



DEPARTMENT OF CITY PLANNING

APPEAL RECOMMENDATION REPORT

West Los Angeles Area Planning Commission

Date: October 20, 2021
Time: After 4:30 p.m.*
Place: Due to concerns over COVID-19, this public hearing will be conducted telephonically and will allow for remote public comment.

The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at <https://planning.lacity.org/about/commissions-boards-hearings> and/or by contacting apcwestla@lacity.org

Public Hearing: Required
Appeal Status: Zone Variance further appealable pursuant to LAMC Sec 12.27-M
Expiration Date: Subject to Mayor's Public Order, Tolling of Deadlines

PROJECT LOCATION: 1301 and 1303 Abbot Kinney Boulevard

PROPOSED PROJECT: 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 dwelling units, one attached accessory dwelling unit, 1,587 square feet of retail space; 13 parking spaces are provided, in the single-permit jurisdiction of the Coastal Zone;

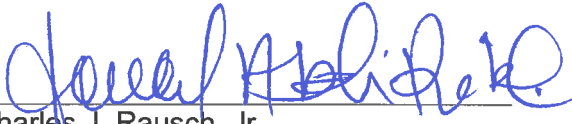
REQUESTED ACTIONS: An appeal of the Zoning Administrator's determination to approve a Coastal Development Permit pursuant to Los Angeles Municipal Code (LAMC) Section 12.20.2, a Project Permit Compliance Review pursuant to LAMC Section 11.5.7, and a Mello Act Compliance Review pursuant to Government Code Sections 65590 and 65590.1 and City of Los Angeles Interim Mello Act Administrative Procedures; and an appeal of the Categorical Exemption ENV-2020-5333-CE.

Case No.: ZA-2015-1155-SPP-CDP-MEL-ZV-1A
CEQA: ENV-2020-5333-CE
Council No.: 11 – Bonin
Plan Area: Venice
Specific Plan: Venice Coastal Zone – North Venice
Certified NC: Venice
GPLU: Community Commercial
Zone: C2-1-O-CA
Appellant No. 1: Citizens Preserving Venice
Appellant No. 2: Margaret Molloy
Applicant: Richard Gottlieb & Spalding Commercial LLC
Representative: Laurette Healey City Land Use, Inc.

RECOMMENDED ACTIONS:

1. **DETERMINE** that, based on the whole of the administrative record, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Sections 15303 and 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. **DENY** the appeal.
3. **SUSTAIN** the determination of the Zoning Administrator to conditionally approve a Coastal Development Permit, Project Permit Compliance Review, Mello Act Compliance Review and Zone Variance for the proposed project in the Single Permit Jurisdiction of the Coastal Zone.

VINCENT. P. BERTONI, AICP
Director of Planning

For 
Charles J. Rausch, Jr.
Associate Zoning Administrator

CR:FR:JO:EG:IB

ADVICE TO PUBLIC: * The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300)*. While all written communications are given to the Commission for consideration, the initial packets are sent to the Commission's Office a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to the agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request at least seven (7) days prior to the meeting by calling the Area Planning Commission Office at (213) 978-1300

TABLE OF CONTENTS

Project Analysis A-1

- Project Summary
- Appeal Points and Staff Responses
- Conclusion

Exhibits:

- Exhibit A Appeal Applications
 - Citizens Preserving Venice
 - Margaret Molloy

- Exhibit B ZA-2015-1155-SPP-CDP-MEL-ZV
 - Zoning Administrator’s Determination
 - Project Plans Stamped “Exhibit A”
 - HCIDLA Mello Act Determination

- Exhibit C Environmental Clearance ENV-2020-5333-CE

PROJECT ANALYSIS

PROJECT SUMMARY

The subject site is a flat, rectangular property approximately 3,392 square feet in size. The 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, the 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, Flood Zone AE (EL 8) 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 Zoning Administrator approved a Coastal Development Permit, Project Permit Compliance Review, and Mello Act Compliance Review authorizing the demolition of the one-story single-family dwelling and the one-story duplex on the site, 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 dwelling units, one attached Accessory Dwelling Unit (ADU), 1,587 square feet of retail space, and 13 parking spaces. The Zoning Administrator also approved a Zone Variance to remove the requirement for an onsite loading space.

APPEAL POINTS AND STAFF RESPONSES

The Zoning Administrator issued a decision letter on March 22, 2021, approving Case No. ZA-2015-1155-SPP-CDP-MEL-ZV. Two appeals were filed in a timely manner on April 5, 2021, from Citizens Preserving Venice and Margaret Molloy. Below is a summary of the appeal points relevant to the Zoning Administrator's Decision and staff's response.

APPEAL NO. 1: CITIZENS PRESERVING VENICE

Appeal Point No. 1-1

The ZA erred and abused his discretion in determining there are no existing affordable units and in approving a demolition of a residential structure for purposes of a commercial use.

Staff Response

Affordable Replacement Units

The Appellant contends that *HCID and City Planning are violating the Mello Act and the IAP by using the existing unpermitted, illegal commercial use that is a violation of the Mello Act (conversion from residential to commercial is not allowed) as a basis to conclude that no affordable units exist at the project site. There would never be an affordable unit when basing a finding on an existing commercial use that is violating the Mello Act as the analysis must be based on housing data and not commercial tenant data.*

The Housing and Community Investment Department (HCIDLA), not the Los Angeles Housing Department (LAHD), issued a Mello Act Determination letter, dated September 13, 2016, stating the following:

Owner provided commercial lease agreements for all units commencing on July 14, 2013 to August 5, 2016 in which the monthly rental checks provided averaged above the moderate level of Schedule VII. From April 2015 to January 2016, the single family dwelling was vacant according to owner. Owner provided the Department of Water and Power utility bills for the single family dwelling which shows that the utility usage was near zero for this time period. Under the City of Los Angeles Department of Planning Parcel Profile Report (ZIMAS) database, the property is zoned as a C2 - Commercial. Under the Code, Compliance and Rent Information System (CRIS), inspectors' attempts to inspect the property on July 9, 2008 and July 27, 2012, but each time the inspector determined that the property was used as a business instead of a residential property based on their visual inspection.

Based on the information provided by the owner, the residential property was used as a commercial property and the monthly rental amount collected was above the moderate of schedule VII making the units not affordable.

As provided in Part 4.4 of the Interim Administrative Procedures (IAP):

LAHD has sole responsibility for determining whether any existing Residential Units are Affordable Existing Residential Units...LAHD has the authority to specify the processes Applicants must follow in order for the occupant income determination process to be successfully completed.

Based on the review of information submitted by the applicant, HCIDLA determined “the residential property was used as a commercial property and the monthly rental amount collected was above the moderate level of schedule VII making the units not affordable.” As such, no affordable units exist on the site.

A Mello Act application was filed with HCIDLA on July 11, 2016. Consistent with policy at the time, HCIDLA reviewed data for three years from the date the application was filed with HCIDLA. The issue of unpermitted activity is outside the scope of the Mello Act and IAP. There are existing code enforcement procedures in place to address unpermitted activity.

Mixed Use

The Appellant contends that *the demolition of a residential structure for purposes of a commercial use is prohibited by the Mello Act. A mixed-use project is a commercial use and is not two separate projects, one commercial and one residential. A mixed use is considered a commercial use in the certified Land Use Plan and for any zoning purpose.*

Part 4.1 of the IAP states:

Question #1. Will residential structures be demolished or converted for purposes of a non-residential use?

Part 1.3 of the IAP provides an overview of the Mello Act and its three basic rules. Rule 1 provides:

Existing residential structures shall be maintained, unless the local jurisdiction finds that residential uses are no longer feasible. A local jurisdiction may not approve the Demolition

or Conversion of residential structures for purposes of a non-Coastal-Dependent, non-residential use, unless it first finds that a residential use is no longer feasible at that location.

Attachment 1 of the IAP provides the following definitions:

“Coastal-Dependent, Non-Residential Use” means any nonresidential development or use that is dependent on a Coastal-Dependent Non-Residential Use.

“New Housing Development” means the development of one or more Residential Units for rent or sale, through either construction of new structures, additions to existing structures, or the adaptive reuse of existing, non-residential structures.

“Residential Unit” means a dwelling unit, efficiency dwelling unit, or joint living and work quarters as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC); a mobilehome, as defined in Section 18008 of the California Health and Safety Code; a mobilehome lot in a mobilehome park as defined in Section 18214 of the California Health and Safety Code; or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the California Health and Safety Code.

Further, the Mello Act and the IAP does not explicitly prohibit the replacement of residential structures for mixed-use structures.

The proposed Project includes the demolition of three existing dwelling units within two residential buildings, and the construction of a new mixed-use building containing a 1,587 square-foot, commercial (retail) use at the ground level and two levels with residential uses, two dwelling units and one ADU. As such, the proposed project does not result in a nonresidential development or use.

As discussed in Finding Nos. 9 and 10 of the Determination Letter, the project is consistent with the applicable provisions of the Mello Act and IAP. The Appellant does not provide substantial evidence to support their claim that the Zoning Administrator erred or abused its discretion and substantial evidence supports the Mello Act Compliance Review findings.

Appeal Point No. 1-2

The decision maker erred and abused his discretion in that his Findings do not adequately or correctly address Coastal Act Sections 30251 and 30253 and cumulative impacts.

Staff Response

Coastal Act Sections 30251 and 30253(e)

The Appellant contends that *there is no mention in the determination of the fact that the Coastal Commission has designated Venice as a Special Coastal Community and a Coastal Resource to be protected...The fact is that this project would harm the Special Coastal Community and Coastal Resource of Venice and the historic section of Abbot Kinney Blvd as it is materially out of scale with the surrounding neighborhood.*

As discussed in Finding No. 1 of the Zoning Administrator’s Determination, 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 subject site and the existing structures have not been identified as a historic resource (SurveyLA, 2015), the project

is not listed on the National or California Register of Historic Places nor is it identified as a Historic Cultural Monument (HCM).

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. 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 project does not propose a building height that is not already present in on this commercial block.

The property is not listed in SurveyLA, although it is within the Abbot Kinney Boulevard Commercial Planning District, which is identified as significant “as an example of early-20th century neighborhood commercial development in Venice [but] does not retain sufficient integrity or cohesion to qualify as a historic district...” A historic resource assessment prepared by ASM Affiliates, dated February 19, 2016, determined that the bungalow residence is not a good representation of the themes within the Craftsmen Movement in comparison with other intact examples of such themes. As such, the report recommended that the structure is not eligible as an individual resource under various criteria. The Office of Historic Resources concurred with this recommendation.

The appellant provides there is no mention of Venice as a Special Coastal Community in the Determination. Staff provides additional analysis of Policy I.E.1, Policy I.E.2, and Policy I.E.3, as follows:

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. As discussed in Finding No. 1 of the Determination Letter, *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.* As discussed in Finding No. 2 of the Determination, 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 Appellant contends that the loss of the existing affordable housing would significantly change the character and social diversity of the neighborhood. 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.

As discussed in Finding No. 9, 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.

Cumulative Impacts

The Appellant contends that *the cumulative adverse impacts of this proposed project are not considered, which is an error and abuse of discretion...One of the primary issues for this project is the potential adverse cumulative impacts to community character. Venice has been identified by the Coastal Commission as a unique Coastal Resource. The cumulative impacts of the development, including the loss of replacement affordable housing stock, would have significant impacts on the community character of Venice, which is a significant coastal resource that would be adversely affected by this project.*

Section 30250 of the Coastal Act states:

(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.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

As discussed in Finding No. 1 of the Director's Determination, the project is located within, contiguous with, and in close proximity to existing developed areas able to accommodate it. The property is zoned C2 and designated for Community Commercial land uses. 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.

As discussed above, 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 reviewing existing development and recent zoning actions proximate to the site, 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.

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

Therefore, the Director of Planning did not err, and substantial evidence supports the findings that the project is in conformity with Chapter 3 of the Coastal Act.

Use of ADU does not maintain density

The Appellant contends that *with respect to ADUs, there is no requirement in the law for the owner to rent the ADU as a separate unit, and the facts on the ground are that many and perhaps most, especially when attached to the single-family dwelling as in this case, incorporate the ADU as a part of their single-family dwelling as an extra bedroom, playroom, den, office, etc., resulting in what amounts to a larger single-family dwelling than would otherwise be permitted by zoning regulations.*

The project proposes a new 4,990 square-foot three-story mixed-use structure with one subterranean parking level comprised of two residential dwelling units (Unit A: 1,120 square feet and Unit C: 1,159 square feet), one attached ADU (Unit B: 1,124 square feet) and 1,587 square feet of retail space. ADUs are not subject to the density limitations in the Specific Plan and LAMC.

Venice Coastal Zone Specific Plan Section 10.F.2.b (North Venice Subarea) states:

Commercial Zones. No residential Venice Coastal Development Project on a commercially-zoned lot shall exceed the density permitted in the R3 Zone.

LAMC Section 12.10-C.4 (R3 Zone) states:

Lot Area – Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet. The minimum lot area per dwelling unit shall be 800 square feet. However, where a lot has a width of less than 50 feet or an area of less than 5,000 square feet and was held under separate ownership or was of record as of September 23, 1956, and the lot was created in conformance with the Subdivision Map Act, the lot may be occupied by any use permitted in this section, except for those uses explicitly requiring more than 5,000 square feet of lot area. In no case, however, shall more than two dwelling units be permitted where a lot has an area of less than 4,000 square feet.

LAMC Section 12.03 provides the following definition of an ADU:

ACCESSORY DWELLING UNIT (ADU). An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. ADUs include efficiency units as defined in Section 17958.1 of the Health and Safety Code, manufactured homes as defined in Section 18007 of the Health and Safety Code, and Movable Tiny Houses.

The subject site is located in the North Venice Subarea and C2 zone, with a total lot area of 3,392 square feet. Based on the density limitations of the Specific Plan, the commercially zoned site is limited to the density of the R3 zone. The total lot area is less than 4,000 square feet, as such, density is limited to a maximum of two dwelling units.

The project includes an attached ADU, which is permitted with existing or proposed single or multi-family dwellings and is not included in the calculation of density. As defined in LAMC Section 12.03, ADUs are “residential dwelling units,” and from a functional standpoint there is no distinction between the floor plans for Units A, B and C. As such, the Project results in three dwelling units with no loss of residential units in the Coastal Zone.

Further, the development standards and requirements for ADUs are provided by State law [Government Code Section 65852(e)(1)] and are permitted by right by the Government Code.

Appeal Point No. 1-3

The Section 8.C. Finding 1. is in error as the project is not compatible in scale and character with the existing neighborhood and thus it would be materially detrimental to adjoining lots and the immediate neighborhood.

Staff Response

The appellant contends that *the loss of these two historic buildings will harm the existing distinctive feel that conveys a strong sense of time and place of the area. The proposed new project would compromise the scenic or visual scale and character of the neighborhood and would change the visual character of the surrounding area.*

As discussed in Finding No. 1 of the Zoning Administrator's Determination and response to Appeal Point No. 1-2, the proposed structure is consistent and visually compatible with the area and deemed not to have a significant impact on the integrity of the neighborhood.

Appeal Point No 1-4

They [applicant] have gotten a "free pass" on their illegal commercial use of the property for the past six years.

Staff Response

The appellant contends that *this is a loophole in the process and a well-known strategy for evading code enforcement for violation of a C of O in order to continue with an unpermitted use.* The issue of unpermitted activity is outside the scope of the requested actions to facilitate the proposed development. The Department of Building and Safety has the authority for code enforcement activity. Any complaints about violations of certificates of occupancy should be registered with the Department of Building and Safety. As provided in the Zoning Administrator's Determination and this report, the required findings have been made to approve the requested actions for the proposed project.

APPEAL NO. 2: MARGARET MOLLOY APPEAL

Appeal Point No. 2-1

As with other recent DCP approvals, on Abbot Kinney in particular, yet again, there is no reference to concurrent nearby development applications on Abbot Kinney, the loss of RSO housing, cumulative impact, intensification of use, infrastructure issues, and the cumulative impact of so many concurrent approvals that involve "conversion" of residential housing to other uses, explicitly prohibited by the Mello Act, and that proposed intensification of use, changing the comment character, and negative impacts, particularly on the adjacent historic Black Oakwood community.

Staff Response

As discussed in Staff's Response to Appeal Point Nos. 1-2 and 1-4, the project is consistent with the applicable provisions of the Mello Act and IAP, and Coastal Act Sections 30251 and 30253. A list of recently approved entitlements referenced in the background section informed the letter

of determination. The Appellant provides general statements and does not provide substantial evidence to support the claim that the Zoning Administrator erred or abused their discretion.

CONCLUSION

Upon in-depth review and analysis of the issues raised by the appellant for the proposed project, no substantial evidence exists of errors or abuse of discretion committed by the Zoning Administrator in regards to the appeal points raised. The appeal cannot be substantiated and therefore should be denied.

Staff recommends the Commission deny the appeal and sustain the determination of the Zoning Administrator to approve a Coastal Development Permit, Project Permit Compliance Review, Mello Act Compliance Review and Zone Variance for a project comprised 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 attached ADU, and 1,587 square feet of retail space. Staff also recommends the Commission find that the project is Categorically Exempt pursuant to the California Environmental Quality Act.

ZA-2015-1155-SPP-CDP-MEL-ZV-1A

Exhibit A -- Appeal Applications

A.1 - Citizens Preserving Venice

A.2 - Margaret Molloy



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission
 City Planning Commission
 City Council
 Director of Planning
 Zoning Administrator

Regarding Case Number: ZA-2015-1155-SPP-CDP-MEL-ZV

Project Address: 1301-1303 Abbot Kinney Blvd/1409 Santa Clara Ave, Venice

Final Date to Appeal: April 6, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
 Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved

Person affected by the determination made by the **Department of Building and Safety**

- Representative Owner Aggrieved Party
 Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: CITIZENS PRESERVING VENICE

Company/Organization: % Robin Rudisill, Treasurer

Mailing Address: 3003 Ocean Front Walk

City: Venice State: CA Zip: 90291

Telephone: 310-721-2343 E-mail: wildrudi@mac.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self Other: _____

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? Entire Part

b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Robin Rodesell Date: 4-5-21

Treasurer, Citizens Preserving Venice

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

b. Electronic Copy

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

Citizens Preserving Venice

April 6, 2021

1301-1303 Abbot Kinney Blvd/1409 Santa Clara Ave
ZA-2015-1155-SPP-CDP-MEL-ZV
Appeal Justification

A. HOW APPELLANTS ARE AGGRIEVED BY THE DECISION

Appellant Citizens Preserving Venice (CPV) is a 501(c)3 organization with the goals of preserving the character and scale of Venice as a Special Coastal Community, including its history and its social, cultural, racial and economic diversity, and of stabilizing affordable housing in Venice. Appeals have been our most effective tool in pursuing our goals.

The efforts of CPV are for the purpose of significant benefits for the general public interest in stabilizing affordable housing in the Venice Coastal Zone and preserving and protecting Venice from the forces causing over development and destruction of Venice's Special Coastal Community character, *which is to be preserved and protected by law*. Strong and proper enforcement of the Mello Act and the Coastal Act is crucial to achieving these goals.

CPV will be adversely impacted by the Project and the determination because it has a substantial interest in ensuring that the City's decisions are in conformity with the requirements of law, and in having those requirements properly executed and the public duties of City officials enforced as they relate to application of the California Coastal Act, the certified Venice Land Use Plan (LUP), the Mello Act and the City's Mello Act Interim Administrative Procedures (IAP), and other laws that protect the quality of life in the Venice community.

As further detailed in the Appeal points below, CPV is harmed as the project does not protect housing in the Venice Coastal Zone nor does it preserve existing affordable housing stock as required under the Mello Act, which also harms the Special Coastal Community social character of Venice.

B. MELLO ACT COMPLIANCE DETERMINATION

1. Affordable Replacement Units:

Both HCID and City Planning are violating the Mello Act and the IAP by using the existing unpermitted, illegal commercial use that is a violation of the Mello Act

(conversion from residential to commercial is not allowed) as a basis to conclude that no affordable units exist at the project site. There would never be an affordable unit when basing a finding on an existing commercial use that is violating the Mello Act as the analysis must be based on housing data and not commercial tenant data. The City is not only violating the Mello Act requirement that a residential use cannot be converted to a commercial use (there has been an illegal change of use) but the City is also violating the Mello Act and IAP requirements for determining whether there are existing affordable units. See attached **EXHIBIT A for erroneous HCID letter**.

The City **MUST** stop this pattern and practice of violating the Mello Act and thereby robbing the Venice Coastal Zone of millions of dollars' worth of affordable units that would otherwise be available for the current lower income population. This pattern and practice by the City of basing determinations of affordable units on the rent of an existing illegal commercial use is not only violating the letter and the spirit of the Mello Act law but it is also a form of institutional racism as the majority of the lower income population is minorities.

The City's actions are directly causing the loss of millions of dollars' worth of affordable housing, for the direct benefit of developers and resulting in the direct loss of Venice's lower income population due to evictions with no available replacement units in the community.

The City must go back to the last residential use to determine affordability, and if those records are not available then the rule and practice is that the units must be assumed to be affordable. Assuming that the units will be deemed affordable, as the three RSO units are part of a triplex (see attached **EXHIBIT A**) there is no feasibility requirement, and the affordable units must be replaced.

2. Mixed Use:

Demolition of a residential structure for purposes of a commercial use is prohibited by the Mello Act. A mixed-use project is a commercial use and is not two separate projects, one commercial and one residential. A mixed use is considered a commercial use in the certified Land Use Plan and for any zoning purpose.

Government Code 65590(b) states:

"The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent," as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location."

For purposes of this project, the City interprets the Mello Act as this:

The conversion or demolition of any residential unit or use for purposes of a nonresidential use which is not "coastal dependent," as defined in Section 30101 of the

Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location."

The City cannot exceed its jurisdiction by changing the wording and the meaning of the Mello Act in order to provide for Mixed Uses replacing 100% residential structures. One of the three main goals of the state Mello Act is to protect all housing, both affordable and market rate, from conversion to non-residential use (see IAP 1.3 Rule 1.). "Structure" and "unit or use" are very different things. The Mello Act specifically and obviously uses the word "structure" in order to protect and maintain 100% residential structures and uses in the Coastal Zone, no matter the zoning. The Mello Act is clear, and the City cannot change this state law.

The City's logic that there would not be a conversion of the residential use if the mixed-use building has the same number of units is also faulty as even if the number of residential units or uses is not changed, there would still be the issue of a demolition of a residential structure for purposes of a nonresidential use and that is specifically not allowed under the Mello Act. In other words, even if the residential units or use is maintained by replacing the same number of units, a 100% residential structure is being demolished for the purpose of a nonresidential use, *which is explicitly not allowed.*

This interpretation of the Mello Act by the City allowing conversions to mixed use not only exceeds its jurisdiction by changing the words, intent and/or meaning of the Mello Act but the proposed changes would also change the wording, intent and meaning of the IAP, which is the City approved document in effect as the direct result of a Settlement Agreement for a lawsuit against the City re. it's implementation of the Mello Act. This change by the City would make the IAP less protective by allowing conversions of 100% residential structures to mixed use commercial uses if the number of units remains the same.

In addition, the Mello Act is blind to zoning as it specifically protects housing in any zone. Demolition of a residential structure for purposes of a mixed-use project is not allowed in a residential zone or in a commercial zone. A project in a commercial zone that demolishes a single-family or multi-family residential structure to construct a mixed-use structure with the same number of residential units does not preserve the residential structure and it changes the residential character of both the structure and the surrounding area. If it was allowed to convert or demolish residential structures for such commercial uses, residential structures currently in commercial zones would be quickly demolished and replaced by more lucrative commercial uses, with the cumulative impact of a significant loss of housing.

The City has approved some projects where a residential structure is demolished for purposes of a mixed use, on the basis that the new project will have the same number of residential units. However, these approvals violated the law as the Mello Act prohibits the demolition of a residential structure (which of course includes the units or uses in them) for purposes of a nonresidential, commercial use, whether or not the project replaces the number of existing units in the residential structure. Thus, because

the units within the structures are being demolished for purposes of a nonresidential, commercial use, the demolition is not allowed.

The ZA erred and abused his discretion in determining there are no existing affordable units and in approving a demolition of a residential structure for purposes of a commercial use.

C. COASTAL DEVELOPMENT PERMIT

1. Coastal Act Sections 30251 and 30253(e):

The decision maker erred and abused his discretion in that his Findings do not adequately or correctly address Coastal Act Sections 30251 and 30253.

Coastal Act Section 30251 Scenic and visual qualities states:

"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 landforms, to be visually compatible with the character of surrounding areas..."

Coastal Act Section 30253(e) Minimization of adverse impacts states:

"New development shall...where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses."

There is no mention in the determination of the fact that the Coastal Commission has designated Venice as a Special Coastal Community and a Coastal Resource to be protected. The project requires the demolition of a duplex built in 1922 and a single-family dwelling built in 1912, which is relevant to its evaluation under Coastal Act Section 30253.

Preservation of Cultural Resources Policy I. F. 1. Historic and Cultural Resources states:

"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 following buildings, streets, and trees have been identified through the coordinated efforts of surveys performed by the Venice Historical Society, Venice Community, State Coastal Conservancy and City of Los Angeles as significant architectural, historical and cultural landmarks in the Venice Coastal Zone."

The list referenced includes Abbot Kinney Boulevard between Venice Boulevard and Brooks Avenue, where this project is located.

Also, as the ZA states on page 12, “this segment of Abbot Kinney Boulevard is predominately one-story in character with 27 (73%) one-story structures, primarily constructed in the 1920’s.” The fact is that this project would harm the Special Coastal Community and Coastal Resource of Venice and the historic section of Abbot Kinney Blvd as it is materially out of scale with the surrounding neighborhood. The loss of these two historic buildings will harm the distinctive feel that conveys a strong sense of time and place of the area, and thus the character of the area. The ZA’s conclusion on page 14 is incorrect as the proposed new project would compromise the scenic or visual scale and character of the neighborhood and would change the visual character of the surrounding area and thus violates Coastal Act Section 30251.

