foundation to provide parking spaces to construct a carport. The required parking spaces and accessible parking requirements that are needed for this type of development make it physically impossible to provide the required loading space and standard size parking spaces.

The strict application of the code requiring the loading space would impair the applicant from developing the lot as would normally be allowed on a larger (conforming) lot. The area for the required parking spaces and the area dedicated to an Americans with Disabilities Act require parking space take up the entire rear property line adjacent to the alley. This leaves no room on the lot for the required loading zone and standard-size parking spaces.

- c. The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

The granting of the request is necessary for the preservation and enjoyment of a substantial property right generally possessed by other property in the same zone and vicinity. The subject site is located on a block of Abbot Kinney Boulevard developed with a mix of residential and commercial uses. As previously stated, Abbot Kinney Boulevard was generally developed in the 1910s and 1920s, before the requirement for onsite loading zones. Except for the recent mixed-use development at the corner of Abbot Kinney Boulevard and Venice Boulevard, none of the structures have loading zones adjacent to the alley.

Like other structures built in the 1910s and 1920s on Abbot Kinney Boulevard, the proposed commercial use will provide the same delivery practices as other commercial uses along Abbot Kinney Boulevard today. Deliveries are typically in small delivery vehicles not exceeding 19 feet in length. Both commercial and residential deliveries are made from either the alley, the red zones, or the center median along Abbot Kinney Boulevard. As such, the request is consistent with existing practices in other commercial and mixed-use buildings along Abbot Kinney Boulevard in Venice which do not provide commercial loading spaces.

Further the subject site contains a historic structure identified by SurveyLA, which limits placement of a loading zone and providing standard parking. There are approximately 167 structures located on Abbot Kinney Boulevard between Main Street and Venice Boulevard, of which only 25 structures have been identified by SurveyLA as historic structures. As such, the requested variance allows the applicant to achieve parity with the other lots not containing a historic structure identified by SurveyLA.

The applicant requests to allow 100% of required parking stalls as compact spaces, in lieu of the requirement that a maximum of 40% of required parking stalls may be compact spaces, as otherwise required by LAMC Section 12.21-I(c). There is insufficient lot width (34 feet) to provide four (4) standard size parking spaces (8 feet 6 inches in width) and an accessible parking space (17 feet in width) in any configuration. However, the allowance to provide four (4) compact size spaces (7 feet 6 inches in width) would accommodate the required number of parking spaces. As such, the narrowness of the subject site and the placement of the historic building at the rear property lines demonstrates a variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone.

As such, the request to waive the requirement of a loading zone for the Property is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity.

- d. **The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The granting of this variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity. The request is consistent with existing practices in other commercial and mixed-use buildings along Abbot Kinney Boulevard in Venice which do not provide commercial loading spaces. The existing building on the subject site has for decades been used as commercial retail spaces. The alley behind the subject property (Irving Tabor Court) is used daily as a loading space by the existing commercial uses along the street. These deliveries are usually made during off-business hours and are scheduled in a manner that does not negatively impact the surrounding area.

As previously stated, the deliveries which are made to the commercial shops along Abbot Kinney Boulevard are typically on one or two pallets and are typically delivered by mid-sized delivery trucks rather than large delivery trucks which would be associated with large shopping centers or big box type stores. The granting of the variance will not be injurious to properties or improvements in the same zone and vicinity because none of the other mixed-use buildings on this stretch of Abbot Kinney Boulevard have loading zones adjacent to the alley except for a commercial building with a parking structure at the intersection of Abbot Kinney Boulevard and Venice Boulevard.

Moreover, considering the size of these commercial spaces, deliveries are typically small and consist of only a few boxes at a time. These deliveries can be made in minutes and most often consist of one trip from the vehicle on foot. These are not warehouse style businesses that accept deliveries from large trucks or flatbeds. These are typically small van deliveries arriving from FedEx, UPS or local providers. Some of the business owners, purchase locally and bring their supplies into their shops and restaurants in smaller vehicles. The existing off-site Commercial Loading does not exceed 10 minutes for loading or unloading of freight. Per LAMC Section 71.18, a normal delivery shall not exceed 30 minutes.

The applicant requests to allow 100% of required parking stalls as compact spaces, in lieu of the requirement that a maximum of 40% of required parking stalls may be compact spaces, as otherwise required by LAMC Section 12.21-A.5(c). There is insufficient lot width (34 feet) to provide four (4) standard size parking spaces (8 feet 6 inches in width) and an accessible parking space (17 feet in width) in any configuration. However, the allowance to provide four (4) compact size spaces (7 feet 6 inches in width) would accommodate the required number of parking spaces. As such, the narrowness of the subject site and the placement of the existing buildings at the rear and front property lines creates practical difficulties to provide onsite loading space and standard size parking spaces.

Therefore, the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

**e. The granting of the variance will not adversely affect any element of the General Plan.**

The granting of the variance will not adversely affect any element of the General Plan, as it substantially conforms to the purpose, intent and provisions of the General Plan as well as the Venice Community Plan and the Venice Coastal Zone Specific Plan.

The General Plan promotes the provision of services throughout the City in locations that are convenient to the public, but that do not negatively impact neighboring properties. The role of the Community Plan is “to promote an arrangement of land uses, streets and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community.” The Community Plan designates the Property for Limited Manufacturing land uses with the corresponding zone of M1, and Height District No. 1. The site is within the North Venice subarea of the Venice Coastal Zone Specific Plan. The Community Plan and Specific Plan are silent in regards to loading zones, however, the Project is consistent with the following goals, objectives and policies:

*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.*

*Policy 2-1.1 New commercial uses shall be located in existing established commercial areas or shopping centers.*

*Policy 2-1.3 Ensure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

*Policy 2-1.5 Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.*

*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.*

*Policy 2-2.2 New development in designated areas should focus on pedestrian street activity.*

*Objective 2-3 To enhance the appearance of commercial districts.*

*Policy 2-3.1 Require that new development be designed to enhance and be compatible with adjacent development.*

The proposed design features transparency and ease of access which enhances the pedestrian experience along Abbot Kinney Boulevard. The requested grant, by definition, is subject to conditions imposed by the Area Planning Commission and specifically crafted to mitigate any potential negative effects of the proposed variances. Granting the request to waive the requirement for a loading zone and standard size parking spaces will not adversely affect any element of the General Plan and will in fact support the objectives and policies of the Community Plan as noted above. Additionally, the use and rehabilitation of the existing structure in a commercial district further strengthen the economic stability of the immediate area.

