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May 20, 2013

Carl Lambert (A)(O)  
Venice Breeze Suites  
2 Breeze Avenue, #101  
Venice, CA 90291

Don Barany (R)  
Donald Alec Barany Architects, Inc.  
116 26th Street  
Santa Monica, CA 90402

CASE NO. ZA 2012-2841(CDP)(CU)  
(ZV)(MEL)  
COASTAL DEVELOPMENT PERMIT,  
CONDITIONAL USE, VARIANCE,  
MELLO COMPLIANCE

2 East Breeze Avenue  
Venice Planning Area  
Zone : C1-1  
D. M. : 108.A143  
C. D. : 11  
CEQA : ENV 2012-2839-MND  
Legal Description: Lot 1, Block 2,  
Country Club Tract

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

a Coastal Development Permit and Mello Act Compliance review to allow a change of use from a 31-unit apartment building to a 31-guestroom transient occupancy residential structure on a property located in the C1-1 Zone and within the Dual Permit Jurisdiction area of the Coastal Zone,

Pursuant to Los Angeles Municipal Code Section 12.24-W,24, I hereby APPROVE:

a Conditional Use to permit the continued use of a transient occupancy residential structure within 500 feet of an R Zone,

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

a variance from LAMC Section 12,21-C,6, to not provide a loading space,

Pursuant to Government Code Sections 65590 and 65590.1, I hereby APPROVE:

Mello Act Compliance review,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the



development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or 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. Approved herein is a coastal development permit to allow the conversion of a 31-unit apartment building to a 31- guest room transient occupancy residential structure with zero on-site parking spaces and no loading zone.
8. Within 30 days of the effective date of this action, per State Government Code Section 65590, the applicant shall initiate all necessary proceedings with the Housing Department of the City of Los Angeles ("LAHD") to set aside one guest room (No. 308) as an affordable housing unit for Moderate Income household as implemented by LAHD. Copies of documentation that such process has been initiated shall be submitted to the Zoning Administrator for inclusion in the file, including subsequent copy of the covenant entered into with LAHD.
9. Submit an Affordable Housing Provision Plan for approval by LAHD as required by Section 7.4 of the Interim Administrative Procedures for Complying with the Mello Act.

10. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
11. Off-street parking shall be provided as required per Section 12.21-A,4 of the Code and Section 13.D of the Venice Coastal Zone Specific Plan, or the applicant shall provide proof of any legal nonconforming parking status to the satisfaction of the Department of Building and Safety. No variance or specific plan exception from the off-street parking requirements has been requested or granted herein.
12. The applicant shall prepare a Transportation Demand Management Plan for the hotel which shall include the following measures:
  - Preferential hiring of employees who live within walking or biking distance
  - Incentives to encourage employees to walk, bike, take public transit, or carpool to work
  - Installing bike racks for use by the guests and employees
  - Employee training shall include notification to not park on the street
13. Amplified recorded-music shall not be audible beyond the area under control of the applicant.
14. Prior to the issuance of the building permit, the Project shall comply with applicable requirements of the Coastal Transportation Corridor Specific Plan, to the satisfaction of the Department of Transportation.
15. The applicant shall submit a plot plan to the satisfaction of the Fire Department prior to the sign-off of plans by the Zoning Administrator.
16. The applicant shall install and maintain security cameras and a 30-day DVR that covers all common areas of the business, high-risk areas and entrances or exits. The DVRs shall be made available to police upon request.
17. Loitering is prohibited on or around these premises or the area under control of the applicant.
18. Outdoor lighting shall be designed and installed with shielding, so that the light source does not overflow into adjacent residential properties.
19. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master

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

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

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

### **TRANSFERABILITY**

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

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

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

### **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after JUNE 4, 2013, 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.

### 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, the report of the Zoning Analyst thereon, the statements made at the public hearing on February 21, 2013, 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 have been established by the following facts:

**BACKGROUND**

The property is a rectangular-shaped double-corner lot located on Breeze Avenue between Ocean Front Walk and Speedway. The property is located in the North Venice subarea of the Venice Coastal Specific Plan and is in the Beach Impact Zone. The 4,398 square-foot property has 40 feet of frontage on Speedway and 110 feet on Breeze Avenue and is zoned C1-1. It is developed with a brick four-story, 15,408 square-foot, 31-unit apartment building constructed in 1930. The apartment building was illegally converted to a 31-guest room hotel by the prior owner. The project is a coastal development permit to allow a change of use from an apartment house to a transient occupancy residential structure; as required per a Los Angeles Housing Department Order to Comply. Also requested are a conditional use permit to allow a hotel within 500 feet of an R Zone, a variance to not provide a loading zone, and Mello Act compliance review.