In addition, the loss of the existing affordable housing would significantly change the character and social diversity of the neighborhood. 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. The proposed development is inconsistent with LUP Policy I.E.1., which protects the social (and architectural) diversity of Venice as a Special Coastal Community pursuant to Section 30253(e) of the Coastal Act, and Coastal Act Sections 30604(f)(g)(h) of the Coastal Act, which require encouraging lower cost housing opportunities, as the CDP determination authorizes the removal of multiple rent-stabilized units and sets an adverse precedent for future development by not protecting affordable housing, resulting in displacement of lower-income residents and thereby disrupting the social diversity and community character of this area and prejudicing the City’s ability to prepare an LCP.

As per current Executive Director of the Coastal Commission, Jack Ainsworth, at a hearing on August 12, 2015 (416-418-422 Grand Blvd):

“...the certified Land Use Plan...includes really robust policies for protection of affordable housing. And they require replacement at a one-to-one ratio within the community, very robust, but they reference the Mello Act...one of the reasons why they have such protective policies of affordable housing was that in the LUP they make the connection of a very socially diverse community as being sort of the fabric of that community and the character of that community and that supports that idea of this diverse community. So, if you don’t have this affordable housing...you lose the character of Venice which everyone comes from around the world to experience.”

In addition, the California Legislature amended the Coastal Act, specifically Section 30604, for the Commission to consider environmental justice (as defined in Sections 30113 and 30107.3) and encourage lower cost housing opportunities. The Coastal Commission’s Environmental Justice Policy states:

“The Commission recognizes that the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast, limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness.”

The project is not consistent with the Special Coastal Community protection policies of the Coastal Act with respect to social diversity, which is directly impacted by the loss of

affordable housing, and thus the project would prejudice the City's ability to prepare an LCP in the future.

2. Cumulative Impacts:

The Director's Determination is silent on the adverse cumulative effect of this project. Not including such an analysis was recently found by two Superior Court judges in separate cases to invalidate each project's Coastal Development Permit. Also, the Coastal Commission has prepared its own adverse cumulative effects analyses for several recent Venice projects, yet City Planning still does not address this requirement in its findings for this project. Such analyses must be done and Finding 4 requires that the decision of the permit granting authority is 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.

Coastal Act Section 30105.5 states:

“Cumulatively” or “cumulative effect” means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

Coastal Act Section 30250 states:

“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.”

One of the primary issues for this project is the potential adverse cumulative impacts to community character. Venice has been identified by the Coastal Commission as a unique Coastal Resource. The cumulative impacts of the development, including the loss of replacement affordable housing stock, would have significant impacts on the community character of Venice, which is a significant coastal resource that would be adversely affected by this project.

Review of a project's incremental effects does not only mean determining whether the impacts of a project can be identified as a single “increment” among many others. It also means considering the probability that the project may serve to promote more such projects with further “incremental” impacts, resulting in a significant cumulative impact.

In Finding 1 of the CDP, the cumulative adverse impacts of this proposed project are not considered, which is an error and abuse of discretion. This may also be indicative of a pattern and practice by the City of failing to consider adverse cumulative impacts in

the Venice Coastal Zone and thus erroneously approving projects that could cause adverse cumulative impacts. The City cannot rewrite the Coastal Act to exclude consideration of adverse cumulative impacts. Both individual and cumulative impacts must be considered. Finding 1 re. conformance with Chapter 3 of the Coastal Act must include consideration of cumulative impacts.

3. Use of ADU does not maintain density:

As indicated on page 26 of the determination, "Density: Commercial zones are limited to the residential density permitted in the R3 zone," which is 1 unit per 800 square feet of lot area as per VCZSP Section 10.F.2.b. and LAMC Section 12.10). As the lot is 3,392 square feet, the project is therefore restricted to a maximum of four dwelling units (not two units as erroneously indicated by the ZA). The project should replace the three existing units with real housing units and not a third unit that is an ADU.

With respect to ADUs, there is no requirement in the law for the owner to rent the ADU as a separate unit, and the facts on the ground are that many and perhaps most, especially when attached to the single-family dwelling as in this case, incorporate the ADU as a part of their single-family dwelling as an extra bedroom, playroom, den, office, etc., resulting in what amounts to a larger single-family dwelling than would otherwise be permitted by zoning regulations. In addition, ADUs do not provide adequate family housing, which is the kind of housing stock especially needed in the Venice Coastal Zone. In addition, ADUs should not be used to evade the parking requirements for a third unit.

See partial transcript in **EXHIBIT B** of findings of the WLAAPC at the August 19, 2020 hearing for the project at 426-428 Grand Blvd re. findings that use of ADU cannot be used for maintaining density. This precedent must be followed.

See also the Coastal Commission decision on March 11, 2021 at Agenda Item 12a (the Coastal Commission agreed with the Staff findings and recommendation and declared a Substantial Issue) that finds that an ADU does not replace existing housing for purposes of maintaining density, which the City must follow in making this determination: <https://www.coastal.ca.gov/meetings/agenda/#/2021/3>

As per Coastal Act Section 30625(c) this decision must be used as guidance:

"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."

D. VENICE COASTAL ZONE SPECIFIC PLAN PROJECT PERMIT COMPLIANCE

The Section 8.C. Finding 1. is in error as the project is not compatible in scale and character with the existing neighborhood and thus it would be materially detrimental to adjoining lots and the immediate neighborhood. The project requires the demolition of a duplex built in 1922 and a single-family dwelling built in 1912. Also, as the ZA states on page 12, "this segment of Abbot Kinney Boulevard is predominately one-story in character with 27 (73%) one-story structures, primarily constructed in the 1920's." In addition, this project is on Abbot Kinney Blvd between Venice Blvd and Brooks Ave, an area that the certified Venice Land Use Plan identifies as a significant architectural, historical or cultural landmark in the Venice Coastal Zone.

The fact is that this project would harm this historic section of Abbot Kinney Blvd as it removes a structure that contributes to the character of the historic street and it adds a structure that is materially out of scale and character with the surrounding neighborhood. The loss of these two historic buildings will harm the existing distinctive feel that conveys a strong sense of time and place of the area. The proposed new project would compromise the scenic or visual scale and character of the neighborhood and would change the visual character of the surrounding area.

The Section 8.C. Findings 3. and 4. are also in error as HCID made its determination of no affordable units based on the existing unpermitted, illegal commercial use, which is a violation of the Mello Act, as noted above in the MELLO ACT section. It is a lie and a farce for the ZA to say that the project meets these two findings.

E. EVASION OF CODE ENFORCEMENT

The three existing rent stabilized housing units are listed at HCID as having no exemptions from the RSO, in other words they are registered with the City as residential rental units. This case was filed in 2015 and City Planning has allowed it to sit for the past six years. Due to the fact that a planning case was filed, HCID and the Department of Building and Safety have refused to act on the many complaints re. this property, including the illegal change of use, thus they have gotten a "free pass" on their illegal commercial use of the property for the past six years. This is a loophole in the process and a well-known strategy for evading code enforcement for violation of a C of O in order to continue with an unpermitted use. The same strategy has been used for other projects, such as 1214 Abbot Kinney Blvd, 1511 Abbot Kinney Blvd, 320 Sunset Ave, and many others.


EXHIBIT A



Eric Garcetti, Mayor
Richard D. Cerreto, General Manager

DATE: September 13, 2016

TO: Jae H. Kim, Senior City Planner
City Planning Department

FROM: Robert Manford, Environmental Affairs Officer 
Los Angeles Housing and Community Investment Department

SUBJECT: **Mello Act Determination for**
1301- 1303 South Abbot Kinney Boulevard, Venice, CA 90291
490 Santa Clara Boulevard, Venice, CA 90291

Planning Case #: ZA-2015-1155-CDP-SPP-MEL

Based on information provided by the owner, Huron Drive, LLC, the Los Angeles Housing and Community Investment Department (HCIDLA) has determination that no affordable unit exists at 1301 - 1303 South Abbot Kinney Boulevard, Venice, CA 90291 and 490 Santa Clara Boulevard, Venice, CA 90291.

The property consists of a triplex multi-family unit of which comprises of three (3) bedroom units. Per the statement on the application, owner is proposing to demolish the existing triplex multi-family unit and construct two (2) live-work units. On December 13, 2013, Huron Drive, LLC, purchased the property from Noriyuki Masaki. Owner has not filed for a building or demolition permit.

Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act requires that HCIDLA collect monthly housing cost data for at least the previous three (3) years. The owner's Mello application statement was received by HCIDLA on July 11, 2016. HCIDLA must collect data from: July 2013 through July 2016.

Owner provided commercial lease agreements for all units commencing on July 14, 2013 to August 5, 2016 in which the monthly rental checks provided averaged above the moderate level of Schedule VII. From April 2015 to January 2016, the single family dwelling was vacant according to owner. Owner provided the Department of Water and Power utility bills for the single family dwelling which shows that the utility usage was near zero for this time period. Under the City of Los Angeles Department of Planning Parcel Profile Report (ZIMAS) database, the property is zoned as a C2 - Commercial. Under the Code, Compliance and Rent Information System (CRIS), inspectors' attempts to inspect the property on July 9, 2008 and July 27, 2012, but each time the inspector determined that the property was used as a business instead of a residential property based on their visual inspection.

Based on the information provided by the owner, the residential property was used as a commercial property and the monthly rental amount collected was above the moderate of schedule VII making the units not affordable.

cc: Los Angeles Housing and Community Investment Department File
Huron Drive, LLC, a California limited liability company, Owner
Richard A. Rothschild, Western Center on Law and Poverty, Inc.
Susanne Browne, Legal Aid Foundation of L.A.
Juliet Oh, City Planning Department

RM:IP:MAC:wj
HIMS: 16-123168

EXHIBIT B

TRANSCRIPT EXCERPTS OF WEST L.A. AREA PLANNING COMMISSION APPEAL
HEARING FOR 426-428 GRAND BLVD

August 19, 2020

<https://planning.lacity.org/StaffRpt/Audios/West/2020/08-19-2020/5%20DIR-2018-1485.mp3>

TIME: 1:13:45

JULIET OH, CITY PLANNING:

I'm going to offer a little bit of clarification, because I believe the applicant did make a statement about this being a two-family dwelling, and I just want to provide some clarification on that. The code provides a definition of two-family dwelling and the project would not meet that definition of two-family dwelling because it meets a different definition. It's a single-family dwelling with an attached ADU, and it's important to recognize the attached ADU because a separate part of our zoning code, 12.22 A.33. does address the provisions and requirements for accessory dwelling units, so if we were to call this a two-family dwelling there are different implications regarding the required parking, where the entrances are located, and things like that. So, we want to be sure to call this a single-family dwelling with an attached ADU for zoning code purposes. But we do recognize that an accessory dwelling unit still meets the definition of a residential dwelling unit. So, while we can't call it a two-family dwelling unit, it's still is considered a residential dwelling unit.

TIME: 01:27:40

COMMISSIONER WALTZ-MOROCCO:

Ira, on page A-2 of your report, you talk about how this project functions the same as a duplex. How do you mean that? Because I mean, just for example, a duplex has separate utilities, a duplex has separate addresses. A duplex has different leases, you know. Somebody is paying something, somebody's paying something else. So, I just was curious how you would say that a single-family home with an ADU embedded inside of it functions the same as a duplex.

IRA BROWN, CITY PLANNING:

One way would be the size of the ADU. It is 840 square feet, and it's replacing a dwelling unit that is of similar size, if not smaller than, than that.

COMMISSIONER WALTZ-MOROCCO:

Oh, okay. And there is no provision about having this ADU have any kind of separate utility or separate address, right? There's nothing here for that, right?

IRA BROWN, CITY PLANNING:

That is correct. The regulations for ADUs would be through the building code and those codes aren't there to require those types of changes.

COMMISSIONER WALTZ-MOROCCO:

So, in the building code, it doesn't have anything about giving an ADU more autonomy?

IRA BROWN, CITY PLANNING:

No, it doesn't. It does require certain sanitary facilities, cooking facilities, but it's not the zoning code type of requirements, more for life safety.

TIME: 01:36:26

COMMISSIONER ROZMAN:

I think just as a last thought about the notation that this property is not actually a two-family structure, and that this really is a single-family unit with an ADU tacked on, I think really this is going to be the future of these construction projects, that we're going to see these multi-million-dollar projects with an ADU tacked on the back in an effort to skirt some of these density requirements. And I kind of view this project as one of those, and it really looks like a disingenuous effort to restore density to the site. So, I definitely take issue with that. But I'll open it up to the rest of the commission for more comments. Thank you.

TIME: 01:46:35

JULIET OH, CITY PLANNING:

So, I'm just going to read the definitions from the ordinance, and this is 12.22 A.32., the home sharing ordinance. So, it defines a rental unit as "a dwelling unit, guestroom, accessory living quarters, other residential structure or portion thereof." And an ADU by definition is, "a residential dwelling unit." So, in addition to that, in order to qualify as a short-term rental unit under the home sharing ordinance, it has to be, I don't know what that person is called, but it has to be a primary residence. So, the state ADU law and our ordinance does encourage ADUs to be rented. I mean, it's supposed to be an alternative sort of rental unit, and ideally as an affordable rental unit. And so, it makes sense. But as far as I can tell in the definitions, and I haven't gone through the entire ordinance, I don't know if there are any limitations that would apply to ADUs.

COMMISSIONER ROZMAN:

So, it sounds like the ADU portion of this property could potentially be used for a short-term rental.

JULIET OH, CITY PLANNING:

Right. If it meets the criteria in the ordinance.

COMMISSIONER ROZMAN:

Okay. And I asked that question because I think we need to discuss the practical applications and the intent of the Mello Act to preserve affordable housing. And when you look at the replacement of two affordable units by not only a very unaffordable - for the general population - rental unit of the single-family home, which is you know, in excess of 3,000 square feet, and then the potential use of the ADU for really another stream of income, I think there is absolutely no application of the Mello Act that's being protected with this project moving forward, as a point of order, or...

COMMISSIONER WALTZ-MOROCCO:

Right. Thank you, Commissioner Rozman. I appreciate that. Yeah, I mean, I feel like, Commissioners, we're all sort of nibbling around the same idea here. I mean I feel like we've been here before, when we were talking about coastal issues, character issues, compatibility issues. I mean, I listened back to the testimony from the APC - Commissioner Margulies, you were actually there - to see what was discussed back then. But for me, honestly, this all comes down to loss of density in the coastal zone, and I'll get to why, and compatibility with the area, and the change of character that I think will happen over time if this configuration, which is duplex, is not equal to single family home plus ADU. I mean, I just think that we are kidding ourselves that an ADU and a single-family home functions, or it has the purpose of a duplex. And, in full disclosure, we've had cases like this before and I'm just starting to see them come and come and come now. I think, Commissioner Rozman, you were saying that it's sort of this unfortunate shortcut that people are using. That's not the right word. And how do I answer the fact that I was thinking about something differently not that long ago? Well, you know that saying where "I did what I did then, but I know better, so I do better." "I know better now, so I do better now." And I don't know, I just see this coming again and again and again, and there's just no way that a single-family home with an attached, not even a detached, ADU will really serve the purpose of what we're talking about here. And then over time, we talked about the character of this neighborhood changing completely, because what you have right now is a multifamily community mixed with other uses, which will pretty much turn into single-family homes. And the ADUs will be sort of absorbed into them. So that's pretty profound. And I think that flies in the face of not only, well, it flies in the face of a lot of things, but certainly flies in the face of Chapter 3 of the Coastal Act.

COMMISSIONER MARGUILES:

This is Commissioner Margulies. Commissioner Waltz-Morocco, I just want to tag on to that some significant concerns about the cumulative impacts of this project in relation to the process of creating the updated local coastal plan and program. And as we've seen as each domino falls or adds to the change in character and scale of a neighborhood, especially in a historic district, this is an argument put forward by the applicant in every case, that Venice's whole diversity, that things have been changing, that there is no character anymore. And I think we, and Juliet, thank you for your explanation about requiring scale studies and massing studies. I mean I have to say, I think they were very revealing. I think they actually illustrate quite well, in this case, the outsize nature of the structure, the single-family residence. It may not be so different historically from some of the multifamily structures that were on this street, but it is significantly different than the fabric of the, especially the contributors, but of many of the other houses that were here prior to the signoffs and lack of enforcement of the Mello Act over time on this block. So, I'd like to raise that issue in terms of findings of Chapter 3, having to do with the cumulative impact of this project. And one last thing has to do with being able to make the finding that this is consistent with previous cases. I know there was a case that was cited specifically in 2019, a [Coastal Commission] Substantial Issue found with the conversion of an existing one-story 1,000 square foot duplex to a single-family dwelling, at 812-814 Amoroso Place. And this is I think a case that has a lot of validity and similarity, except that this one is a little bit different. I believe that if this case were another one, the issue was that it was a single-family residence, plus an ADU in a primarily single-family neighborhood or block with primarily single-family houses, and this goes above and beyond, that if we are unable to make the IAP actually work for its intent to preserve affordable housing, which seems to be what we're hearing and we've heard over and over again, at least in this case, we're looking at the loss of affordable units in a multifamily neighborhood, for a single-family house with a small,

even if it's larger than the existing one bedrooms that are there now, it's still, you know, this is not equitable. I just think about the stories we heard from the tenants who were evicted and abused by the landlord. So over time here, we heard about a community of people who lived in a kind of communal situation who knew each other, what we all wish we had. People who talk to their neighbors, who know their neighbors. And I don't think tacking an ADU on to the back of a large single-family residence is going to create a community or maintain a community. So that's my feeling about this.

COMMISSIONER WALTZ-MOROCCO:

Commissioner Margules, that was a very good point. All right. So, any other questions for Oscar or staff? Someone want to make a motion here? Anyone? Excuse me, wait. Excuse me. Nope? Okay.

COMMISSIONER MARGULES:

Commissioner Waltz-Morocco, I have to find...if you're willing to help me a little bit on the findings...

COMMISSIONER WALTZ-MOROCCO:

I'm happy to...you know what? Commissioner Waltz-Morocco. I think we're all contributors to this motion. It all sounds like we had our own thoughts. So, you start off and we can add on.

TIME: 1:55:40

COMMISSIONER MARGULIES:

I'd be happy to do that. This is Commissioner Margulies, **making the motion for item number 5, case number DIR 2018-1485-CDP-MEL-1A**, and environmental case number ENV-2018-1486-CE. **I move to grant the appeal and overturn the Planning Director's determination. This is to grant the appeal and overturn the Planning Director determination of April 22, 2020 and adopt the Commission's findings as stated on the record.** And our reasons for doing that are the inability to make the findings that this is consistent with Chapter 3 of the Coastal Act--that this project will not be consistent with the character of this historic district, that it will create a cumulative impact and prejudice the process of drafting a new local coastal program for Venice, and that it will not achieve the objectives of either the LUP or the Coastal Commission's Environmental Justice objectives of providing diverse and equitable housing along the coast.

COMMISSIONER WALTZ-MOROCCO:

Commissioner Waltz-Morocco. James Williams, just a point of order. May I add onto that motion? I can add on, correct?

JAMES WILLIAMS:

Yes. You can make a friendly amendment to her motion.

COMMISSIONER WALTZ-MOROCCO:

Commissioner Waltz-Morocco. I'd also like just to make sure we talk a little bit about how it flies in the face of the LUP, that in [Policies] I. A. 5. and I. A. 7. they talk about how we want to preserve multi-family dwelling units. And I think you mentioned something about the character of the neighborhood, making sure we understand that this ADU attached to a single-

family unit over time will have these cumulative impacts and then thus change the character of the neighborhood. I think that's pretty much what you said as well. I'm just looking at my list. I think that's what I have.

COMMISSIONER MARGULIES:

This is Commissioner Margulies. I accept the friendly amendment. I just want to clarify that the character that we're talking about is both a physical character of the structures and the open space and the social character, over which we heard from the tenants and their testimony and read the letters to that effect, that this was a very mixed income and diverse community of people who lived on these three lots, including the 424-426 Grand Avenue, which we're looking at tonight.

COMMISSIONER WALTZ-MOROCCO:

I'd also like to point out that and just say in our motion that it's out of scale. I mean, we've found in testimony that there's one single-family home on a double lot. So, the scale of this house is just completely out of scale for the neighborhood.

COMMISSIONER ROZMAN:

This is Commissioner Roseman. I'm happy to second this motion.

COMMISSIONER WALTZ-MOROCCO:

That's a very long motion. Sorry, James Williams.

JAMES WILLIAMS:

No worries.

OSCAR MEDELLIN:

This is Oscar Medellin, just for the record as well. I know that Commissioner Waltz-Morocco mentioned that she wanted to also adopt your previous comments as well. Once you started deliberation, many other Commissioners made several helpful comments that are in line with your motion. So, it would be useful for the record, if we could also, you don't have to do this now, but we could just readopt those by reference, all the comments that were made by Commissioners once deliberation began.

COMMISSIONER MARGULIES:

Commissioner Margulies. Happy to, if it's my motion, you could do it to your friendly amendment, but for the main motion, **I'm happy to adopt the discussion and the deliberations of all the Commissioners.**

COMMISSIONER WALTZ-MOROCCO:

Yes, I second that. Thanks. Thank you. Thank you, Oscar.

COMMISSIONER MARGULIES:

I'll just throw this out there--I'm not sure that we have made a comment specifically about the Mello Act here. This is a Mello case. Oscar, are we required to address the Mello findings or the Mello decision in our motion?

OSCAR MEDELLIN:

This is Oscar Medellin, for the record. You can comment on the Mello approval or the feasibility study, that you want to do here. You do not have to make a finding on that appeal point, however. Mello applies when the city is going to approve a demolition or a conversion. And so, since your motion is to disapprove this proposed project, you don't necessarily have to make a finding to show that Mello has been performed here. However, I think it's pretty clear from the testimony and from the comments by the Commission that you were disappointed with the feasibility study and perhaps the lack of a corroboration there. So, you're free to address those points now, if you'd like, or you can move on.

COMMISSIONER MARGULIES:

This is Commissioner Margulies. I'll just address two points there specifically. And thank you for reminding me. One is that the timing of the information, that due process, it sounded to me like the testimony we heard today concerning the availability of this very thorough feasibility study, was not sufficient for the appellants to review in detail, and that the lack of the City's objective review of Mello cases again, is a hindrance to our ability to evaluate them on appeal.

COMMISSIONER WALTZ-MOROCCO:

Thank you, Commissioner Margulies.

COMMISSIONER MARGULIES:

And that's my motion.

COMMISSIONER WALTZ-MOROCCO:

Okay. James Williams, do we need Heather to second that again?

JAMES WILLIAMS:

Yes, please.

COMMISSIONER ROZMAN:

Yes. Commissioner Rozman. I second that again.

JAMES WILLIAMS:

We have a motion and a second on the table. Commissioner Margulies?

COMMISSIONER MARGULIES:

Aye.

JAMES WILLIAMS:

Commissioner Rozman?

COMMISSIONER ROZMAN:

Aye.

JAMES WILLIAMS:

Commissioner Waltz-Morocco?

COMMISSIONER WALTZ-MOROCCO:

Aye.

JAMES WILLIAMS:

The motion carries.

COMMISSIONER WALTZ-MOROCCO:

All right. Well, everyone we've completed our Zoom meeting. We did it. I'm very proud of everyone. Thank you everyone who's on the call still, on the computer, on the phone. I certainly appreciate everyone's time. Thank you, staff. Thank you, Commission Staff. Thank you, all the departments for helping us with these cases today. Seeing no further business with this commission, this meeting is now adjourned, and it is 7:09.



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission, City Planning Commission, City Council, Director of Planning, Zoning Administrator

Regarding Case Number: ZA-2015-1155-SPP-CDP-MEL-ZV

Project Address: 1301 & 1303 Abbot Kinney Boulevard & 1409 Santa Clara Avenue

Final Date to Appeal: 04/06/2021

2. APPELLANT

- Appellant Identity: Representative, Property Owner, Applicant, Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved: Margaret Molloy

- Person affected by the determination made by the Department of Building and Safety: Representative, Applicant, Owner, Operator, Aggrieved Party

3. APPELLANT INFORMATION

Appellant's Name: Margaret Molloy

Company/Organization:

Mailing Address: 3841 Beethoven Street

City: Los Angeles State: CA Zip: 90066

Telephone: (310) 560-2523 E-mail: mmmolloy@earthlink.net

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self, Other: Miguel Bravo

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____
Company: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? Entire Part
b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal How you are aggrieved by the decision
 Specifically the points at issue Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Margaret Mody Date: 4/6/21

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

- a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)
Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
 Justification/Reason for Appeal
 Copies of Original Determination Letter

b. Electronic Copy

- Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
 Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
 Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

Appeal of ZA-2015-1155-SPP-CDP-MEL-ZV at 1301 & 1309 Abbot Kinney & 1490 SANTA CLARA

The Mello Act is California Government Code Section 65590-65590.1. The City of Los Angeles is required to implement the Mello Act and the Interim Administrative Procedures for Complying with the Mello Act in the coastal zone. In Venice, this includes the area west of Lincoln Boulevard.



Here, the properties at 1301 & 1303 Abbot Kinney Boulevard & 1409 Santa Clara are three Rent Stabilized housing units in the coastal zone. Today, they are listed on HCIDLA as such with no exemptions from residential use for any unit.

On 03/22/2021, Department of City Planning (DCP) issued a Letter of Determination approving ZA-2015-1155-SPP-CDP-MEL-ZV for:

DEMO OF AN EXISTING DUPLEX AND SINGLE FAMILY RESIDENCE (3 RSOs). THE CONSTRUCTION OF A NEW 3-STORY BUILDING WITH RETAIL AND 3 ARTIST IN RESIDENCE UNIT WITH ROOF DECK, 2-SUBTERRANEAN PARKING AND ADA PARKING. Ira Brown was the hearing officer.

