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February 27, 2009

Kathy Magee (A)(O)  
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CASE NO. ZA 2007-0743-(CDP)(ZV)  
(ZAA)(SPP)(MEL)  
COASTAL DEVELOPMENT PERMIT,  
ZONE VARIANCE, ZONING  
ADMINISTRATOR'S ADJUSTMENT,  
SPECIFIC PLAN PROJECT PERMIT  
COMPLIANCE

Related Case: AA-2007-0624-PMLA  
2812-2818 Grand Canal

Venice Planning Area

Zone : RW1-1-O

D. M. : 108A143

C. D. : 11

CEQA: ENV-2007-0625-MND

Legal Description: Lot 229, Tract 6098

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit to permit the continued use and maintenance of four existing dwelling units in conjunction with Parcel Map LA No. AA-2007-0624-PMLA approved on December 19, 2008 for a two-lot subdivision with two units on Parcel A and two units on Parcel B and with two parking spaces on Parcel A and three parking spaces on Parcel B, in the dual permit jurisdiction area of the California Coastal Zone; and,

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a Variance from Section 12.08.5-B,1 to permit the continued use and maintenance of two dwelling units on Parcel A and two dwelling units on Parcel B of Parcel Map LA No. AA-2007-0624-PMLA in lieu of one dwelling unit per lot required in the RW1 Zone; and,

a Variance from Section 12.21-A,4 to permit a reduction in the required parking to allow two enclosed parking spaces for two dwelling units on Lot A and two enclosed parking spaces on Lot B in lieu of the required two parking spaces per dwelling unit; and,



Pursuant to Los Angeles Municipal Code Section 12.28, I hereby APPROVE:

a Zoning Administrator's Adjustment from Section 12.08.5-C,2 of the Los Angeles Municipal Code to permit a reduced side yard of two feet, three inches in lieu of the required 3-foot side yard for Lot B; and,

Pursuant to Los Angeles Municipal Code Section 11.57 and the Venice Coastal Zone Specific Plan Ordinance No. 175,693 as the designee of the Director of Planning, therefore I hereby APPROVE:

a Specific Plan Project Permit Compliance to permit the continued use and maintenance of four existing dwelling units in conjunction with Parcel Map LA No. AA-2007-0624-PMLA approved on December 19, 2008 for a two-lot subdivision with two units on Parcel A and two units on Parcel B and with two parking spaces on Parcel A and three parking spaces on Parcel B ; and,

Pursuant to California Governmental Code Sections 66590 and 66590.1 and the City of Los Angeles Mello Act Interim Ordinance, I hereby DETERMINE:

The proposed project qualifies for the Small New Housing Development exemption from the Mello Act. Furthermore, on December 10, 2008, the Los Angeles Housing Department declared the project does not involve the demolition or conversion of affordable housing. Therefore, the applicant/owner/developer is not required to provide any inclusionary or replacement affordable dwelling units on-site or within the Coastal Zone,

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 included in and printed on the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The project shall comply with all the conditions listed in Case No. AA-2007-0624-PMLA. Sign-off of the plans by the Advisory Agency shall be on the same set of plans as signed off by the Zoning Administrator. Evidence of said approvals shall be stamps and/or signatures on the plans.
8. The environmental mitigation measures of the related Mitigation Negative Declaration No. ENV-2007-0625-MND shall be required as follows:
  - MM-1 Prior to the issuance of any demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other State and Federal rules and regulations.
  - MM-2 Prior to the issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety.
  - MM-3 This project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081 effective July 3, 1998.
  - MM-4 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
  - MM-5 The project shall comply with the City of Los Angeles Noise Ordinance No 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

- MM-6 Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
- MM-7 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- MM-8 Per Section 17.12-A of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
- MM-9 Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
9. Within 30 days of the issuance of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the Los Angeles County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement, with the conditions of approval attached, must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
10. This approval is to permit the continued use and maintenance of two duplexes on two proposed lots approved under Parcel Map AA-2007-0624-PMLA and the existing height, density or floor area shall not be increased and no physical alterations to the exterior of the building is permitted. Any increase in floor or any physical alteration to the exterior of the building will be subject to the *Venice Coastal Zone Specific Plan* and may require a Project Permit Compliance Review or clearance from the Specific Plan. Prior to sign-off by the Zoning Administrator for the issuance of any building permits, or prior to recordation of the final map, plans shall be reviewed by the Community Planning Bureau and a copy of the approved plans (evidenced by stamp or signature on the plans) shall be submitted for this case file.