The applicant states that the proposed change of use from an apartment building to a transient-occupancy hotel will provide a function that is beneficial to the community. Attached to the file is the original Certificate of Occupancy, dated August 6, 1930, for a four-story Class C apartment building, with 60 rooms and 30 apartments.

The adjacent properties to the east are zoned RD1.5-1 and developed with multiple-family uses. The properties to the north and south along Ocean Front Walk are zoned C1-1 and developed with offices and retail uses. Venice Beach is located to the west of Ocean Front Walk and is zoned OS-1XL-O.

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

**Subject Property**

Notice and Order to Comply No. 247834 – On February 12, 2010, the Los Angeles Housing Department issued the property owner that a new certificate of occupancy is required for the use of the property as short term rentals.

Ordinance No. 146,313 – On July 24, 1974, the City Council approved a zone change from C2-1 to C1-1.

Certificate of Occupancy No. 19463 – On August 6, 1930, the LADBS issued a certificate of occupancy for a four-story, 30-unit apartment building.

**Surrounding Properties**

Case No. ZA 2008-0278(CDP)(ZV)(ZAD)(SPP) – On July 14, 2008, the Zoning Administrator approved a Coastal Development Permit, Zone Variance and Specific Plan Project Permit Compliance, to convert a portion of the ground-floor of a hotel lobby and storage to a café/kitchen, and allow the continued use of a hotel in the R3 Zone in lieu of the five-year phase-out period, located at 401 South Ocean Front Walk (“Cadillac Hotel”).

Case No. APCW-2003-1123-ZV-SPE-ZAA-CDP-SPP-MEL – On July 17, 2003, the West Los Angeles Area Planning Commission approved a zone variance to permit a commercial development to provide a 115 square-foot loading space in lieu of the minimum 400 square feet required in the C2-1-CA Zone, located at 70 East Windward Avenue.

Case No. ZA 2002-2526(CDP)(CU)(SPP)(MEL) – On July 10, 2003, the Zoning Administrator approved a coastal development permit, conditional use permit to allow commercial corner deviations, and project permit compliance to allow the construction of six Joint Live Work condominium units and one commercial condominium unit located at 701 Ocean Front Walk.

Breeze Avenue is a Local Street with width of 40 feet. The curb on Breeze Avenue adjacent to the subject property is a no-parking, tow away zone. Breeze Avenue is a Walk Street northeast of Speedway.

Ocean Front Walk is a Public Walk improved to a width of 50 feet and is closed to vehicular traffic.

Speedway is a Local Street improved to a width of 20 feet.

### Public Hearing

The public hearing was held on February 21, 2013 in the West Los Angeles Municipal Building. The hearing was attended by the applicant and two residents.

Carl Lambert:

We have requested that DOT allow us to provide a 15 minute loading zone on Breeze Avenue

- The building was constructed as apartments
- The transient occupancy residence is less intense than apartments
- We did a \$4 million dollar renovation four years ago
- 20 to 25% of our guests don't use cars
- People who bring cars park at the lot on the boardwalk
- We have bike storage on-site, we have five bikes for use by guests and room for seven additional spaces
- The variance is requested because we have no physical room for a loading zone
- We have had no complaints from neighbors
- The prior use of the building as short-term rentals was not well-run
- The Council Office supports the use
- We went to the Venice Neighborhood Council last night, the Planning and Land Use Committee voted in support 8 to 1

The full board will hear it on March 19

I purchased the property in 2007

We have a long-term tenant in Unit 308, we have agreed with LAHD to set aside that unit for a 30-year term

- This is not a project under the Venice Coastal Zone Specific Plan
- We received a citation from LAHD for an illegal change of use
- I have not met with the Coastal Commission staff
- The hotel provides affordable access to the coast for visitors
- Our average stay is two weeks
- I spoke to DOT about painting the curb yellow on Breeze Avenue
- The sign on Speedway is not on my property
- We are 150 feet away from Mr. Shishido's property
- Speedway is a commercial alley, we don't control it
- The back door on Speedway is not the primary entrance

Sarah Dennison stated there was no opposition to the request at the PLUM meeting, and asked that the case be taken under advisement until the March 19, 2013 board meeting.

Keiko Noda:

- I am here on behalf of Masako Shishido, the owner of 14 Brooks Avenue
- He has owned the building since 1972 and is concerned about this project
- There is an architecture firm 50 feet away with 100 cars
- People park on Speedway blocking it (pictures submitted)
- There are cars, trucks, using bikes Speedway
- The motel door opens onto Speedway
- There is a sign on Speedway that says "5-minute Loading Zone"
- We want his guests to park on Breeze Avenue not Speedway
- We love how he cleaned up the building

Susan Kalinowski:

- I have no problem with the Breeze Suites
- Will it change the operating or stay the same?
- Can guests stay one night?