The Letter of Determination approves a COASTAL DEVELOPMENT PERMIT, PROJECT PERMIT COMPLIANCE, MELLO ACT COMPLIANCE, ZONE VARIANCE for 1301 and 1303 Abbot Kinney Boulevard & 1490 SANTA CLARA; Venice Planning Area; Zone C2-1-O-CA D; M. : 108B145; C. D. : 11 - Bonin; CEQA: ENV-2020-5333-CE; Legal Description: Lot 1; Block C; Tract Ralph Rogers Subdivision of Block "V" Ocean Park Villa Tract No. 2.

<https://planning.lacity.org/pdiscaseinfo/document/MzYyOA0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>

As with other recent DCP approvals, on Abbot Kinney in particular, yet again, there is no reference to concurrent nearby development applications on Abbot Kinney, the loss of RSO housing, cumulative impact, intensification of use, infrastructure issues, and the cumulative impact of so many concurrent approvals that involve "conversion" of residential housing to other uses, explicitly prohibited by the Mello Act, and that proposed intensification of use, changing the comment character, and negative impacts, particularly on the adjacent historic Black Oakwood community. This is wrong.

Additionally, HCID records show that HCID and the City attorney have been involved in complaints on these properties since on 5/25/2017. However, the complaints on file appear to address SCEP issues only and not the illegal change of use from 100% residential units to 100% commercial uses. Again, these three RSO's are listed on HCID with no exemptions claimed.

But, HCID complaint #766757, dated 8/21/20 for "Change of use/ occupancy without Building permit and Certificate of Occupancy was closed by HCID on the same day. This complaint was closed, yet HCID's own inspector's photographs of these properties show the change of use from 100% residential use to 100% commercial use, while it is under investigation by the City Attorney.

Additionally, DCP allowed the owner to file ZA-2015-1155-SPP-CDP-MEL-ZV on 3/26/2015 and let it sit for years.

ZA-2015-1155-SPP-CDP-MEL-ZV was Accepted For Review on: 12/03/2019. Assigned Date: 03/18/2020. The hearing was on 11/12/2020, and the LOD was issued on 03/22/2021. HCIDLA and LADBS refuse to act on many complaints including "illegal change of use" when there is a planning case "on file." This is an egregious failure of the departments involved to protect housing and enforce the legal use of properties.

Here, the issues are Mello/ Conversion; Intensification of Use; Cumulative Impact of the conversion of many 100% residential units on Abbot Kinney; Infrastructure - Sustainability; Community Character; and this loophole of letting developers file a case with no limits on how long it sits. And, HCID and LADBS's subsequent unwillingness to do any enforcement if there is a planning case on file.

Please note that the Applicant is listed as Richard Gottlieb & Spalding Commercial LLC (A/O). The Applicant's representative is lobbyist, land use consultant, and Venice Chamber of Commerce board member, Laurette Healey (R), City Land Use, Inc.

On this application, Ms. Healey lists her business address as 15303 Ventura Boulevard, Suite 900, Sherman Oaks, CA 91403. But Ms. Healey states on her City Land Use website that she has an Abbot Kinney Office. Ms. Healey lists her business address as 1490 SANTA CLARA.

We appeal Appeal of ZA-2015-1155-SPP-CDP-MEL-ZV at 1301 & 1309 Abbot Kinney & 1490 SANTA CLARA for these reasons.

Margaret Molloy

ZA-2015-1155-SPP-CDP-MEL-ZV: DEMO OF AN EXISTING DUPLEX AND SINGLE FAMILY RESIDENCE (3 RSOs). THE CONSTRUCTION OF A NEW 3-STORY BUILDING WITH RETAIL AND 3 ARTIST IN RESIDENCE UNIT WITH ROOF DECK, 2-SUBTERRANEAN PARKING AND ADA PARKING.

COASTAL DEVELOPMENT PERMIT, PROJECT PERMIT COMPLIANCE, MELLO ACT COMPLIANCE, ZONE VARIANCE for 1301 and 1303 Abbot Kinney Boulevard & 1490 SANTA CLARA; Venice Planning Area; Zone C2-1-O-CA D; M. : 108B145; C. D. : 11 - Bonin; CEQA: ENV-2020-5333-CE; Legal Description: Lot 1; Block C; Tract Ralph Rogers Subdivision of Block "V" Ocean Park Villa Tract No. 2.

CASE FILED 03/26/2015

Accepted For Review On: 12/03/2019

Assigned Date: 03/18/2020

Staff Assigned: IRA BROWN

Hearing Location: VIRTUAL EVENT

Hearing Date : 11/12/2020

ZA Action: APPROVED WITH CONDITIONS

ZA Action Date: 03/22/2021

<https://planning.lacity.org/pdiscaseinfo/search/encoded/MjAxNzcz0>



HCIDLA Records for 1301, 1309 Abbot Kinney & 1490 SANTA CLARA:

CODE ENFORCEMENT DIVISION - Property Activity Report


HCIDLA HOME Report a Violation Property Activity Report

PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **423927901** Official Address: **1301 S ABBOTT KINNEY BLVD, Los Angeles 90201**
 Council District: **Council District 11** Case Number: **760757**
 Census Tract: **27206** Case Type: **Complaints**
 Rent Registration: **018120** Inspector:
 Case Manager:
 Historical Preservation Overlay Zone: Total Units: **0**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(213) 996-1723**

Nature of Complaint: Change of use/occupancy without Building permit and Certificate of Occupancy

Date &	Status
8/23/2018 1:07:00 AM	Complaint Closed
8/23/2018 12:50:00 AM	Complaint Received



PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **423927901** Official Address: **1301 S ABBOTT KINNEY BLVD, Los Angeles 90201**
 Council District: **Council District 11** Case Number: **821241**
 Census Tract: **27206** Case Type: **SCIP**
 Rent Registration: **018120** Inspector: **Maxine Andriano**
 Case Manager: **Jose Salgado**
 Historical Preservation Overlay Zone: Total Units: **0**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(213) 996-1723**

Date &	Status
10/11/2019 10:23:00 AM	Photos
8/26/2019 12:00:00 AM	Referred to City Attorney
8/16/2018 12:00:00 AM	Notice of General Manager Hearing
5/16/2018 3:31:00 PM	Referred to Enforcement Section
6/18/2018 12:00:00 PM	Site Visit/Compliance Inspection
8/16/2018 12:00:00 AM	Compliance Date
5/10/2018 8:52:00 AM	Order Issued to Property Owner
4/10/2018 12:00:00 AM	Substandard Record Date
5/25/2017 11:14:00 AM	Site Visit/Initial Inspection



PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **423927901** Official Address: **1301 S ABBOTT KINNEY BLVD, Los Angeles 90201**
 Council District: **Council District 11** Case Number: **821241**
 Census Tract: **27206** Case Type: **Warning**
 Rent Registration: **018120** Inspector: **Maxine Andriano**
 Case Manager: **Jose Salgado**
 Historical Preservation Overlay Zone: Total Units: **0**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(213) 996-1723**

Date &	Status
10/11/2019 10:23:00 AM	Photos
8/16/2018 12:00:00 AM	Referred to City Attorney
8/16/2018 12:00:00 AM	Notice of General Manager Hearing
5/16/2018 3:31:00 PM	Referred to Enforcement Section
6/18/2018 12:00:00 PM	Site Visit/Compliance Inspection
8/16/2018 12:00:00 AM	Compliance Date
5/10/2018 8:52:00 AM	Order Issued to Property Owner
4/10/2018 12:00:00 AM	Substandard Record Date
5/25/2017 11:14:00 AM	Site Visit/Initial Inspection



PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **423927901** Official Address: **1301 S ABBOTT KINNEY BLVD, Los Angeles 90201**
 Council District: **Council District 11** Case Number: **821241**
 Census Tract: **27206** Case Type: **Case Management**
 Rent Registration: **018120** Inspector: **Maxine Andriano**
 Case Manager: **Jose Salgado**
 Historical Preservation Overlay Zone: Total Units: **0**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(213) 996-1723**

Date &	Status
10/11/2019 10:23:00 AM	Photos
8/16/2018 12:00:00 AM	Referred to City Attorney
8/16/2018 12:00:00 AM	Notice of General Manager Hearing
5/16/2018 3:31:00 PM	Referred to Enforcement Section
6/18/2018 12:00:00 PM	Site Visit/Compliance Inspection
8/16/2018 12:00:00 AM	Compliance Date
5/10/2018 8:52:00 AM	Order Issued to Property Owner
4/10/2018 12:00:00 AM	Substandard Record Date
5/25/2017 11:14:00 AM	Site Visit/Initial Inspection



PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **423927901** Official Address: **1301 S ABBOTT KINNEY BLVD, Los Angeles 90201**
 Council District: **Council District 11** Case Number: **821241**
 Census Tract: **27206** Case Type: **SCIP**
 Rent Registration: **018120** Inspector: **Maxine Andriano**
 Case Manager: **Jose Salgado**
 Historical Preservation Overlay Zone: Total Units: **0**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(213) 996-1723**

Date &	Status
10/11/2019 10:23:00 AM	Photos
8/16/2018 12:00:00 AM	Referred to City Attorney
8/16/2018 12:00:00 AM	Notice of General Manager Hearing
5/16/2018 3:31:00 PM	Referred to Enforcement Section
6/18/2018 12:00:00 PM	Site Visit/Compliance Inspection
8/16/2018 12:00:00 AM	Compliance Date
5/10/2018 8:52:00 AM	Order Issued to Property Owner
4/10/2018 12:00:00 AM	Substandard Record Date
5/25/2017 11:14:00 AM	Site Visit/Initial Inspection



PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **423927901** Official Address: **1301 S ABBOTT KINNEY BLVD, Los Angeles 90201**
 Council District: **Council District 11** Case Number: **821241**
 Census Tract: **27206** Case Type: **Systematic Code Enforcement Program**
 Rent Registration: **018120** Inspector: **Maxine Andriano**
 Case Manager: **Jose Salgado**
 Historical Preservation Overlay Zone: Total Units: **0**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(213) 996-1723**


Date &	Status
10/11/2019 10:23:00 AM	Photos
8/16/2018 12:00:00 AM	Referred to City Attorney
8/16/2018 12:00:00 AM	Notice of General Manager Hearing
5/16/2018 3:31:00 PM	Referred to Enforcement Section
6/18/2018 12:00:00 PM	Site Visit/Compliance Inspection
8/16/2018 12:00:00 AM	Compliance Date
5/10/2018 8:52:00 AM	Order Issued to Property Owner
4/10/2018 12:00:00 AM	Substandard Record Date
5/25/2017 11:14:00 AM	Site Visit/Initial Inspection



PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **423927901** Official Address: **1301 S ABBOTT KINNEY BLVD, Los Angeles 90201**
 Council District: **Council District 11** Case Number: **296283**
 Census Tract: **27206** Case Type: **Systematic Code Enforcement Program**
 Rent Registration: **018120** Inspector: **Andy Garcia**
 Case Manager:
 Historical Preservation Overlay Zone: Total Units: **0**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(213) 996-1723**


Date &	Status
7/27/2019 10:11:00 AM	No Violations Observed
7/27/2019 10:04:00 AM	Site Visit/Initial Inspection



PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **423927901** Official Address: **1301 S ABBOTT KINNEY BLVD, Los Angeles 90201**
 Council District: **Council District 11** Case Number: **198653**
 Census Tract: **27206** Case Type: **Systematic Code Enforcement Program**
 Rent Registration: **018120** Inspector:
 Case Manager:
 Historical Preservation Overlay Zone: Total Units: **0**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(213) 996-1723**

Date &	Status
7/27/2019 10:11:00 AM	No Violations Observed
7/27/2019 10:04:00 AM	Site Visit/Initial Inspection



+++++

From: Laurette Healey <laurette@citylanduse.com>
Subject: Hamtramnk Hospitality File 572586
Date: August 14, 2020 at 4:12:44 PM PDT
To: "To: ABC Administrative Hearing Office" <AdministrativeHearingOffice@abc.ca.gov>
Cc: "John@ABC" <john.newton@abc.ca.gov>, Fran Camaj <fran@gjelinagroup.com>, Margaret Molloy <mmmolloy@earthlink.net>, Hubert Hodgins <hubert.mail@verizon.net>, Marcia Davalos <marcia@citylanduse.com>

To the Administrative Hearing Office,

This office represents the Applicant, Hamtramnk Hospitality, LLC.

On behalf of the Applicant, we request cancellation of the continued hearing for File 572586 scheduled for Thursday, August 20, 2020. The Applicant elects to file a closing statement for consideration by the hearing officer in its stead.

Thank you for your prompt attention to this matter. We will greatly appreciate your confirmation of receipt of this email.

Respectfully,

Laurette Healey

Principal
City Land Use, Inc.

[310-968-7887](tel:310-968-7887)

Laurette@CityLandUse.com

CityLandUse.com

Main: 15303 Ventura Blvd. Suite 900, Sherman Oaks, CA 91403

Field: 490 Santa Clara Ave. Venice Beach, CA 90291

NOTICE: This email is confidential (covered by the Electronic Communications Privacy Act 18 U.S.C. §§ 2510-2521) and is legally privileged information, intended only for the use of the individual or entity named above. Any dissemination, distribution or copying of this communication is prohibited.

ZA-2015-1155-SPP-CDP-MEL-ZV-1A

Exhibit B -- ZA-2015-1155-SPP-CDP-MEL-ZV

- B.1 – Zoning Administrator’s Determination
- B.2 – Project Plans Stamped “Exhibit A”
- B.3 – HCIDLA Mello Act Determination

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
JONATHAN A. HERSHEY, AICP
THEODORE L. IRVING, AICP
CHARLES J. RAUSCH JR.
CHRISTINA TOY LEE

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

**LOS ANGELES DEPARTMENT
OF CITY PLANNING
EXECUTIVE OFFICES**

VINCENT P. BERTONI, AICP
DIRECTOR
KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
SHANA M.M. BONSTIN
DEPUTY DIRECTOR
ARTHI L. VARMA, AICP
DEPUTY DIRECTOR
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
planning.lacity.org

March 22, 2021

Richard Gottlieb & Spalding Commercial
LLC (A/O)
439 North Bedford Drive
Beverly Hills, CA 90210

Laurette Healey (R)
City Land Use, Inc.
15303 Ventura Boulevard
Suite 900
Sherman Oaks, CA 91403

CASE NO. ZA-2015-1155-SPP-CDP-
MEL-ZV

COASTAL DEVELOPMENT PERMIT,
PROJECT PERMIT COMPLIANCE,
MELLO ACT COMPLIANCE, ZONE
VARIANCE

Address: 1301 and 1303 Abbot Kinney
Boulevard

Venice Planning Area

Zone : C2-1-O-CA

D. M. : 108B145

C. D. : 11 - Bonin

CEQA: ENV-2020-5333-CE

Legal Description: Lot 1; Block C; Tract
Ralph Rogers Subdivision of Block "V"
Ocean Park Villa Tract No. 2

Pursuant to California Environmental Quality Act (CEQA), I hereby DETERMINE:

based on the whole of the administrative record as supported by the justification prepared and found in the environmental file (ENV-2020-5333-CE), the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303, Class 3, and Section 15332, Class 32, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies; and

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.20.2, I hereby APPROVE:

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 (ADU), 1,587 square feet of retail space; 13 parking

spaces and 8 bicycle parking spaces are provided, in the single-permit jurisdiction of the Coastal Zone;

Pursuant to the Los Angeles Municipal Code (LAMC) Section 11.5.7 and the Venice Coastal Zone Specific Plan (Ordinance No. 175,693), I hereby APPROVE:

a Project Permit Compliance Review for a project within the Venice Coastal Zone Specific Plan;

Pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, I hereby APPROVE:

a Mello Act Compliance Review for the demolition of three Residential Units and the construction of three Residential Units in the Coastal Zone; and

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.27, I hereby APPROVE:

a Zone Variance to remove the requirement for an onsite loading zone, as required by Section 12.21-C.6.

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master

covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.

7. **Coastal Development Permit.** Approved herein is 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 (ADU), 1,587 square feet of retail space; 13 parking spaces and 8 bicycle parking spaces are provided onsite.
8. **Density.** A maximum density of two residential units and one Accessory Dwelling Unit (ADU) shall be permitted.
9. **Height.** The development shall be limited to a maximum height of 30 feet for flat portions of the roof and 35 feet for varied rooflines (slope greater than 2:12), measured from the midpoint of the centerline of Abbot Kinney Boulevard. Any portion of the roof that exceeds 30 feet shall be set back from the required front yard at least one foot in depth for every foot in height above 30 feet. The proposed project shall have a flat roof height of 23 feet 6 inches and a varied roof height of 35 feet with a slope of 5:12, as shown in Exhibit A.
10. **Parking and Access.** As shown in "Exhibit A" and as approved by the Department of Building and Safety, the subject project shall provide 15 parking spaces onsite, where two (2) commercial parking spaces maybe substituted for eight (8) bicycle parking spaces per LAMC 12.21-A-4; all vehicle access shall be from South Irving Tabor Court .
 - a. Residential Parking - Two parking spaces shall be provided for each residential dwelling unit, one (1) guest parking space shall be provided, and one (1) parking space shall be provided for the Accessory Dwelling Unit, for a total of six (6) residential parking spaces.
 - b. Commercial Parking – Seven (7) parking spaces are required for the retail use (1/225 SF). Pursuant to LAMC Section 12.21-A.4, a maximum 20% of the required commercial vehicle parking may be replaced with bicycle parking. Seven (7) vehicle parking spaces are provided, and two (2) spaces will be replaced with eight (8) bicycle parking spaces.
 - c. Beach Impact Zone (BIZ) – Two (2) BIZ parking spaces shall be provided.
11. **Floor Area Ratio (FAR).** The proposed project shall be limited to a maximum FAR of 1.5:1. As shown "Exhibit A," the proposed project shall provide a FAR of 1.47:1

12. **Roof Structures.** Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet.
13. **Zone Variance.** Approved herein is the elimination of the requirement for an onsite loading zone pursuant to Section 12.21-C.6.
14. **Single Permit Jurisdiction Area.** The project is located within the Single Permit Jurisdiction area of the California Coastal Zone. The applicant shall provide a copy of the Coastal Commission's Notification that the City's coastal development permit is effective.
15. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the

authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD – EFFECTIVE DATE

The applicant's attention is called to the fact that this variance is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after April 6, 2021, unless an appeal therefrom is filed with the Department of City Planning. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>. Public offices are located at:

Downtown Office
Figueroa Plaza
201 North Figueroa
Street
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Valley Office
Marvin Braude Constituent
Service Center
6262 Van Nuys Boulevard
Suite 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles Office
Development Services
Center
1828 Sawtelle Boulevard
2nd Floor
Los Angeles, CA 90025
(310) 231-2901

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

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing

you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on November 12, 2020, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a Coastal Development Permit, Project Compliance Review, Mello Act Compliance Review and Variance as enumerated in Section 562 of the City Charter, Sections 12.27 B.1, 12.20.2, 11.5.7 of the Municipal Code and Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures have been established by the following facts:

BACKGROUND

The subject site is a flat, rectangular property approximately 3,392 square feet in size. The 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, the 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 the one-story single-family dwelling and the one-story duplex on the site, 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 8 bicycle parking spaces are provided onsite. 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 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.

Abbot Kinney Boulevard, adjoining the subject site to the south is designated a Modified Avenue III, requiring a dedicated width of 70 feet right of way and 50 feet roadway width. The actual right-of-way width is approximately 70 feet in width with a roadway width of approximately 50 feet. Abbot Kinney Boulevard is improved with an asphalt roadway, gutter, curb, and sidewalk. Abbot Kinney Boulevard is identified as a Pedestrian Enhanced District in the Mobility Plan 2035.

Irving Tabor Court, adjoining the property to the north is designated as an Alley, requiring a dedicated width of 20 feet. The actual right-of-way width is approximately 20 feet in width.

Santa Clara Avenue, adjoining the subject site to the west is designated a Local Street – Standard, requiring a dedicated width of 60 feet right of way and 36 feet roadway width. The actual right-of-way width is approximately 40 feet in width with a roadway width of approximately 30 feet.

Previous zoning related actions in the vicinity of the subject site include:

DIR-2018-3787-CDP-MEL – On June 28, 2019, the Director of Planning approved a Coastal Development Permit authorizing the demolition of an existing single-family dwelling at the front portion of the lot, and construction of a three-story, 3,099 square-foot single-family dwelling providing three parking spaces, located at 609 East Milwood Avenue.

DIR-2018-340-CDP – On August 28, 2018, the Director of Planning approved a Coastal Development Permit authorizing the remodel and addition to an existing one-story, 984 square foot duplex, resulting in a three-story 3,099 square-foot duplex, a total of three parking spaces are provided onsite, located 1519-1521 Cabrillo Avenue.

DIR-2017-234-CDP-SPP – On January 5, 2018, the Director of Planning approved a Coastal Development Permit authorizing a change of use from 931 square-feet of retail use to a 931 square-foot restaurant with 184 square feet of Service Floor area within an existing commercial building, located at 1522 Abbot Kinney Boulevard.

DIR-2015-2998-CDP-SPP-MEL – On December 12, 2017, the Director of Planning approved a Coastal Development authorizing the construction of a three-story, 35-foot tall, 9,672.5 square-foot, mixed-use development consisting of two artist-in-

residence units, 1,899 square feet of ground-floor retail use, and a 1,124.6 square-foot ground-floor restaurant comprised of 474 square feet of Service Floor Area on two lots currently developed with a surface parking lot; the project provides 41 required parking spaces (32 vehicle spaces) and includes grading and excavation for a subterranean parking level, located at 1519-1525 Abbot Kinney Boulevard.

DIR-2016-2301-CDP – On January 25, 2017, the Director of Planning approved a Coastal Development Permit authorizing the construction of an addition to an existing two-story single-family dwelling at the front of the property and of a portion of the rear dwelling into an attached three-car garage, resulting in a three-story duplex and an attached three-car garage, located at 1509 Cabrillo Avenue.

ZA-2015-2582-CDP-ZV-ZAA-SPP-MEL – On July 16, 2016, the Zoning Administrator approved a Variance to waive the requirement from Section 12.21-C,6 to provide a loading zone required for an institutional building 201 S. Ocean Front Walk.

DIR-2015-3344-CDP-MEL – On June 28, 2016, the Director of Planning approved a Coastal Development Permit authorizing the demolition of an existing detached 435-square foot single-story, two-car garage, and the construction of an 814-square foot detached second dwelling unit over a 597-square foot three-car garage with an attached two-car carport located 628 California Avenue.

DIR-2015-2967-CDP-SPP – On February 5, 2016, the Director of Planning approved a Coastal Development Permit authorizing the change of use of a portion of a 3,590 square-foot Artist-in-Residence dwelling resulting in 2,621 square feet of commercial use (salon) while maintaining 605 square feet of Artist-in-Residence use within an existing two-story building with an attached garage, and minor exterior improvements consisting of the alteration of a rear wall and the application of new plaster, located at 1346 Abbot Kinney Boulevard.

ZA-2014-3427-CDP-SPP – On August 31, 2015, the Zoning Administrator approved a Coastal Development Permit authorizing a change of use on the ground floor from parking to a retail use, located at 1421 Abbott Kinney Boulevard.

ZA-2014-277-CDP – On October 2, 2014, the Zoning Administrator approved a Coastal Development Permit authorizing a change of use and reduction in building size from a 3,820 square-foot Artist-in-Residence dwelling unit to a 3,465 square-foot building containing a 1,106 square-foot Artist-in-Residence dwelling unit and 2,359 square-foot commercial retail space, within an existing three-story building with an attached garage, located at 1511 Abbot Kinney Boulevard.

ZA-2011-1910-CDP-CUB-ZV – On December 24, 2013, the Director of Planning approved a Coastal Development Permit authorizing the conversion, use, and maintenance of two existing restaurants into one restaurant with an accessory take-out counter and a Conditional Use to permit the sale and dispensing of beer and wine for off-site consumption in conjunction with a take-out counter accessory to an existing restaurant, located at 1427 and 1429 Abbot Kinney Boulevard.

ZA-2013-1466-CDP – On December 23, 2013, the Zoning Administrator approved a Coastal Development Permit authorizing the conversion of a two-unit dwelling to a retail and office use, located at 1420 Abbot Kinney Boulevard.

ZA-2012-2841-CDP-CU-ZV-MEL – On May 20, 2013, the Zoning Administrator approved a Variance to waive the requirement from Section 12.21-C,6 to provide a loading zone at 2 E. Breeze Avenue.

ZA-2012-1396-CDP – On April 22, 2013, the Zoning Administrator approved a Coastal Development Permit to allow the conversion, use and maintenance of a single-family dwelling (previously proposed as an artist-in-residence unit) to a retail commercial use, located at 1524 Abbot Kinney Boulevard.

APCW-2004-6219-CDP-SPE-SPP-ZV-ZAA – On May 4, 2005, the West Los Angeles Area Planning Commission approved a Coastal Development, Variance and Adjustment for a mixed-use project, of approximately 3,969 square feet, 562 square feet of ground floor retail and 3,107 square foot Artist-in-Residence, located at 1342 Abbot Kinney Boulevard.

ZA-2001-3132-CDP-CUB-ZV-SPP – On February 27, 2002, the Zoning Administrator approved a Coastal Development Permit to allow a 1,516-square foot sushi bar with a 1,996-square foot dwelling; a Conditional Use Permit to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant; a Variance to permit three deep tandem parking; a Variance to permit a reduced size loading zone; a Variance to permit two compact spaces instead of one; and a Project Permit Compliance to permit the construction, use and maintenance of a three-story restaurant and dwelling at 1432 Abbott Kinney Boulevard.

