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June 4, 2014

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John J. Parker (R)
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Camarillo, CA 93012

CASE NO. ZA 2013-1426(CDP)(ZV)
COASTAL DEVELOPMENT PERMIT/
ZONE VARIANCE
305 East Rose Avenue
Venice Planning Area
Zone : RD1.5-1
D. M. : 111B141
C. D. : 11
CEQA : ENV-2013-1427-MND
Legal Description: Lot 38, Rosemont
Terrace

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

a coastal development permit to authorize a change of use from church to office for a property located in the single permit jurisdiction area of the Coastal Zone.

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

a variance from LAMC Section 12.09.1-A to allow a commercial office use in the RD1.5-1 Zone as otherwise not permitted.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on January 30, 2014, 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 as enumerated in Section 12.20.2 of the Municipal Code and granting a variance as enumerated in Section 562 of the City Charter and LAMC Section 12.27-B,1, have not been established by the following facts:

BACKGROUND

The property is a rectangular-shaped 6,481 square-foot, corner lot zoned RD1.5-1. The property has a frontage of 52.5 feet on Rose Avenue, 125 feet of frontage on Hampton Drive, and a lot depth of 125 feet. There is a 10-foot building line on the Rose Avenue frontage, and no parking is provided on the site. The property is developed with a 5,965 square-foot church which was constructed in 1905 and expanded in 1951. There is an easement allowing the northeasterly portion of the building to encroach into the adjacent lot. The easement will terminate if the building is removed. The building contains an



approximately 1,484 square-foot basement level and a 4,481 square-foot main level. The property is located in the Oakwood-Milwood-Southeast Venice Subarea of the Venice Coastal Zone Specific Plan, the Los Angeles Coastal Transportation Corridor Specific Plan, and in the single permit jurisdiction area of the Coastal Zone. The property is located in a methane buffer zone and in the Venice Revitalization Zone.

The applicant is requesting for a coastal development permit and zone variance to convert the legal non-conforming church use to commercial/office use as otherwise not permitted in a residentially zoned property.

The properties to the northwest, north and northeast are located within the RD1.5-1 Zone and the Low Medium II Residential land use designation, and developed with multi-family residential buildings. The properties to the west, south and east are located within the M1-1 Zone and the Limited Manufacturing land use designation, and develop with commercial and industrial buildings.

Rose Avenue is a Collector Street with a width of 60 feet and improved with asphalt roadway and concrete curb, gutter, and sidewalk.

Hampton Drive is a Local Street with a width of 60 feet and improved with asphalt roadway and concrete curb, gutter, and sidewalk.

The alley is improved to a width of 15 feet with asphalt roadway and concrete center gutter.

Previous zoning related actions on the site/in the area include:

Subject Property

Ordinance No. 175,694 – On December 2, 2003, the City Council adopted an amendment to the Venice Coastal Specific Plan and a Categorical Exclusion Order that excludes certain development from the requirements of Coastal Development Permits within the Venice Coastal Zone, and repealed Ordinance No. 172,897.

Ordinance No. 172,897 – On October 29, 1999, the City Council established the Venice Coastal Zone Specific Plan.

Ordinance No. 164,844 – On May 3, 1989, the City Council adopted General Plan Consistency Program for the Venice Community Plan. The subject zoning changed from C2-1 Zone to RD1.5-1 Zone (Subarea 570).

Surrounding Properties

Case No. DIR-2014-1717-SPP – On May 14, 2014, a request for a Specific Plan Project Permit Compliance was filed for the 13,220 square feet of office use to be added in an existing office building in a mezzanine, at 320 South Hampton Drive.

Case No. ZA 2013-3376(CDP)(CUB)(SPP) – On March 13, 2014, the Zoning Administrator heard a request for a coastal development permit for a change of office use to a 5,040 square feet of restaurant with 245 square feet of accessory retail space (a service floor area of 900 square feet) and hours of operation from 6 a.m. to 1 a.m., daily; a conditional use to permit the sale of a full line of alcoholic

beverages for on-site consumption and the off-site sale of beer and wine; and Project Permit Compliance, at 318 Sunset Avenue.

Case No. ZA 2012-2552(CDP)(CUB)(ZV)(SPP) – On December 10, 2013, the Zoning Administrator approved: a coastal development permit for the conversion of a commercial building to a restaurant and offices; the sale of a full line of alcoholic beverages for on-site consumption; Project Permit Compliance to allow the change of use; and, denied a variance to allow the required loading space. On March 18, 2014, the West Los Angeles Area Planning Commission (“WLA APC”) denied the appeal and sustained the Zoning Administrator, at 609 and 609-1/2 Rose Avenue.

