

FINDINGS

As amended by the West Los Angeles Area Planning Commission on October 20, 2021.

Coastal Development Permit

In order for a Coastal Development Permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative.

1. The development is in conformity with Chapter 3 of the California Coastal Act of 1976.

The subject site is a flat, rectangular property of approximately 3,392 square feet. The subject site is a corner lot, with a frontage of 40 feet on Abbot Kinney Boulevard and a uniform depth of 84.74 feet on Santa Clara Avenue. The rear property line adjoins Irving Tabor Court (alley). The subject site is zoned C2-1-O-CA and designated Community Commercial within the Venice Community Plan. The subject property is located in the Single-Permit Jurisdiction of the Coastal Zone, North Venice subarea of the Venice Coastal Zone Specific Plan and the Los Angeles Coastal Transportation Corridor Specific Plan Area. It is also located within the Calvo Exclusion Area, Liquefaction area, Methane Zone and approximately 4.91 kilometers from the Santa Monica Fault Line. The subject site is not located within 500 feet of any school or park. The subject site is located in a Transit Priority Area. The subject site is improved with a duplex constructed in 1922 and a single-family dwelling constructed in 1912.

The neighborhood and properties immediately surrounding the property are zoned C2-1-O-CA and RD1.5-1 and developed with one-story to three-story commercial structures on Abbot Kinney Boulevard and one-story to three-story residential structures in the neighborhood across Electric Avenue.

The applicant is requesting a Coastal Development Permit authorizing the demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square-foot, three-story, mixed-use structure with one subterranean parking level (automated parking system) comprised of two residential dwelling units, one accessory dwelling unit, 1,587 square feet of retail space; 13 parking spaces and eight (8) bicycle spaces are provided. The applicant is also requesting a Project Permit Compliance Review, Mello Act Compliance Review and a Zone Variance for the removal of the requirement for an onsite loading zone.

The property to the east has a land use designation of General Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial structure with a retail use. The property to the west, across Santa Clara Avenue, has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial structure with a retail use. The property to the north, across Irving Tabor Court has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is improved with an automobile surface public parking lot. The property to the south, across Abbot Kinney

Boulevard, has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial building with a retail use.

There are 20 structures on lots located on the north side of Abbot Kinney Boulevard between San Juan Avenue and California Avenue and 17 structures on lots on the south side of Abbot Kinney Boulevard between Aragon Court and Andalusia Avenue. This segment of Abbot Kinney Boulevard is predominately one-story in character with 27 one-story structures, primarily constructed in the 1920s. Recent construction includes two two-story structures and 8 three-story structures.

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 provisions 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 subject site is located within an area of Los Angeles that has been urbanized since the 1920s. Moreover, the subject site is not located within an area known for 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 area.

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 is located in a neighborhood developed in the 1920s. The subject site is improved with a duplex constructed in 1922 and a single-family dwelling constructed in 1912. The neighborhood and properties immediately surrounding the property are zoned C2-1-O-CA and RD1.5-1 and developed with one-story to three-story commercial structures on Abbot Kinney Boulevard and one-story to three-story residential structures in the neighborhood across Electric Avenue. The existing structures on the subject site are served by water, sewer and electrical utility lines. The proposed project will connect to these existing services. As such, the proposed project will not overload the existing capacity of public services or infrastructure. Therefore, the project will be located in an existing developed area contiguous with similar residential and commercial uses and will not have a significant adverse impact on coastal resources.

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 neighborhood and properties immediately surrounding the property are zoned C2-1-O-CA and RD1.5-1 and developed with one-story to three-story commercial structures on Abbot Kinney Boulevard and one-story to three-story residential structures in the neighborhood across Electric Avenue.

The property to the east has a land use designation of General Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial structure with a retail use. The property to the west, across Santa Clara Avenue, has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial structure with a retail use. The property to the north, across Irving Tabor has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is improved with a City-owned surface public parking lot. The property to the south, across Abbot Kinney Boulevard, has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial building with a retail use.

There are 20 structures on lots located on the north side of Abbot Kinney Boulevard between San Juan Avenue and California Avenue and 17 structures on lots on the south side of Abbot Kinney Boulevard between Aragon Court and Andalusia Avenue. This segment of Abbot Kinney Boulevard is predominately one-story in character with 27 one-story structures, primarily constructed in the 1920s. Recent construction includes two two-story structures and 8 three-story structures.