PUBLIC HEARING

A Notice of Public Hearing was sent to the owners and occupants of all properties within 500 feet of the exterior boundaries of the property involved. A Public Hearing was held on November 12, 2020, at approximately 9 am. The hearing was attended by the applicant's representative and no other participants. The applicant's representative made the following points:

- The property was purchased by the current owner in 2016 though the application was originally filed by the previous ownership in 2015;
- The subject buildings are non-conforming and have no parking on the lot;
- Loading Zones are rare on Abbot Kinney and any that are present are located on the alley. The alley in the area abuts the lot line for each parcel so there is very little room for a loading zone, and it is lined on the other side by a public parking lot;
- The lot was previously rezoned from R3 to C2. There are three residences currently on the lot. The Housing Department has stated that there are no affordable units on the site which would require replacement under the Mello Act;

- The Venice Specific Plan and the LUP for the area limit structures to 35 feet in height when they have a varied roof line. The third floor is set back five feet from the front wall of the other two stories. The residences for the projects are located on the second and third floors. Because the mixed-use project is over two-thirds residential as to the total floor area of the structure it qualifies as a Housing Project under the Housing Accountability Act;
- Only two of the units are allowed by right, but the third unit is an Accessory Dwelling Unit (ADU) which is allowed by the State of California in its Government Code. Only fourteen parking spaces are required by the LAMC, but we are providing fifteen. The ADU would not normally require a parking space under the Government Code, but we are providing one for it; and
- The project was delayed for a while, but it does qualify under the Housing Accountability Act and should be approved. It does comply with the objective standards of the Code, Specific Plan and the LUP for Venice.

There were no other speakers at the public hearing and at the conclusion of the hearing the Zoning Administrator approved the Variance for not including a loading zone which was before him as well as the remainder of the project which was in his jurisdiction.

MANDATED FINDINGS

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.

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. 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 1.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 exist 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.

Inquiries regarding this matter shall be directed to Ira Brown, Project Planner for the Office of the Zoning Administrator, at (213) 978-1453.

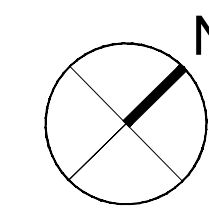
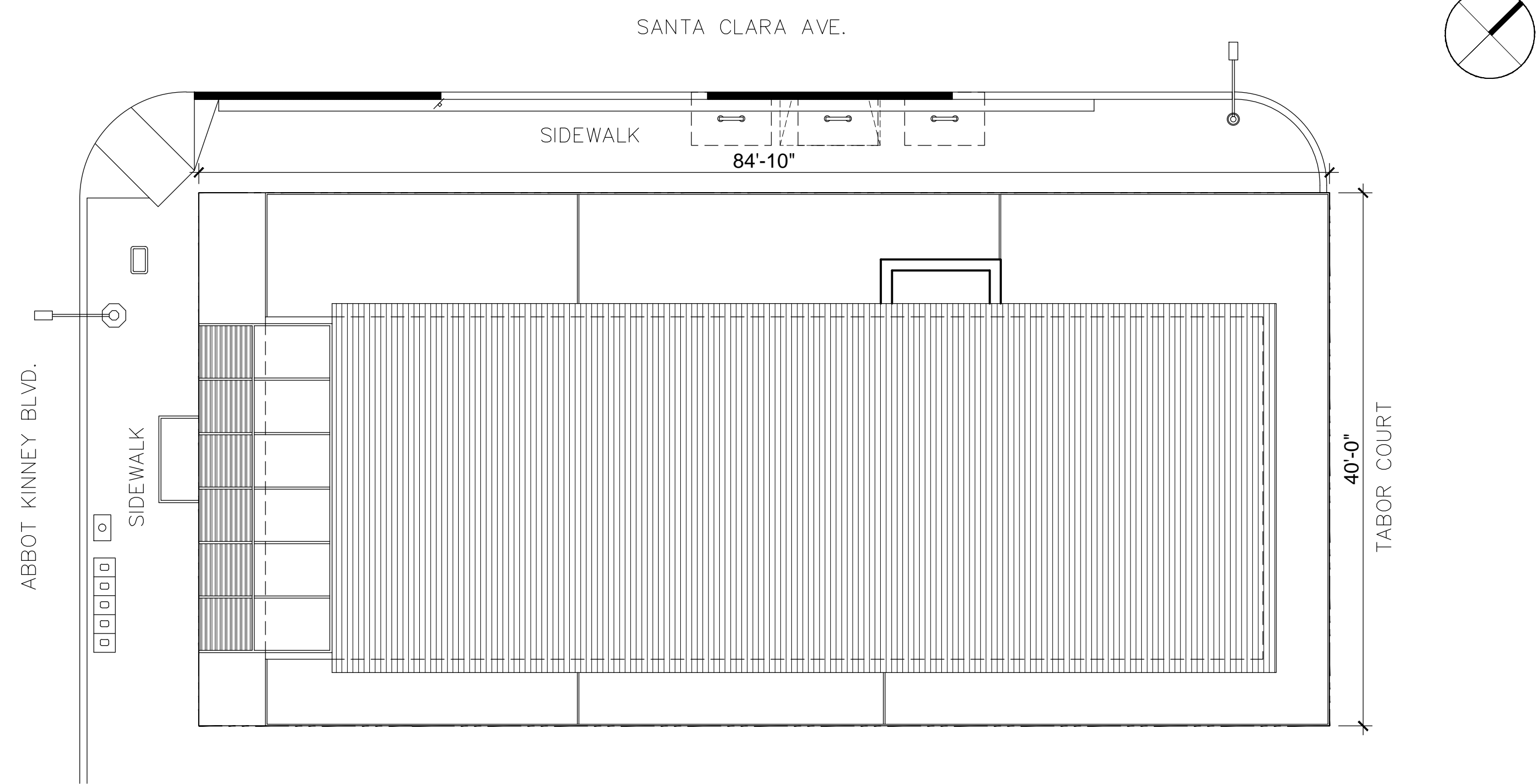
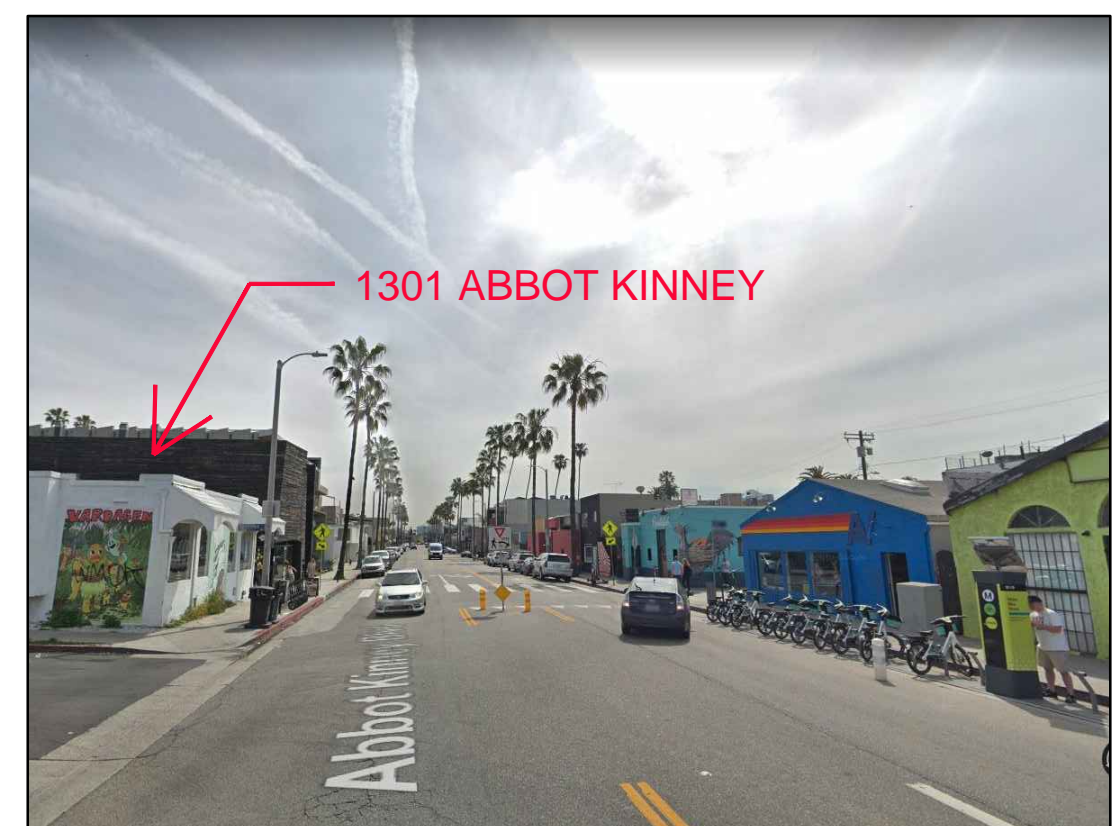
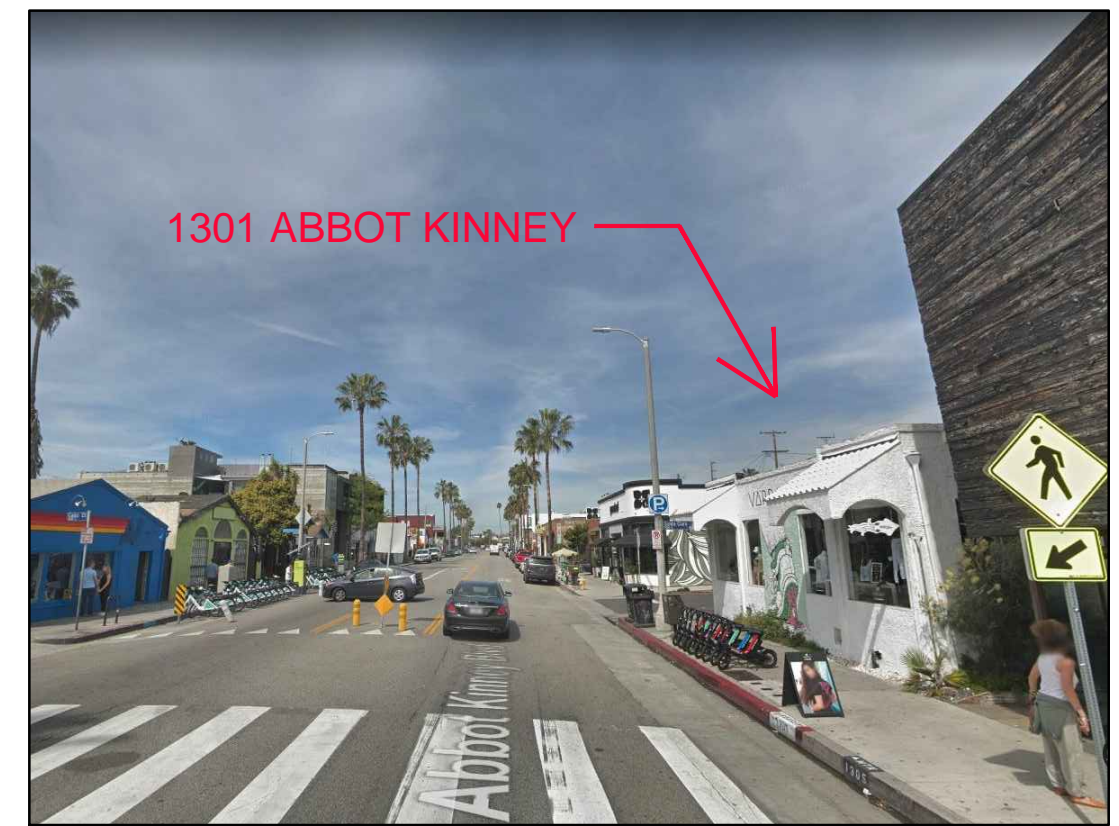
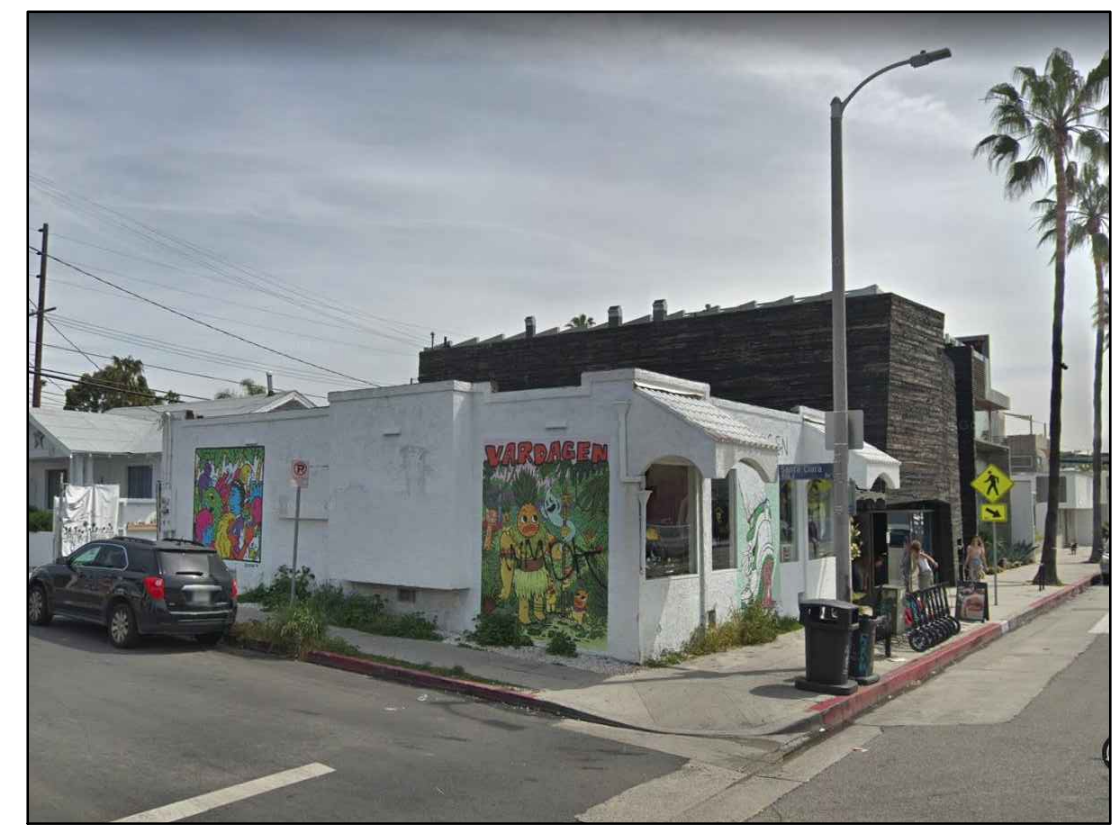


CHARLES J. RAUSCH, JR
Associate Zoning Administrator

CR:EG:IB

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

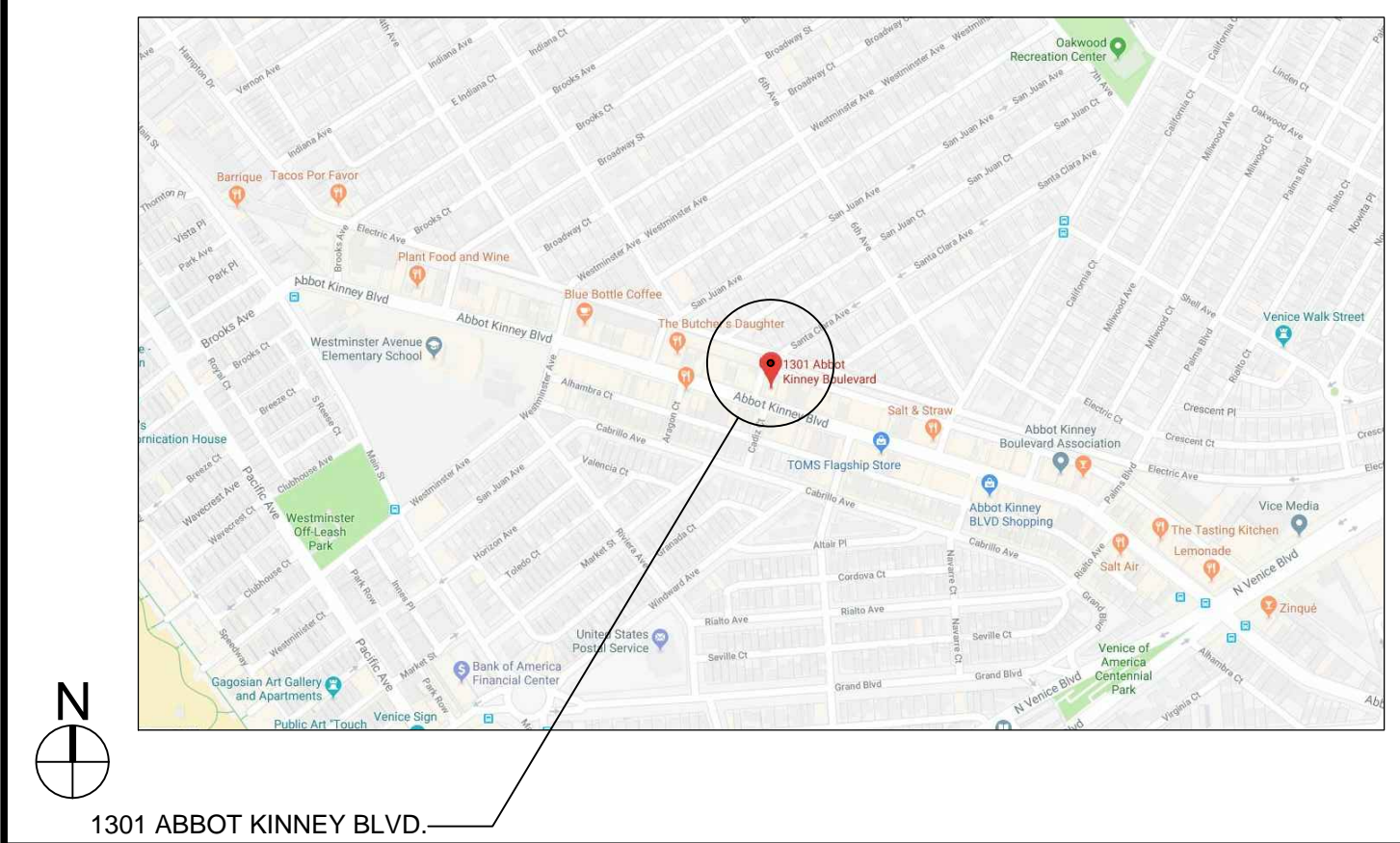
SITE PHOTOS



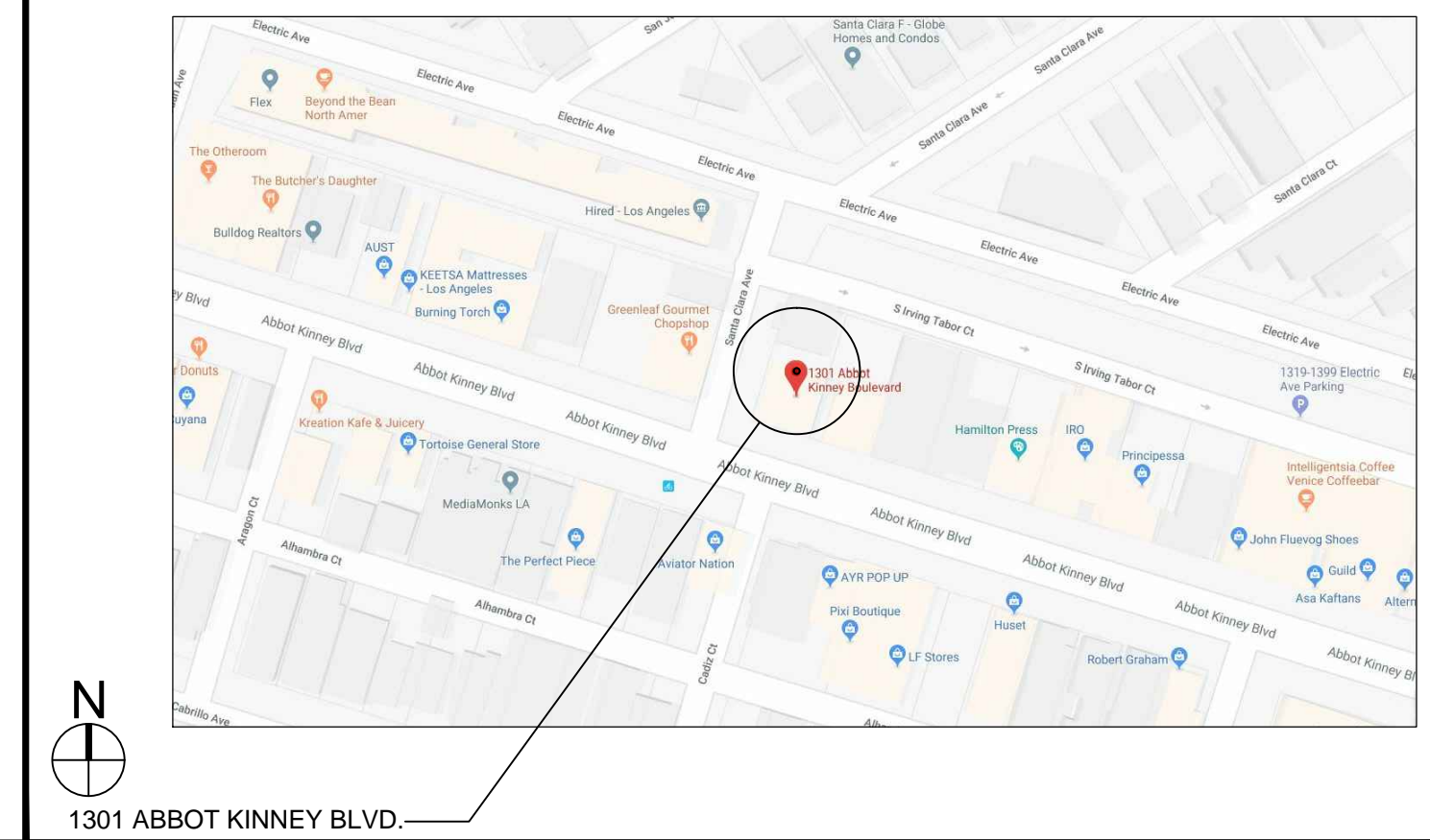
1301 ABBOT KINNEY BLVD. VENICE, CA 90291

1 SITE PLAN
1/8" = 1'-0"

LOCATION MAP



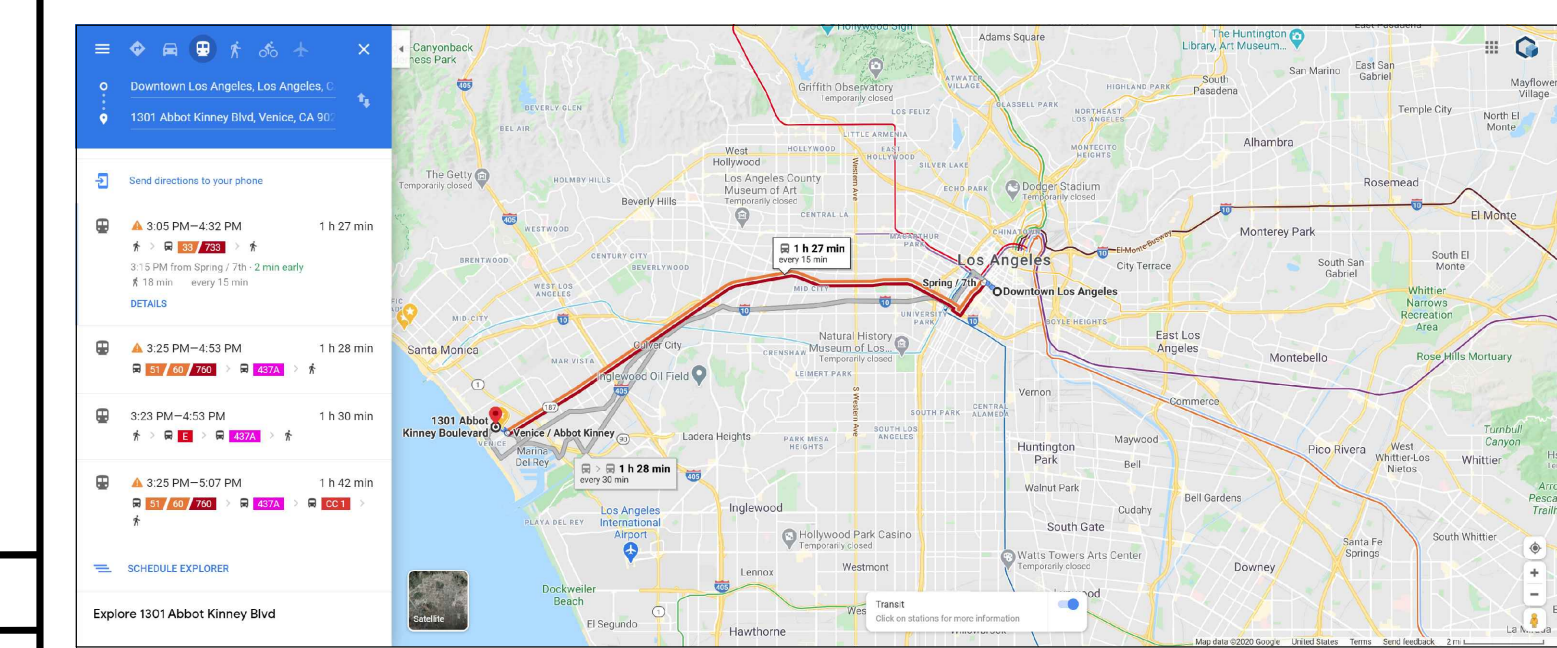
VICINITY MAP



DRAWING LIST

DRAWING:	TITLE:	09-18-2020 REVIEW
A-0.00	INDEX & SITE INFORMATION	●
D-1.00	EXISTING SITE / DEMO PLAN	●
A-0.10	BASEMENT PARKING	●
A-1.00	SITE / PARKING PLAN	●
A-1.01	GROUND FLOOR PLAN	●
A-1.02	SECOND LEVEL FLOOR PLAN	●
A-1.03	THIRD LEVEL FLOOR PLAN	●
A-1.04	ROOF DECK PLAN	●
A-5.01	SECTIONS	●
A-3.01	EXTERIOR ELEVATION & STREETSCAPE	●
A-3.02	EXTERIOR ELEVATION	●
A-3.03	EXTERIOR ELEVATION	●
A-3.04	EXTERIOR ELEVATION	●

PUBLIC TRANSIT MAP



PROJECT INFORMATION

BUILDING ADDRESS: 1301 ABBOT KINNEY BLVD. VENICE, CA 90291

OWNER: RICHARD J. GOTTLIEB & SPALDING COMMERCIAL LLC. 729 MONTANA AVE. SANTA MONICA, CA 90403

SCOPE OF WORK: NEW 3-STORY, 4,990 (NET) SQ. FT. MIXED USE STRUCTURE WITH ONE SUBTERRANEAN PARKING LEVEL WITH AUTOMATED PARKING SYSTEM. PROJECT WILL OFFER ONE TO ONE REPLACEMENT OF 3 EXISTING DWELLING UNITS AND INCLUDES 1,587 SQ. FT. RETAIL AT GROUND FLOOR AND 3 RESIDENTIAL UNITS AT 2ND AND 3RD LEVEL WITH EXTERIOR BALCONIES. (ONE OF THREE RESIDENTIAL UNITS TO BE AN ACCESSORY DWELLING UNIT).