Case No. ZA 2010-3387(CUB)(CDP)-1A – On April 24, 2012, the WLA APC granted the appeal and denied the sale of a full line of alcoholic beverages for on-site consumption in a proposed restaurant; denied a coastal development permit for the conversion of retail to restaurant and retail, at 609 and 609-1/2 Rose Avenue.

Case No. ZA 2012-0533(CUB)-1A – On September 19, 2012, the WLA APC granted the appeal in part to allow the sale of a full line of alcoholic beverages for on-site consumption, with hours of operation from 8 a.m. to midnight in a proposed restaurant with an outdoor patio, at 512 East Rose Avenue.

Case No. ZA 2011-0967(CDP)(CUB)(ZV)(MEL) – On October 5, 2011, the Zoning Administrator approved a coastal development permit for the construction of a three-story building with two condominium units, and a 2,272 square-foot restaurant, at 542 Rose Avenue.

Case No. ZA 2011-2902(CUB)-1A – On May 16, 2012, the WLA APC denied the appeal and sustained the sale of beer and wine for on-site consumption in a new restaurant with acoustical music, located at 512 East Rose Avenue.

Case No. DIR 2010-2780(SPP)(SPPA) – On January 6, 2011, the Director of Planning approved Project Permit Compliance for the construction of a three-story mixed-use project and Specific Plan Adjustment to permit a varied roof height of 32 feet and 11 inches, at 542 Rose Avenue.

Case No. ZA 2010-0719(CDP) – On August 3, 2010, the Zoning Administrator approved a coastal development permit for the conversion of a single-family residence into a restaurant, retail and office, at 523 Rose Avenue.

Case No. ZA 2009-1115(CUB)(CU)(CDP)(SPP)(MEL) – On October 8, 2010, the Zoning Administrator approved the sale of beer and wine for on-site consumption in a restaurant with a deviation from the permitted hours; a coastal development permit for the conversion of a vacant retail/residential building into a restaurant; and Project Permit Compliance, at 533 Rose Avenue.

Case No. ZA 2008-0278(CDP)(ZV)(ZAD)(SPP) – On October 22, 2008, the Zoning Administrator approved a coastal development permit to convert an 896 square-foot ground floor portion of an hotel lobby and storage to a cafe and kitchen; a variance to permit the conversion of an 896 square-foot ground floor portion of an existing hotel lobby and storage to a cafe and kitchen not otherwise allowed in the R3 Zone; a Determination to permit the continued use of a hotel in the R3 Zone in lieu of the

five year phase-out period; and Project Permit Compliance for the proposed cafe and kitchen conversion, at 401 Ocean Front Walk.

Case No. ZA 96-0279(ZV)(YV) – On June 18, 1996, the Board of Zoning Appeals sustained the Zoning Administrator's approval of a variance to permit a 1,100 square-foot expansion to a counseling and referral center, at 371-373 Rose Avenue.

Public Hearing

The public hearing was conducted on January 30, 2014 in the West Los Angeles Municipal Building. The following is a summary of the testimony.

John Parker, Representative:

- A parking variance is not required for the proposed project
- We filed a Project Permit Compliance review but were informed by Greg Shoop from Planning that it qualified as a Venice Sign Off
- The building was constructed in 1905 and was added onto in 1950, it has a deemed-to-be-approved church right
- The property is known as "The Source" and up to 200 people attend campaign rallies there
- I have a photograph of the people attending a movie there
- The proposed office use will affect parking in the area less
- The property is zoned RD1.5, there are no other churches located in that zone
- It has never been used for residential purposes, two units would be permitted with an SPP
- It is a beautiful building that can't be converted to residential use due to its layout
- It would have to be demolished to use it as a residence
- It was designed for assembly with offices
- There is no change in floor area proposed
- The office will fit with the character of the neighborhood
- The property faces the M1 Zone on two sides and office to the east (C4 Zone)
- The property was previously zoned C2, but it was changed under AB283
- We considered filing a zone change and GPA but would have been required to include the two block area zoned RD1.5
- The property has a narrow range of options due to the location and configuration of the building
- The building has a LAMC non-conforming parking credit of 58 spaces (1/35 sf)
- Under the Specific Plan there is a 24 space credit (1/250 sf)
- We were told by the VNC that Beach Impact Zone parking was not required
- At 375 Rose Avenue the City permitted an expansion of a counseling center in the RD1.5 Zone
- A variance was granted at 401 Ocean Front Walk for a café in the R3 Zone
- There will be fewer noise issues than the current use
- The VNC approved it subject to hiding the trash enclosures; no in lieu parking fees paid; and 24 parking spaces are provided off-site
- There are 80 unencumbered spaces available, the owner will lease 33 for the tenants but is unable to provide parking by covenant
- We could convert it to four units if two were made affordable