The subject site and surrounding area are relatively flat with no views to and along the ocean; no natural land forms will be altered as part of the project. The proposed improvements will not obstruct any views or compromise the scenic or visual qualities of the area in which it is located. As such, this project does not impact the scale and character of the neighborhood and does not alter any existing views or change the visual character of the surrounding area.

The consideration of whether a project will have significant adverse effects, either individually or cumulatively, on coastal resources is given if the proposed project is located in an area not able to accommodate it. Such areas would need to have adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The neighborhood and properties immediately surrounding the property are zoned C2-1-O-CA and RD1.5-1 and developed with one-story to three-story commercial structures on Abbot Kinney Boulevard and one-story to three-story residential structures in the neighborhood across Electric Avenue.

In addition, a discussion of cumulative impacts can also be found in the CEQA Finding.

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 subject site is located approximately half of a mile east of Venice Beach and not located between the first public road and the sea. Moreover, the property is located along a commercial corridor served by public transit and all required parking is provided onsite. The site is located in a Transit Priority Area. No permanent structures would be placed within the public right-of-way and public access to the coast would not be impacted. As such, public access to the sea will not be affected.

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 within a Liquefaction area, Methane Buffer Zone and within 4.91 kilometers from 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 geologic and methane hazard areas.

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 will 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). However, any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review.

The certified Venice Land Use Plan contains the following preservation of Venice as a Special Coastal Community:

Policy I.E.1. General. Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

Policy I.E.2. Scale. New Development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer, and setback) shall be encouraged. All new development and renovations shall respect the scale, massing, and landscape of existing residential neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

Policy I.E.3. Architecture. Varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

The above-referenced policies are applicable to new Development in the Venice

Coastal Zone. Policies I.E.1 and I.E.3 encourage a diversity in architectural style and building materials. The proposed structure incorporates a modern design with a curved roofline. Similar to the Section 30251 of the Coastal Act, Policy I.E.2 addresses the importance of visual compatibility with the scale and character of existing development, specifying that scale refers to bulk, height, buffer, and setback.

This site is developed with a one-story commercial structure with a retail use. The property to the north, across Irving Tabor has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is improved with a City-owned surface public parking lot. The property to the south, across Abbot Kinney Boulevard, has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial building with a retail use. There are 20 structures on lots located on the north side of Abbot Kinney Boulevard between San Juan Avenue and California Avenue and 17 structures on lots on the south side of Abbot Kinney Boulevard between Aragon Court and Andalusia Avenue. This segment of Abbot Kinney Boulevard is predominately one-story in character with 27 one-story structures, primarily constructed in the 1920s. Recent construction includes two two-story structures and 8 three-story structures. The subject site and surrounding area are relatively flat with no views to and along the ocean; no natural land forms will be altered as part of the project. The proposed improvements will not obstruct any views or compromise the scenic or visual qualities of the area in which it is located.

As such, this project does not impact the scale and character of the neighborhood and does not alter any existing views or change the visual character of the surrounding area.

Further, the proposed project complies with the development standards outlined in Policy I.B.3 to I.B.7 of the LUP, which outline development standards for development in commercial land use designations. Therefore, the proposed project complies with Policy I.E.1, I.E.2, and I.E.3 of the LUP.

The certified LUP includes policies and Implementation Strategies for the intensity and location of new development and preservation of Venice as a Special Coastal Community. The subject site has been designated Community Commercial by the certified LUP. Policy I.B.7 provides the Commercial Development Standards. The Special Coastal Community protections (Policies I.E.1 to I.E.6) are embedded in the Commercial Land Use and Development Standards (Policies I.B.1 to I.B.7) of the certified LUP.

As such, the proposed project is consistent with the Special Coastal Community by directing new growth to areas that can accommodate new housing. In short, the proposed project will not result in adverse cumulative effect because the certified LUP anticipates and encourages the intensification of these commercially zoned lots.

Further the social diversity of Venice is to be protected as a Special Coastal Community pursuant to Coastal Act Section 30253 and LUP Policy I.E.1. No affordable units were identified at the subject site. Further, the Coastal

Commission adopted an Environmental Justice Policy on March 8, 2019, which states the Commission will work with local governments to adopt local coastal program policies that allow for a broad range of housing types including affordable housing, ADUs, transitional/supportive housing, homeless shelters, residential density bonuses, farmworker housing, and workforce/employee housing, in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act. The Department is in the process of preparing a Local Coastal Program for the Venice Coastal Zone. Consistent with the guidance provided in the Commission's Policy, the City will work with Coastal Commission staff to incorporate policies consistent with the Environmental Justice Policy.

As conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

The proposed use would have no adverse impacts on public access, recreation, public views or the marine environment, as the property is located within a developed residential area and located approximately half of a mile from Venice Beach. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed mixed-use development will not block any designated public access views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

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

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory.

The proposed project is consistent with the following policies of the Land Use Plan:

Policy I. B. 3. Commercial Artcraft Land Use Designation. The purpose of this land use designation is to create enclaves in which the artisan segments of the population may live, create, and market their work, to maintain the variety and distinctiveness of Venice's lifestyles. Residential density in the Commercial Artcraft designation shall not exceed one unit per 800-1200 square feet of lot area. Land designated Commercial Artcraft in the Venice Coastal Zone shall include the following areas:

North Venice: As indicated on the Land Use Policy Maps (Exhibits 10a and 10b), properties located along Abbot Kinney Boulevard from North Venice Boulevard to

Westminster Avenue, along Windward Avenue from Ocean Front Walk to Pacific Avenue, and along Ocean Front Walk in that vicinity, including a small site at North Venice Boulevard and Pacific Avenue.

Uses: Artcraft activities including mixed-use, combining residential and commercial uses which emphasize artist-in-residence uses, small businesses, light industrial and artisan activities are permitted in these areas. Drive-thru facilities and billboards shall be prohibited in the Commercial Artcraft land use designation.

Policy 1. B. 7: The following standards shall apply in all commercial land use designations, unless specified elsewhere within this Land Use Plan.

Density/Intensity: Maximum Floor Area Ratio (FAR)

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

Parking: See Land Use Plan Policies II.A.3 and II.A.4.

Building Separation: A minimum of five feet between commercial and residential buildings (except for mixed-use projects).

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

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

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

At least 50% of the area of the ground floor Street Wall shall be devoted to pedestrian entrances, display windows, and/or windows affording views into retail, office, gallery, or lobby space. Blank walls shall be limited to segments of 15 feet in length, except Venice Local Coastal Program that walls containing a vehicle entry shall be limited to the width of the door plus five feet.

All projects shall provide at least one pedestrian entrance into each business or use for each street frontage.

Access: Driveways and vehicular access to projects shall be provided from alleys unless the Department of Transportation determines that it is not possible. New and existing curb cuts shall be minimized in order to protect and maximize public on-street parking opportunities.

Trash: Projects shall be required to provide and maintain trash enclosures for all trash including recyclables.

Light: Lighting from commercial projects shall be directed away from residential properties and environmentally sensitive habitat areas

All lighting equipment installed in the public right-of-way shall be designed to minimize glare and light trespass. Equipment will be approved by the Bureau of Street Lighting.

The proposed project will include a ground floor retail space and two dwelling units and one accessory dwelling unit (ADU) on the second and third floors. The project will provide all required parking on-site including 12 parking spaces in a fully automated subterranean parking garage that is accessed from Irving Tabor Court (alley), one accessible space on the ground level and two parking spaces substituted for with the provision of 8 bike parking spaces.

The project is allowed a maximum density of two dwellings and a maximum F.A.R. of 1.5:1. The Accessory Dwelling Unit is an accessory use and is not calculated when measuring density. As such, the proposed project does not exceed the allowable density for the lot. The proposed project has a F.A.R. of 1.47:1

Policy II.A.3: As indicated in the Parking Requirement Table, the area for general retail require one parking space for every 225 square feet of area. Retail uses are one parking space for 225 square foot of floor area. Two parking spaces and one-fourth of a parking spaces for each dwelling unit within a multiple-family structure. In addition, Beach Impact Zone (BIZ) parking spaces is required for ground floor commercial uses, and one parking space is required for the Accessory Dwelling Unit. As such, the proposed project provides 13 parking spaces onsite. Therefore, the proposed parking count is consistent with Policy II.A.3.

Use	Floor Area/ Units	Parking Ratio	Required Parking
Residential Units	2	2 per unit	4
Accessory Dwelling Unit	1	1 per unit	1
Guest Parking	--	.25 per unit	1
Retail	1,587 SF	1 per 225 SF	7
Beach Impact Parking	1,587 SF	1 per 640 SF	2
Total Parking Required			15
Less Bike Swap Per LAMC 12.21-A.4			-2
Total Parking Provided			13

The proposed demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure is consistent with the policies of the Land Use Plan and the standards of the Specific Plan 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.

3. **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 the 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 Regional Interpretive Guidelines have been reviewed and the proposed project is consistent with the requirements for the North Venice Subarea; the project also complies with the policies of the LUP and other applicable provisions of the Specific Plan. As such, the proposed project, as conditioned, is consistent with the Regional Interpretive Guidelines.