### Correspondence

On January 28, 2013, Masako Shishido emailed the following concerns about the project: 1) his property was previously a motel but was required to convert it to motel when the zoning changed; 2) they don't have any parking for the 31 rooms; 3) the motel's guest don't have an area to unload and end up using Speedway which is a non-stopping zone; 4) this will effect neighboring businesses; and, 5) a traffic study should be prepared.

On February 11, 2013, Whitney Blumenfeld from Council District 11 emailed that the Councilmember is in support of the request because of: 1) the extensive renovation done to the building; 2) it maintains the Venice Boardwalk character; 3) it has operated as a transient occupancy residential use for four years without complaints; 4) and one unit will be set aside for low income purposes.



On March 18, 2013, Linda Lucks of the Venice Neighborhood Council emailed to request that the record be held open until the end of April because the case will not be heard on March 19.

On April 22, 2013, Carl Lambert submitted an email stating that the LADOT approved a 15 minute loading zone on Breeze Avenue, and attached a letter of support from the neighboring property owner. The letter March 15, 2013 letter from Janice Jerde of JJ-Seabreeze II, LTD stated that the Venice Breeze Suites has been a positive addition to the area offering short-term furnished rentals without negatively impacting the neighborhood.

On April 28, 2013, Jake Kaufman of the Venice Neighborhood Council emailed to say that the request had been approved by the Board and a letter would be sent by April 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 in conformity with Chapter 3 of the California Coastal Act of 1976.**

The subject property is a rectangular-shaped, 4,398 square-foot corner lot located on Breeze Avenue on the landward side of Ocean Front Walk in the C1-1 Zone. The property is located in the North Venice subarea of the Venice Coastal Specific Plan, the Beach Impact Zone. The site is developed with a four-story, 15,408 square-foot 31-unit apartment building constructed in 1930. There is no on-site parking. The applicant stated that the apartment building was illegally converted to a 31-guest room extended stay motel by the prior owner. He purchased the property in 2007 and renovated the building. It is operating under the name "Venice Breeze Suites". Each of the guest rooms contains a sleeping area with one bed, a sitting area with a kitchenette, and a bathroom. The room rates start at \$155 for a standard studio unit and discounts are available for longer stays. The Venice Breeze Suites' website describes the rooms as affordable extended-stay living accommodations. The website indicates there are three other Venice Beach properties managed by the applicant's company.

The development requires a coastal development permit to allow a change of use from a 31-unit apartment building to a 31-guest room transient occupancy residential structure ("TORS"). The property is located in the Dual Permit Jurisdiction area of the Coastal Zone. Pursuant to Coastal Act Section 30600(b), any development which receives a local coastal development permit from the City must also obtain a second coastal development permit from the Coastal Commission if the development is within the areas specified in Section 30601 (e.g., within 300 feet of the beach or sea).

Coastal Act Section 30222 establishes a higher priority for publicly available visitor-serving commercial recreational facilities over private residential, industrial, or general commercial development. Section 30252 of the Coastal Act states:

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, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

No construction is proposed as part of the change of use permit. The development does not involve an increase in the number of residential units or new floor area that would change the parking demand of the property. The building was constructed to the property lines and has grandfathered parking rights. The proposed development is a retroactive conversion of 31 apartment units to 31 TORS units, and it does not constitute a change in density or the intensity of land use. One unit (#308) was determined by the Los Angeles Housing Department ("LAHD") to have affordable rent. The applicant has been required to record a covenant, to the satisfaction of LAHD, restricting the unit for Moderate Income level tenants. The operation of a visitor-serving use will not impede public access to Venice Beach.

The applicant has requested that LADOT change the Breeze Avenue street frontage from a no parking zone to 15 minute parking. If approved, this will allow the guests of the TORS to unload their vehicles without blocking traffic on Speedway which was a complaint of a nearby property owner. The Venice Breeze Suites has bicycles for use by the guests as well as room for parking of seven additional bicycles. Ocean Front Walk The development will not adversely affect public access to the public beach and recreation area or affect public views. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request or with any sensitive habitat areas, archaeological or paleontological resources identified on the site.

2. **The development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program (LCP) that is in conformance with Chapter 3 of the California Coastal Act.**

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 designates properties along Ocean Front Walk from 17th Avenue to the Santa Monica City Line as North Venice Community Commercial.