Greg Sackler and John Bertram, co-property owners:

- It was previously leased to a Hari Krishna Temple
- We were the lender and the temple defaulted
- It was a dilapidated property
- There were complaints from the neighbors who were worried we were going to demolish the building
- It was constructed the year Venice became a City and it was designed in the Classic Venice architectural style
- Viable churches want larger spaces that meet all of their needs
- Rose Avenue is a thriving corridor
- We did the required outreach and none of the property owners who we spoke to wanted to keep it as a church
- The current lease expires at the end of March and it will not be renewed
- The current church uses it for office, retail, café, and large evening events
- The office would be a quieter daytime use
- No one would consider a parking covenant within 750 feet
- There are 460 parking spaces in the structure
- The gym closed which left 80 unencumbered spaces with self-parking

John Reed, Venice Neighborhood Council:

- Are the 100 required beach parking spaces still provided at the parking structure?
- The VNC supported the request with three conditions, one was that the 24 parking spaces be provided by covenant not leased
- Leased parking would need to be reviewed by the VNC Board
- Please include the SPP not the VSO
- We object to the grandfathered parking rights
- Google is expanding by 13,220 sf by providing 11 parking spaces under a VSO
- The VNC is concerned about these VSO that approved expansions without adequate parking
- Who will pay for the parking lease? The employees?
- We have an existing issue with employee parking on Rose Avenue
- The 1996 case they referred to for St Joseph's Center is no longer used by them

Statements made in opposition to the request:

- The VNC would not have supported the variance/CDP with leased parking
- There is inadequate parking on Rose Avenue
- There is no hardship keeping it a church, they knew what they were buying
- We should have permit parking like they do in Santa Monica, until then the City should stop allowing the intensification of uses
- We don't agree with these grandfathered parking rights
- We didn't receive notice of the applicant's outreach meeting
- This neighborhood has become too dense, everyone wants to live in and visit Venice
- The church is a spiritual center for the community, it should not be rezoned for commercial use
- It would be detrimental to the residential neighborhood to remove the church
- Most of the events held there are attended by 25 people

- The building was owned by the temple from 2004 to 2011, we fought the foreclosure for years and had a \$50,000 judgement imposed

Chris Robertson, Council District 11:

- Our office does not generally support use variances, it is hard to make the findings
- Churches are permitted in residential zones with conditional use permits
- The parking is technically non-conforming
- We need to look at the request holistically
- The parking may adversely affect the community

John Parker and Bert Sakeer, rebuttal:

- We will go before the VNC again with the lease, but they will probably not be receptive to the idea
- The deemed to be church right will be maintained
- I have included the Project Permit findings
- The VSO says zero parking spaces were required for the office under the VCZ Specific Plan
- There must be a hardship if the request was approved by the VNC
- We sent out notice of our community meeting to a 500-foot radius
- There are very narrow options for the property owner
- The RD1.5 zoning is inexplicable with the adjacent M1 and C4 zoning
- The parking lease will be between the property owner and the parking lot owner
- We were the lender and had to take the property back after the foreclosure
- When there are big events at the church they need a lot of parking
- We agree that churches are valuable but there are 40 churches, temples, and meeting halls with a 2-mile radius of the site

The Zoning Administrator took the case under advisement and directed the applicant to go back to the VNC Board to see if they were supportive of the applicant's proposed 24 off-site parking spaces being secured by lease instead of a covenant.

Correspondence

An email dated September 6, 2013, was sent to Heather Bleemers by John Parker which stated the following:

In follow-up to our phone conversation, I want to bring your attention to a code provision in Sec. 12.23-B,8(b). This relates specifically to nonconforming parking. It states in pertinent part:

"Change of Use or Other Alterations. For the purpose of calculating the parking requirements for a change of use which would require additional parking spaces per this Code,....existing parking must be maintained and additional parking spaces shall be provided equal to the difference between the number of required spaces for the existing use based on current parking regulations set forth in this Code...and the number of required parking spaces for the new use or the new capacity created by the alterations, also based on current parking standards."

In the case of 305 Rose, there has always been zero existing parking, the case since 1905. There is no room, and never was, for parking on the site. The only extant permit (for foundation work for the church in 1951) is silent on parking. So with respect to the above Code provision, the existing parking to be maintained is zero.