4. **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.**

This section of the California Public Resources Code provides that prior decisions of the California Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

The project consists of the demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure with one subterranean parking level (automated parking system), comprised of two residential dwelling units, one accessory dwelling unit, 1,587 square feet of retail space, with 13 parking spaces and eight (8) bicycle

parking spaces provided onsite, **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 residential projects in the Venice Coastal Zone:**

- In March 2019, the Commission approved a Coastal Development Permit with conditions for the demolition of a two-story, 2,300 square foot multi-family dwelling and the construction of a new three-story, 4,584 square foot mixed-use building with retail space, an accessory dwelling unit, a single-family residence, with an attached five-car garage, four bicycle spaces and roof decks in the dual permit jurisdiction, located at 3011 Ocean Front Walk (Application No. 5-18-0212 & A-5-VEN-18-0017).
- In December 2018, the Commission found No Substantial Issue with a Coastal Development Permit issued by the City of Los Angeles for the construction of a two-story addition to a 961 square foot, one-story single-family dwelling resulting in a two-story, 3,083 square foot single-family dwelling with an attached two-car garage, in the single permit jurisdiction, located at 2334 Frey Avenue (Application No. A-5-VEN-18-0066).
- In October 2018, the Commission found No Substantial Issue with a Coastal Development Permit issued by the City of Los Angeles for the demolition of an 855 square foot, one-story single-family dwelling and the construction of a three-story over basement, 3,753 square foot mixed-use development consisting of 759 square feet of ground floor retail use, a 2,092 square foot residential unit on the second floor, a rooftop deck, and an attached four-car garage, in the single permit jurisdiction, located at 706 Hampton Drive (Application No. A-5-VEN-18-0054).
- In August 2018, the Commission approved a Coastal Development Permit for the demolition of a one-story, single-family dwelling and the construction of a two-story, 3,001 square-foot, single-family dwelling with an attached two-car garage and rooftop deck, in the single permit jurisdiction, located at 2412 Clement Avenue (Appeal No. A-5-VEN-17-0072).
- In November 2017, the Commission approved a Coastal Development Permit for the demolition of a one-story single-family dwelling and the construction of a two-story, 3,084 square-foot single-family dwelling with a rooftop deck and attached garage in the single permit jurisdiction, located at 2801 Sanborn Avenue (Application No. 5-17-0590).
- In August 2017, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's approval of a coastal development permit for the demolition of a two-story single-family dwelling and construction of a new two-story, 3,004 square foot single-family dwelling, in the single permit jurisdiction, located at 2318 Clement Avenue (Appeal No. A-5-VEN-15-0036).
- In June 2017, the Commission approved an Administrative Permit for the major

remodel and addition to a one-story, 793 square foot single-family home, resulting in a two-story, approximately 26-foot high 1,454 square foot single-family residence; four uncovered parking spaces will be maintained on the 4,802 square-foot lot, located at 756 Sunset Avenue (Application 5-17-0258).

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.

5. **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 regard 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.

Section 30250 of the Coastal Act states the following regarding an existing developed area:

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 subject property is not located between the nearest public road and the shoreline of any body of water located within the coastal zone, the site is located approximately a half of a mile east of Venice Beach. No work is proposed in the

right of way, the project will not interfere with public access to the coast. The development is consistent with the referenced policies as it consists of the demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure on a street zoned for commercial and residential uses and is developed with similar uses; the zoning of the property allows such a development and there is no adjoining public access point or public recreation facility that will be affected by this request.

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

A Categorical Exemption, ENV-2020-5333-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act. The proposed project consists of the demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure with one subterranean parking level (automated parking system) comprised of two residential dwelling units, one accessory dwelling unit, 1,587 square feet of retail space, with 13 parking spaces, in the single-permit jurisdiction of the Coastal Zone. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines, Sections 15303 (Class 3 New Construction) and 15332 (Infill Development).

The Class 3 categorical exemption allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; this includes one single-family residence, or a second dwelling unit in a residential zone. As previously discussed, the construction of a new 4,990 square foot three-story mixed-use structure with one subterranean parking level (automated parking system) comprised of two residential dwelling units, one accessory dwelling unit, 1,587 square feet of retail space. The site is zoned C2-1-O-CA and has a General Plan Land Use Designation of Community Commercial.