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed

therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

### **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 \$1,000 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 grant 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 if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after March 16, 2009, unless an appeal therefrom is filed with the City Planning Department. 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 [www.lacity.org/pln](http://www.lacity.org/pln).** Public offices are located at:

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

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

Furthermore, this Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit wall be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

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 all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. 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, reports and observations from City Planning staff, the statements made at the public hearing on May 21, 2008, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

#### **BACKGROUND**

The subject property is a 5,314 square foot lot with four existing apartment units in two duplexes having a frontage of 59 feet on the east side of Grand Canal, a depth of 90 feet and is zoned RW1-1-O.

Surrounding properties along the Grand Canal are within the RW1 Zone, characterized by level topography, legal non-conforming lots and are developed with one and two story single family homes, duplexes, a triplex, apartments and condominiums.

Grand Canal adjoining the property to the southwest is a 70-foot wide public waterway with a walkway along the front of the subject property.

Grand Canal Court adjoining the property to the northeast is designated an alley, dedicated to a width of 20 feet and improved with 20 feet of asphalt pavement.

Washington Boulevard adjacent to the property to the southeast is designated a major highway, dedicated to a width of 100 feet and improved with curb, gutter, sidewalk and roadway.

28<sup>th</sup> Avenue adjoining the property to the northeast is designated a local street, dedicated to a width of 60 feet and improved with curb, gutter, sidewalk and roadway.

Previous related actions on the site/surrounding area are:

Subject Property:

Case No. AA-2007-0624-PMLA - On December 19, 2008, the Deputy Advisory Agency approved a parcel map to create two lots with the existing duplex apartment units to remain on each lot.

Case No. CPC-2000-4046-CA - On June 7, 2001, the City Planning Commission disapproved a proposed interim control ordinance to implement the Mello Act regarding the conversion, demolition and construction of affordable housing in the Coastal Zone.

Case No. CPC-1998-119-LCP - On October 29, 1999 and March 29, 2001, the City Council established by Ordinance No. 172,897 the Venice Coastal Zone Specific Plan with provisions concerning land use, density, building height, setbacks, design, landscaping, access and parking, as part of the Local Coastal Program.

Case No. CPC-1987-646-ICO - On April 19, 1998, the City Planning Commission disapproved a proposed interim control ordinance for the entire Venice Coastal Zone which would have temporarily permitted only development which is in conformance with regulations substantially based on the California Coastal Commission's interpretative guidelines for the area.

Case No. CPC-21980 - On February 4, 1971, the City Council approved a zone change from R3-1-O to RW1-1-O.

Surrounding Area:

Case No. CPC-2000-4046-CA - On June 7, 2001, the City Planning Commission disapproved a proposed interim control ordinance to implement the Mello Act regarding the conversion, demolition and construction of affordable housing in the

Case No. CPC-1998-119-LCP - On October 29, 1999 and March 29, 2001, the City Council established by Ordinance No. 172,897 the *Venice Coastal Zone Specific Plan* with provisions concerning land use, density, building height, setbacks, design, landscaping, access and parking, as part of the Local Coastal Program.

Case No. CPC-1987-648-ICO - On April 19, 1998, the Planning Commission disapproved a proposed interim control ordinance for the entire Venice Coastal Zone, which would have temporarily permitted only development which is in conformance with regulations substantially based on the California Coastal Commission's interpretative guidelines for the area.

Case No. CPC-21980 - On February 4, 1971, the City Council approved a zone change from R1-1, R3-1, R3-1-O and R4-1-O to RW1-1-O and RW2-1 for properties located between Venice Boulevard on the north, Pacific Avenue on the west, Via Marina on the south and the Los Angeles City boundary line to Washington Boulevard and Ocean Avenue between 28<sup>th</sup> Avenue and Venice Boulevard on the east.