As to parking in addition to existing, current parking requirements for assembly uses (the church) is substantially more than for an office use. Thus the difference between those parking requirements is actually less than zero. This is true in both the Zone Code and in the Venice Specific Plan.

So between zero existing parking and a negative difference between present parking standards for assembly vs. office, our conclusion is that required parking (though not perhaps desirable) is technically zero for the change of use to office.

I would appreciate it if you would discuss the above with a zoning administrator or anyone else you trust. I should mention that Greg Shoop, at separate times, told both the applicant and me that the property would have parking credits under the circumstances.

On September 6, 2013, John Parker emailed the following to Heather Bleemers regarding the parking credit for the building:

Per your request, here is the existing parking credits for 305 Rose Avenue:

Total required parking under Venice Specific Plan for office use: Existing building: 5965 SF of floor area. Required parking under Sec. 13.D: 23.86 spaces. Required beach impact zone parking (Sec. 13.E): 7.00 spaces. Total: 30.86 spaces (31).

EXISTING PARKING CREDITS:

Floor area other than sanctuary (4215 SF) @ 1/500 = 8.43 parking credits.

Assembly (Sanctuary/choir) parking credits can be measured 3 ways (see attachment, portion of Sheet A1.2):

1) Based on dimensions. Since there's *no fixed seating* in the sanctuary/choir, this is the method used in the findings.

Congregation level: 1462.7 SF (49'7" x 29'6" - see area outlined in green on attachment).

Choir: 300 SF (30' x 10').

Total 1762.7 SF @ 1/35 parking req. = 50.36 parking credits; + 8.43 credits for rest of bldg. = 50.36 total credits.

2) Based on permitted occupancy, which is 204. @ 1 space / 5 seats = 40.80 parking credits; + 8.43 for rest of bldg. = 49.23 total credits.

3) Based on seats shown in drawing. These seats do not exist & I believe the drawing underestimates the seating capacity of the sanctuary/choir.

Congregation level: 112 seats (245 linear ft. of seating [17.5' x 14 pews]) @ 1 space / 5 seats = 22.4 parking space credits.

Choir: 30 seats (66 linear ft. of seating [22' x 3 pews]) @ 1 space / 5 seats = 6 parking spaces.

Total 28.4 parking credits + 8.43 credits for rest of bldg. = 36.83 total credits.

Correction to my last email (arithmetic error). Total parking credits based on floor area is 58.79 (50.36 + 8.43).

Numerous emails were submitted prior to the hearing in opposition to the requested variance and coastal development permit. Some of the emails incorrectly referred to the request as a zone change from church to office or as a Specific Plan Exception. Many of the emails objected to the removal of the church use from the site stating "Source is a community spiritual center" that brings the community together in beneficial way that an office building would not. The emails stated that allowing the office use would be detrimental to the community due to parking impacts and loss of the charm of the structure.

Other emails stated that the five required variance findings can't be made, approval of the project would be in violation of the Coastal Act, and that an EIR must be prepared to evaluate the cumulative environmental impact of all of the variances that have been granted in Venice. One email stated that they were opposed to the variance unless the rear of the building was removed to incorporate the required parking.

On January 23, 2013, three letters of support for the development signed by nearby property owners were submitted by the representative.

A copy of the Land Use and Planning Committee Staff Report for the project was submitted at the hearing by John Reed which stated the following:

This planning application is required primarily because of the zone variance request to permit a commercial use in a residential zone, converting an existing church building into an office use. Rose Avenue is a commercial street except for the north side of the street between Hampton and 4th. This property was originally zoned commercial until a down zoning occurred several decades ago therefore an office use did not seem out of place. Unfortunately the applicant proposes to satisfy the parking requirement for the office change of use with grandfathered parking credits from the existing church use. No onsite or offsite parking is proposed. Providing no parking was the most significant issue raised during the LUPC meeting. Several neighbors spoke that without dedicated parking the project would have a detrimental negative effect on the neighborhood with office employees parking on residential streets all day long. The applicants stated that they did make several attempts to lease offsite parking spaces but everyone they approached would not agree to a long term lease or a parking covenant and agreement. At the hearing, they were therefore not willing to agree to provide offsite parking as a condition of support or approval for their project.

Variance findings are the most difficult findings to make so supporting a commercial use with a variance in a residential zone did not make sense to the LUPC committee without dedicated offsite parking. Grandfathered parking credits would not mitigate the real impact of office employees parking in a residential neighborhood. LUPC therefore proposed a motion to conditionally support the project ONLY if offsite parking was provided within 750 feet of the subject site at a ratio of one parking space per 250 sf of general office space with a recorded

parking covenant agreement recorded. Because of the limited street parking in the area LUPC did not think paying in-lieu parking fees should be permitted because of this was a variance request for a commercial use in a residential zone which could create a precedent for other projects. A third condition addressed a continuing nuisance problem where the existing building tenants store their trash bins on public property and that condition proposed requiring an enclosed recycling and trash located within the property and out of the public right of way.