A project qualifies for a Class 32 (In-fill Development) Categorical Exemption if it is developed on an in-fill site and meets the following five criteria: a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) the project site has no value as habitat for endangered, rare or threatened species; d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and e) the site can be adequately served by all required utilities and public services. The project qualifies for a Class 32 Categorical Exemption (In-fill Development) as an infill project, as evidenced below:

- a) The site currently is developed with two, one-story, structures. The site is zoned C2-1-O-CA and has a General Plan Land Use Designation of Community Commercial. The project consists of the construction of a new 4,990 square foot three-story mixed-use structure with one subterranean parking level (automated parking system) comprised of two residential

dwelling units, one accessory dwelling unit, 1,587 square feet of retail space.

- b) The site is wholly within the City of Los Angeles and is completely surrounded by urban uses. The proposed project is located in a neighborhood developed in the 1920s. The subject site is improved with a duplex constructed in 1922 and a single-family dwelling constructed in 1912. The neighborhood and properties immediately surrounding the property are zoned C2-1-O-CA and RD1.5-1 and developed with one-story to three-story commercial structures on Abbot Kinney Boulevard and one-story to three-story residential structures in the neighborhood across Electric Avenue.
- c) The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. The project site is currently developed with two, one-story structures. The area around the site is highly urbanized and surrounded by residential use. NavigateLA shows that the subject site is not located in a Significant Ecological Area. The site has been developed since at least 1912 with commercial and residential uses and has no value as a habitat for endangered, rare or threatened species.
- d) The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce any potential impacts on noise and water quality to less than significant. The creation of noise is limited to certain decibels, restricted to specific hours.

The Project Site is within a Transit Priority Area (TPA), established by Senate Bill 743, for a project within one-half mile of a major transit stop. Therefore, pursuant to Public Resources Code Section 21099(d)(1), aesthetic and parking impacts of a mixed use infill project in a TPA shall not be considered significant impacts on the environment.

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

The Project will require compliance with the City of Los Angeles pollutant discharge, dewatering, storm water mitigations; and Best Management Practices for storm water runoff. These RCMs will reduce any potential impacts on water quality to less than significant levels.

- e) The project site will be adequately served by all public utilities and services given that the property is located in an urban tract with water supply, water treatment, sewage and waste disposal infrastructure, and power lines. The

area surrounding the project is developed with a mix of commercial and multiple family dwellings, thereby making the project site contiguous with and in close proximity to existing developed areas that are served by utilities and public services. The street is accessible to emergency vehicles. As such, no significant impact on the capacity of existing utilities and services is anticipated.

Furthermore, the Exceptions outlined in Public Resources Code Section 15300.2. do not apply to the project:

- a) Cumulative Impact. The project is consistent with the type of development permitted for the area zoned C2-1 and designated Community Commercial use. The proposed demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- b) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typical to commercial development, no unusual circumstances are present or foreseeable.
- c) Scenic Highways. The project site is not located on or near a designated state scenic highway.
- d) Hazardous Waste Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- e) Historical Resources. The subject site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA, 2015), the project is not listed on the National or California Register of Historic Places, or identified as a Historic Cultural Monument (HCM).

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

Project Permit Compliance Findings

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

The project consists of the demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure with one subterranean parking level (automated parking system) comprised of two residential dwelling units, one accessory dwelling unit, 1,587 square feet of retail space, and 13 parking spaces, in the single-permit

jurisdiction of the Coastal Zone. As conditioned, the proposed project complies with the applicable General Land Use and Development Regulations set forth in Section 9, Land Use and Development regulations for the North Venice Subarea set forth in Section 10.F, and the Parking provisions 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.*

As conditioned, the proposed project is compatible with the character and scale of the existing neighborhood, which is characterized as an area with both residential and commercial uses. The project consists of the demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure with one subterranean parking level (automated parking system) comprised of two residential dwelling units, one accessory dwelling unit, 1,587 square feet of retail space, and 13 parking spaces, in the single-permit jurisdiction of the Coastal Zone. The neighborhood and properties immediately surrounding the property are zoned C2-1-O-CA and RD1.5-1 and developed with one-story to three-story commercial structures on Abbot Kinney Boulevard and one-story to three-story residential structures in the neighborhood across Electric Avenue.

The property to the east has a land use designation of General Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial structure with a retail use. The property to the west, across Santa Clara Avenue, has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial structure with a retail use. The property to the north, across Irving Tabor Court has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is improved with a City-owned surface public parking lot. The property to the south, across Abbot Kinney Boulevard, has a land use designation of Community Commercial and is zoned C2-1-O-CA. This site is developed with a one-story commercial building with a retail use.