A concurrent public hearing was held on May 21, 2008 for this case as well as AA-2007-0624-PMLA. The representative from the Grassroots Venice Neighborhood Council said that the Council approved the lot split provided that any new construction meets the requirements of the RW1 Zone. A member of the public spoke in opposition, stating that the notification was inadequate, the application has misleading information with the property owner's name not on the application form and the north duplex is used as a single family home. In addition the staircase was moved from the north side to the south side of the north building. The representative from Building and Safety Department noted that splitting the lot will result in a violation of the building code in that no openings are allowed if a building is only five feet from the property line. In addition, four outside parking spaces will be lost by a new property line running down the middle of the lot. The Deputy Advisory Agency Lynn Harper as the hearing officer for the Associate Zoning Administrator held this case under advisement in order to research whether there is a legal instrument to restrict the variances and adjustment requested to the existing units so that they are not applied to new construction. Also, a Mello Act determination letter was needed. Subsequently, it was determined that the variances and the adjustment can be conditioned to apply only to the existing structures and not to any new construction and the Mello Act determination letter was obtained.



**FINDINGS-COASTAL DEVELOPMENT PERMIT**

In order for a Coastal Development Permit to be granted, all of the requisite findings contained in Section 12.20.2-G of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to the same.

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

Chapter 3 of the Coastal Act contains the various policy provisions of such legislation, including the following:

New 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 division, 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 project is to subdivide a lot with four existing apartment units into two lots with two units on each lot. The density remains the same and it is consistent and compatible with the surrounding properties and with the pattern of residential uses in the area. The adjacent properties on the east side of Grand Canal are of similar width, similar lot size and are also improved with developments of equivalent density. The subject property and properties surrounding the site are zoned RW1-1, R1-1 and RD1.5-1 and are developed with multiple-family and single family dwellings.

Vehicular access to the property is provided via the alley to the rear of the property in compliance with the *Venice Coastal Zone Specific Plan*. The site is zoned RW1 which permits a maximum of 1 dwelling unit per lot. The existing four dwelling units were constructed in 1948, prior to the adoption of the existing RW1 Zone in 1971, and are legally non-conforming. The property adjoins the Grand Canal and is currently improved with two duplexes. The project consists of a two lot subdivision under related case AA-2007-0624-PMLA to maintain one duplex on each new lot. The project does not consist of any new construction, therefore, the project will not affect public access to the shoreline, recreation, marine environment and resources, coastal waters, wetlands, any environmentally sensitive habitat area, ecological, archaeological or paleontological resources. Hence, the project is in conformity with the policy provisions of Chapter 3 of the 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.**

The Land Use Element of the Venice Local Coastal Program (LCP) was adopted in June 2001. Currently, there is no adopted LCP for this portion of the Coastal Zone; in the interim, the adopted Venice Community Plan and the Venice Coastal Zone Specific Plan serve as the functional equivalent in conjunction with any pending LCP under consideration. The property is located within the Venice Community Plan and Venice Canals subarea of the *Venice Coastal Zone Specific Plan* and is subject to specific standards for development. The Venice Canals Subarea of the plan allows a maximum height of 22 feet within ten feet of a property line next to a canal and beyond ten feet ascending height equal to one half the horizontal depth to a maximum height of 30 feet. In addition, access from the adjoining alley is required unless not feasible and an open front yard facing a canal with an area at least 15 times the lot width and a minimum area of 450 square feet shall be provided. The existing structures are approximately 22 feet in height and do not involve new construction. Condition No. 10 of this approval prohibits any increase in height or floor area. The existing height, yard areas and access to the site conforms to the provisions of the *Venice Coastal Zone Specific Plan*. Five parking spaces are provided with vehicular access from the alley only. The Venice Community Plan designates the site for Low Medium II residential density, consistent with the RW1 Zone. The proposed project is consistent with the Specific Plan.

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. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP.**

The Guidelines are intended to provide direction to decision-makers in rendering discretionary determinations on requests for Coastal Development Permits pending adoption of the LCP. However, on June 14, 2001 the Coastal Commission certified the Local Coastal Program Land use Plan which now guides all discretionary land use actions. The project is in conformance with the applicable Guideline standards for the Venice Community Plan. Furthermore, with respect to locating and planning new development, the property does not provide access to or from the beach as it is located on the Grand Canal north of Washington Boulevard about a quarter mile east of the beach. There is no evidence of any previous public ownership of the lot and the project does not conflict with the goal of providing appropriately located public access points to the coast.

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.**

The Zoning Administrator has been guided by the action of the Coastal Commission in its certification of the Local Coastal Program Land Use Plan on June 14, 2001. The plan embodies the previous history of decision on development projects and extends it forward in a comprehensive document. No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the Coastal Commission.