PARKING: THE PROPOSED PROJECT WILL OFFER 13 ON-SITE AUTO SPACES AND 8 BIKE PARKING SPACES. THE SUBJECT LOT IS NON-CONFORMING @ ONLY 3,392.5 SQ. FT. (32% OR 1,607 SQ. FT. SMALLER THAN CONFORMING LOTS).

PROPOSED BUILDING HEIGHT = 35'-0"

APN: 4239027001
 VENICE COASTAL ZONE
 RALPH ROGERS SUBDIVISION OF BLOCK "V"
 OCEAN PARK VILLA TRACT NO. 2
 BLK C
 LOT: 1
 MAP REFERENCE: M B 4-81
 ZONE: C2-1-O-CA
 LOT AREA: 3,392.5 SQ. FT.
 OCCUPANCY: MIXED
 CONSTRUCTION TYPE: TBD
 NUMBER OF STORIES: 3
 AREA OF STRUCTURE = 4,990 SQ. FT. (NET), 5,980 SQ. FT. (GROSS) (NOT INCLUDING BASEMENT OR ROOF DECK)

EXISTING BUILDING 1
 YEAR BUILT: 1922
 BUILDING CLASS: D5
 NUMBER OF UNITS: 2
 BUILDING AREA: 1,312 SQ. FT.

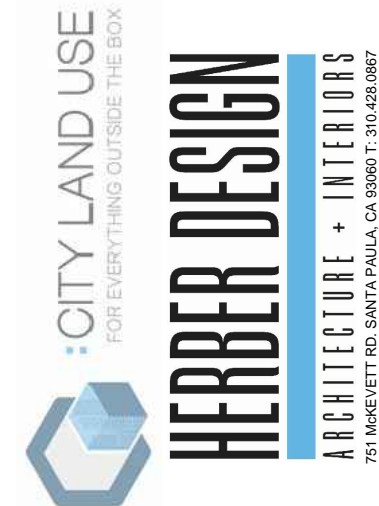
EXISTING BUILDING 2
 YEAR BUILT: 1912
 BUILDING CLASS: D35A
 NUMBER OF UNITS: 1
 BUILDING AREA: 714 SQ. FT.

F.A.R. CALCULATIONS
 3,392.5 SQ. FT. (LOT AREA)
 X 1.5 = 5,088.75 SQ. FT. ALLOWABLE F.A.R.
 PROPOSED FLOOR AREA = 4,990 SQ. FT.
 4,990 SQ. FT. < 5,088.75 SQ. FT. (ALLOWABLE F.A.R.)

GROSS AREA CALCULATIONS:
 GROSS AREA (NOT COUNTED IN F.A.R.):
 GROUND LEVEL (GROSS): 2,142 SQ. FT.
 SECOND LEVEL (GROSS): 1,952 SQ. FT.
 THIRD LEVEL (GROSS): 1,886 SQ. FT.
 TOTAL (GROSS): 5,980 SQ. FT.

VOLUNTARY INCLUSION OF THIRD DWELLING UNIT ON A NON-CONFORMING LOT (2 DWELLING UNITS MAXIMUM PER LAMC 12.23-E)
GOV'T CODE 65852.2 & LAMC 12.22.A.33 PROVIDE THAT ADU'S DO NOT EXCEED THE ALLOWABLE DENSITY FOR THE LOT UPON WHICH THE ADU IS LOCATED, AND THAT ADU'S ARE A RESIDENTIAL USE THAT IS CONSISTENT WITH THE EXISTING GENERAL PLAN AND ZONING DESIGNATION FOR THE LOT

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW

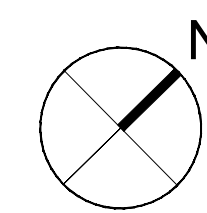


1301 ABBOT KINNEY BLVD., VENICE, CA 90291

ARCHITECT
 JASON HERBER
 751 MCKEVETT RD.
 SANTA PAULA, CA 93060
 T. 310.428.9867

DRAWING TITLE:
 INDEX &
 GENERAL NOTES

DRAWING NUMBER:
A-0-00



EXISTING PROPERTY INFO:

LOT AREA: 3,392.5 SQ. FT.

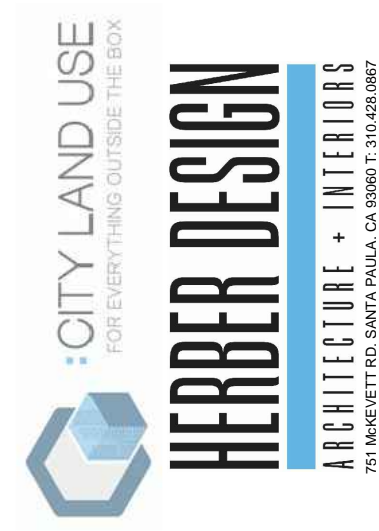
EXISTING BUILDING 1

YEAR BUILT: 1922
BUILDING CLASS: D5
NUMBER OF UNITS: 2
BUILDING AREA: 1,312 SQ. FT.

EXISTING BUILDING 2

YEAR BUILT: 1912
BUILDING CLASS: D35A
NUMBER OF UNITS: 1
BUILDING AREA: 714 SQ. FT.

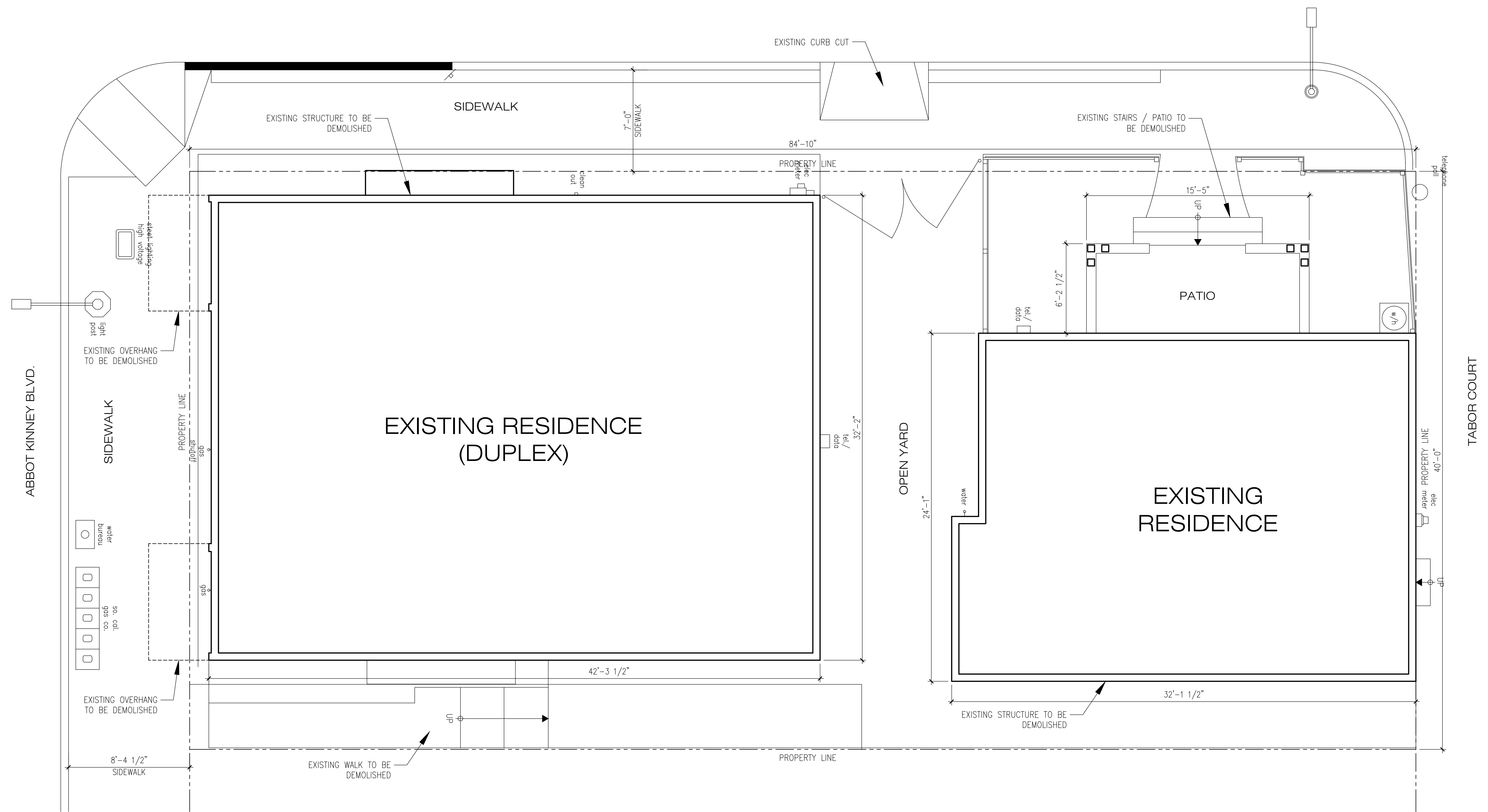
DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW



1301 ABBOT KINNEY BLVD.

1301 ABBOT KINNEY BLVD., VENICE, CA 90291

ARCHITECT
HERBER DESIGN
JASON HERBER
751 McKEVETT RD.
SANTA PAULA, CA 93060
T: 310.428.0867



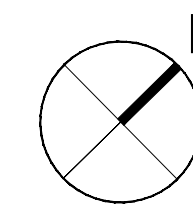
EXISTING SITE PLAN / DEMOLITION PLAN

SCALE
1/4" = 1'-0"

1

DRAWING TITLE:
EXISTING
SITE PLAN /
DEMO PLAN

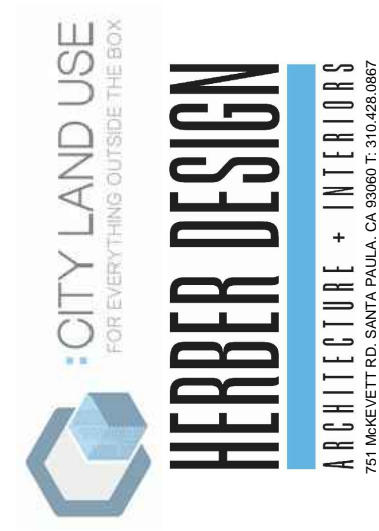
DRAWING NUMBER:
D-1.00



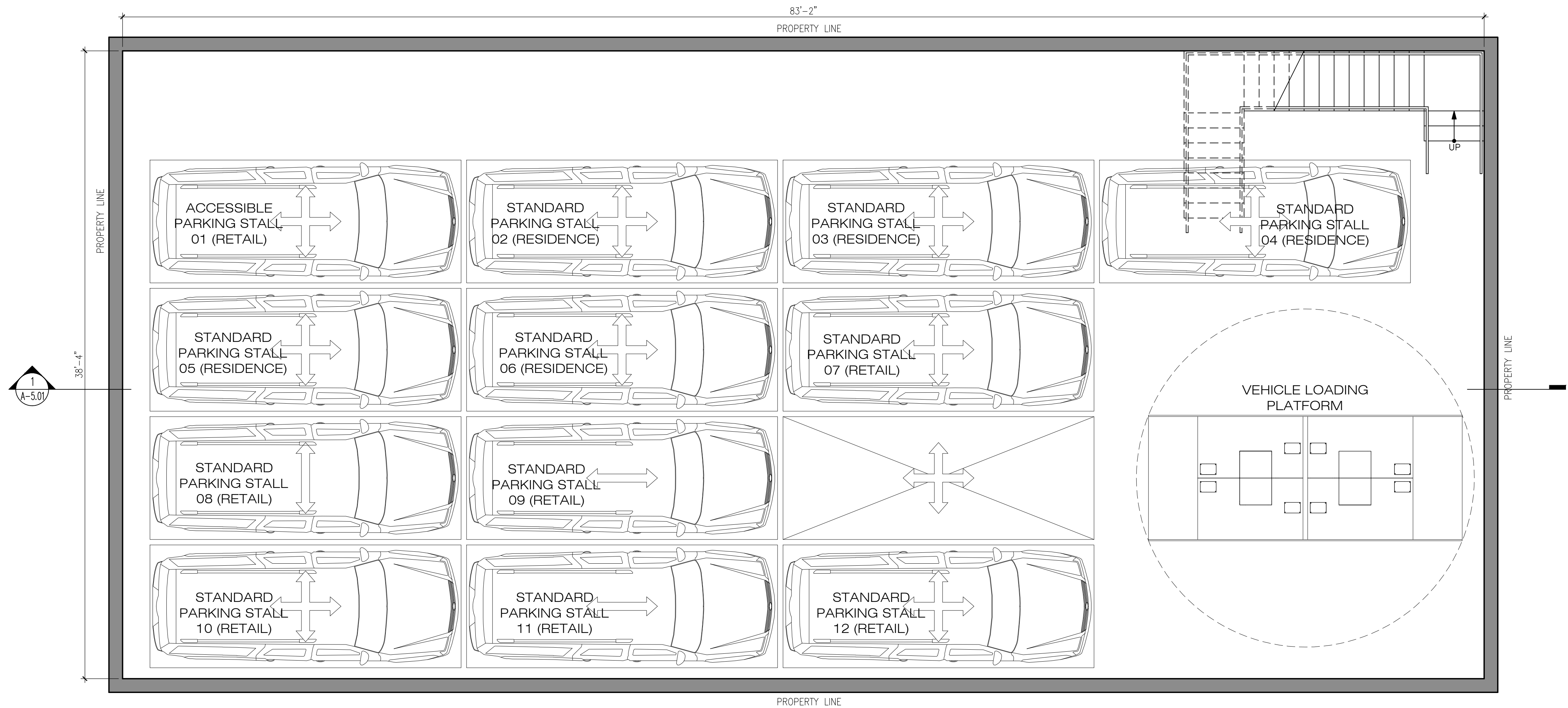
WALL TYPE KEY	
	NEW WALL
	NEW PARTIAL HEIGHT WALL

PARKING SUMMARY:	
EXISTING PARKING:	0 STALLS
REQUIRED PARKING:	
COMMERCIAL	
GROUND FLOOR:	
RETAIL = 1,587 S.F. / 225 =	7 STALLS
BEACH IMPACT PARKING ZONE (B.I.Z) STALLS REQUIRED:	
1,587 S.F. (GROUND LEVEL) / 640 (B.I.Z) = 2.48	2 STALLS
RESIDENTIAL	
SECOND & THIRD FLOOR:	
RESIDENCE A = 2 PER UNIT	
RESIDENCE C = 2 PER UNIT	
+ 1 ADDITIONAL GUEST SPACE	5 STALLS
RESIDENCE B (A.D.U.) = 1 PROVIDED (NO PARKING REQUIRED)	
PER LAMC CODE 12.22A.33.12.(f).A : NO PARKING IS REQUIRED FOR AN ACCESSORY DWELLING UNIT (ADU) THAT IS LOCATED WITHIN ON-HALF MILE WALKING DISTANCE OF A PUBLIC TRANSIT (BUS STOP).	
NEAREST BUS STOP: BIG BLUE BUS CALIFORNIA EB & ABBOT KINNEY BLVD. FS STOP #2766 IS 0.1 MILES AWAY AT CALIFORNIA AVE. & TABOR COURT	
TOTAL PARKING REQUIRED:	14 STALLS
TOTAL PARKING PROVIDED:	15 STALLS

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW



1301 ABBOT KINNEY BLVD.
 1301 ABBOT KINNEY BLVD., VENICE, CA 90291
 ARCHITECT
 HERBER DESIGN
 JASON HERBER
 751 McKEVETT RD.
 SANTA PALMA, CA 90060
 T: 310.428.0867

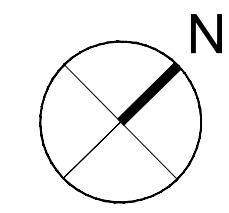


BICYCLE PARKING CALCULATIONS:	
PER BICYCLE PARKING ORDINANCE OF 12-1297-S1, AUTOMOBILE PARKING SPACES FOR NONRESIDENTIAL PROJECTS OR BUILDINGS LOCATED WITHIN 1,500 FT. OF A PORTAL OF A FIXED RAIL TRANSIT STATION, BUS STATION, OR OTHER SIMILAR TRANSIT FACILITY MAY REPLACE UP TO 30% OF THE REQUIRED AUTOMOBILE PARKING SPACES WITH BICYCLE PARKING.	
7 (COMMERCIAL) STALLS X .30 = 2 BICYCLE SUBSTITUTION STALLS ALLOWED	
STALLS TO BE EXCHANGED FOR ON-SITE BICYCLE PARKING PER LAMC 12.03: 1 STALL = 4 BICYCLES X 2 STALLS = 8 BICYCLES REQUIRED ON-SITE.	
FOR COMMERCIAL / RETAIL USE:	
SHORT-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)	
LONG-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)	
1,587 SQ. FT. OF RETAIL SPACE PROPOSED =	
2 LONG-TERM SPACES REQUIRED, 2 LONG-TERM SPACES PROVIDED	
2 SHORT-TERM SPACES REQUIRED, 2 SHORT-TERM SPACES PROVIDED	
2 BICYCLE SUBSTITUTION STALLS PROPOSED FOR COMMERCIAL	
6 SHORT-TERM SPACES PROPOSED IN PUBLIC RIGHT-OF-WAY (2 = REQUIRED FOR NEW DEVELOPMENT, 4 = BICYCLE SUBSTITUTION)	
2 LONG-TERM SPACES PROPOSED ON-SITE (2 = REQUIRED FOR NEW DEVELOPMENT)	
4 SHORT-TERM SPACES PROPOSED ON-SITE (4 = BICYCLE SUBSTITUTION)	

FLOOR AREA RATIO (F.A.R.) CALCULATIONS:	
LOT AREA = 3,392.5 SQ. FT.	
ALLOWABLE FLOOR AREA RATIO (F.A.R.) = 1.5:1	
3,392.5 SQ. FT. X 1.5 = 5,088.75 SQ. FT. ALLOWABLE F.A.R.	
TOTAL NET AREA OF PROPOSED PROJECT =	
TOTAL RETAIL = 1,587 SQ. FT. (COUNTED IN F.A.R.)	
TOTAL RESIDENCE = 3,403 SQ. FT. (COUNTED IN F.A.R.)	
1,587 SQ. FT. + 3,403 SQ. FT. = 4,990 SQ. FT. (COUNTED IN F.A.R.)	
4,990 SQ. FT. < 5,088.75 SQ. FT. (1.5:1 F.A.R.) = 1.47 F.A.R. PROPOSED (BELOW ALLOWABLE F.A.R. THRESHOLD)	

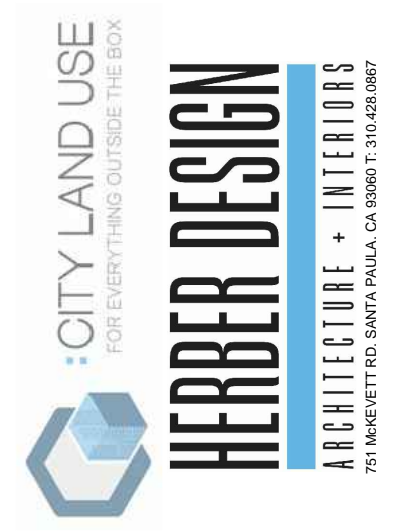
AREA CALCULATIONS:	
BASEMENT AREA (NET):	2,993 SQ. FT.
GROUND LEVEL AREA (NET):	1,587 SQ. FT.
SECOND LEVEL AREA (NET):	1,716 SQ. FT.
THIRD LEVEL AREA (NET):	1,687 SQ. FT.
TOTAL AREA (NET):	7,983 SQ. FT.

	RETAIL SPACE (GROUND LEVEL) = 1,587 SQ. FT. TOTAL RETAIL AREA = 1,587 SQ. FT.
	RESIDENCE UNIT A (LEVEL 2) = 536 SQ. FT. RESIDENCE UNIT A (LEVEL 3) = 584 SQ. FT. UNIT A TOTAL = 1,120 SQ. FT.
	RESIDENCE UNIT B (A.D.U.) (LEVEL 2) = 550 SQ. FT. RESIDENCE UNIT B (A.D.U.) (LEVEL 3) = 574 SQ. FT. UNIT B (A.D.U.) TOTAL = 1,124 SQ. FT.
	RESIDENCE UNIT C (LEVEL 2) = 630 SQ. FT. RESIDENCE UNIT C (LEVEL 3) = 529 SQ. FT. UNIT C TOTAL = 1,159 SQ. FT.
	SETBACK AREA (UNIT A) = 519 SQ. FT. SETBACK AREA (UNIT B) (A.D.U.) = 296 SQ. FT. SETBACK AREA (UNIT C) = 377 SQ. FT. TOTAL SETBACK AREA = 1,192 SQ. FT. (NOT COUNTED IN F.A.R.)
	UNIT A BALCONY = 225 SQ. FT. (NOT COUNTED IN F.A.R.)
	UNIT B (A.D.U.) BALCONY = 251 SQ. FT. (NOT COUNTED IN F.A.R.)
	UNIT C BALCONY = 214 SQ. FT. (NOT COUNTED IN F.A.R.)



WALL TYPE KEY	
	NEW WALL
	NEW PARTIAL HEIGHT WALL
PARKING SUMMARY:	
EXISTING PARKING: 3 RESIDENTIAL UNITS:	0 STALLS
REQUIRED PARKING:	
COMMERCIAL	
GROUND FLOOR: RETAIL = 1,587 S.F. / 225 =	7 STALLS
BEACH IMPACT PARKING ZONE (B.I.Z) STALLS REQUIRED: 1,587 S.F. (GROUND LEVEL) / 640 (B.I.Z) = 2.48	2 STALLS
RESIDENTIAL	
SECOND & THIRD FLOOR: RESIDENCE A = 2 PER UNIT RESIDENCE C = 2 PER UNIT + 1 ADDITIONAL GUEST SPACE	5 STALLS
RESIDENCE B (A.D.U.) = 1 PROVIDED (NO PARKING REQUIRED)	
PER LAMC CODE 12.22A.33.12.(I).A : NO PARKING IS REQUIRED FOR AN ACCESSORY DWELLING UNIT (ADU) THAT IS LOCATED WITHIN ON-HALF MILE WALKING DISTANCE OF A PUBLIC TRANSIT (BUS STOP).	
NEAREST BUS STOP: BIG BLUE BUS CALIFORNIA EB & ABBOT KINNEY BLVD. FS STOP #2768 IS 0.1 MILES AWAY AT CALIFORNIA AVE. & TABOR COURT	
TOTAL PARKING REQUIRED:	14 STALLS
TOTAL PARKING PROVIDED:	15 STALLS

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW



1301 ABBOT KINNEY BLVD.

1301 ABBOT KINNEY BLVD., VENICE, CA 90291

ARCHITECT
HERBER DESIGN
JASON HERBER
751 MCKEVETT RD.
SANTA PAULA, CA 95060
T: 310.428.0867

DRAWING TITLE:
SITE PLAN

DRAWING NUMBER:
A-1.00

BICYCLE PARKING CALCULATIONS:

PER BICYCLE PARKING ORDINANCE CF 12-1297-S1, AUTOMOBILE PARKING SPACES FOR NONRESIDENTIAL PROJECTS OR BUILDINGS LOCATED WITHIN 1,500 FT. OF A PORTAL OF A FIXED RAIL TRANSIT STATION, BUS STATION, OR OTHER SIMILAR TRANSIT FACILITY MAY REPLACE UP TO 30% OF THE REQUIRED AUTOMOBILE PARKING SPACES WITH BICYCLE PARKING.

7 (COMMERCIAL) STALLS X .30 = 2 BICYCLE SUBSTITUTION STALLS ALLOWED
STALLS TO BE EXCHANGED FOR ON-SITE BICYCLE PARKING PER LAMC 12.03: 1 STALL = 4 BICYCLES X 2 STALLS = 8 BICYCLES REQUIRED ON-SITE.