Additional discussion of the project's consistency with the General Plan and Venice Land Use Plan can be found in Findings No. 2 and 6b, and are incorporated herein. As such, granting of the Variance will not adversely affect any element of the General Plan.

## **5. Zoning Administrator Adjustment**

- a. What site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The subject site is improved with a three-story, 3,100 square foot mixed-use structure to the front of the property and a one-story single-family dwelling at the rear. The single-family dwelling at the rear is identified as a historic resource. The parcel has a frontage on Abbot Kinney Boulevard of 34 feet and an even depth of 105 feet providing of a total area of 3,570 square feet. As such, the historic resource onsite and the narrowness of the lot creates a condition where strict adherence to zoning regulations are impractical for the proposed remodel and addition to the existing mixed-use structure.

The proposed project includes the remodel and addition to the existing three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space and a 704 square-foot addition of residential floor area resulting in the requirement to provide five (5) parking spaces. Under the existing site characteristics and existing improvements, where

the lot is built-out with a Historic Resource at the rear, the ability to provide the code required parking is infeasible. As such, the five (5) required parking spaces are achieved by elevating the single-family dwelling 13 feet and 5.5 inches above its foundation to construct a carport.

Consequently, elevating the single-family dwelling above the existing foundation results in the loss of all non-conforming rights for the rear yard setback. The single-family dwelling is subject to conformance to the current regulations in the LAMC for side and rear yards, passageway, and space between residential structures.

The subject property measures 34 feet in width and the separation between the mixed-use structure located at the front portion of the site and single-family dwelling located at the rear portion of the site is 10 feet. If required to conform to 15-foot rear yard setback and 4-foot 6-inches side yard setback, the Code-required number of parking spaces could not be achieved, and the re-location of the historic structure would become infeasible. As illustrated on Exhibit A, there is insufficient lot width (34 feet) to provide four (4) standard size parking spaces (8 feet 6 inches in width), an accessible parking space (17 feet in width) and 4-foot 6-inch side yard setbacks.

Further, the elevation of the single-family dwelling results in the shifting the rear structure towards the existing front structure (The single-family dwelling currently encroaches into the rear alley) and the addition to the front structure creates a non-conforming building separation. LAMC Section 12.21-C.2.a requires at least 10 feet of space between every residential building and another main building on the same lot. Lastly, the elevation of the single-family dwelling results in the entrance to the single-family dwelling being shifted to the interior of the lot creating a non-conforming condition for the passageway. LAMC Section 12.21-C.2.b requires passageway of at least 10 feet in width extending from a street to the entrance of each dwelling unit, unless there is an entrance to the dwelling unit opening directly onto a public street. As such, the applicant requests a Zoning Administrator's Adjustment to allow a three-foot space between the mixed-use building and the rear single-family and a passageway of zero feet.

As previously stated, the subject property measures 104 feet in depth and 34 feet in width, and the separation between the mixed-use structure located at the front portion of the site and single-family dwelling located at the rear portion of the site is 10 feet. In addition, the single-family dwelling encroaches onto the public right-of-way. Because of the substandard lot dimensions, if required to conform to 10-foot passageway and building separation, the Code-required number of parking spaces could not be achieved.

The intent of passageway and building separation requirements is to ensure adequate open space and separation between buildings in order to preserve quality of life and provide Fire Department access. Such regulations, however, are written on a City-wide basis and does not account for the individual unique characteristics belonging to a specific property and its intended use may have. In this instance, the objective to preserve the Historic Resource on the subject property makes strict adherence to the passageway requirement impractical. Nevertheless, the proposed project will conform to the intent of the regulation.

Except for those entitlements described herein, the requests are in line with City policies and objectives and are consistent with the general spirit and intent of the Planning and Zoning Code. The project will be subject to numerous conditions which will be intended to protect the public welfare and secure compliance with the requirements set forth in the LAMC. Strict compliance with the Code would impose a substantial and unnecessary

burden upon the applicant without serving any real beneficial purpose for either the community or the applicant.

Therefore, while the project deviates from the regulations for yards, building separation and passageway, the project nonetheless conforms to the intent of those regulations.

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

The Project site is located in an urbanized area, developed with residential, commercial and industrial uses. Properties to the west are zoned M1-1-O and consist of one to two-story structures with retail, office, and residential uses. Properties to the north, across Irving Tabor Court, are zoned M1-1-O and consist of one to two-story structures with industrial and retail uses. The adjacent property to the east is zoned (T)(Q)CM-1-O and consists of a three-story mixed use structure with retail on the first floor and dwelling units on the second and third floors. Properties across Abbot Kinney Boulevard to the south are zoned C2-1-O-CA and consist of mainly one to two-story mixed use and retail structures.

As such, the subject site is surrounded by M1 and C2 zoned properties, with no abutting residential zone. The surrounding industrial and commercial properties are not subject to yard setbacks, and most buildings in the area are constructed without yard setbacks.

The reduced side yards are consistent with the existing structures at the subject site and the development pattern on Abbot Kinney Boulevard. The three-story mixed-use structure is built on the westerly side property line and the historic single-family dwelling is also built on the westerly side property and is built over the rear property line.

There are 10 properties located on the north side of Abbot Kinney Boulevard between Palms Boulevard and Venice Boulevard, excluding the subject site. This segment of Abbot Kinney Boulevard contains five (5) structures built at the side property line and five (5) structures built at the rear property line. None of the 10 properties exhibited the site conditions to require a passageway or building separation standards.