There are 20 structures on lots located on the north side of Abbot Kinney Boulevard between San Juan Avenue and California Avenue and 17 structures on lots on the south side of Abbot Kinney Boulevard between Aragon Court and Andalusia Avenue. This segment of Abbot Kinney Boulevard is predominately one-story in character with 27 one-story structures, primarily constructed in the 1920s. Recent construction includes two two-story structures and 8 three-story structures. As such, the proposed development 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 subject property is designated Community Commercial in the Venice Local Coastal Program Land Use Plan and is zoned C2-1-O-CA. The LUP states that both residential and commercial uses are appropriate for the areas with the Community Commercial Land Use Designation.

Policy 1.B.6 of the LUP further states the uses permitted: "Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1,200 square feet of lot area."

The proposed project will result in a mixed use building with 1,587 square feet of retail use on the ground floor and two residential dwelling units and one Accessory Dwelling Unit (ADU) on the second and third floors. The project is consistent with the zoning and the intent and purposes of the certified Land Use Plan and the Venice Coastal Zone Specific Plan, which make up the Venice Coastal Program. The project complies with all applicable provisions of the Certified Land Use Plan, specifically Policy I.B.7, which outlines development standards and intensities for commercial projects in the Venice Specific Plan area.

Density: Commercial zones are limited to the residential density permitted in the R3 zone (1 unit per 800 square feet of lot area). The lot size is 3,392 square feet and is therefore restricted to a maximum of two dwelling units. The proposed project provides two dwelling units and an Accessory Dwelling Unit (ADU). For the purposes of calculating allowable density, ADU's are not included in that measurement.

Height: In the North Venice, Subarea projects may have a Varied Roofline with a maximum height of 35 feet, measured from the centerline of the street. The building shall have a maximum height of 35 feet with a varied roofline whereby that portion of the roof that exceeds 30 feet is set back from the required step back at least one foot in depth.

Setback: The ground floor shall comply with the Venice Coastal Zone Specific Plan, Section 11.B.1.a, whereby the ground floor of retail/commercial use is built to the lot line. The residential portion of the proposed development incorporates a 5 foot setback on the East, West, and South side of the 2nd and 3rd floors and a 9-foot, 3 ½- inch setback on the North side of the 3rd floor which will mitigate the visual impact of the structure and maintain compatibility with the scale of the nearby structures.

Access: Vehicle access is provided at the rear, along Irving Tabor Court (alley).

Parking: The Specific Plan requires 15 vehicle parking spaces. The project meets this parking requirement by providing 12 parking spaces in a subterranean automated parking structure, one Accessible space at-grade and 2 spaces will be replaced by 8 bicycle parking spaces.

The subject property is designated Community Commercial in the Venice Local Coastal Program Land Use Plan and is zoned C2-1-O-CA. The proposed project resulting in a building containing retail use at the front and residential units on the second and third floor is consistent with the intent and purposes of the Land Use Plan and the Venice Coastal Specific Plan, which make up the Venice Coastal Program.

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.*

No on-site affordable dwellings have been documented. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated September 13, 2016, concluded that no affordable units exists at the project site. HCIDLA reviewed data from July 2013 to July 2016.

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

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

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

B. Section 9. General Land Use and Development Regulations

1. *Lot Consolidation.* The project does not propose the consolidation of any lots and therefore is in conformance with Section 9.A of the Venice Coastal Specific Plan.
2. *Height.* As shown in "Exhibit A", the height of the structure is measured from the centerline of Abbot Kinney Boulevard. The project height and railing height conform to the standards of measurement as outlined in Section 9.B of the Venice Coastal Specific Plan.

3. *Roof Structures.* No Roof Access Structure is proposed. Solar equipment, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet.

C. Section 10.F. North Venice

1. *Height.* The subject project features a varied roofline and shall not exceed the maximum height of 35 feet. For portions featuring a flat roofline, the height shall not exceed 30 feet. Height is measured from the centerline of Abbot Kinney Boulevard.
2. *Access.* Driveways and vehicular access to project site shall be provided from Irving Tabor Court (alley).

D. Section 13. Parking

1. *Parking.* The Specific Plan requires 15 vehicle parking spaces. The project meets this parking requirement by providing 12 parking spaces will be provided in a subterranean automated parking structure, one Accessible space at-grade and 2 spaces will be replaced by 4 bicycle parking spaces.
8. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Categorical Exemption, ENV-2020-5333-CE, has been prepared for the proposed project consistent, with the provisions of the California Environmental Quality Act and the CEQA Guidelines.