FOR COMMERCIAL / RETAIL USE:
SHORT-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)
LONG-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)
1,587 SQ. FT. OF RETAIL SPACE PROPOSED =
2 LONG-TERM SPACES REQUIRED, 2 LONG-TERM SPACES PROVIDED
2 SHORT-TERM SPACES REQUIRED, 2 SHORT-TERM SPACES PROVIDED
2 BICYCLE SUBSTITUTION STALLS PROPOSED FOR COMMERCIAL
6 SHORT-TERM SPACES PROPOSED IN PUBLIC RIGHT-OF-WAY (2 = REQUIRED FOR NEW DEVELOPMENT, 4 = BICYCLE SUBSTITUTION)
2 LONG-TERM SPACES PROPOSED ON-SITE (2 = REQUIRED FOR NEW DEVELOPMENT)
4 SHORT-TERM SPACES PROPOSED ON-SITE (4 = BICYCLE SUBSTITUTION)

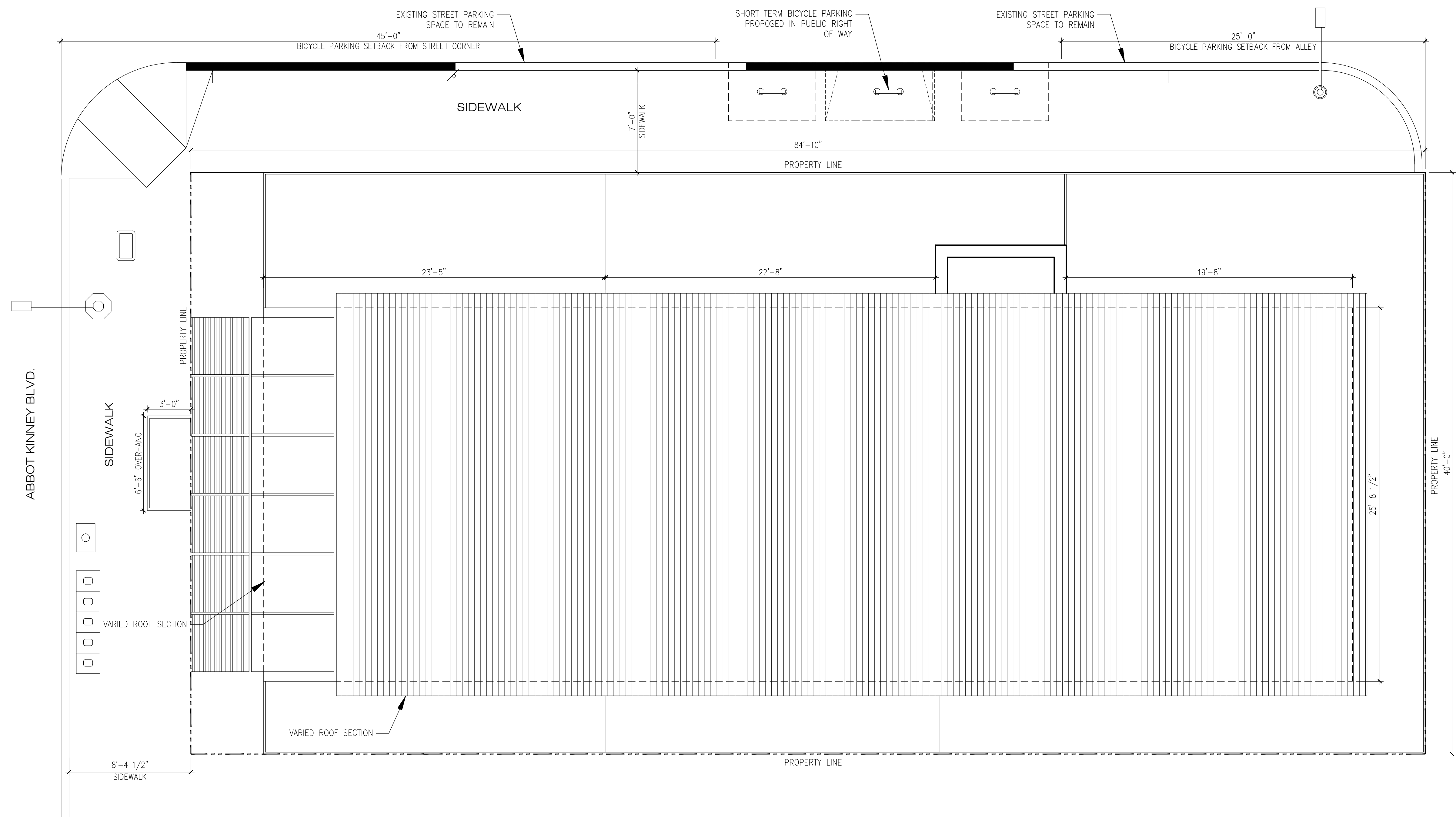
FLOOR AREA RATIO (F.A.R.) CALCULATIONS:

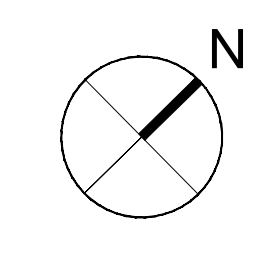
LOT AREA = 3,392.5 SQ. FT.
ALLOWABLE FLOOR AREA RATIO (F.A.R.) = 1.5:1
3,392.5 SQ. FT. X 1.5 = 5,088.75 SQ. FT. ALLOWABLE F.A.R.
TOTAL NET AREA OF PROPOSED PROJECT =
TOTAL RETAIL = 1,587 SQ. FT. (COUNTED IN F.A.R.)
TOTAL RESIDENCE = 3,403 SQ. FT. (COUNTED IN F.A.R.)
1,587 SQ. FT. + 3,403 SQ. FT. = 4,990 SQ. FT. (COUNTED IN F.A.R.)
4,990 SQ. FT. < 5,088.75 SQ. FT. (1.5:1 F.A.R.) = 1.47 F.A.R. PROPOSED (BELOW ALLOWABLE F.A.R. THRESHOLD)

AREA CALCULATIONS:

BASEMENT AREA (NET):	2,993 SQ. FT.
GROUND LEVEL AREA (NET):	1,587 SQ. FT.
SECOND LEVEL AREA (NET):	1,716 SQ. FT.
THIRD LEVEL AREA (NET):	1,687 SQ. FT.
TOTAL AREA (NET):	7,983 SQ. FT.

- RETAIL SPACE (GROUND LEVEL) = 1,587 SQ. FT.
TOTAL RETAIL AREA = 1,587 SQ. FT.
- RESIDENCE UNIT A (LEVEL 2) = 536 SQ. FT.
RESIDENCE UNIT A (LEVEL 3) = 584 SQ. FT.
UNIT A TOTAL = 1,120 SQ. FT.
- RESIDENCE UNIT B (A.D.U.) (LEVEL 2) = 550 SQ. FT.
RESIDENCE UNIT B (A.D.U.) (LEVEL 3) = 574 SQ. FT.
UNIT B (A.D.U.) TOTAL = 1,124 SQ. FT.
- RESIDENCE UNIT C (LEVEL 2) = 630 SQ. FT.
RESIDENCE UNIT C (LEVEL 3) = 529 SQ. FT.
UNIT C TOTAL = 1,159 SQ. FT.
- SETBACK AREA (UNIT A) = 519 SQ. FT.
SETBACK AREA (UNIT B) (A.D.U.) = 296 SQ. FT.
SETBACK AREA (UNIT C) = 377 SQ. FT.
TOTAL SETBACK AREA = 1,192 SQ. FT. (NOT COUNTED IN F.A.R.)
- UNIT A BALCONY = 225 SQ. FT. (NOT COUNTED IN F.A.R.)
- UNIT B (A.D.U.) BALCONY = 251 SQ. FT. (NOT COUNTED IN F.A.R.)
- UNIT C BALCONY = 214 SQ. FT. (NOT COUNTED IN F.A.R.)





WALL TYPE KEY	
[Solid Line]	NEW WALL
[Dashed Line]	NEW PARTIAL HEIGHT WALL

PARKING SUMMARY:	
EXISTING PARKING:	0 STALLS
REQUIRED PARKING:	
COMMERCIAL	
GROUND FLOOR: RETAIL = 1,587 S.F. / 225 =	7 STALLS
BEACH IMPACT PARKING ZONE (B.I.Z) STALLS REQUIRED: 1,587 S.F. (GROUND LEVEL) / 640 (B.I.Z) = 2.48	2 STALLS
RESIDENTIAL	
SECOND & THIRD FLOOR: RESIDENCE A = 2 PER UNIT RESIDENCE C = 2 PER UNIT + 1 ADDITIONAL GUEST SPACE	5 STALLS
RESIDENCE B (A.D.U.) = 1 PROVIDED (NO PARKING REQUIRED)	
PER LAMC CODE 12.22A.33.12.(I).A : NO PARKING IS REQUIRED FOR AN ACCESSORY DWELLING UNIT (ADU) THAT IS LOCATED WITHIN ON-HALF MILE WALKING DISTANCE OF A PUBLIC TRANSIT (BUS STOP).	
NEAREST BUS STOP: BIG BLUE BUS CALIFORNIA EB & ABBOT KINNEY BLVD. FS STOP #2768 IS 0.1 MILES AWAY AT CALIFORNIA AVE. & TABOR COURT	
TOTAL PARKING REQUIRED:	14 STALLS
TOTAL PARKING PROVIDED:	15 STALLS

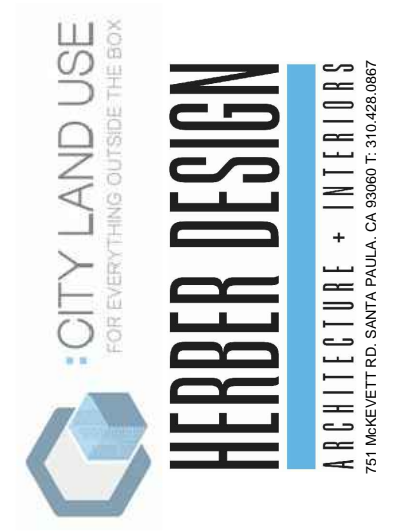
DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW

BICYCLE PARKING CALCULATIONS:	
PER BICYCLE PARKING ORDINANCE CF 12-1297-S1, AUTOMOBILE PARKING SPACES FOR NONRESIDENTIAL PROJECTS OR BUILDINGS LOCATED WITHIN 1,500 FT. OF A PORTAL OF A FIXED RAIL TRANSIT STATION, BUS STATION, OR OTHER SIMILAR TRANSIT FACILITY MAY REPLACE UP TO 30% OF THE REQUIRED AUTOMOBILE PARKING SPACES WITH BICYCLE PARKING.	
7 (COMMERCIAL) STALLS X .30 = 2 BICYCLE SUBSTITUTION STALLS ALLOWED	
STALLS TO BE EXCHANGED FOR ON-SITE BICYCLE PARKING PER LAMC 12.03.1 STALL = 4 BICYCLES X 2 STALLS = 8 BICYCLES REQUIRED ON-SITE.	
FOR COMMERCIAL / RETAIL USE:	
SHORT-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)	
LONG-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)	
1,587 SQ. FT. OF RETAIL SPACE PROPOSED =	
2 LONG-TERM SPACES REQUIRED, 2 LONG-TERM SPACES PROVIDED	
2 SHORT-TERM SPACES REQUIRED, 2 SHORT-TERM SPACES PROVIDED	
2 BICYCLE SUBSTITUTION STALLS PROPOSED FOR COMMERCIAL	
6 SHORT-TERM SPACES PROPOSED IN PUBLIC RIGHT-OF-WAY (2 = REQUIRED FOR NEW DEVELOPMENT, 4 = BICYCLE SUBSTITUTION)	
2 LONG-TERM SPACES PROPOSED ON-SITE (2 = REQUIRED FOR NEW DEVELOPMENT)	
4 SHORT-TERM SPACES PROPOSED ON-SITE (4 = BICYCLE SUBSTITUTION)	

FLOOR AREA RATIO (F.A.R.) CALCULATIONS:	
LOT AREA = 3,392.5 SQ. FT.	
ALLOWABLE FLOOR AREA RATIO (F.A.R.) = 1.5:1	
3,392.5 SQ. FT. X 1.5 = 5,088.75 SQ. FT. ALLOWABLE F.A.R.	
TOTAL NET AREA OF PROPOSED PROJECT =	
TOTAL RETAIL = 1,587 SQ. FT. (COUNTED IN F.A.R.)	
TOTAL RESIDENCE = 3,403 SQ. FT. (COUNTED IN F.A.R.)	
1,587 SQ. FT. + 3,403 SQ. FT. = 4,990 SQ. FT. (COUNTED IN F.A.R.)	
4,990 SQ. FT. < 5,088.75 SQ. FT. (1.5:1 F.A.R.) = 1.47 F.A.R. PROPOSED (BELOW ALLOWABLE F.A.R. THRESHOLD)	

AREA CALCULATIONS:	
BASEMENT AREA (NET):	2,993 SQ. FT.
GROUND LEVEL AREA (NET):	1,587 SQ. FT.
SECOND LEVEL AREA (NET):	1,716 SQ. FT.
THIRD LEVEL AREA (NET):	1,687 SQ. FT.
TOTAL AREA (NET):	7,983 SQ. FT.

[Orange Box]	RETAIL SPACE (GROUND LEVEL) = 1,587 SQ. FT. TOTAL RETAIL AREA = 1,587 SQ. FT.
[Red Box]	RESIDENCE UNIT A (LEVEL 2) = 536 SQ. FT. RESIDENCE UNIT A (LEVEL 3) = 584 SQ. FT. UNIT A TOTAL = 1,120 SQ. FT.
[Green Box]	RESIDENCE UNIT B (A.D.U.) (LEVEL 2) = 550 SQ. FT. RESIDENCE UNIT B (A.D.U.) (LEVEL 3) = 574 SQ. FT. UNIT B (A.D.U.) TOTAL = 1,124 SQ. FT.
[Yellow Box]	RESIDENCE UNIT C (LEVEL 2) = 630 SQ. FT. RESIDENCE UNIT C (LEVEL 3) = 529 SQ. FT. UNIT C TOTAL = 1,159 SQ. FT.
[Blue Box]	SETBACK AREA (UNIT A) = 519 SQ. FT. SETBACK AREA (UNIT B) (A.D.U.) = 296 SQ. FT. SETBACK AREA (UNIT C) = 377 SQ. FT. TOTAL SETBACK AREA = 1,192 SQ. FT. (NOT COUNTED IN F.A.R.)
[Purple Box]	UNIT A BALCONY = 225 SQ. FT. (NOT COUNTED IN F.A.R.)
[Cyan Box]	UNIT B (A.D.U.) BALCONY = 251 SQ. FT. (NOT COUNTED IN F.A.R.)
[Brown Box]	UNIT C BALCONY = 214 SQ. FT. (NOT COUNTED IN F.A.R.)



1301 ABBOT KINNEY BLVD.
 1301 ABBOT KINNEY BLVD., VENICE, CA 90291

ARCHITECT
 HERBER DESIGN
 JASON HERBER
 751 McKEVETT RD.
 SANTA PAULA, CA 90060
 T: 310.428.0867

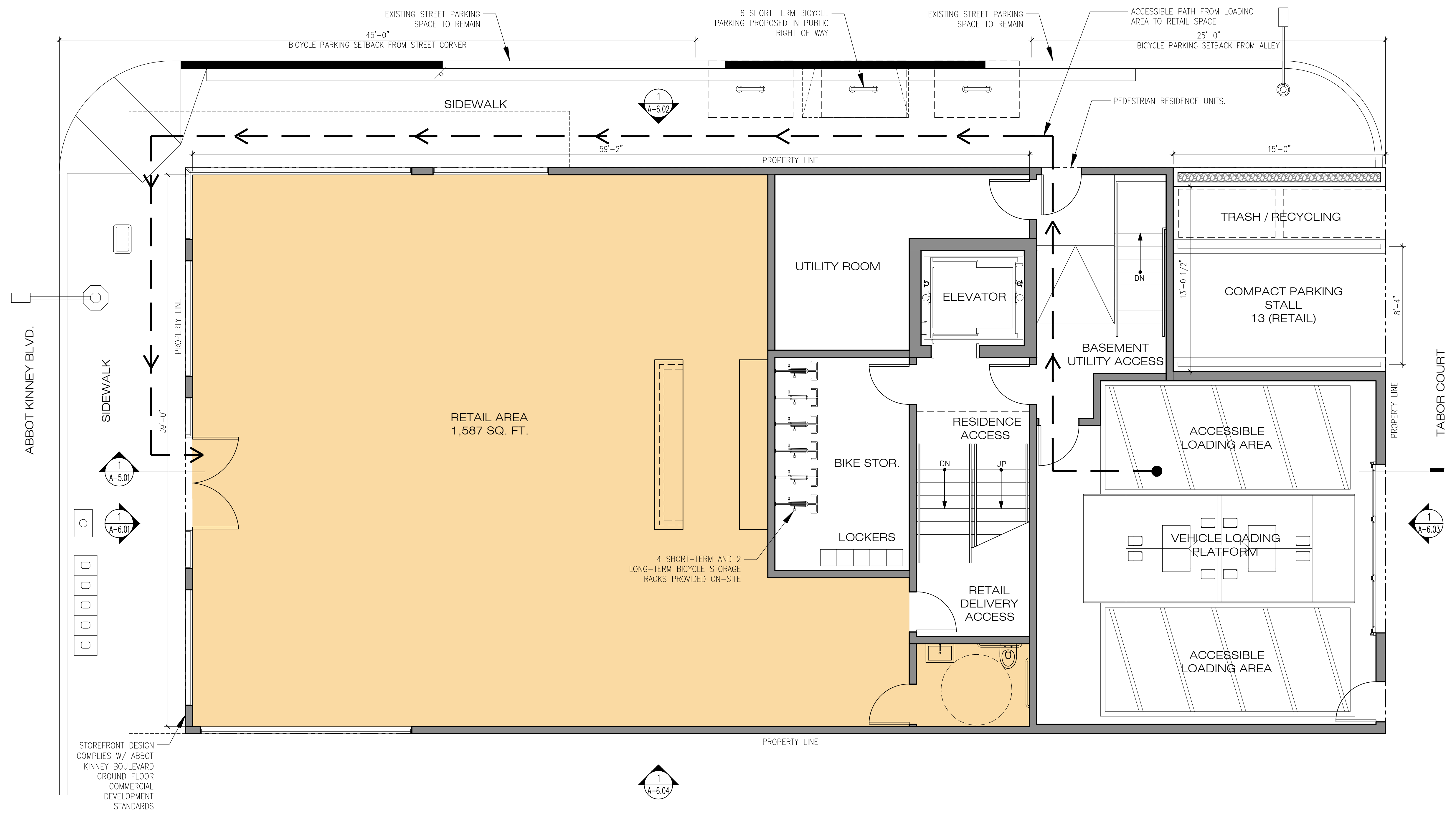
DRAWING TITLE:
GROUND LEVEL FLOOR PLAN

DRAWING NUMBER:
A-1.01

FOR NEW DEVELOPMENTS, SHORT-TERM BICYCLE PARKING SHALL BE LOCATED TO MAXIMIZE VISIBILITY FROM A PEDESTRIAN ENTRANCE. FOR NEW OR EXISTING BUILDINGS, WHERE SHORT-TERM BICYCLE PARKING IS LOCATED WITHIN BUILDINGS OR PARKING GARAGES, SIGNAGE IS REQUIRED AT EACH BUILDING ENTRANCE AS PER SECTION 12.21 A 16(d)(4), (e)

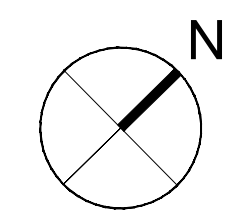
SHORT TERM BICYCLE PARKING SPACES SHALL BE LOCATED NO FURTHER THAN 100 FT. OF WALKING DISTANCE FROM A PEDESTRIAN ENTRANCE

PROPOSED BICYCLE PARKING IN THE PUBLIC RIGHT-OF-WAY IS 65' FROM PRIMARY BUILDING ENTRANCE, AND 15' FROM SECONDARY BUILDING ENTRANCE



- A. AT THE GROUND FLOOR, CONTINUOUS AND UNARTICULATED GLASS CURTAIN WALLS SHALL NOT BE PERMITTED. FACADES OF BUILDINGS SHALL BE DIVIDED INTO INDIVIDUAL STOREFRONTS
- B. LARGE EXPANSIONS OF GLASS SHALL BE SUBDIVIDED INTO UNITS NOT LARGER THAN SIX FEET WIDE SEPARATED BY THE MULLIONS
- C. NO STOREFRONT WINDOWS SHALL BE LOWER THAN 12 INCHES ABOVE SIDEWALK GRADE. THE WINDOWS SHALL HAVE A SOLID BASE SURFACED WITH HIGH QUALITY MATERIALS, SUCH AS A CERAMIC TILE, MARBLE, GRANITE, LIMESTONE, SLATE, BRICK, WOOD OR SIMILAR MATERIALS APPROVED BY THE PLANNING DIRECTOR. THE TOP OF THE WINDOW SHALL NOT EXTEND TO THE CEILING HEIGHT, AND SHALL BE CAPPED WITH AN ARCHITECTURAL FEATURE

GROUND LEVEL FLOOR PLAN SCALE 1/4" = 1'-0" 1



WALL TYPE KEY	
	NEW WALL
	NEW PARTIAL HEIGHT WALL

PARKING SUMMARY:	
EXISTING PARKING:	0 STALLS
REQUIRED PARKING:	
COMMERCIAL	
GROUND FLOOR:	
RETAIL = 1,587 S.F. / 225 =	7 STALLS
BEACH IMPACT PARKING ZONE (B.I.Z) STALLS REQUIRED:	
1,587 S.F. (GROUND LEVEL) / 640 (B.I.Z) = 2.48	2 STALLS
RESIDENTIAL	
SECOND & THIRD FLOOR:	
RESIDENCE A = 2 PER UNIT	
RESIDENCE C = 2 PER UNIT	
+ 1 ADDITIONAL GUEST SPACE	5 STALLS
RESIDENCE B (A.D.U.) = 1 PROVIDED (NO PARKING REQUIRED)	
PER LAMC CODE 12.22A.33.12.(I).A : NO PARKING IS REQUIRED FOR AN ACCESSORY DWELLING UNIT (ADU) THAT IS LOCATED WITHIN ON-HALF MILE WALKING DISTANCE OF A PUBLIC TRANSIT (BUS STOP).	
NEAREST BUS STOP: BIG BLUE BUS CALIFORNIA EB & ABBOT KINNEY BLVD. FS STOP #2768 IS 0.1 MILES AWAY AT CALIFORNIA AVE. & TABOR COURT	
TOTAL PARKING REQUIRED:	14 STALLS
TOTAL PARKING PROVIDED:	15 STALLS

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW

BICYCLE PARKING CALCULATIONS:	
PER BICYCLE PARKING ORDINANCE OF 12-1297-S1, AUTOMOBILE PARKING SPACES FOR NONRESIDENTIAL PROJECTS OR BUILDINGS LOCATED WITHIN 1,500 FT. OF A PORTAL OF A FIXED RAIL TRANSIT STATION, BUS STATION, OR OTHER SIMILAR TRANSIT FACILITY MAY REPLACE UP TO 30% OF THE REQUIRED AUTOMOBILE PARKING SPACES WITH BICYCLE PARKING.	
7 (COMMERCIAL) STALLS X .30 = 2 BICYCLE SUBSTITUTION STALLS ALLOWED	
STALLS TO BE EXCHANGED FOR ON-SITE BICYCLE PARKING PER LAMC 12.03.1 STALL = 4 BICYCLES X 2 STALLS = 8 BICYCLES REQUIRED ON-SITE.	
FOR COMMERCIAL / RETAIL USE:	
SHORT-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)	
LONG-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)	
1,587 SQ. FT. OF RETAIL SPACE PROPOSED =	
2 LONG-TERM SPACES REQUIRED, 2 LONG-TERM SPACES PROVIDED	
2 SHORT-TERM SPACES REQUIRED, 2 SHORT-TERM SPACES PROVIDED	
2 BICYCLE SUBSTITUTION STALLS PROPOSED FOR COMMERCIAL	
6 SHORT-TERM SPACES PROPOSED IN PUBLIC RIGHT-OF-WAY (2 = REQUIRED FOR NEW DEVELOPMENT, 4 = BICYCLE SUBSTITUTION)	
2 LONG-TERM SPACES PROPOSED ON-SITE (2 = REQUIRED FOR NEW DEVELOPMENT)	
4 SHORT-TERM SPACES PROPOSED ON-SITE (4 = BICYCLE SUBSTITUTION)	

FLOOR AREA RATIO (F.A.R.) CALCULATIONS:	
LOT AREA = 3,392.5 SQ. FT.	
ALLOWABLE FLOOR AREA RATIO (F.A.R.) = 1.5:1	
3,392.5 SQ. FT. X 1.5 = 5,088.75 SQ. FT. ALLOWABLE F.A.R.	
TOTAL NET AREA OF PROPOSED PROJECT =	
TOTAL RETAIL = 1,587 SQ. FT. (COUNTED IN F.A.R.)	
TOTAL RESIDENCE = 3,403 SQ. FT. (COUNTED IN F.A.R.)	
1,587 SQ. FT. + 3,403 SQ. FT. = 4,990 SQ. FT. (COUNTED IN F.A.R.)	
4,990 SQ. FT. < 5,088.75 SQ. FT. (1.5:1 F.A.R.) = 1.47 F.A.R. PROPOSED (BELOW ALLOWABLE F.A.R. THRESHOLD)	

AREA CALCULATIONS:	
BASEMENT AREA (NET):	2,993 SQ. FT.
GROUND LEVEL AREA (NET):	1,587 SQ. FT.
SECOND LEVEL AREA (NET):	1,716 SQ. FT.
THIRD LEVEL AREA (NET):	1,687 SQ. FT.
TOTAL AREA (NET):	7,983 SQ. FT.

	RETAIL SPACE (GROUND LEVEL) = 1,587 SQ. FT. TOTAL RETAIL AREA = 1,587 SQ. FT.
	RESIDENCE UNIT A (LEVEL 2) = 536 SQ. FT. RESIDENCE UNIT A (LEVEL 3) = 584 SQ. FT. UNIT A TOTAL = 1,120 SQ. FT.
	RESIDENCE UNIT B (A.D.U.) (LEVEL 2) = 550 SQ. FT. RESIDENCE UNIT B (A.D.U.) (LEVEL 3) = 574 SQ. FT. UNIT B (A.D.U.) TOTAL = 1,124 SQ. FT.
	RESIDENCE UNIT C (LEVEL 2) = 630 SQ. FT. RESIDENCE UNIT C (LEVEL 3) = 529 SQ. FT. UNIT C TOTAL = 1,159 SQ. FT.
	SETBACK AREA (UNIT A) = 519 SQ. FT. SETBACK AREA (UNIT B) (A.D.U.) = 296 SQ. FT. SETBACK AREA (UNIT C) = 377 SQ. FT. TOTAL SETBACK AREA = 1,192 SQ. FT. (NOT COUNTED IN F.A.R.)
	UNIT A BALCONY = 225 SQ. FT. (NOT COUNTED IN F.A.R.)
	UNIT B (A.D.U.) BALCONY = 251 SQ. FT. (NOT COUNTED IN F.A.R.)
	UNIT C BALCONY = 214 SQ. FT. (NOT COUNTED IN F.A.R.)