As previously stated, the subject site is improved with a mixed-use structure that was constructed in 1935 and a single-family dwelling that was constructed in 1918 and is identified as a Historic Resource by SurveyLA. As such, the subject site exhibits the development typography similar to the other structures on Abbot Kinney Boulevard, a street which has maintained its original character.

The project includes a remodel and 1,345 square foot addition. As such, the development will maintain the existing character, ambience, and appearance of the neighborhood.

Lastly, the ability to maintain the non-conformity setbacks and reduction of space between building and passageway width is instrumental in rehabilitating the historic single-family dwelling, a key policy objective.

In light of the above-described elements which include the proposed location, size, use of the property, and the frequency of similar development on other properties within the neighborhood, the granting of an adjustment will result in development compatible with adjacent properties, and will not adversely affect or further degrade those properties, the surrounding neighborhood, or the public health, welfare and safety.

**c. The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and applicable specific plan.**

The General Plan promotes the provision of services throughout the City in locations that are convenient to the public, but that do not negatively impact neighboring properties. The role of the Community Plan is “to promote an arrangement of land uses, streets and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community.” The Community Plan designates the Property for Limited Manufacturing land uses with the corresponding zone of M1, and Height District No. 1 in the westerly lot and CM1, and Height District No. 1 in the easterly lot. The site is within the North Venice subarea of the Venice Coastal Zone Specific Plan. The Community Plan and Specific Plan are silent in regards to setbacks, building separation and passageway standards, however, the Project is consistent with the following goals, objectives and policies:

*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.*

*Policy 2-1.1 New commercial uses shall be located in existing established commercial areas or shopping centers.*

*Policy 2-1.3 Ensure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

*Policy 2-1.5 Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.*

*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.*

*Policy 2-2.2 New development in designated areas should focus on pedestrian street activity.*

*Objective 2-3 To enhance the appearance of commercial districts.*

*Policy 2-3.1 Require that new development be designed to enhance and be compatible with adjacent development.*

The proposed design features transparency and ease of access which enhances the pedestrian experience along Abbot Kinney Boulevard. The requested grant, by definition, is subject to conditions imposed by the Area Planning Commission and specifically crafted to mitigate any potential negative effects of the proposed variances. Granting the request to waive the requirement for a loading zone and standard size parking spaces will not

adversely affect any element of the General Plan and will in fact support the objectives and policies of the Community Plan as noted above. Additionally, the use and rehabilitation of the existing structure in a commercial district further strengthen the economic stability of the immediate area.

Additional discussion of the project's consistency with the General Plan can be found in Finding Nos. 2 and 6b.

## **6. 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. Applicable provision are as follows:

#### ***Section 30244 Archaeological and Paleontological Resources.***

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.* The proposed project consists of the remodel and addition to the existing three-story mixed-use structure and includes the rehabilitation and improvements to the existing one-story single-family dwelling located at the rear portion of the lot, to raise the structure above its foundation and construct a carport. The subject site is not located within an area with known Archaeological or Paleontological Resources. However, if such resources are discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place.

#### ***Section 30250 Location; existing developed .***

*(a) 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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.* The proposed project consists of the remodel and addition to the existing three-story mixed-use structure and includes the rehabilitation and improvements to the existing one-story single-family dwelling located at the rear portion of the lot, to raise the structure above its foundation and construct a carport, located within a mixed-use corridor, developed with commercial, institutional, and residential uses. As such, the development will remain, and thus be located, in the same developed area, which has existing infrastructure and public services that have long accommodated the existing buildings on the project site.

#### ***Section 30251 Scenic and Visual Qualities.***

*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.* The Project consists of the remodel and addition to the existing three-story mixed-use structure and includes the rehabilitation and improvements to the existing one-story single-family dwelling located at the rear portion of the lot, to raise the structure above its foundation and construct a carport. The proposed Project will not change the visual character of its surroundings because the subject site and surrounding properties are developed with one to three-story commercial and residential structures. The Project is located in an urbanized area, developed with residential and commercial uses. The Project includes a zone change from M1-1-O to (T)(Q)CM-1-O, consistent with the land use designation and adjacent lots. The Venice Specific Plan allows a maximum height of 30 feet for structures with flat roofs and 35 feet for structures with varied rooflines. The Project will remodel and expand the existing, approximately 30-foot in height, mixed-use structure and raise up the existing one-story single-family dwelling, to a height of 30 feet. The Project complies with the applicable height regulations and is consistent with the massing and scale of the site and surrounding area.

**Section 30252 Maintenance and Enhancement of Public Access.**

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.* The project includes the remodel and addition to the existing 3,100 square-foot, three-story, mixed-use structure requiring five (5) parking spaces. The subject site is non-conforming for parking, and currently provides zero (0) parking spaces. The proposed project would provide the required commercial parking spaces. The project also includes the rehabilitation and improvements to the existing 680 square-foot, single-family dwelling located at the rear portion of the lot, to raise the structure 13 feet and 5.5 inches above its foundation and construct a carport with five (5) parking spaces. The rear structure currently provides zero parking spaces. However, lifting the structure from the existing foundation requires the dwelling to comply with the current requirements of the Specific Plan. As discussed in Finding No. 7, the project qualifies for a Specific Plan Exception. The work to the existing single-family dwelling will not change the use of intensity of use of the dwelling.

Further the project site is located in a Transit Priority Area, served by Los Angeles Metro Lines 33 and 733 at the intersection of Venice Boulevard and Abbot Kinney Boulevard.

As conditioned, the applicant is required to improve and repair the existing sidewalk areas adjacent to the property including removing an unused curb-cut resulting in an increase in the off-site parking supply. As such, the Project will maintain and enhance pedestrian and vehicular access adjacent to the site.

The proposed development is not located between the first public road and the sea and is located more than a mile from the beach. No permanent structures would be placed within the public right-of-way and public access to the coast would not be impacted. 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 proposed project will not conflict with any public access policies of the Coastal Act.