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.**

The subject site is located on Grand Canal between Washington Boulevard and 28<sup>th</sup> Avenue and does not provide vehicle or pedestrian access to the public beach. There is no evidence of any previous public ownership of the lot and the project does not conflict with the goal of providing appropriately located public access points to the coast. The project is a lot split with the four existing apartment units to remain.

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

On December 10, 2007, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2007-0625-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 750, 200 North Spring Street.

7. **The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 (Mello Act ).**

The Los Angeles Housing Department determined in a report submitted to the City Planning Department dated December 10, 2008, that based on the rent and tenant information submitted by the owner, no affordable units currently exist at 2812-2818 Grand Canal. Therefore, the applicant/owner/developer does not have to provide any replacement affordable residential units.

**FINDINGS - ZONE VARIANCES**

8. **The strict application of the provisions of the Zoning Ordinance will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The strict application of the provisions of the Zoning Ordinance will result in practical difficulties or unnecessary hardships because the two existing duplexes were, built in 1948 under the requirements of the previous zoning of R3, and the approved two-lot subdivision under related case AA-2007-0624-PMLA will maintain two units per lot rather than the one unit per lot permitted by the current RW1 Zone and will have only five existing parking spaces rather than the two spaces per unit required. The duplexes in the two lots to be created would be denied certificates of occupancy needed for continued habitation if this variance is not granted.

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

The special circumstances applicable to the subject property are that the existing four units on the property are a legally nonconforming use. When there were built in 1948, they were in conformance with the R3-1 Zone applied to the subject property at that time. Then in 1971, the property was down zoned to RW1, making the four units legally nonconforming and the two units that would be in each lot nonconforming because the RW1 Zone permits only one unit per lot. Similarly, the five parking spaces on the subject property met the requirements of the Zone Code when the four units were built in 1948. Subsequent changes to the Zone Code which established a parking requirement of two spaces per unit have resulted in the five parking spaces provided being inadequate, making the property legally nonconforming and the two proposed lots that would be created nonconforming with regards to the required parking.

10. **Such 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 such special circumstances and practical difficulties or unnecessary hardships, is denied the property in questions.**

A variance to permit the continued residential use of the four dwelling units is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the vicinity that are in the RW1 Zone. The other properties along the east side of the Grand Canal are also developed with four units and are substandard with respect to parking.

11. **The granting of such 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 a variance will result in the existing four apartment units remaining in use with no physical change to the property and no materially detrimental effect on the public welfare or injuries to the property or improvements in the same zone or in the vicinity of the property.

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

The granting of a variance will result in the existing four apartment units remaining as a legally nonconforming use with no physical change to the property and no adverse effect on any element of the General Plan.

#### **FINDINGS - ZONING ADMINISTRATOR ADJUSTMENT**

13. **The granting of an adjustment will result in development compatible and consistent with the surrounding uses.**

The requested reduction in the setback for the side yard for Lot B will enable the existing duplex structure to remain in place after the lot is subdivided. This reduced setback is consistent and compatible with the setbacks of surrounding properties along the east side of the Grand Canal.

14. **The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.**

The adopted Venice Community Plan designates the subject property for Low Medium II residential density with corresponding zones of RD1.5, RD2, RW2 and RZ2.5. The General Plan is silent on issues related to reductions in side yard setbacks. The use is substantially consistent with the purpose, intent and provisions of the General Plan as reflected in the adopted Community Plan. Furthermore, the retention of the four apartment units on this site is consistent with the housing production policies of the Community Plan.

15. **The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.**

The granting of the requested adjustment for this substandard side yard setback is consistent with the setbacks on adjoining properties and with the pattern and character of development in the surrounding neighborhood. This compatibility with surrounding development conforms with the spirit and intent of the Zone Code.

16. **There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

As conditioned, any adverse impact, real or perceived has been eliminated or reduced to a level of insignificance. Furthermore, the granting of the adjustment is consistent with the setbacks on adjoining properties and with the pattern and character of development in the surrounding neighborhood.

17. **The site and/or existing improvements make strict adherence to the zoning regulations impractical or infeasible.**

The existing structures on the site constructed in 1948 under different zoning requirements makes strict adherence to the zoning regulations impractical or infeasible. Enforcement of the required three foot side yard setback would require costly alternations to two structures at considerable expense.