The LUP encourages "visitor-serving and personal services emphasizing retail and restaurants" at the subject location. Policy I. A. 17 of the LUP states that "overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in Community Commercial and General Commercial land use categories. A transient occupant residence is a permitted use under the subject zoning and the LUP. As conditioned, the development will not prejudice the ability of the City to prepare a LCP.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission and any subsequent amendments thereto have been reviewed, analyzed and considered in making this determination.**

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 herein has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the California Public Resources Code.**

The decision on the development permit was guided by the Coastal Commission's approval of Coastal Development Permit No. 5-11-265 for the property located at 401 Ocean Front Walk. The December 26, 2006 Memorandum issued by the Coastal Commission on *Condominium-Hotel Development in the Coastal Zone* was reviewed as well. Generally, the Coastal Commission has tended to support and encourage the retention of viable visitor-serving facilities, particularly those with historical significance or that provide low cost accommodations. This project does not appear to create any precedent contrary to what is established in the vicinity. Further, the exterior of the building will not be altered and patronage will not be affected.

5. **If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone that the development is in conformity with the public access and public recreational policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The development is located on a property that has frontage on Breeze Avenue and Speedway, two public roads which are open to vehicular traffic, however, Breeze Avenue terminates at Ocean Front Walk and there is no public parking located at that section of Venice Beach. The property's westerly frontage is adjacent to Ocean Front Walk which is not a public road. There is a bikeway located on the seaward side of Ocean Front Walk and the project provides bicycles for their guests. The building was constructed in 1930 and there is no construction proposed as part of this permit and no change in public access. Visitors seeking recreational activities at the beach will continue to have unimpeded pedestrian access. The development is conformity with the public access and public recreational policies of the Coastal Act.

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

A Mitigated Negative Declaration (ENV-2012-2839-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 prepared for the proposed development was appropriate pursuant to CEQA.

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 Mello Act is a State law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion, and construction of residential units in California's Coastal Zone. The Mello Act requires that very low, low and moderate income housing units that are demolished or converted must be replaced and that new residential developments must reserve at least 20 percent of all new residential units for low or very low income persons or families or reserve at least 10 percent of all new residential units for very low income persons or families.

The Mello Act prohibits change of use or demolition projects that remove existing residential units (including market-rate residential units) for purposes of a new non-residential use unless the new use is coastal dependent.

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. On September 14, 2012, the Los Angeles Housing Department issued a Mello Determination Memorandum which concluded that there is one affordable unit (#308) located at the subject property. A condition of approval requires the owner to record a covenant with LAHD to restrict one unit for moderate income use. As conditioned, the project is consistent with the Mello Act.

### **CONDITIONAL USE PERMIT FINDINGS**

8. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The applicant is requesting a change of use permit to legalize the conversion of a 31-unit apartment building into a 31-guestroom TORS. Pursuant to LAMC Section 12.24-W,24, In the C1-1 Zone, TORS located within 500 feet of an A or R Zone require approval of a conditional use permit. The subject property is located adjacent to RD1.5-1 zoned property developed with a triplex. The Venice Breeze Suites provides long and short term accommodations for visitors of Venice Beach. No construction is proposed and there will be no changes in the operation of the use. The conditions of approval provide an inherent incentive to the applicant to operate the business with regard to the established community and to maintain a viable track record. As conditioned herein, the project will continue to provide a beneficial service to the Venice Beach community.

9. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The project is located on a 4,398 square-foot corner lot located on Breeze Avenue adjacent to Ocean Front Walk in North Venice Beach. The site is developed with a four-story 31-unit apartment building. No changes are proposed to the project's location, size, operations or other significant features. The adjacent properties to the east are zoned RD1.5-1 and developed with multiple-family uses. The properties to the north and south along Ocean Front Walk are zoned C1-1 and developed with offices and retail uses. Venice Beach is located to the west of Ocean Front Walk and is zoned OS-1XL-O. Venice Beach is a popular tourist destination spot and the Venice Breeze Suites has been operating since 2007. The property owner has renovated the building and the operation of the use has been compatible with adjacent properties. The application was supported by numerous property owners, the Council Office, and the Venice Neighborhood

Council. Conditions of approval requiring the installation of surveillance cameras, graffiti removal, and a TDM program have been imposed to ensure the operation of the use does not adversely affect or degrade the surrounding neighborhood or public health, welfare and safety.