The VNC voted on the project on November 19, 2013 to conditionally support the project as well ONLY with parking provided. The conditions required offsite parking to be provided within 750 feet of the subject site at a ratio of one parking space per 250 sf of general office space with a recorded parking covenant agreement recorded, no in lieu parking fees paid to satisfy on site parking and the same condition regarding trash.

Requested Action by Venice Neighborhood Council:

In order to support the change of use, applicant must provide physical parking, to code (covenant parking within 750ft). If not, the property should remain legal non-conforming church or residential.

A letter dated March 26, 2014, was submitted by John Parker which provided an update on the applicant's progress with have their item reheard by the VNC Board. His letter stated that the applicant spent several weeks trying to resolve the concerns of John Reed prior to going before the VNC LUPC. At the end of February they attempted to contact the LUPC Chair to request that the item get placed on the March 5 LUPC agenda and the March 18 Board agenda, but were unable to reach him by email. The applicant would prefer to provide the information directly to the Zoning Administrator rather than continuing to get placed on the VNC agenda. The letter noted that the VNC approved a similar case with a variance for reduced parking (9 in lieu of 19) and they were not required to provide any parking off-site by lease or by covenant.

Attached to the letter were copies of the emails sent to Jake Kauffman of the VNC, a 5-year lease agreement for 24 parking spaces to be located at 245 South Main Street, and the Certificate of Occupancy for that property which states there are 473 parking spaces are provided for the commercial/residential uses. The Certificate of Occupancy "Per ZA 92-1006-SV-SP-CCR, 270 spaces are shared for commercial uses of bldg. 213 spaces required for the commercial uses only per the Venice SP. See plot plan comments – For commercial uses of (E) mixed use bldg. required $13+213=226$ req./270 provided."

On April 3, 2014, John Parker emailed the following:

Re 305 Rose Avenue (ZA 2013-1426-ZV-CDP), the applicant asks that I share the following information with you regarding an action on appeal by the WLA APC for 609 Rose Avenue (ZA 2012-2552). I mentioned in my letter submittal to you dated 3/26/14 that the APC upheld the ZA grant.

A bit more information: The APC modified the grant to require 10 offsite parking spaces by lease agreement (rather than a covenant, as requested by the VNC in our case). The VNC asked for no offsite parking for 609 Rose.

On May 15, 2014, John Parker sent the following reply to the Zoning Administrator's email asking if they had gone back to the VNC:

We did not attempt to meet with the VNC after the end of March because, with the closure of the ZA case file on that date, we thought there was no longer time available for that to happen and were anticipating your decision.

Without repeating the details stated in the letter, after the time lost with the assigned VNC rep (John Reed) and the lack of response from the LUPC chair to get on its agenda, there would have been no possibility of a timely meeting with the VNC relative to your preparing a case after March 30.

COASTAL DEVELOPMENT PERMIT FINDINGS

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. Following is a delineation of the findings and the application of the facts of this case to same.

1. **The development is not in conformity with Chapter 3 of the California Coastal Act of 1976.**

The subject property is a 6,461 square-foot lot zoned RD1.5-1 located at the northerly corner of Rose Avenue and Hampton Drive. The property is four blocks inland from the Venice Boardwalk in the single permit jurisdiction area of the Coastal Zone, and within the Venice Coastal Zone and the Los Angeles Coastal Transportation Corridor Specific Plans. The applicant has requested a coastal development permit and a zone variance to convert a 5,965 square-foot building with a deemed to be approved church use status into an office building. The church was constructed in 1905. In 1951 a second building was constructed on the property which extends to the rear and side property lines. There is a 10-foot building line on the Rose Avenue frontage, and no parking is provided on the site.

The subject block is comprised of five residentially-zoned lots, four of which are developed with two-story four-unit residential buildings. The fifth lot contains the church building. It was previously owned by religious organization that lost the property in foreclosure. The applicants were the lender on the former deed of trust and are requesting a coastal development and variance for the conversion to office, which they feel will allow for a reasonable and compatible use of the property. At the time of the hearing the building was leased to a religious organization which holds a variety of community events, such as, movies, political rallies, and commercial activities. The applicant stated that some nighttime events at the site have attracted as many as 200 people with no off-site parking provided.