#### **SPECIFIC PLAN PROJECT PERMIT COMPLIANCE FINDINGS**

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

The property is within the Venice Canals Subarea of the Specific Plan. Notwithstanding the deviations approved by this action, the existing structures otherwise conform with all applicable development requirements of the Venice Coastal Zone Specific Plan (Ordinance No. 175,693).

- a. Density. The existing duplexes exceed the density permitted by the RW1 zone but are legally non-conforming and the density is approved as part of this action. Nevertheless, the existing density is consistent with surrounding properties in the vicinity.
- b. Height. The two existing duplex structures on each lot with a height of 21 feet and 10<sup>3</sup>/<sub>8</sub> inches will remain. Their height is consistent with the height limit of 22 feet for projects within ten feet of a property line that faces a canal.
- c. Access. Access to the two existing duplexes is from the alley east of the Grand Canal as required by the Specific Plan

19. **The project incorporates mitigation measures, monitoring measures when necessary which would mitigate the negative environmental effects of the project, to the extend physically feasible.**

In accordance with Article V of the City's CEQA Guidelines, the Department of City Planning prepared a Mitigated Negative Declaration ENV-2007-0625-MND, issued December 10, 2007, for the project. The impacts identified to be mitigated consist

of the potential release of asbestos, operational noise, danger from flooding, an increased demand for public parks and recreation facilities and the increased generation of solid waste. Mitigation measures are incorporated to reduce the impacts identified to a level of insignificance.

20. **The project is compatible in scale and character with the existing neighborhood, as defined by the Coastal Commission Regional Interpretive Guidelines and the project would not be materially detrimental to adjoining properties or the immediate area.**

The project site is a lot with a width of 59 feet and a depth of 90 feet, for a total lot area of 5,314 square feet. The surrounding properties are predominately developed with two story apartment buildings and condominiums along the east side of the Grand Canal north of Washington Boulevard.

The two existing duplex structures on each lot with a height of 21 feet and 10<sup>3</sup>/<sub>8</sub> inches will remain. Their height is consistent with the height limit of 22 feet in the Specific Plan for projects within ten feet of a property line that faces a canal. Automobile access is from the alley east of the Grand Canal in compliance with the Specific Plan and is consistent with other buildings. As conditioned, the division of the lot into two smaller lots with the two existing duplexes to remain will not be detrimental to the adjoining properties or the immediate area.

21. **The project is in conformity with the certified Venice Local Coastal Program.**

The Zoning Administrator has been guided by the action of the Coastal Commission in its certification of the Local Coastal Program Land Use Plan on June 14, 2001. The Plan embodies the previous history of decision on development projects and extends it forward in a comprehensive document. No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the Coastal Commission. The project is the division of the lot into two smaller lots with the two existing duplexes to remain on the east side of the Grand Canal north of Washington Boulevard about one fourth of a mile east of the beach. Access to the beach will not be affected by the development of this project and the existing public pathway which provides access to the east side of the Grand Canal will not be affected by this project.

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

The Los Angeles Housing Department determined in a report submitted to the City Planning Department dated December 10, 2008, that based on the rent and tenant information submitted by the owner, no affordable units currently exist at 635-637<sup>1</sup>/<sub>2</sub>

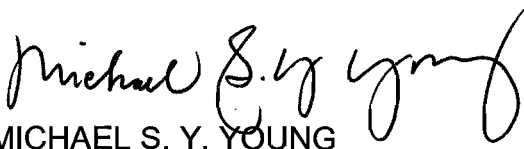
Washington Boulevard. Therefore, the applicant /owner/developer does not have to provide any replacement affordable residential units.

23. **That the 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 Los Angeles Housing Department determined in a report submitted to the City Planning Department dated December 10, 2008, that based on the rent and tenant information submitted by the owner, no affordable units currently exist at 635-637½ Washington Boulevard. Therefore, the applicant /owner/developer does not have to provide any replacement affordable residential units.

#### **ADDITIONAL MANDATORY FINDINGS**

24. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
25. On December 10, 2007, a Mitigated Negative Declaration No. ENV-2007-0625-MND was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

  
MICHAEL S. Y. YOUNG  
Associate Zoning Administrator  
Direct Telephone No. (213) 978-1387

MSYY:LH:MW:thb

cc: Councilmember Bill Rosendahl  
Eleventh District  
Adjoining Property Owners  
County Assessor