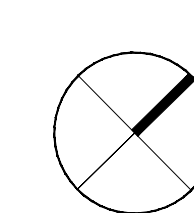
1301 ABBOT KINNEY BLVD.
 ARCHITECT
 HERBER DESIGN
 JASON HERBER
 751 McKEVETT RD.
 SANTA PALMA, CA 95060
 T: 310.428.0867

DRAWING TITLE:
SECOND LEVEL FLOOR PLAN
 DRAWING NUMBER:
A-1.02



SECOND LEVEL FLOOR PLAN
 SCALE
 1/4" = 1'-0"

1



WALL TYPE KEY	
	NEW WALL
	NEW PARTIAL HEIGHT WALL

PARKING SUMMARY:	
EXISTING PARKING:	0 STALLS
REQUIRED PARKING:	
COMMERCIAL	
GROUND FLOOR:	
RETAIL = 1,587 S.F. / 225 =	7 STALLS
BEACH IMPACT PARKING ZONE (B.I.Z) STALLS REQUIRED:	
1,587 S.F. (GROUND LEVEL) / 640 (B.I.Z) = 2.48	2 STALLS
RESIDENTIAL	
SECOND & THIRD FLOOR:	
RESIDENCE A = 2 PER UNIT	
RESIDENCE C = 2 PER UNIT	
+ 1 ADDITIONAL GUEST SPACE	5 STALLS
RESIDENCE B (A.D.U.) = 1 PROVIDED (NO PARKING REQUIRED)	
PER LAMC CODE 12.22A.33.12.(I).A : NO PARKING IS REQUIRED FOR AN ACCESSORY DWELLING UNIT (ADU) THAT IS LOCATED WITHIN ON-HALF MILE WALKING DISTANCE OF A PUBLIC TRANSIT (BUS STOP).	
NEAREST BUS STOP: BIG BLUE BUS CALIFORNIA EB & ABBOT KINNEY BLVD. FS STOP #2768 IS 0.1 MILES AWAY AT CALIFORNIA AVE. & TABOR COURT	
TOTAL PARKING REQUIRED:	14 STALLS
TOTAL PARKING PROVIDED:	15 STALLS

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW

CITY LAND USE
FOR PLANNING AND OTHER CITY DEPARTMENTS

HERBER DESIGN
ARCHITECTURE + INTERIORS
3000 AVENUE OF THE STARS, SUITE 200
SAN ANTONIO, TEXAS 78201
TEL: 214.450.8888

1301 ABBOT KINNEY BLVD.
1301 ABBOT KINNEY BLVD., VENICE, CA 90291

ARCHITECT
HERBER DESIGN, P.A.
JASON HERBER
751 MCKEVETT RD.
SANTA PAULA, CA 95960
T: 310.428.0867

BICYCLE PARKING CALCULATIONS:

PER BICYCLE PARKING ORDINANCE OF 12-1297-S1, AUTOMOBILE PARKING SPACES FOR NONRESIDENTIAL PROJECTS OR BUILDINGS LOCATED WITHIN 1,500 FT. OF A PORTAL OF A FIXED RAIL TRANSIT STATION, BUS STATION, OR OTHER SIMILAR TRANSIT FACILITY MAY REPLACE UP TO 30% OF THE REQUIRED AUTOMOBILE PARKING SPACES WITH BICYCLE PARKING.

7 (COMMERCIAL) STALLS X .30 = 2 BICYCLE SUBSTITUTION STALLS ALLOWED
STALLS TO BE EXCHANGED FOR ON-SITE BICYCLE PARKING PER LAMC 12.03.1
STALL = 4 BICYCLES X 2 STALLS = 8 BICYCLES REQUIRED ON-SITE.

FOR COMMERCIAL / RETAIL USE:

SHORT-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)
LONG-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)

1,587 SQ. FT. OF RETAIL SPACE PROPOSED =
2 LONG-TERM SPACES REQUIRED, 2 SHORT-TERM SPACES PROVIDED

2 SHORT-TERM SPACES REQUIRED, 2 SHORT-TERM SPACES PROVIDED

2 BICYCLE SUBSTITUTION STALLS PROPOSED FOR COMMERCIAL

6 SHORT -TERM SPACES PROPOSED IN PUBLIC RIGHT-OF-WAY (2 = REQUIRED FOR NEW DEVELOPMENT, 4 = BICYCLE SUBSTITUTION)

2 LONG -TERM SPACES PROPOSED ON-SITE (2 = REQUIRED FOR NEW DEVELOPMENT)

4 SHORT -TERM SPACES PROPOSED ON-SITE (4 = BICYCLE SUBSTITUTION)

FLOOR AREA RATIO (F.A.R.) CALCULATIONS:

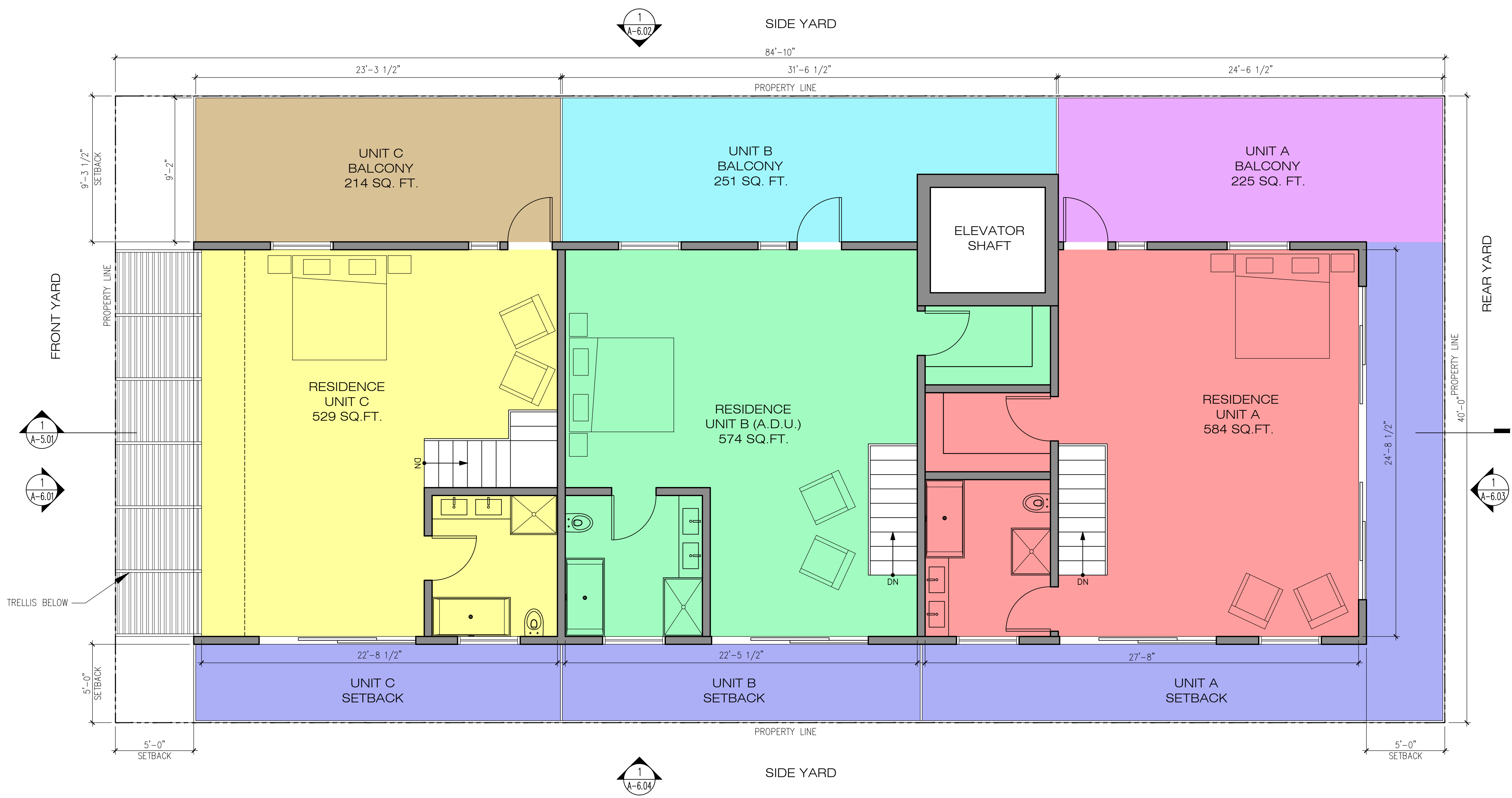
LOT AREA = 3,392.5 SQ. FT.
ALLOWABLE FLOOR AREA RATIO (F.A.R.) = 1.5:1
3,392.5 SQ. FT. X 1.5 = 5,088.75 SQ. FT. ALLOWABLE F.A.R.

TOTAL NET AREA OF PROPOSED PROJECT =
TOTAL RETAIL = 1,587 SQ. FT. (COUNTED IN F.A.R.)
TOTAL RESIDENCE = 3,403 SQ. FT. (COUNTED IN F.A.R.)
1,587 SQ. FT. + 3,403 SQ. FT. = 4,990 SQ. FT. (COUNTED IN F.A.R.)
4,990 SQ. FT. < 5,088.75 SQ. FT. (1.5:1 F.A.R.) = 1.47 F.A.R. PROPOSED (BELOW ALLOWABLE F.A.R. THRESHOLD)

AREA CALCULATIONS:

BASEMENT AREA (NET):	2,993 SQ. FT.
GROUND LEVEL AREA (NET):	1,587 SQ. FT.
SECOND LEVEL AREA (NET):	1,716 SQ. FT.
THIRD LEVEL AREA (NET):	1,687 SQ. FT.
TOTAL AREA (NET):	7,983 SQ. FT.

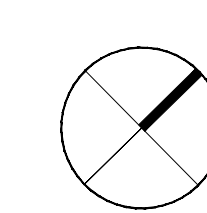
RETAIL SPACE (GROUND LEVEL) = 1,587 SQ. FT. TOTAL RETAIL AREA = 1,587 SQ. FT.
RESIDENCE UNIT A (LEVEL 2) = 536 SQ. FT. RESIDENCE UNIT A (LEVEL 3) = 584 SQ. FT. UNIT A TOTAL = 1,120 SQ. FT.
RESIDENCE UNIT B (A.D.U.) (LEVEL 2) = 550 SQ. FT. RESIDENCE UNIT B (A.D.U.) (LEVEL 3) = 574 SQ. FT. UNIT B (A.D.U.) TOTAL = 1,124 SQ. FT.
RESIDENCE UNIT C (LEVEL 2) = 630 SQ. FT. RESIDENCE UNIT C (LEVEL 3) = 529 SQ. FT. UNIT C TOTAL = 1,159 SQ. FT.
SETBACK AREA (UNIT A) = 519 SQ. FT. SETBACK AREA (UNIT B) (A.D.U.) = 296 SQ. FT. SETBACK AREA (UNIT C) = 377 SQ. FT. TOTAL SETBACK AREA = 1,192 SQ. FT. (NOT COUNTED IN F.A.R.)
UNIT A BALCONY = 225 SQ. FT. (NOT COUNTED IN F.A.R.)
UNIT B (A.D.U.) BALCONY = 251 SQ. FT. (NOT COUNTED IN F.A.R.)
UNIT C BALCONY = 214 SQ. FT. (NOT COUNTED IN F.A.R.)



THIRD LEVEL FLOOR PLAN SCALE 1/4" = 1'-0" 1

DRAWING TITLE:
THIRD LEVEL FLOOR PLAN

DRAWING NUMBER:
A-1.03



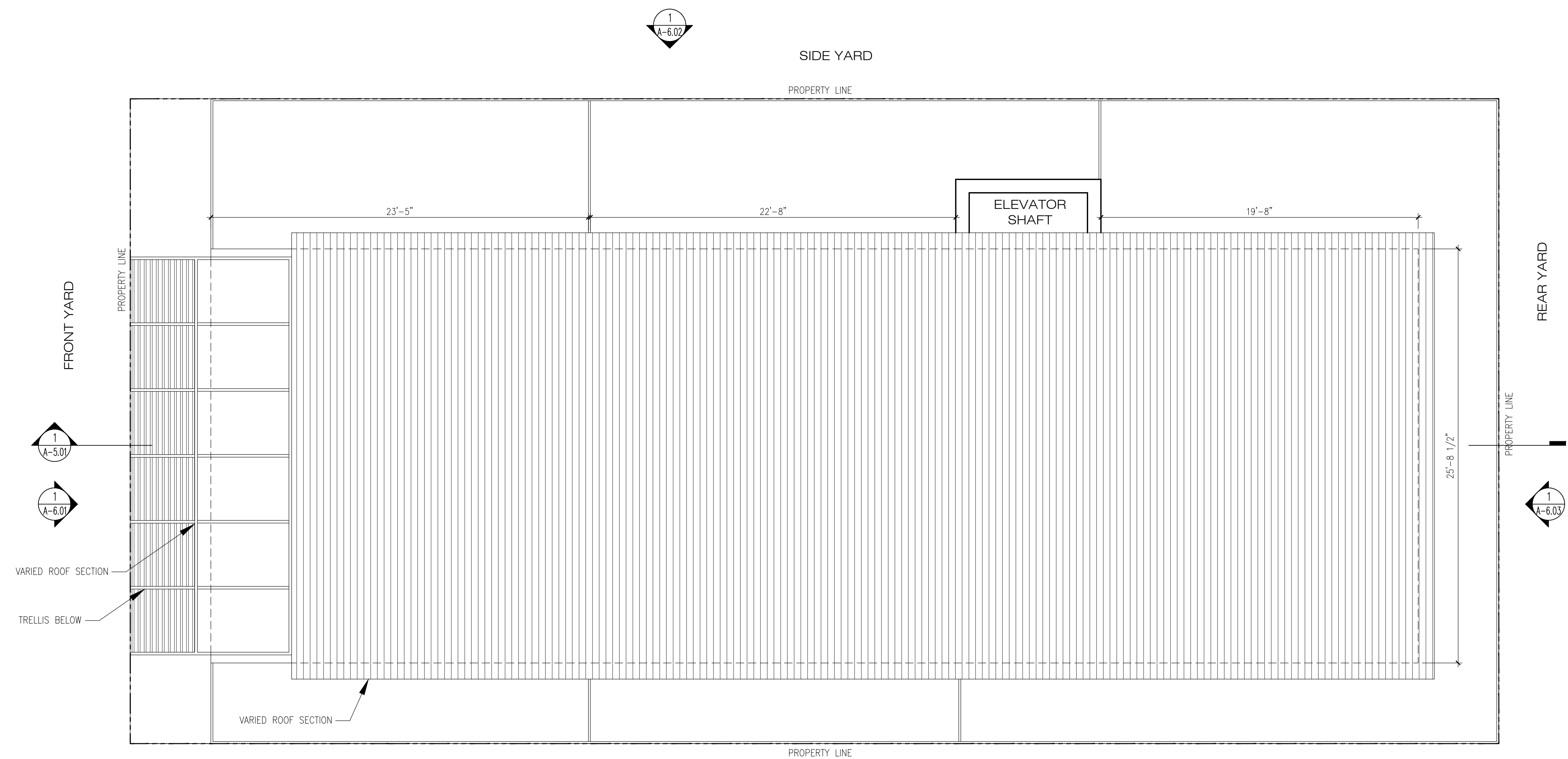
WALL TYPE KEY	
	NEW WALL
	NEW PARTIAL HEIGHT WALL

PARKING SUMMARY:	
EXISTING PARKING:	0 STALLS
REQUIRED PARKING:	
COMMERCIAL	
GROUND FLOOR:	
RETAIL = 1,587 S.F. / 225 =	7 STALLS
BEACH IMPACT PARKING ZONE (B.I.Z) STALLS REQUIRED:	
1,587 S.F. (GROUND LEVEL) / 640 (B.I.Z) = 2.48	2 STALLS
RESIDENTIAL	
SECOND & THIRD FLOOR:	
RESIDENCE A = 2 PER UNIT	
RESIDENCE C = 2 PER UNIT	
+ 1 ADDITIONAL GUEST SPACE	5 STALLS
RESIDENCE B (A.D.U.) = 1 PROVIDED (NO PARKING REQUIRED)	
PER LAMC CODE 12.22A.33.12.(I).A : NO PARKING IS REQUIRED FOR AN ACCESSORY DWELLING UNIT (ADU) THAT IS LOCATED WITHIN ON-HALF MILE WALKING DISTANCE OF A PUBLIC TRANSIT (BUS STOP).	
NEAREST BUS STOP: BIG BLUE BUS CALIFORNIA EB & ABBOT KINNEY BLVD. FS STOP #2768 IS 0.1 MILES AWAY AT CALIFORNIA AVE. & TABOR COURT	
TOTAL PARKING REQUIRED:	14 STALLS
TOTAL PARKING PROVIDED:	15 STALLS

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW



1301 ABBOT KINNEY BLVD.
 1301 ABBOT KINNEY BLVD., VENICE, CA 90291
 ARCHITECT
 HERBER DESIGN
 JASON HERBER
 751 McKEVETT RD.
 SANTA PAULA, CA 95960
 T: 310.428.0867



BICYCLE PARKING CALCULATIONS:	
PER BICYCLE PARKING ORDINANCE CF 12-1297-S1, AUTOMOBILE PARKING SPACES FOR NONRESIDENTIAL PROJECTS OR BUILDINGS LOCATED WITHIN 1,500 FT. OF A PORTAL OF A FIXED RAIL TRANSIT STATION, BUS STATION, OR OTHER SIMILAR TRANSIT FACILITY MAY REPLACE UP TO 30% OF THE REQUIRED AUTOMOBILE PARKING SPACES WITH BICYCLE PARKING.	
7 (COMMERCIAL) STALLS X .30 = 2 BICYCLE SUBSTITUTION STALLS ALLOWED	
STALLS TO BE EXCHANGED FOR ON-SITE BICYCLE PARKING PER LAMC 12.03: 1 STALL = 4 BICYCLES X 2 STALLS = 8 BICYCLES REQUIRED ON-SITE.	
FOR COMMERCIAL / RETAIL USE:	
SHORT-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)	
LONG-TERM BICYCLE SPACES = 1 PER 2,000 SQ. FT. (MIN. 2)	
1,587 SQ. FT. OF RETAIL SPACE PROPOSED =	
2 LONG-TERM SPACES REQUIRED, 2 LONG-TERM SPACES PROVIDED	
2 SHORT-TERM SPACES REQUIRED, 2 SHORT-TERM SPACES PROVIDED	
2 BICYCLE SUBSTITUTION STALLS PROPOSED FOR COMMERCIAL	
6 SHORT-TERM SPACES PROPOSED IN PUBLIC RIGHT-OF-WAY (2 = REQUIRED FOR NEW DEVELOPMENT, 4 = BICYCLE SUBSTITUTION)	
2 LONG-TERM SPACES PROPOSED ON-SITE (2 = REQUIRED FOR NEW DEVELOPMENT)	
4 SHORT-TERM SPACES PROPOSED ON-SITE (4 = BICYCLE SUBSTITUTION)	

FLOOR AREA RATIO (F.A.R.) CALCULATIONS:	
LOT AREA = 3,392.5 SQ. FT.	
ALLOWABLE FLOOR AREA RATIO (F.A.R.) = 1.5:1	
3,392.5 SQ. FT. X 1.5 = 5,088.75 SQ. FT. ALLOWABLE F.A.R.	
TOTAL NET AREA OF PROPOSED PROJECT =	
TOTAL RETAIL = 1,587 SQ. FT. (COUNTED IN F.A.R.)	
TOTAL RESIDENCE = 3,403 SQ. FT. (COUNTED IN F.A.R.)	
1,587 SQ. FT. + 3,403 SQ. FT. = 4,990 SQ. FT. (COUNTED IN F.A.R.)	
4,990 SQ. FT. < 5,088.75 SQ. FT. (1.5:1 F.A.R.) = 1.47 F.A.R. PROPOSED (BELOW ALLOWABLE F.A.R. THRESHOLD)	

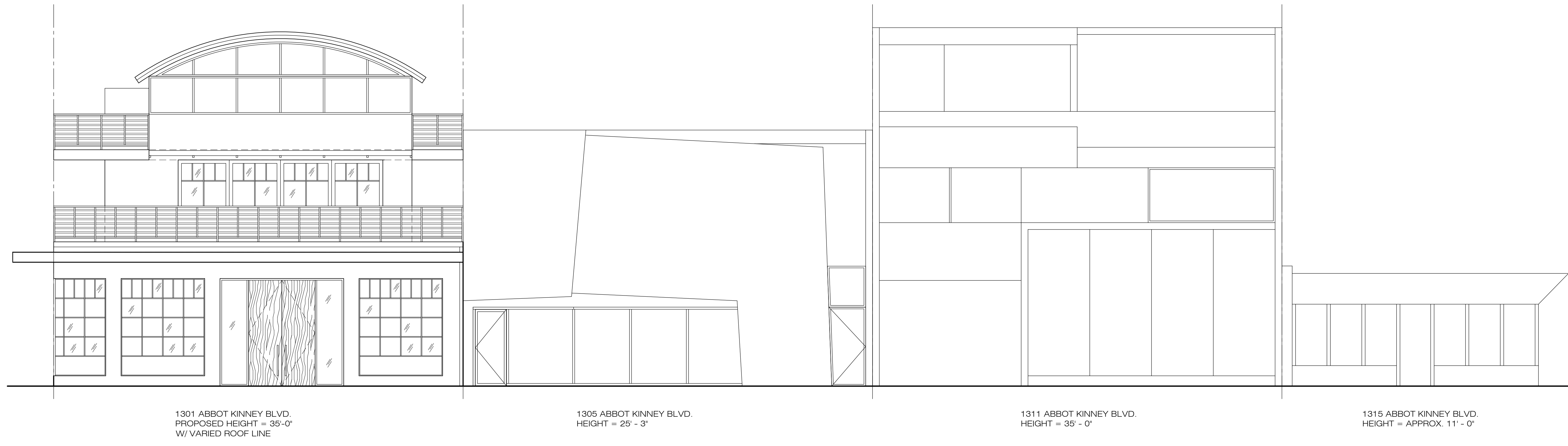
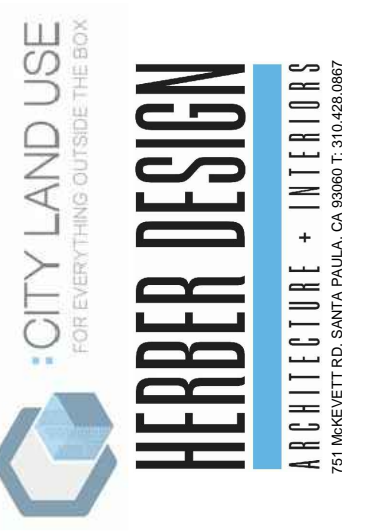
AREA CALCULATIONS:	
BASEMENT AREA (NET):	2,993 SQ. FT.
GROUND LEVEL AREA (NET):	1,587 SQ. FT.
SECOND LEVEL AREA (NET):	1,716 SQ. FT.
THIRD LEVEL AREA (NET):	1,687 SQ. FT.
TOTAL AREA (NET):	7,983 SQ. FT.

- RETAIL SPACE (GROUND LEVEL) = 1,587 SQ. FT. TOTAL RETAIL AREA = 1,587 SQ. FT.
- RESIDENCE UNIT A (LEVEL 2) = 536 SQ. FT. RESIDENCE UNIT A (LEVEL 3) = 584 SQ. FT. UNIT A TOTAL = 1,120 SQ. FT.
- RESIDENCE UNIT B (A.D.U.) (LEVEL 2) = 550 SQ. FT. RESIDENCE UNIT B (A.D.U.) (LEVEL 3) = 574 SQ. FT. UNIT B (A.D.U.) TOTAL = 1,124 SQ. FT.
- RESIDENCE UNIT C (LEVEL 2) = 630 SQ. FT. RESIDENCE UNIT C (LEVEL 3) = 529 SQ. FT. UNIT C TOTAL = 1,159 SQ. FT.
- SETBACK AREA (UNIT A) = 519 SQ. FT. SETBACK AREA (UNIT B) (A.D.U.) = 296 SQ. FT. SETBACK AREA (UNIT C) = 377 SQ. FT. TOTAL SETBACK AREA = 1,192 SQ. FT. (NOT COUNTED IN F.A.R.)
- UNIT A BALCONY = 225 SQ. FT. (NOT COUNTED IN F.A.R.)
- UNIT B (A.D.U.) BALCONY = 251 SQ. FT. (NOT COUNTED IN F.A.R.)
- UNIT C BALCONY = 214 SQ. FT. (NOT COUNTED IN F.A.R.)