The Coastal Act encourages carefully planned developments that are designed in a manner that is consistent with its enumerated policies. Section 30250(a) states that new commercial development "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." The applicant's findings state that the subject building "is

located within a highly urbanized existing commercial/residential area. The building and infrastructure capable of supporting it have been in place for many years. The building is not new development, since it was permitted and has existed for 108 years, since 1905.”

The building is located in a developed area and the proposed construction is limited to interior tenant improvements, however, the requested change of use is considered a new “development” pursuant to the Coastal Act because it involves a “change in the density or intensity of use of land” (Section 30106). The Coastal Act establishes a higher priority for publicly available visitor-serving commercial recreational facilities over private residential, industrial, or general commercial development (Section 30222.) The development’s proposed office space is not a visitor-serving use. The proposed office use would create a higher demand for parking than a by-right residential project at the site and will not have any on-site parking available to the users of the development. The applicant has calculated that the church use has a parking credit of 58 spaces. The applicant is proposing to provide 24 parking spaces by lease agreement located at 245 Main Street, however, since the parking is not provided by covenant there is no way to guarantee that it will remain available in the future. The Venice Neighborhood Council approved the project conditioned upon the acquisition of parking via covenant as well as requiring trash enclosures and that no payment of in-lieu fees be allowed.

The testimony at the hearing and in writing objected to the proposed development due to the existing parking problems in the site’s immediate area. Office workers, restaurant employees and patrons use the limited on-street parking during the day. The letters noted that residential driveways are frequently blocked by visitor’s cars. The lack of parking has increased the parking congestion as drivers circle the neighborhood looking for an available on-street space. There was testimony that the property’s proximity to the City of Santa Monica which has permit parking districts, causes visitors to Santa Monica to park in the residential portion of Hampton Drive, 3rd Avenue and 4th Avenue. Due to the development’s lack of on-site parking, the increase in the intensity of the use, and the incremental increases in intensity of nearby developments on Rose Avenue and Hampton Drive, the development as proposed is not in conformance with Chapter 3 of the Coastal Act.

2. **The development will 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 the 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 have not been adopted. The LUP therefore is advisory in nature. The property is located in the southwesterly boundary of the Oakwood-Milwood-Southeast Venice Subarea. The LUP designates the property for Low Medium II Multiple Family Residential land uses. Policy II, A. 1 of the LUP states “It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control.” The Venice Community Plan designates

the subject property for Low Medium II Residential land use and Height District No. 1. The proposed commercial office use is not permitted under the property's land use designation or the zoning. Approval of a development that is inconsistent with the LUP could prejudice the ability of the City to prepare a Local Coastal 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. In this instance, the Guidelines standards concerning the following are relevant:**

The California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., *Pacific Legal Foundation v. Coastal Commission* (1982) 33 Cal.3d 158), the City's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations.

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 considered applicable Coastal Commission decisions in the vicinity of the site. Coastal Commission staff forwarded a Commission approval of a permit for the conversion of a two-story single-family dwelling into a restaurant with seven parking spaces located at 796 Main Street (A5-VEN-07-200). While that development permit was approved many of the issues regarding a change of use and limited parking are relevant to this permit. The decision contained the following language regarding the provision of adequate parking:

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 of the Coastal Act requires that public access be protected by ensuring that adequate parking is provided to meet the increased parking demand generated by new development. Further intensification of uses in the project area will increase the demand for parking. The demand for parking already surpasses the supply during peak use periods. The peak use periods in the Venice area are primarily summer days when beach attendance increases.

The following waivers of coastal development permit requirements/de minimus developments were approved for properties located at: 204 Hampton Drive (5-14-0548-W); 665 Rose Avenue (5-12-291); and 250-252 Bernard Avenue (5-13-0954). There was a proposed waiver for the interior remodel of existing 43,800 square-foot office/industrial building; addition of 13,220 square feet of mezzanine floor space; new custom skylight; an re-striping of existing parking lot to establish 170 vehicular

parking spaces and 171 bike parking spaces property located at 320 Hampton Drive (5-14-0158); however, Coastal Commission stated that the request was withdrawn before an action was taken by the 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 not in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30211 of the Coastal Act requires that coastal developments be designed to avoid any adverse impacts on public access to the coast or to nearby recreational facilities. Section 30252 of the Coastal Act provides in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

The subject property is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone. The property is located four blocks (approximately 1,360 feet) inland from the Venice Boardwalk. Rose Avenue southwest of Hampton Drive is designated as a Beach Impact Zone. Rose Avenue provides vehicular, pedestrian, and bicycle access to the beach. The applicant has supplied a five-year parking lease to provide 24 unreserved parking spaces in a parking structure located at 245 Main Street/110 Navy Street. The proposed development adjoins residential neighborhood, but the office use is not a visitor or neighborhood serving use. The development does not propose to: extend transit service and it does not provide adequate parking or substitute means of public transportation. Therefore, the development as proposed is not in conformity with the public access and public recreation policies of Chapter 3.