**Section 30253 Minimization of Adverse Impacts.**

*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 property is located in a Tsunami Inundation Zone, Liquefaction Zone, and within 5.26 kilometers of the Santa Monica Fault. As such, the project is subject to compliance with Zoning, Building, and Fire Safety Code requirements that will minimize risks to life and property in geological and Liquefaction hazard zones. The property is also located within Zone X, an area outside the flood zone.

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.

The Coastal Storm Modeling System (CoSMoS) was utilized to analyze the project's vulnerability to flood hazards, considering a scenario of a minimum 6.6-foot sea level rise and a 100-year storm scenario. Based on this scenario, the proposed development could potentially be affected by flooding as a result of SLR, however, the potential for such flooding in severe storm events is likely to increase towards the end of the project life (based on a typical development life of 75 years). The proposed project does not include any basement areas. 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 would have no adverse impacts on public access, recreation, public views or the marine environment, as the property is located within a developed area and located more than 0.6 miles from the Venice Beach shoreline. 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 mixed-use structure will not block any designated public access views. As conditioned, 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. Per the Land Use Plan, the subject property is designated as Limited Manufacturing land use.

The following are applicable policies from the Venice Local Coastal Land Use Plan:

*Policy I. C. 1. Industrial Land Use. The Land Use Plan designates approximately 53 acres of land for Limited Industry land uses. It is the policy of the City to preserve this valuable land resource from the intrusion of other uses, and to ensure its development with high quality industrial uses. Commercial use of industrially designated land shall be restricted. Artist studios with residences may be permitted in the Limited Industry land use category. Adequate off-street parking shall be required for all new or expanded industrial land uses consistent with Policies II.A.3 and II.A.4. The design, scale and height of structures in areas designated for industrial land uses shall be compatible with adjacent uses and the neighboring community.* The proposed project includes the remodel and addition to the existing 3,100 square-foot, three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space and a 704 square-foot addition of residential floor area to the existing four (4) dwelling units, and the rehabilitation and improvements to the existing 680 square-foot, single-family dwelling located at the rear portion of the lot. The proposed zone change to CM is consistent with the Light Industrial land use designation, and the proposed project maintains the existing uses onsite.

*Policy II.A.3 Parking requirements.*

*Single-Family Dwelling. Single-family dwellings on lots less than 35 feet in width are required to provide two spaces.* As shown in Exhibit A, the subject site is 34 feet in width and adjacent to an alley. The remodel and raising of the rear single-family dwelling would require the applicant to provide two parking spaces for the dwelling. The applicant is requesting a Specific Plan Exception to provide zero parking spaces for the rear single-family dwelling in lieu of the two parking spaces otherwise required.

*General Retail Store. One space for each 225 square feet of floor area.* As shown in Exhibit A, the project would add 641 square-feet of new retail floor area and would be required to provide three parking spaces.

*Policy II.A.4 outlines the Parking Requirements for the Beach Impact Zone.*

*Commercial and Industrial Projects. Commercial and industrial projects in the Beach Impact Zone shall provide one additional parking space for each 640 square feet of floor area of the ground floor. Up to 50% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces.* As shown in Exhibit A, the total Ground Floor area is 1,398 square feet which would require two Beach Impact Zone Parking spaces. The applicant will provide two physical spaces and will pay \$18,000.00 into the Venice Coastal Parking Impact Trust Fund in lieu of the third physical parking space.

The proposed development consists of the remodel and addition to the existing three-story mixed-use structure and includes the rehabilitation and improvements to the existing one-story single-family dwelling located at the rear portion of the lot, to raise the structure above its foundation and construct a carport. In reviewing the permit history of the existing structures, no parking spaces are currently required for the subject site. Based on the parking requirements, the project requires a total of seven parking spaces. However, as described above, the applicant will provide a total of five parking spaces; one required space will be ADA compliant.

The proposed development is consistent with the policies of the Land Use Plan and the standards of the Specific Plan (discussed above) and will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

- 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. In addition to the Regional Interpretative Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered. The Project consists of the remodel and addition to the existing three-story mixed-use structure and the rehabilitation and improvements to the existing one-story single-family dwelling located at the rear portion of the lot, to raise the structure above its foundation and construct a carport and a zone change from M1-1-O to (T)(Q)CM-1-O, consistent with the Limited Industrial land use designation. The Regional Interpretive Guidelines have been reviewed. Notwithstanding the request for a Specific Plan Exception for parking, as conditioned, the proposed project is consistent with the parking provisions recommended in the Regional Interpretative Requirements for the Venice Area as well as the policies of the LUP and standards of the Specific Plan. Please see the discussion in Finding No. 7 for the request for a Specific Plan Exception for parking.

- 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 remodel and addition to the existing three-story mixed-use structure and includes the rehabilitation and improvements to the existing one-story single-family dwelling located at the rear portion of the lot, to raise the structure above its foundation and construct a carport and a zone change from M1-1-O to (T)(Q)CM-1-O, consistent with the Limited Industrial land use designation. The proposed development is located within the Single-Permit jurisdiction of the Coastal Zone, where the local

jurisdiction (City of Los Angeles) issues Coastal Development Permits. The Coastal Commission will render decisions on appeals of the City's Coastal Development Permits or Coastal Exemptions. The Coastal Commission took action on the following Projects on Abbot Kinney Boulevard, in the Venice Coastal Zone:

- In June 2019, the Commission found No Substantial Issue with an appeal of local Coastal Development Permit No. DIR-2015-2823-CDP-2A authorizing a Reversion of Acreage of 5,133 square foot of land including a 3,702 square foot parcel (Parcel 2) and a 1,431 square foot public easement area of an adjacent property (Parcel 1) to create one parcel, clarification and codification of a City-owned easement across Parcel 2, and minor landscape improvements within Parcel 2, including: 1) installation of a 3.5 foot high, 276 foot long "living fence" 2) 703 square foot of refinished decorative concrete for Venice Boulevard driveway; 3) 740 square foot of new decorative concrete adjoining the existing driveway; 4) a new swinging gate adjoining the Venice Boulevard driveway; and 5) new landscaping located at 1656 Abbot Kinney Boulevard. (Appeal No. A-5-VEN-19-0021).
- In December 2019, the Commission approved with conditions a Coastal Development Permit for the major remodel and addition of the existing 1,107 square foot single-family residence, including a 35-foot-high, 3-story, 4,111 square foot, single family residence located at 1209 Abbot Kinney Boulevard. (Application No. A-5-VEN-18-0033).
- In July 2018, the Commission found Substantial Issue on an appeal of local CDP No. DIR-2016-2330-CDP-MEL for the change of use and addition to a one-story, 1,107 square-foot residence to a three-story, 35-foot-high, 4,111 square foot, mixed-use artist-in-residence with office space on the ground floor, two on-site parking spaces, with two on-site bicycle parking stalls, located at 1209 Abbot Kinney Boulevard. (Application No. A-5-VEN-18-0-0033)

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. The above referenced projects are projects on Abbot Kinney Boulevard that were referred to the California Coastal Commission on appeal. Case No A-5-VEN-18-0033 is the most analogous project, where the California Coastal Commission approved with conditions a project for a remodel and addition on Abbot Kinney Boulevard.

- 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 property does not front any body of water nor does it impede on any access to the sea or shoreline. As conditioned, the proposed development will improve and enhance the pedestrian right-of-way adjacent to the property and will not conflict with any public access or public recreation policies of the Coastal Act.

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

In October 2020, a Mitigated Negative Declaration (ENV-2018-7014-MND) was prepared for the Proposed Project. On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the Proposed Project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The mitigation measures have been made enforceable by conditions on the project and a Mitigation Monitoring Program has been prepared. The MND was circulated on November 5, 2020 with a public comment period for the MND ending December 7, 2020. The Mitigated Negative Declaration and Mitigation Monitoring Program are provided in Exhibit C.

**7. Venice Coastal Zone Specific Plan Exception.**

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

The proposed project includes the remodel and addition to the existing three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space and a 704 square-foot addition of residential floor area, as well as improvements to remove and relocate (onsite) an existing single-family dwelling. The single-family dwelling is an eligible historic resource. The project requires three parking spaces for the new commercial floor area, two BIZ parking spaces and two spaces for the single-family dwelling. The subject site is substandard, with a width of 34 feet and fully developed with two structures, maintaining non-conforming setbacks and zero parking spaces.

Due to the physical site constraints, the applicant will remove and elevate the single-family dwelling 13 feet and 5.5 inches above its foundation to construct a carport below. The carport provides a maximum of five parking spaces: two sets in tandem (compact stalls) and one ADA compliant stall. The single-family dwelling maintains legally non-conforming parking (zero parking spaces). However, in order to provide the required parking for the new commercial floor area and preserve the integrity of the historic resource, the applicant must lift up the existing structure. In doing so, the structure loses its nonconforming parking rights.

As previously stated, the subject site is built-out with a three-story mixed-use structure at the front portion of the lot and a single-family dwelling at the rear portion of the lot, and there is no space to provide additional parking. Since the efforts to rehabilitate the Historic Resource serves a larger policy goal and the relocation of the single-family

dwelling does not increase the density onsite nor is the number of bedrooms increasing, the strict application of the parking regulations of the specific plan to the subject property would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the specific plan.

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

The subject site is substandard, with a width of 34 feet and fully developed with two structures, maintaining non-conforming setbacks and zero parking spaces. The rear structure is identified as an eligible historic resource. A Historical Resource Assessment was prepared by SWCA Environmental Consultants, dated December 11, 2019, with a supplemental letter dated January 30, 2020. The report determined that the rear building is individually eligible for listing in the National Register of Historic Places (NRHP), the California Register of Historic Resources (CRHR), and for designation as a Los Angeles Historic-Cultural Monument (HCM). The building conveys a strong visual sense of the overall historic environment of Abbot Kinney Boulevard during the period of pre-consolidation Venice and embodies distinctive characteristics of the Japanese-influenced Craftsman style. As such, the rear structure may not be demolished or significantly altered.

Due to the physical site constraints, the applicant will remove and elevate the single-family dwelling 13 feet and 5.5 inches above its foundation to construct a carport below. The carport provides a maximum of five parking spaces: two sets in tandem (compact stalls) and one ADA compliant stall. The single-family dwelling maintains legally non-conforming parking (zero parking spaces). However, in order to provide the required parking for the new commercial floor area and preserve the integrity of the historic resource, the applicant must lift up the existing structure. In doing so, the structure loses its nonconforming parking rights.

While many eligible historic resources exist within the Abbot Kinney Boulevard corridor and Specific Plan area, none are located at the rear portion of the lot and on a parcel developed with a three-story mixed-use structure. Furthermore, the lot is substandard in width and area. As such, there are exceptional circumstances and conditions that are applicable to the subject property that do not generally apply to other properties within the specific plan area.

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

The Project site is located in an urbanized area that was developed in the 1910s and 1920s, where structures were built to the property lines on small lots. The subject site has a frontage on Abbot Kinney Boulevard of 34 feet and an even depth of 105 feet providing of a total area of 3,570 square feet. Specifically, properties on Abbot Kinney Boulevard were developed on narrow lots, generally 30 feet in width. However, typically parcels zoned for light manufacturing use have a minimum lot size of 15,000 square feet.

The proposed project includes the remodel and addition to the existing three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space and

a 704 square-foot addition of residential floor area, as well as improvements to remove and relocate (onsite) an existing single-family dwelling. The single-family dwelling is an eligible historic resource. The project requires three parking spaces for the new commercial floor area, two BIZ parking spaces and two spaces for the single-family dwelling. The subject site is substandard, with a width of 34 feet and fully developed with two structures, maintaining non-conforming setbacks and zero parking spaces.

Due to the physical site constraints, the applicant will remove and elevate the single-family dwelling 13 feet and 5.5 inches above its foundation to construct a carport below. The carport provides a maximum of five parking spaces: two sets in tandem (compact stalls) and one ADA compliant stall. The single-family dwelling maintains legally non-conforming parking (zero parking spaces). However, in order to provide the required parking for the new commercial floor area and preserve the integrity of the historic resource, the applicant must lift up the existing structure. In doing so, the structure loses its nonconforming parking rights.