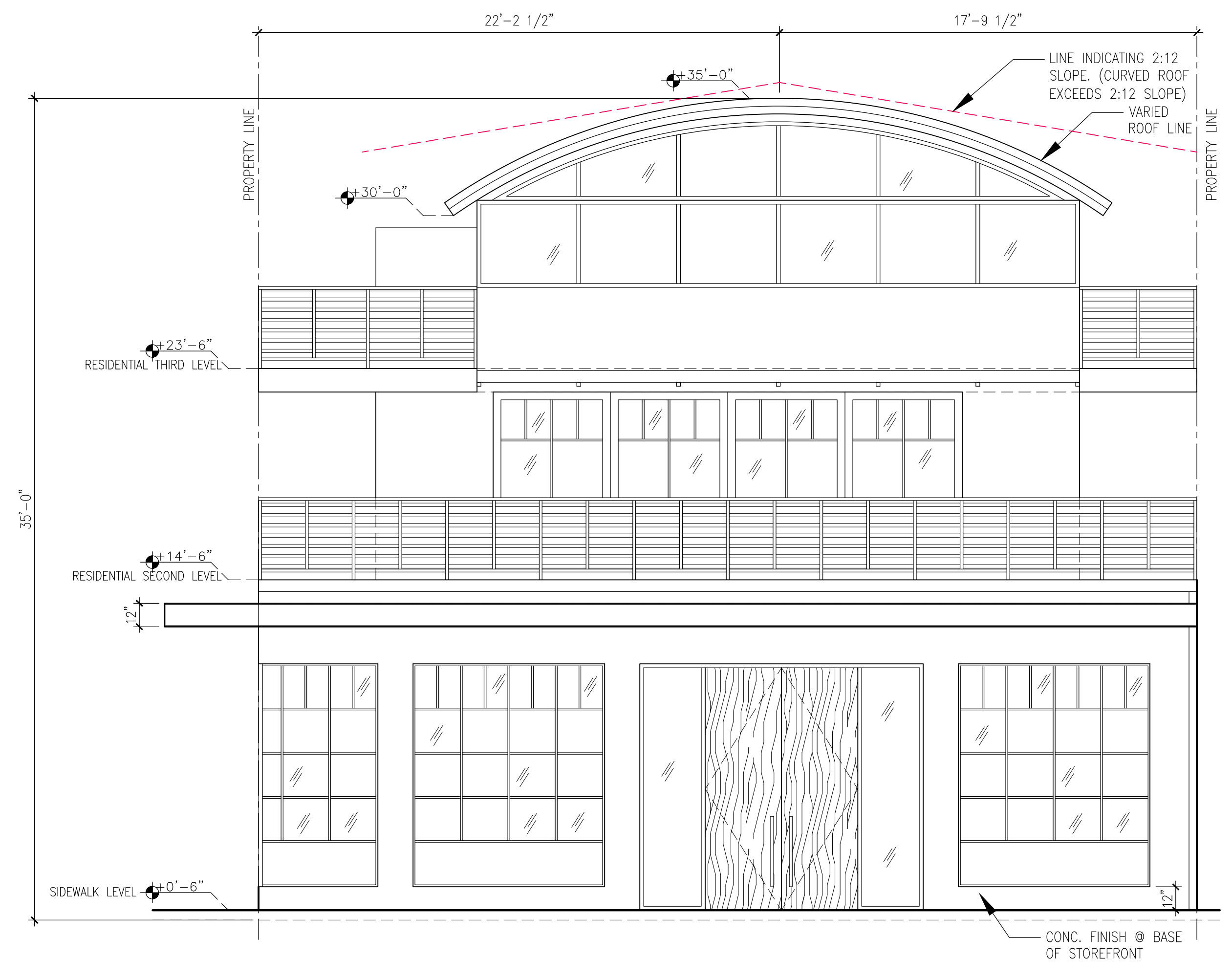
ROOF DECK FLOOR PLAN SCALE 1/4" = 1'-0" 1

DRAWING TITLE:
ROOF DECK FLOOR PLAN
 DRAWING NUMBER:
A-1.04

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW



SOUTH STREETScape **SCALE**
3/16" = 1'-0" **2**



SOUTH ELEVATION (ABBOT KINNEY BLVD.) **SCALE**
1/4" = 1'-0" **1**

1301 ABBOT KINNEY BLVD.
1301 ABBOT KINNEY BLVD., VENICE, CA 90291

ARCHITECT
HERBER DESIGN
JASON HERBER
751 McKEVETT RD.
SANTA PAULA, CA 93060
T: 310.428.0867

DRAWING TITLE:
EXTERIOR ELEVATIONS

DRAWING NUMBER:
A-3.01

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW



1301 ABBOT KINNEY BLVD.
1301 ABBOT KINNEY BLVD., VENICE, CA 90291

ARCHITECT
HERBER DESIGN
JASON HERBER
751 McKEVETT RD.
SANTA PALA, CA 90060
T: 310.428.0867



WEST ELEVATION (FROM SANTA CLARA AVE.)

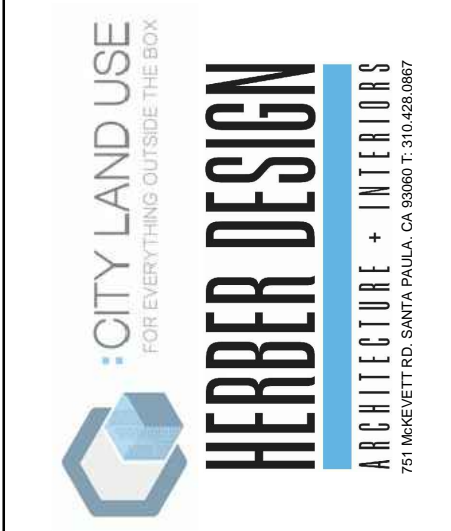
SCALE
1/4" = 1'-0"

1

DRAWING TITLE:
EXTERIOR ELEVATIONS

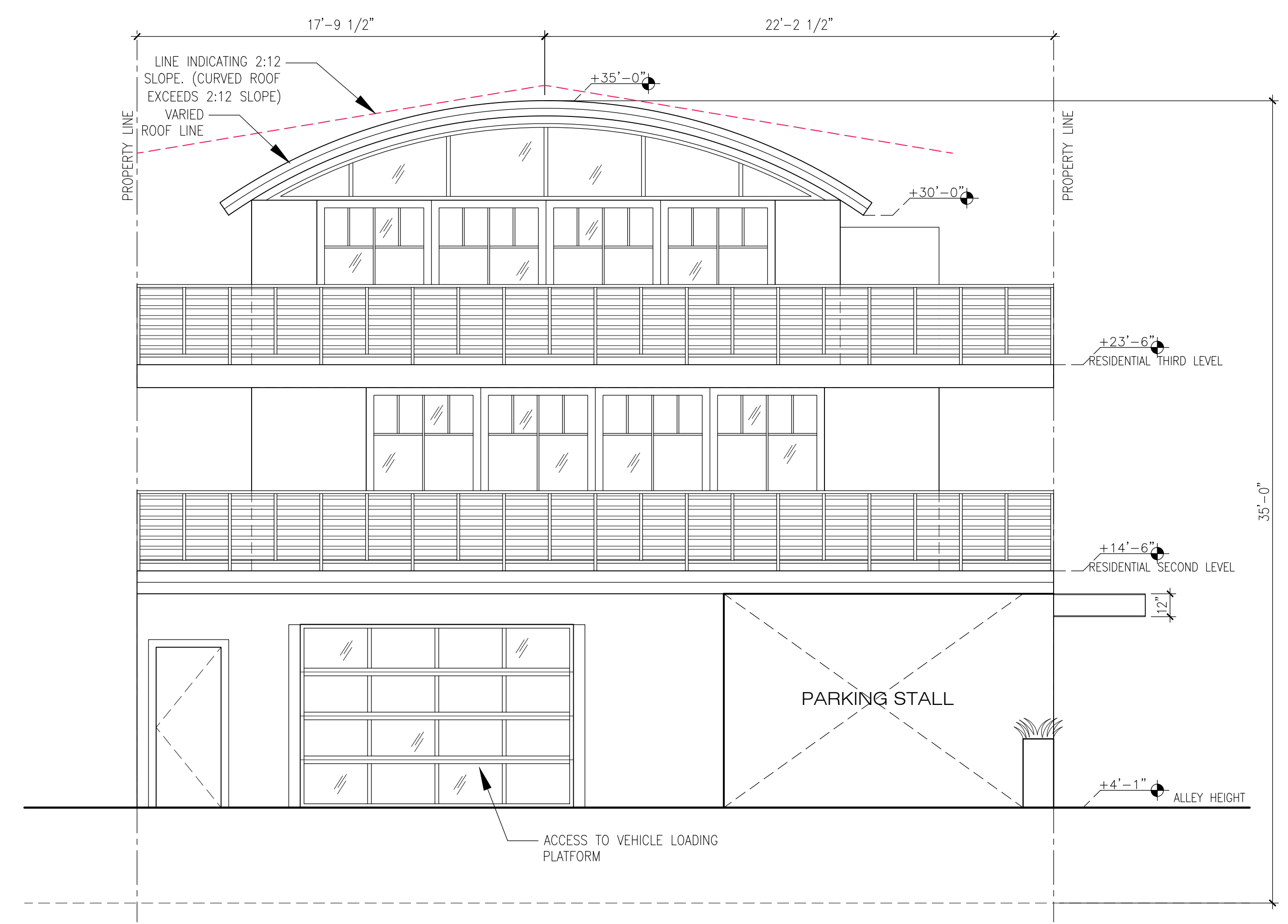
DRAWING NUMBER:
A-3.02

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW



1301 ABBOT KINNEY BLVD.
 1301 ABBOT KINNEY BLVD., VENICE, CA 90291

ARCHITECT
 HERBER DESIGN
 JASON HERBER
 751 McKEVETT RD.
 SANTA PAULA, CA 93060
 T: 310.428.0867



DRAWING TITLE:
EXTERIOR ELEVATIONS

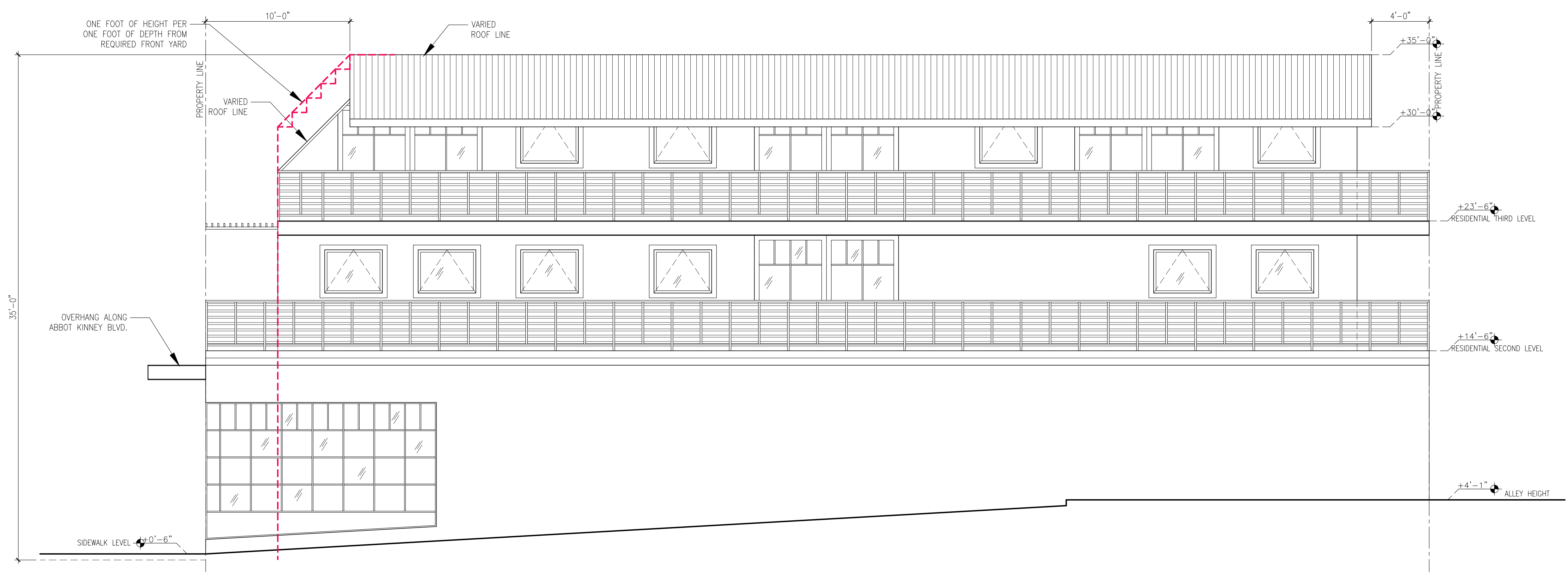
DRAWING NUMBER:
A-3.03

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW



1301 ABBOT KINNEY BLVD.
 1301 ABBOT KINNEY BLVD., VENICE, CA 90291

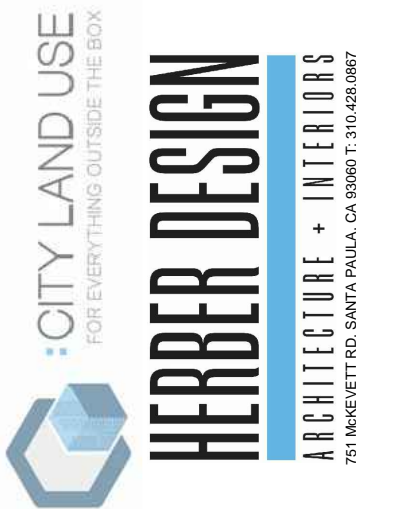
ARCHITECT
 HERBER DESIGN
 JASON HERBER
 751 McKEVETT RD.
 SANTA PAULA, CA 93060
 T: 310.428.0867



DRAWING TITLE:
EXTERIOR ELEVATIONS

DRAWING NUMBER:
A-3.04

DATE	ISSUE/REVISION
09-18-2020	PLANNING REVIEW

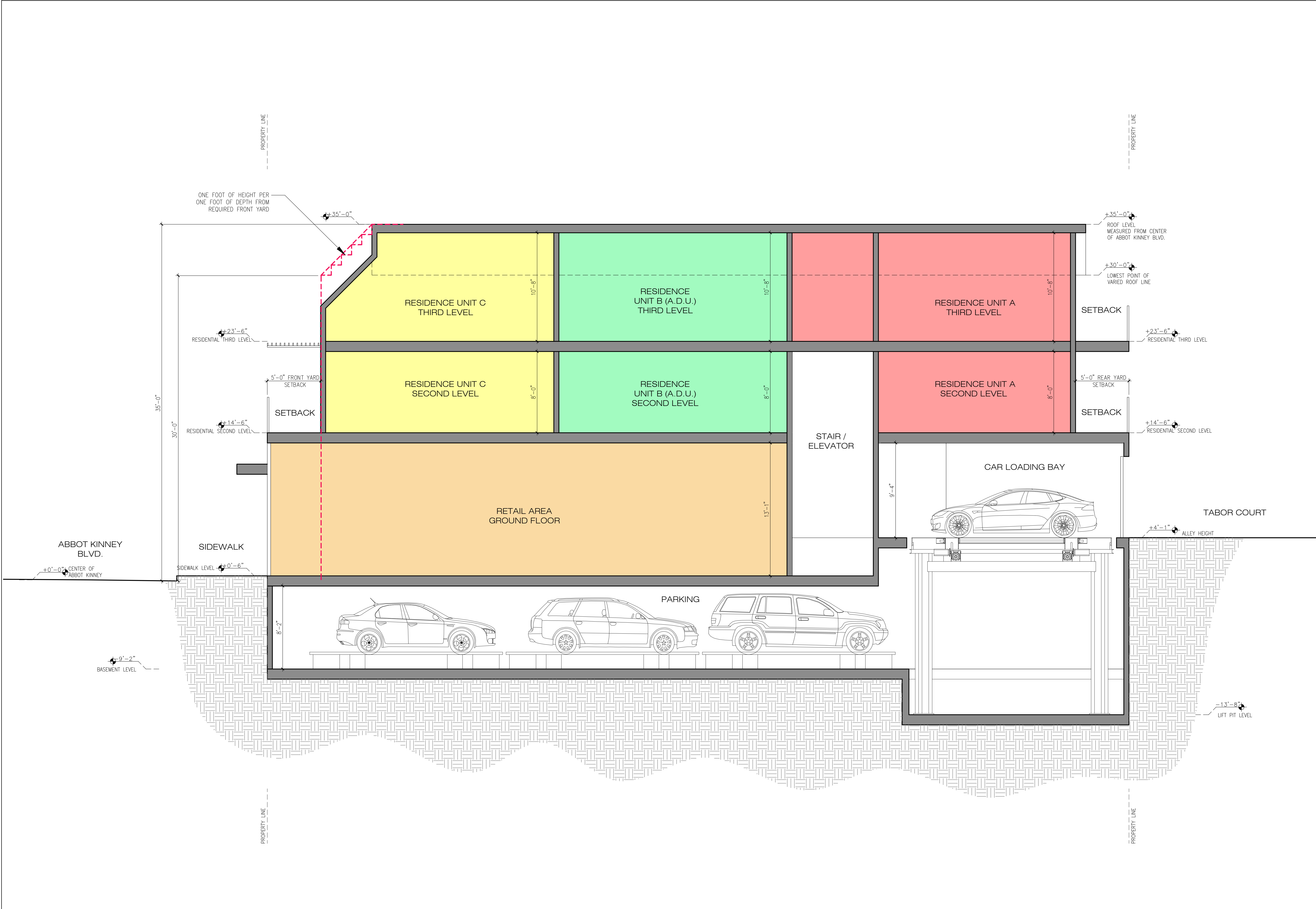


1301 ABBOT KINNEY BLVD.

ARCHITECT
HERBER DESIGN, INC.
JASON HERBER
751 McKEVETT RD.
SANTA PALMA, CA 95060
T: 310.428.0867

DRAWING TITLE:
BUILDING SECTION

DRAWING NUMBER:
A-5.01




BUILDING SECTION SCALE 1/4" = 1'-0" 1



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

DATE: September 13, 2016

TO: Jae H. Kim, Senior City Planner
City Planning Department

FROM: Robert Manford, Environmental Affairs Officer 
Los Angeles Housing and Community Investment Department

SUBJECT: **Mello Act Determination for**
1301- 1303 South Abbot Kinney Boulevard, Venice, CA 90291
490 Santa Clara Boulevard, Venice, CA 90291

Planning Case #: ZA-2015-1155-CDP-SPP-MEL

Based on information provided by the owner, Huron Drive, LLC, the Los Angeles Housing and Community Investment Department (HCIDLA) has determination that no affordable unit exists at 1301 - 1303 South Abbot Kinney Boulevard, Venice, CA 90291 and 490 Santa Clara Boulevard, Venice, CA 90291.

The property consists of a triplex multi-family unit of which comprises of three (3) bedroom units. Per the statement on the application, owner is proposing to demolish the existing triplex multi-family unit and construct two (2) live-work units. On December 13, 2013, Huron Drive, LLC, purchased the property from Noriyuki Masaki. Owner has not filed for a building or demolition permit.

Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act requires that HCIDLA collect monthly housing cost data for at least the previous three (3) years. The owner's Mello application statement was received by HCIDLA on July 11, 2016. HCIDLA must collect data from: July 2013 through July 2016.

Owner provided commercial lease agreements for all units commencing on July 14, 2013 to August 5, 2016 in which the monthly rental checks provided averaged above the moderate level of Schedule VII. From April 2015 to January 2016, the single family dwelling was vacant according to owner. Owner provided the Department of Water and Power utility bills for the single family dwelling which shows that the utility usage was near zero for this time period. Under the City of Los Angeles Department of Planning Parcel Profile Report (ZIMAS) database, the property is zoned as a C2 - Commercial. Under the Code, Compliance and Rent Information System (CRIS), inspectors' attempts to inspect the property on July 9, 2008 and July 27, 2012, but each time the inspector determined that the property was used as a business instead of a residential property based on their visual inspection.

Based on the information provided by the owner, the residential property was used as a commercial property and the monthly rental amount collected was above the moderate of schedule VII making the units not affordable.

cc: Los Angeles Housing and Community Investment Department File
Huron Drive, LLC, a California limited liability company, Owner
Richard A. Rothschild, Western Center on Law and Poverty, Inc.
Susanne Browne, Legal Aid Foundation of L.A.
Juliet Oh, City Planning Department

RM:IP:MAC:wj
HIMS: 16-123168

ZA-2015-1155-SPP-CDP-MEL-ZV-1A

Exhibit C -- Environmental Clearance
ENV-2020-5333-CE

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

ZA-2015-1155-SPP-CDP-MEL-ZV

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2020-5333-CE

PROJECT TITLE

1301 Abbot Kinney

COUNCIL DISTRICT

11

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

1301 S. Abbot Kinney Boulevard (Abbot Kinney Boulevard and Santa Clara Avenue)

Map attached.

PROJECT DESCRIPTION:

DEMO OF AN EXISTING DUPLEX AND SINGLE-FAMILY RESIDENCE. THE CONSTRUCTION OF A NEW 3-STORY BUILDING WITH RETAIL AND 3 ARTIST IN RESIDENCE UNIT WITH ROOF DECK, 2-SUBTERRANEAN PARKING AND ADA PARKING AT GRADE.

Additional page(s) attached.

NAME OF APPLICANT / OWNER:

RICHARD GOTTLIEB & SPALDING COMMERCIAL LLC

CONTACT PERSON (If different from Applicant/Owner above)

Lea Arenas, CITY LAND USE INC.

(AREA CODE) TELEPHONE NUMBER

(818) 308-0916

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

- STATUTORY EXEMPTION(S)
Public Resources Code Section(s) _____
- CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)
CEQA Guideline Section(s) / Class(es) _ **15303 and 15332** _____
- OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

Additional page(s) attached

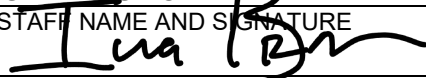
- None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.
- The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY

CITY STAFF NAME AND SIGNATURE



Ira Brown

STAFF TITLE

City Planning Associate

ENTITLEMENTS APPROVED

Coastal Development Permit , Project Compliance, Mello Act Compliance & Zone Variance

FEE:
\$ 373

RECEIPT NO.

[100920A43-B67B6D62-54A1-4079-BCC7-63AAC04B3823](#)

REC'D. BY (DCP DSC STAFF NAME)

Anna M. Vidal

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ
CAROLINE CHOE
HELEN LEUNG

KAREN MACK
MARC MITCHELL

VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

**JUSTIFICATION FOR PROJECT EXEMPTION
CASE NO. ENV-2020-5333-CE**

On March 22, 2021, the Planning Department determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Categorical Exempt under State CEQA Guidelines, Article 19, Section 15332 (Class 32), Case No. ENV-2020-5333-CE.

The project is for 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 (ADU), 1,587 square feet of retail space; 13 parking spaces and 8 bicycle parking spaces are provided, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

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

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

The subject site is located within the Venice Community Plan and is designated for Community Commercial Land Uses. The site is zoned C2-1-O-CA and is consistent with the land use designation. As shown in the case file, the project is consistent with the applicable Venice Community Plan designation and policies and all applicable zoning designations 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.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.07 acres. The existing site is improved with residential uses. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential and Commercial.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. There are no trees

on the site, as documented by aerial and site photography. As such, no trees are proposed to be removed from the subject site.

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

An Air Quality Assessment for the project site was prepared by Pomeroy Environmental Services in October 2018. According to the Assessment, during the construction phase and operations the proposed project would not exceed the regional SCAQMD significance thresholds for emissions of Carbon Monoxide (CO), Reactive Organic Compounds (ROG), Nitrogen Oxides (NOx), Particulate Matter (PM10 and PM2.5), and Sulfur Dioxide (SOx). Therefore, regional emission impacts for the proposed project would be less than significant for all construction phases.

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

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

Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by the Los Angeles Department of Transportation (LADOT) for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on California Emissions Estimator Model (CalEEMod) runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

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

The project site will be adequately served by all public utilities and services given that the construction of a multi-family residential building will be on a site which has been previously developed and is consistent with the General Plan.

Therefore, the project meets all of the Criteria for the Class 32.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

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

- (a) **Cumulative Impact.** A categorical exemption shall not be used if the cumulative impact of successive projects of the same type in the same place, over time, is significant. The project is consistent with the type of development permitted for the area zoned C2-1 and designated Community Commercial use. The proposed 1,587 square foot of commercial space will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts. The proposed demolition of three dwelling units and construction of three dwelling units does not increase the intensity of use for the site. An Air Quality Assessment for the project site was prepared by Pomeroy Environmental Services in October 2018. According to the Assessment, during the construction phase and operations the proposed project would not exceed the regional SCAQMD significance thresholds for emissions of Carbon Monoxide (CO), Reactive Organic Compounds (ROG), Nitrogen Oxides (NOx), Particulate Matter (PM10 and PM2.5), and Sulfur Dioxide (SOx). Therefore, regional emission impacts for the proposed project would be less than significant for all construction phases. Therefore, it is not anticipated that any successive projects of the same type in the immediate vicinity would create cumulative impacts.
- (b) **Significant Effect.** A categorical exemption shall not be used if there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. An unusual circumstance may result if a project “has some feature that distinguishes it from others in the exempt class.” No unusual circumstances exist in this case. The proposed project is typical of development that has been historically developed along the Abbot Kinney Boulevard. There is nothing about the Property that would differentiate it from other Class 32 infill developments that would create a significant impact. Therefore, there is no fair argument or substantial evidence that the Project would create a significant impact, nor can it be readily perceived that the Project would create a significant impact.

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typical in a C2 Zone, as such, no unusual circumstances are present or foreseeable.

- (c) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources within a highway officially designated as a state scenic highway. The project site is not located on or near a designated state scenic highway. There is no evidence that the Project may result in damage to scenic resources within a highway officially designated as a State scenic highway because neither Abbot Kinney Boulevard nor any surrounding street is designated as a State scenic highway. According to Appendix B of the City of Los Angeles Mobility Plan, the Project Site is not designated as being on a scenic highway, nor are there any designated scenic highways located near the Project Site.
- (d) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on a designated list of hazardous waste sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code. According to Envirostor, the State of California's database of Hazardous Waste Sites, the Project Site, or any other site in the vicinity, is identified as a hazardous waste site. As such, this exception is not applicable.
- (e) **Historical Resources.** A categorical exemption may not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The Project Site has not been identified as a historic resource by local or state agencies, and the Project Site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register, nor has the Project Site been found to be a potential historic resource based on the City's Historic Places LA. Although it is within the Abbot Kinney Boulevard Commercial Planning District, the structures have not been identified as significant "as an example of early-20th century neighborhood commercial development in Venice [but] does not retain sufficient integrity or cohesion to qualify as a historic district..." A historic resource assessment prepared by ASM Affiliates, dated February 19, 2016, determined that the bungalow residence is not a good representation of the themes within the Craftsmen Movement in comparison with other intact examples of such themes. As such, the report recommended that the structure is not eligible as an individual resource under various criteria. The Office of Historic Resources concurred with this recommendation. Based on this, the Project will not result in a substantial adverse change to the significance of a historic resource.