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

A Mitigated Negative Declaration (ENV-2013-1427-MND) was prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The MND concluded that after the implementation of the mitigation measures, the proposed development will not result in any significant impacts to the environment. The MND was sent to the State Clearing House and circulated for a 30-day comment period. No comments were received. Therefore, the MND prepared for the proposed development was appropriate pursuant to CEQA.

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:

7. **The strict application of the provisions of the Zoning Ordinance would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant is requesting a zone variance to permit a change of use from church to commercial office as otherwise not permitted by LAMC Section 12.09.1-A. The subject property is zoned RD1.5-1 and is developed with a building containing a church and accessory office space. The Restricted Density Multiple Dwelling (RD) Zone allows residential uses with accessory home occupations, subject to restrictions, but commercial offices are not permitted as a primary use. The property was previously zoned C2-1 which would have permitted the office use, however, the commercial zoning was changed to residential in 1989 as part of the AB283 General Plan land use consistency update (Ordinance No. 164,844).

The applicant stated that the variance is necessary because under the site's current zoning and the VCS Specific Plan provisions the only other by-right use of the building is a two-unit dwelling. The stated that the configuration of the building makes converting it into a multi-family dwelling infeasible, and requiring them to demolish the building just to build a duplex on the property would be an unnecessary hardship. The building's floor plan can be converted easily to an office use which would be consistent with the neighboring manufacturing and commercial uses. The applicant's findings state the request is justified because the "property has been developed and used as a church for the entire 108 years of its developed life, since 1905. The lot is developed in conformance with the requirements of the Zoning Code, and will remain unchanged both in configuration and development, by the intended change of use." Three neighboring property owners submitted letters of support for the requested variance. The Venice Neighborhood Council supported the project subject to the acquisition of off-site parking within 750 feet with a recorded covenant.

There were a number of emails submitted and testimony at the public hearing in opposition to the requested zone variance to allow the change of use to commercial office. Some of the opponents felt a church was a preferable use of the site. Others expressed concerns regarding: the location and availability of the proposed off-site parking; the cumulative impact of all of the commercial uses that have been permitted in Venice without providing parking; the lack of on-street and off-street parking for beach visitors; and, that the required variance findings could not be made in the affirmative. The representative for Councilmember Bonin stated that he generally does not support use variances, and was concerned about the potential parking impact associated with an increase in intensity of the site. The speaker who represented the Venice Neighborhood Council said that they would not have approved the variance and CDP without the off-site parking being secured by a covenant. A few letters of support for the request were submitted from neighboring property owners.

The variance is denied for the following reasons: the applicant did not submit any evidence supporting the argument that it would not be financially feasible to convert the building to residential use; the proposed off-site parking arrangement can be

terminated by the property owner; and they did not evaluate the feasibility of removing a portion or all of the building constructed in 1951 to provide on-site parking. The strict application of the provisions of the Zoning Ordinance allows the property owner to maintain the deemed approved church use or to obtain a change of use and convert it to residential use. Most residentially zoned properties do not have both land use options that the subject property does. Charter Section 562 states that a variance shall neither be used to grant a special privilege nor to permit a use substantially inconsistent with the limitation on other properties. Granting a variance to allow the requested change of use to office could be considered both a special privilege and inconsistent with the limitations on the neighboring residential property owners.

8. **There are no 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 property is a rectangular-shaped 6,481 square-foot, corner lot zoned RD1.5-1. The property has a frontage of 52.5 feet on Rose Avenue, 125 feet of frontage on Hampton Drive, and a lot depth of 125 feet. There is a 10-foot building line on the Rose Avenue frontage. The property is developed with a 5,965 square-foot church. The building contains an approximately 1,484 square-foot basement level and a 4,481 square-foot main level. The property is located in the Oakwood-Milwood-Southeast Venice Subarea of the Venice Coastal Zone Specific Plan, the Los Angeles Coastal Transportation Corridor Specific Plan, and in the single permit jurisdiction area of the Coastal Zone. The property is located in a methane buffer zone and in the Venice Revitalization Zone.