The Categorical Exemption prepared for the proposed project is appropriate pursuant to Section 15303 (Class 3 – New Construction) and 15332 (Class 32 – In-Fill Development) of the CEQA Guidelines. A detailed environmental disclosure is provided in Finding No. 6 of this determination

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:

2. *Demolitions and Conversions (Part 4.0)*

The project includes the demolition of a one-story single-family dwelling and a one-

story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure comprised of two residential dwelling units, one accessory dwelling unit, 1,587 square feet of retail space in the Coastal Zone. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated September 13, 2016 concluded that no affordable units exists at the project site. HCIDLA reviewed data from July 2013 to July 13, 2016.

3. New Housing Developments (Part 5.0).

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

Zone Variance Findings

In order for a Variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

11. **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.**

The project site is located within the C2-1-O-CA Zone and within the Venice Coastal Zone Specific Plan (Subarea A - North Venice), and is designated for Community Commercial land uses by the Venice Community Plan. Properties on Electric Avenue to the north of the project site are zoned RD3-1 and RD1.5-1, designated for Low Medium I and II Residential land uses and are occupied by two- and three-story apartment buildings and single-family homes. Properties along Abbot Kinney Boulevard to the east, west and south of the Property are zoned C2-1-O-CA, designated for Community Commercial land uses, and are occupied by one, two and three-story commercial buildings.

Pursuant to LAMC Section 12.14-C, 4 and 12.21-C, 6(a), a loading space shall be provided where a lot within a C Zone abuts an alley. The subject request is to waive the requirement for a loading zone for the project site as it would prevent the applicant from enjoying reasonable use of the property. The proposed project includes the demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure with one subterranean parking level (automated parking system) comprised of two residential dwelling units, one accessory dwelling unit, 1,587 square feet of retail space, and 13 parking spaces, in the single-permit jurisdiction of the Coastal Zone.

The denial of the request would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the code.

Development potential is drastically reduced by physical attributes of the development site. The lot (3,392.4 sq. ft.) is only 40 feet in width and 84 feet 10 inches in depth which is 32% smaller than conforming lots by today's standards. Due to the limited lot size, parking must be provided through an automated system. The loading bay and ADA parking requirements that are needed for this type of development make it physically impossible to provide the suggested loading space.

The strict application of the code requiring the loading space would impair/prevent the applicant from developing the lot as would normally be allowed on a larger (conforming) lot. The entry way to the subterranean parking level and the area on the surface of the lot dedicated to an Americans with Disabilities Act required 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.

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

Currently there are no loading zones located on Abbot Kinney Boulevard. None of the existing or newly developed commercial buildings on all sides of Abbot Kinney offer loading zones. Both commercial and residential deliveries are made from either the alley, the red zones, or the center median along Abbot Kinney Blvd.

The lot which is roughly 40' in width and less than 85' in depth poses physical limitations, which make it difficult to provide a loading space and all required parking spaces.

The Venice Specific Plan additionally requires that access to parking is from the rear alley. This limits layout and access options. Because the applicant must use a fully automated parking system to comply with parking requirements and parking must be accessed from the rear of the lot, it is physically impossible to provide a commercial loading space that meets the 400 square foot requirement. The proposed commercial space will maintain the same delivery practices of other commercial uses along Abbot Kinney Boulevard today. Deliveries are typically in small delivery vehicles not exceeding 19' in length. Many deliveries to the area are unloaded from the existing alley or the center median of Abbot Kinney Boulevard.

The project site, if used to its fullest potential, will continue to add to the vibrancy and character of Venice and Abbott Kinney Boulevard. Though the purpose of the loading zone was to keep delivery trucks from blocking the alley, it should be pointed out that the alley in question also is lined on its northeasterly side by a public parking lot and is adjacent to a public street with on-street parking. Thus, there is ample parking in the area for deliveries without having a major impact on the required yard or the blocking of the alley. Thus, as described above, the strict application of the zoning code would result in unnecessary hardships inconsistent with the general purpose and intent of the LAMC.

12. **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 subject site is unique as it was originally developed as a single-family home and a duplex. For several decades, these residences have been used for commercial purposes. There are no parking spaces or commercial loading spaces provided. The lot (3,392.4 sq. ft.) is only 40 feet in width and 84 feet 10 inches in depth which is 32% smaller than conforming lots by today's standards. Due the limited lot size, the proposed mixed-use project must provide parking through an automated system. The loading bay and ADA requirements that are needed for this type of development make it physically impossible to provide the suggested loading space as the ADA parking space and the access to the automated parking take up the entire rear lot line.