There are approximately 167 structures located on Abbot Kinney Boulevard between Main Street and Venice Boulevard, of which only 25 structures have been identified by SurveyLA as historic structures. As most of the properties on Abbot Kinney Boulevard are able to reinvest in their properties by adding new commercial space without the site plan constraints of a SurveyLA identified historic resource. As such, the ability to demolish or adaptively reuse a structure to provide parking is a substantial property right generally possessed by other properties within the specific plan area.

The request Variance allows the applicant to achieve parity with the other lots not containing a historic structure identified by SurveyLA. As such, the requested Exception is necessary for the preservation and enjoyment of a substantial property right.

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

As previously discussed, the property currently provides zero parking space. The single-family dwelling maintains legally non-conforming parking (zero parking spaces). However, in order to provide the required parking for the new commercial floor area and preserve the integrity of the historic resource, the applicant must lift up the existing structure. In doing so, the single-family dwelling loses its nonconforming parking rights and must provide two parking spaces.

The carport provides a maximum of five parking spaces for the increase in commercial floor area: two sets in tandem (compact stalls) and one ADA compliant stall. The applicant requests an Exception to provide zero parking spaces for the single-family dwelling, consistent to what is currently provided. Elevating the single-family dwelling and constructing a new foundation will not change the use or density on site. As such, granting an Exception to provide zero additional parking spaces for the existing single-family dwelling will not be detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the subject property. The project provides all required parking for the increase in commercial floor area, including additional bicycle parking spaces and one ADA compliant parking space.

- e. The granting of the exception is consistent with the principles, intent and goals of the Specific Plan and any applicable element of the General Plan.**

As previously stated, the proposed project includes the remodel and addition to the existing three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space resulting in the requirement to provide five (5) parking spaces and elevating the single-family dwelling 13 feet and 5.5 inches above its foundation to construct a carport. The proposed project provides the required parking spaces for the commercial floor area in the new carport. However, lifting the single-family dwelling from the existing foundation results in the loss of all nonconforming parking rights.

Section 13.B of the Venice Coastal Zone Specific Plan states:

*EXCEPTION. Any additions or alterations to the existing single-family or multiple dwelling shall not be required to comply with the parking standards set forth in this Section. However, if the addition or alteration results in an additional dwelling unit, the Parking Requirement Table in Subsection D and the requirements in Subsection E shall apply for the addition of a dwelling unit or units.*

*Venice Coastal Development Projects where more than 50 percent of the existing exterior walls are removed or replaced are considered demolitions and new constructions and are not subject to this exception.*

Further elaboration on additions and alterations to existing structures in the certified Venice Land Use Plan states:

*Policy I. E. 5. Nonconforming Structures. Where extensive renovation of and/or major addition to a structure is proposed and the affected structure is nonconforming or there is another nonconforming structure on the site, or a project is proposed that would greatly extend the life of a nonconforming structure or that eliminates the need for the nonconformity, the following shall apply:*

*Unless the City finds that it is not feasible to do so, the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LCP, unless in its nonconformity it achieves a goal associated with community character (i.e. the reuse and renovation of a historic structure) or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LCP.*

The intent of Section 13.B of the Venice Coastal Zone Specific Plan and the Policy I. E.5 of the certified Land Use Plan is to ensure projects that result in the intensification of use or an increase in density provides sufficient parking. In this instance, the removal of the structure off its foundation is consistent with extensive renovation and the loss of non-conforming parking rights. However, work to lift up the structure is necessary for the preservation and rehabilitation of the historic structure. The structure would be maintained onsite. Thus, granting the exception would be consistent with the goals and intent of the Specific Plan.

## **8. Project Permit Compliance Review**

- a. The project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan.**

The project consists of the remodel and addition to the existing 3,100 square-foot, three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space and a 704 square-foot addition of residential floor area to the existing four (4) dwelling units, resulting in a 4,525 square-foot, mixed-use structure with 1,398 square feet of

ground floor retail use, four (4) dwelling units and a new rooftop deck. The Project includes the rehabilitation and improvements to the existing 680 square-foot, single-family dwelling located at the rear portion of the lot, to raise the structure nine feet above its foundation and construct a carport with five (5) parking spaces. The structures are connected at the second floor with an open staircase and passageway.

The subject property is located within the North Venice Subarea of the Venice Specific Plan. The site is within the M1-1-O and (T)(Q)CM-1-O zones with a Limited Industrial land use designation. The surrounding area is characterized by level topography and with a developed street network. Properties to the north and east of Abbot Kinney Boulevard are zoned M1-1-O and (T)(Q)CM-1-O and developed with commercial, residential, and mixed-use structures that range from one to three stories. Properties to the south and west of Abbot Kinney Boulevard zoned C2-1-O-CA and developed with commercial, residential, and mixed-use structures that range from one to three stories. The proposed project is compatible in scale and character with the existing neighborhood, and would not be materially detrimental in scale and character to the immediate neighborhood. Except as discussed above, the proposed project meets the findings required by Section 8.C of the Venice Coastal Zone Specific Plan. The project complies with the applicable General Land Use and Development Regulations as set forth in Section 9, Land Use and Development Regulations for the North Venice Subarea as set forth in Section 10.F, and the Parking provisions as set forth in Section 13 of the Specific Plan as evidenced below:

*A. Section 8.C. Findings*

The project meets the required findings set forth in Section 8.C of the Venice Coastal Zone Specific Plan, as shown below:

- 1. 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 consists of an interior rectangular 3,150 square foot lot and a 420 square foot lot to the east for a total area of 3,570 square feet. The subject site sits on the north side of Abbot Kinney Boulevard, between Palms Boulevard on the west and Venice Boulevard on the east. The site is zoned M1-1-O and (T)(Q)CM-1-O, designated for Limited Manufacturing land uses. The proposed Project consists of the remodel and addition to the existing three-story mixed-use structure and includes the rehabilitation and improvements to the existing one-story single-family dwelling located at the rear portion of the lot, to raise the structure above its foundation and construct a carport. The proposed Project will not change the visual character of its surroundings because the subject site and surrounding properties are developed with one to three-story commercial and residential structures. The Project is located in an urbanized area, developed with residential and commercial uses. The proposed project maintains the character of the existing structures on the project site. As approved and conditioned, the project will not be detrimental to the adjoining properties or the immediate area.

- 2. The Venice Coastal Development Project is in Conformity with the Certified Venice Local Coastal Program.*

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 property is designated Limited Industrial in the Venice Local Coastal Program Land Use Plan and is zoned M1-1-O and (T)(Q)CM-1-O.

*Policy I.C.1 outlines the Industrial Land Use Development Standards. The Land Use Plan designates approximately 53 acres of land for Limited Industry land uses. It is the policy of the City to preserve this valuable land resource from the intrusion of other uses, and to ensure its development with high quality industrial uses. Commercial use of industrially designated land shall be restricted. Artist studios with residences may be permitted in the Limited Industry land use category. Adequate off-street parking shall be required for all new or expanded industrial land uses consistent with Policies II.A.3 and II.A.4. The design, scale and height of structures in areas designated for industrial land uses shall be compatible with adjacent uses and the neighboring community.* The proposed project includes the remodel and addition to the existing 3,100 square-foot, three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space and a 704 square-foot addition of residential floor area to the existing four (4) dwelling units, and the rehabilitation and improvements to the existing 680 square-foot, single-family dwelling located at the rear portion of the lot. The proposed zone change to CM is consistent with the Light Industrial land use designation, and the proposed project maintains the existing uses onsite.

*Policy II.A.3 outlines the Parking Requirements for the project. Single-Family Dwelling. Single-family dwellings on lots less than 35 feet in width are required to provide two spaces.* The subject site is 34 feet in width and adjacent to an alley. The removal of the single-family dwelling above its existing foundation results in the loss of nonconforming parking rights. The project is required to provide two parking spaces for the single-family dwelling. The mixed-use structure is non-conforming for parking, providing zero parking spaces. The improvements to this structure results the demolition of 40 percent of the exterior walls; as such, this improvement does not trigger the requirement to provide the additional parking. As discussed in Finding No. 7, the project qualifies for a Specific Plan Exception, zero parking spaces are required for the single-family dwelling.

*General Retail Store. One space for each 225 square feet of floor area.* The project proposes 641 square-feet of new retail floor area. Three new parking spaces are required and provided in the new carport.

*Policy II.A.4 outlines the Parking Requirements for the Beach Impact Zone. Commercial and Industrial Projects. Commercial and industrial projects in the Beach Impact Zone shall provide one additional parking space for each 640 square feet of floor area of the ground floor. Up to 50% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces.* As shown in Exhibit A, the total Ground Floor area is 1,398 square feet which would require two Beach Impact Zone Parking spaces. The applicant will provide two parking spaces and may pay \$18,000 into the Venice Coastal Parking Impact Trust Fund in lieu of one physical parking space.

3. *The applicant has guaranteed to keep the rent levels of any Replacement Affordable Units at an affordable level for the life of the proposed project and to register the Replacement Affordable Unit with the Los Angeles Housing Department.*

The project consists of the remodel and addition to the existing four-unit structure and the rehabilitation and improvements to the existing one-story single-family dwelling located at the rear portion of the lot, to raise the structure above its foundation and construct a carport. The Housing and Community Investment Department of Los

Angeles (HCIDLA) determined in a letter dated September 20, 2019, that no affordable units exist. As such, no Replacement Affordable Units are proposed or required for this project.

4. *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).*

No Replacement Affordable Units are proposed or required for this project. The project consists of improvement to a four-unit structure and the rehabilitation and improvements to the existing one-story single-family dwelling (demolition and new construction). 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 one new Residential Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments and complies with the Mello Act, as set forth in California Government Code Sections 65590 and 65590.1.

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.* The project site consists of one existing M-1 zoned lot and part of a second CM-1 zoned lot on Abbot Kinney Boulevard, in the North Venice Subarea. The project does not propose the consolidation of any lots. Therefore, the proposed project is in conformance with Section 9.A of the Specific Plan.
2. *Height.* The height of the structure is measured from the centerline of Abbot Kinney Boulevard and is conditioned to conform to the standards of measurement as outlined in Section 9.B of the Specific Plan.
3. *Roof Structures.* The project does not propose any Roof Access Structures. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function do not exceed the height limit by more than five feet. Therefore, the proposed project is in conformance with Section 9.C of the Specific Plan.

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

1. *Density. Commercial Zones.* No residential Venice Coastal Development Project on a commercially zoned lot shall exceed the density permitted in the R3 Zone. The proposed project will maintain the existing 4-unit mixed use building and single-family dwelling. Therefore, the density of the property complies with Section 10.F.2 of the Specific Plan.
2. *Height. Venice Coastal Development Projects with a Flat Roof shall not exceed a maximum height of 30 feet; or 35 feet for Venice Coastal Development Projects with Varied Rooflines, provided that any portion of the roof that exceeds 30 feet is set back from the required front yard at least one foot in depth for every foot in height above 25 feet.* As shown in Exhibit A, the project proposes a flat roofline for the mixed-use structure at the front of the lot with a maximum height of 30 feet measured from the centerline of Abbot Kinney Boulevard. The rear single-family

dwelling proposes a varied roofline with a maximum height of 30 feet measured from the centerline of Abbot Kinney Boulevard. As such, the project complies with Section 10.F.3 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. Vehicular access is provided from the rear alley, Irving Tabor Court. As such, the project complies with Section 10.F.5 of the Specific Plan.

#### D. *Section 13.B. Parking Exception*

*Exception. Any additions or alternation to the existing single-family or multiple-family dwelling are not subject to the Parking Requirements Table in Section 13.D, unless the addition or alterations will result in a new dwelling unit or where more than 50 percent of the existing exterior walls are removed or replaced.* As shown in Exhibit A, the project will affect (remove, alter, or enclose) 40 percent, less than 50 percent of the existing exterior walls of the second and third floor dwelling units. Therefore, the applicant is not required to provide any new parking spaces for the four existing residential units.

#### E. *Section 13.D. Parking Requirement Table*

*Single-Family Dwelling. Single-family dwellings on lots less than 35 feet in width are required to provide two spaces.* The subject site is 34 feet in width and adjacent to an alley. The removal of the single-family dwelling above its existing foundation would result in the loss of nonconforming parking rights. The project is required to provide two parking spaces for the single-family dwelling. As discussed in Finding No. 7, the project qualifies for a Specific Plan Exception, zero parking spaces are required for the single-family dwelling.

*General Retail Store. One space for each 225 square feet of floor area.* The project proposes 641 square-feet of new retail floor area. Three new parking spaces are required and provided in the new carport.

#### F. *Section 13.E. Beach Impact Zone Parking Requirements*

*Commercial and Industrial Projects. One parking space for each 640 square feet of floor area of the Ground Floor for commercial and industrial Venice Coastal Development Projects. In lieu of physically providing the spaces, a fee of \$18,000.00 per space may be paid for up to 50 percent of the total number of parking spaces required in this subdivision. Provided, however, that no payment shall be allowed in lieu of any parking space required by LAMC Section 12.21 A4. All fees shall be paid into the Venice Coastal Parking Impact Trust Fund.* As shown in Exhibit A, the total Ground Floor area is 1,398 square feet which would require two Beach Impact Zone Parking spaces. The applicant will provide two parking spaces and may pay \$18,000 into the Venice Coastal Parking Impact Trust Fund in lieu of one physical parking space.

- 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.**

In October 2020, a Mitigated Negative Declaration (ENV-2018-7014-MND) was prepared for the Proposed Project. On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial

evidence that the Proposed Project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The mitigation measures have been made enforceable by conditions on the project and a Mitigation Monitoring Program has been prepared and will be adopted as part of the project approval. The MND was circulated on November 5, 2020 with a public comment period for the MND ending December 7, 2020. The Mitigated Negative Declaration and Mitigation Monitoring Program are provided in Exhibit C.

## **9. Mello Act Compliance Review**

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 and construction of one Residential Unit in the Coastal Zone (single-family dwelling to be lifted off the existing foundation). A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated September 20, 2019 concluded that no affordable units exist at the project site. HCIDLA reviewed data from November 2015 to November 2018. As such, no Replacement Affordable Units are proposed or required for this project.

### **b. Categorical Exemptions (Part 2.4) Small New Housing Developments**

The project proposes the construction of one (1) new Residential Unit. 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 one (1) new Residential Dwelling Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

## **10. Waiver of Dedications and/or Improvements**

### **a. The dedication or improvement requirement does not bear a reasonable relationship to any project impact.**

The proposed project includes the remodel and addition to the existing 3,100 square-foot, three-story, mixed-use structure comprised of a 641 square-foot addition of commercial space and a 704 square-foot addition of residential floor area to the existing four (4) dwelling units. The proposed project does not increase the density of the subject site and the increase in commercial square footage is relatively insignificant. According to the Mitigated Negative Declaration, the proposed project will only result in an increase in daily Vehicle Miles Traveled (VMT) from 391 miles to 554 miles. As such, the proposed project will not have a significant impact on circulation patterns in the Venice Community Plan area. Therefore, the dedication requirement does not bear a reasonable relationship to the project impact.

**b. The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.**

Abbot Kinney Boulevard, adjoining the subject site to the south is designated an Avenue III, requiring a dedicated width of 72 feet public right-of-way consisting of a 46 feet roadway width and 13 feet sidewalk/parkway width. The actual right-of-way width is approximately 70 feet in width with a roadway width of approximately 50 feet and a sidewalk/parkway width of approximately 10 feet. Abbot Kinney Boulevard is improved with an asphalt roadway, gutter, curb, and sidewalk. The Mobility Plan 2035, identifies Abbot Kinney Boulevard as part of the Neighborhood Enhanced Network and located in a Pedestrian Enhanced District.

Further the segment of Abbot Kinney Boulevard between Main Street and Palms Boulevard is designated an Avenue III Modified where the Street Standards recommends a public right of way of 70 feet with 10 feet sidewalks. This modification to the Street Standards is to support the designation of Abbot Kinney Boulevard as a Pedestrian Priority District.

In summary, adherence to the Street Standard for an Avenue III for a dedication requirement for 4 foot in length by 3-foot 6 inch in depth of land along the property frontage to allow for the construction of a 13-foot concrete sidewalk is not necessary to meet the City's mobility needs and would serve no practical impact to increasing the width of the path of travel for pedestrians.

**c. The dedication or improvement requirement is physically impractical.**

The subject site consists of an interior rectangular 3,150 square-foot lot with a frontage of 30 feet and a 420 square-foot lot (Arb 2) with a frontage of 4 feet. The site is developed with a three-story mixed-use structure that is built to the front property line and extends more than half the width of the current site.

The proposed 3-foot 6-inch dedication for a portion of the 420 square feet portion (Arb 2) of the project site would not be practical, as the sidewalk could not be widened for such a small portion of the street. The existing building at the subject site fronting Abbot Kinney Boulevard is built to the property line and the abutting property to the east is also built at the 0-foot setback, as allowed by the Municipal Code. Nonetheless, the improvements to the existing sidewalk -- without the dedication requirement -- are practical, and as such are included as conditions of approval.

In summary, adherence to the Street Standard for an Avenue III for a dedication requirement for 4 foot in length by 3-foot 6 inch in depth of land along the property frontage to allow for the construction of a 13-foot concrete sidewalk is impractical and would serve no practical impact to increasing the width of the path of travel for pedestrians.

## **ADDITIONAL MANDATORY FINDING**

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