The properties to the northwest, north and northeast are located within the RD1.5-1 Zone and the Low Medium II Residential land use designation, and developed with multi-family residential buildings. The properties to the west, south and east are located within the M1-1 Zone and the Limited Manufacturing land use designation, and develop with commercial and industrial buildings.

The applicant's findings state that the special circumstances of the subject property are that the building has never been used for residential use; the parking credit for the property is sufficient to mitigate the office use; the conversion to a duplex is not financially feasible and would require demolition of the building; the property faces industrial and commercial uses in two directions; and prior to the 1989 zone change the office use would have been allowed by-right. The properties size, shape, and zoning are the same as the four other properties located on the block and those properties were all subject to the same zone change in 1989. It's similar in size and shape to the RD1.5-1 zoned properties located on Hampton Drive, and 3rd and 4th Avenue. There is a church located on an RD1.5 Zone property on 3rd Avenue, so the improvements on the site are not unique. The subject property has no characteristics related to topography, size, shape, or location which would constitute an impediment to the application of the zoning regulations as they exist.

9. **Such variance is not 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 question.

The application states that the City has approved similar variances for properties located at the following addresses:

- 373 Rose Avenue – A variance to permit the conversion of 1,100 square-foot to an existing counseling center for the homeless (ZA 96-0279(ZV))
- 401 Ocean Front Walk – A coastal development permit and variance to permit the conversion an 896 square-foot ground floor portion of an hotel lobby and storage to a cafe and kitchen in the R3 Zone (ZA 2008-0278(ZV)(ZAD)(SPP) and ZA 90-1186(ZV)(CUB)(PP))

The variance for the property located at 373 Rose Avenue is not considered a precedent because the proposed project served the homeless who would not be driving to the site and there has been so much development in the vicinity that has increased the traffic and parking issues since it was granted 18 years ago. The case on Ocean Front Walk is relevant because the hotel is an existing visitor-serving use located in the dual permit jurisdiction and is across from Venice Beach. The requested variance will not benefit visitors to the beach. The applicant did not demonstrate a hardship or practical difficulty at the hearing or in the public record to justify granting the variance.

10. **The granting of such variance will 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.**

Evidence was submitted by neighboring property owners that approval of the proposed variance would be injurious to the residentially zoned properties in the vicinity. The lack of on-site parking for the proposed office use could result in fewer on-street parking spaces available to beach goers, commercial patrons, and residents of properties in the same zone and vicinity and increase traffic, noise, and air quality impacts.

11. **The granting of the variance will adversely affect any element of the General Plan.**

There are eleven elements of the General Plan. Each of the Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. The Venice Community Plan designates the subject property for Low Medium II Residential land use and Height District No. 1. The proposed commercial office use is not permitted under the property's land use designation or the zoning. The property is located in the Oakwood subarea of the Venice Coastal Zone Specific Plan and is within the Los Angeles Coastal Transportation Corridor Specific Plan. The Venice Community Plan states the following regarding its unusual residential land use patterns:

As a result of prior development and changes in land use, there has emerged a blend of residential uses of various intensities, commercial uses and some minor industrial uses. Housing is located in single-family homes, multi-family dwellings, and mixed use structures. Some areas that include live/work artist studios and workshops are designated Commercial Artcraft (CA) and may be found in either residential or commercial areas. While Venice contains traditional light industrial uses it also has a concentration of industrial structures which house artist galleries and live/work studios.

Lack of parking for the existing residential, commercial, and recreational visitors to Venice and illegal conversions of residential properties to commercial uses are noted issues in the Venice Community Plan. Policy 1-3-2 of the Community Plan requires that decision makers adopt a finding which addresses the proposed development's impact on neighborhood character and identity, compatibility of land uses, impact on livability, adequacy of public services and facilities, and impacts on traffic levels. Granting of the variance may not adversely affect any element of the General Plan, but the request has been denied as the other required findings can't be made in the affirmative.

ADDITIONAL MANDATORY FINDINGS

12. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain.
13. On October 17, 2013, the Department of City Planning issued Mitigated Negative Declaration No. ENV-2013-1427-MND and determined that by imposing conditions the project impacts could be reduced to a less than significant level.

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after JUNE 19, 2014, 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 <http://cityplanning.lacity.org>**. Public offices are located at:

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

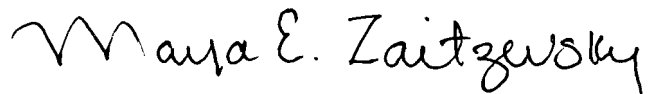
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

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 will 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.



MAYA E. ZAITZEVSKY
Associate Zoning Administrator
Direct Telephone No. (213) 978-1416

MEZ:lmc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners