

PROPOSED FINDINGS

4. Findings – The Area Planning Commission may permit an exception from a specific plan if it makes all the following findings:

(a) That the strict application of the policies, standards and regulations of the geographically specific plan to the subject property would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of such specific plan.

The subject application seeks an exception to the Venice Coastal Zone Specific Plan's density limit set forth in Section 10.F.2.a, which limits density of lots greater than 4,000 square feet to one unit per 1,500 square feet, to permit a total of 4 units on 2 combined lots, totaling 5,280 square feet, with 3 units on 1 lot and 1 unit on the other lot. In order to accommodate the increase in density, the application also seeks an exception from the guest parking requirement of the Venice Coastal Zone Specific Plan, set forth in Section 13.D.

The subject property, located on a walking street between Pacific and Speedway, in Venice, is comprised of a two-story house on 1 lot (22-28th Avenue) and an attached 3-story building containing 3 dwellings on the other lot (20-28th Avenue). Strict application of the specific plan's density limits authorizes 3.52 units on the applicants' property. The applicants seek approval to round up to a total of 4 units. There are a total of 6 parking spaces in 2 enclosed garages, 2 partially-covered tandem spaces adjacent to the garage and a driveway which is 6 feet, 8 inches long and 20 feet wide, which are currently used from time-to-time as 2 non-conforming guest parking spaces.

The subject property, consisting of 2 lots, is 60 feet by 88 feet in size, making it the second widest lot on the block. A certificate of occupancy issued on March 27, 1989, describes the permitted development as a triplex with 8 required parking spaces. At the time the certificate of occupancy was issued, there were a total of 9 bedrooms for all of the permitted units. The applicants, who occupy the top floor unit (Unit A,) made some non-structural modifications to the doorway separating the 2 bedrooms in that unit so that they are now used as a single master bedroom. Prior to the applicants' purchase of the subject property, a 745 square foot storage room on the ground floor was converted into a one-bedroom unit (Unit C.) At present, there are a total of 9 bedrooms on the subject property, the same as originally approved.

There has been a single tenant occupying Unit C for the past 12 years. He resided there for several years prior to the applicants' purchase of the subject property. His monthly rental is \$1,325, which is very affordable for a one-bedroom apartment so close to the beach. The hardship that would result from the conversion of Unit C to an uninhabitable space, such as a storage room or home office for the applicants, who reside in Unit A on the subject property, would befall the tenant of Unit C much more than the applicants, because it is highly unlikely that he could find a comparable unit at a comparable price in the same or similar neighborhood and proximity to the beach.

The reduction of bedrooms in Unit A makes the creation of a bedroom in Unit C consistent with the purpose of the specific plan's density limits, which are designed to regulate the level of density in the neighborhood. The subject property, while one of the largest lots in the vicinity, is neither the tallest nor the most dense residential property in the area, which is marked with several multi-family apartment buildings, including a large 30-unit apartment building directly across the walkway from the subject property and a 4-unit apartment building on the adjacent property to the west, on a lot that is one-half the size of the applicants' property.

(b) That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.

The subject property is the second widest lot on the block and is capable of comfortably supporting a total of 4 dwellings, while providing all of the resident parking, yard setbacks and height limits required for 4 dwellings, even though it was originally approved for only 3 dwellings. The 4th dwelling, Unit C, is rather unique in that it has been rented as an affordable housing unit for at least 12 years despite its immediate proximity to Venice beach, and its attractive, well-maintained features. The current rent for Unit C, a one-bedroom apartment, is only \$1,325. The use of the 2 bedrooms in Unit A as a single master bedroom offset the additional bedroom in Unit C, thereby creating no net increase in the property's density. The density of neighboring multifamily properties is much greater than the subject property and is not justified by any additional features of those properties. The 30-unit apartment building located across the walkway from the subject property is twice as large as the applicants' property (120 feet x 88 feet) but has 10 times the density. The 4-unit apartment building located adjacent to the west of the subject property is one-half the size of the subject property. As the second largest lot on the block, the applicants' property should have a density more commensurate with other lots in its vicinity.

(c) That the exception from the geographically specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity, but which because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

The subject property was issued a certificate of occupancy for a triplex on two R-1.5 lots, with a total of 8 parking spaces. Other multifamily properties on the same block have a much higher density. The 30-unit apartment building across the walkway from the subject property, 17-28th Avenue, has 30 units on approximately 10,560 square feet, which equals 1 unit per 352 square feet. The 4-unit apartment building adjacent to the west of the subject property has 4 units on 2,640 square feet, which equals 1 unit per 660 square feet.

The subject property has 4 units on 5,280 square feet, which equals 1 unit per 1,320 square feet. With the 4th unit, the subject property is still nearly 4 times less dense than the apartment building across the walkway from the subject property and more than half as dense as the apartment building next door. There is nothing about the subject property which demands that it have so much less density than the properties around it. The addition of Unit C did not require the expansion of the structures on the subject property into pre-existing yards or setbacks. Unit C was originally designated in the building plans as a 745 square foot storage room. Whether or not it was tacitly known or understood that Unit C would be converted to an additional dwelling, it appears to have been built by a previous owner as if it were always intended to be a separate dwelling and it is very suitable as a dwelling.

The applicants do not derive a significant income from the additional unit because they have continued to rent it to a tenant who has lived there for years before they purchased the subject property. That tenant would be substantially affected by the conversion of Unit C to non-habitable space and it is not likely that he could find similar living quarters in the same or similar neighborhood for a similar rental rate. The applicants did not create Unit C and have not exploited it by renting it out at market rates.

(d) That the granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the same vicinity of the subject property.

The specific plan exception sought does not require any new construction and, aside from the increase in *stated* density, will not produce any change which would

create an adverse impact. The density that was approved included a 2-bedroom unit on the top floor, Unit A, which was combined into a single master bedroom. Therefore, the creation of a bedroom for Unit C does not actually increase the density that was originally allowed. The subject property has the required resident parking spaces, set backs and height limits for 4 units, and is neither the tallest nor most dense property on the block. The subject property is compatible with the other newer residential projects on the street and is attractive and well-maintained so that it adds to the attractiveness of the beachfront neighborhood walking street.

(e) That the granting of the exception will be consistent with the principles, intent and goals of the geographically specific plan and any applicable element of the General Plan.

The purpose of the Venice Coastal Specific Plan is, primarily, to limit over-development of land within the plan area and to make future uses consistent with established uses, with the overall goal of preserving the character of the different geographic areas described in the plan and preventing the overuse of infrastructure. The North Venice area of Venice is an older residential area which is interspersed with many newer buildings, some of architectural interest. The walking streets between Pacific and Speedway, north of Washington Street, has become a highly dense multifamily neighborhood notwithstanding historic parking shortages and high-volume beach traffic because of the policy decision to provide as much housing as possible near Venice beach for the public enjoyment. Compared to many of the multifamily residences in the vicinity, the subject property has significantly less density, even with the 4th unit. After-the-fact approval of Unit C on the subject property will not be inconsistent with the goal of providing housing in close proximity to the beach and, in this case, it would advance the more recent goal of providing affordable housing inasmuch as the unit has been rented to the same tenant for over 12 years and the rent is currently only \$1,325 per month, which is substantially below market rate for the size, location and condition of the unit. The 30-unit apartment building across the walkway from the subject property has many more smaller units for a much more expensive monthly rental. That property is also designated as RD1.5. The 4-unit apartment building adjacent to the west of the subject property has only 3 parking spaces for the whole building. By comparison, the subject property is substantially less likely to produce the type of adverse impacts that the Venice Coastal Zone Specific Plan was designed to curtail.