Typically, parcels throughout the City of Los Angeles which are zoned C2 are larger and have a minimum lot size of 5,000 sf. Commercial uses in a C2 zone are required to provide commercial loading spaces which must be accessed from the alley. The subject site is within the City of Los Angeles, but also falls under requirements of the Venice Specific Plan. Under this plan, the applicant is required to provide access to all parking from the alley. It is physically infeasible to provide the required commercial loading space and required parking as proposed in a subterranean garage or at grade for the ADA compliant space in any configuration.

The area was developed in a time when there was not a lot of vehicle traffic, and structures were typically built to the property lines. Specifically, along Abbot Kinney Boulevard commercial properties were developed on undersized lots. During this time the properties were built along a 20-foot-wide alley which is used daily for commercial loading and is also adjacent to a public parking lot.

Abbot Kinney Boulevard is a mile-long stretch of popular shops, restaurants, and galleries, stretching from Venice Boulevard to Pacific Avenue, and it is home to shops selling one-of-kind local goods as well as internationally recognized brands. It is a popular spot for nightlife and enjoyment, and continues to be a focal point for pedestrian activity in the Venice Community. Special circumstances applicable to the project site include the following site constraints: the small size of the Property, including limited frontage along Abbot Kinney Boulevard at 40 feet. The lot which is roughly 40' in width and less than 85' in depth poses physical limitations which make it difficult to provide a loading space and all required parking spaces. The Venice Specific Plan additionally requires that access to parking is from the rear alley. This limits layout and access options. Because the applicant must use a fully automated parking system to comply with parking requirements and parking must be accessed from the rear of the lot, it is physically impossible to provide a commercial loading space that meets the 400 square foot requirement.

13. **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.

Development potential of the lot is drastically reduced by size of the lot which is 32% smaller than conforming lots by today's standards. The lot is only 40 feet in width and 84 feet 10 inches in depth. The granting of the request is necessary due to physical limitations of the existing and proposed development in the area. 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. The parking lot located along Irving Tabor has limited hours and therefore commercial loading has no impact on these spaces if coordinated as such. The requirement to provide a loading area is not intended to reduce or limit development.

Because much of Abbot Kinney Boulevard has been developed to the lot lines, none of the commercial buildings on this block provide a full-time 400 square foot commercial loading area on-site. Instead, deliveries are made to these businesses from the Irving Tabor Court alley which is to the rear of the lot in question, from the center median of Abbot Kinney, and often times delivery drivers use the Red Curb Zones in front of the stores to make quick deliveries to these spaces. 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 regulations a normal delivery shall not exceed 20 minutes.

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. This particular block face of Abbot Kinney Boulevard is developed with mixed use buildings which have both residential and commercial uses. Except for a commercial structure on the corner of Abbot Kinney Boulevard and California Avenue, none of these structures have loading zones adjacent to the alley. The proposed commercial space will maintain the same delivery practices along Abbot Kinney Boulevard today. Deliveries are typically in small delivery vehicles not exceeding 19' in length. 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.

14. **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 project site is located within the Venice Specific Plan. 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 buildings on the site are currently and have 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. The parking lot located along Irving Tabor has limited hours and therefore commercial loading has no impact on these spaces if coordinated as such. The requirement to provide a loading area is not intended to reduce or limit development.

As previously mentioned, the deliveries which are made to the commercial shops along Abbot Kinney Blvd are typically very small, consisting of only a few packages and are typically delivered by UPS or FedEx type vans, 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 have loading zones adjacent to the alley except for a commercial building with a parking lot at the intersection with California Avenue. It should also be pointed out that the Venice Coastal Specific Plan does not require loading zones for rehabilitated buildings.

15. 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 ("Community Plan") and the Venice Coastal Zone Specific Plan ("Specific Plan"). The underlying Community Commercial designation will remain intact.

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 Community Commercial land uses with the corresponding zone of C2, 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. Additionally, the proposed use is consistent with the underlying C2 Zone. The requested grant, by definition, is subject to conditions imposed by the Zoning Administrator and specifically crafted to mitigate any potential negative effects of the proposed variance. Granting the request to waive the requirement for a loading zone 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 an existing structure in a commercial district further strengthen the economic stability of the immediate area. Furthermore, the General Plan supports the maintenance of the commercial base of the City and occupancy of vacant leaseholds and the request is consistent with such goals.

ADDITIONAL MANDATORY FINDINGS

16. 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 an area outside of the Flood Zone.