**10. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There are eleven elements of the General Plan. Each of these 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. Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, and RAS4, and Height District No. 1. The site is within the North Venice subarea of the Venice Coastal Zone Specific Plan and the LA Coastal Transportation Corridor Specific Plan. The proposed change of use is not a project in the Specific Plan. Granting of the request is consistent with the following Venice Community Plan Policy and Programs:

Policy 1-2.2: Encourage multiple-family residential development in commercial zones.

Program: The Plan permits mixed-used or residential only developments in commercial zones.

Program: The Venice Coastal Specific Plan contains residential density provisions that encourage residential uses in commercial zone for projects located in the Coastal Zone.

Policy 1-4.2: Ensure that new housing opportunities minimize displacement of residents.

Program: A decision-maker shall adopt a finding which addresses any potential displacement of residents as part of any decision relating to the construction of new housing pursuant to the provisions of Section 65590.C of the State Government Code, referred to as the Mello Act.

## **VARIANCE FINDINGS**

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

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

The applicant is requesting a variance from LAMC Section 12,21-C,6, to deviate from the requirement to maintain a loading space. Section 12,21-C,6 requires a loading space to be provided and maintained on the same lot with every hospital, hotel, or institution building. The LAMC contains an exception to the loading space requirement for lots that abut an alley in the C Zone when all the buildings are erected, structurally altered, enlarged or maintained and used solely as dwellings or apartment houses. The subject property is located in the C1-1 Zone, abuts Speedway, and contains a residential use. However, the proposed TORS is not an enumerated use listed in the exception, and as such, the property owner was advised to file for a variance as there is no room on the property to provide a 400-foot loading space. Loading spaces are required for hotels to allow for the safe delivery of goods without impeding vehicular access on the public right-of-way. The subject 31-room TORS does not contain any commercial uses, such as a restaurant, gift shop, or bar, which require the delivery of goods to the property. The property owner is working with LADOT to provide 15-minute parking on the Breeze Avenue street frontage to allow for the loading and unloading of passengers and luggage. The strict application of the zoning regulations would require a portion of the structure to be demolished in order to provide an unnecessary loading space which would be a practical difficulty inconsistent with the general purpose and intent of the regulations.

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

The subject property is a rectangular, substandard 4,398 square-foot corner lot fronting on Breeze Avenue and Speedway in the C1-1 Zone. The Venice Beach property is developed with a four-story 15,408 square-foot apartment building. The special circumstances applicable to the subject property are that the building was constructed in 1930 prior to the requirement for parking, and the building was constructed to the lot lines leaving no area to provide a loading space. The Venice Coastal Zone Specific Plan and the Venice LCP encourage the provision of visitor-serving uses such as TORS, however, due to the small size of the property and the location of the existing improvements the owner is unable to provide the required loading space.

13. **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 question.**

The LAMC provides an exception to the loading space requirement for dwellings or apartment houses but is silent on the proposed use as a TORS. The Cadillac Motel located at 401 Ocean Front Walk was granted a variance in 1993 to allow the continued use of a 30-bed hostel in the R3-1 Zone and was not required to provide a loading space (Case No. 93-0631(ZV)). In 2003, the West Los Angeles Area Planning Commission approved a zone variance to permit the construction of a commercial development with a 115 square-foot loading space in lieu of the 400 square feet required. There is a similar TORS use called Su Casa at Venice Beach located at 431 Ocean Front Walk which was not required to provide a loading space. The applicant here is seeking to be on par with those properties. Therefore, approval of the request will permit the applicant to enjoy a substantial property right while providing loading in a manner substantially similar to other properties in the area.

14. **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 the variance to not require a loading zone as part of the legalization of the 31-room Venice Breeze Suites will not result in any changes to the operation of the use or result in an increase in the size of the building. The use has been operating without a loading space for over six years. The request was supported by neighboring property owners, the Council Office, and the Neighborhood Council. The one objection raised to the operation was by the owner of a property located at Brooks Avenue who was required to convert her motel to a multi-family dwelling after the zoning of the property was changed from C1-1 to R3-1. The subject building is located in a commercial zone not a residential zone. As there will be no change in the operation, there is no evidence that the granting of the variance will be materially detrimental to other properties in the same zone or vicinity.

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

The Venice Community Plan designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, and RAS4, and Height District No. 1. The site is within the North Venice subarea of the Venice Coastal Zone Specific Plan. The Venice Community Plan and the Venice Coastal Zone Specific Plan are silent in regards to loading spaces. Granting of the variance is consistent with Objective 7.3 of the General Plan Framework Element which states "maintain and enhance the existing businesses in the City". Allowing the use to continue to operate without providing a loading space will not adversely affect any element of the General Plan.

#### **ADDITIONAL MANDATORY FINDINGS**

16. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No.