

**REQUEST & FINDINGS
SPECIFIC PLAN EXCEPTION
PROJECT PERMIT COMPLIANCE REVIEW**

543 GRAND BOULEVARD, VENICE

REQUEST:

- Specific plan exception (pursuant to LAMC Sec. 11.5.7-F(c)):
 - To permit three existing dwellings in lieu of two dwellings otherwise permitted by Section 10.F.2.a of The Venice Specific Plan and LAMC Sec. 12.09.1-B,4, in the RD1.5-1-O Zone; and
 - To permit zero parking spaces in lieu of five parking spaces otherwise required by Sections 13.D & 13.E.2 of the Venice Specific Plan and three spaces required by LAMC Sec. 12.21-A,4(a).
- Project permit compliance review (pursuant to Section 8.B of the Venice Specific Plan and LAMC Sec. 11.5.7-C):
 - To permit the conversion of an existing four-dwelling-unit multifamily building to three dwelling units.

BACKGROUND & PROJECT DESCRIPTION:

The subject property is an existing rectangular shaped lot, 30 feet in width by approximately 90 feet in depth (2700 square feet), developed with four dwelling units in a single building in the RD1.5-1-O Zone. The site is abutted by two public alleys: Seville Court to the rear and Navarre Court along its east side. Because one-half of each alley can be included in lot area for calculating permitted density, the effective lot area is approximately 3600 square feet (2.4 dwellings in the RD1.5 Zone).

The site is within a neighborhood of other similarly-sized lots, nearly all within the RD1.5-1-O Zone, and many developed with densities exceeding the RD1.5 Zone, as will be described in later findings. In the late 1980's, the subject property and vicinity were rezoned from the R4-1-O Zone under the General Plan Consistency Program.

Records indicate the building was constructed in 1957 as a duplex. However, records from the County Assessor indicate that, as early as 1959, four dwellings existed on the subject property, as presently configured (an upstairs unit was separated into two units, a

downstairs unit remained as built, and the garage was converted into a unit). A two-car garage was added by permit in 1958, which supplied required parking for the duplex at the then-existing standard of one parking space per dwelling.

In September, 2006, the property received a Notice and Order of Abatement from the Los Angeles Housing Department, requiring that the applicant obtain permits from the Department of Building & Safety for the existing four dwellings, or return the property to the original condition. The citation also related to installation of a washer/dryer which, while a plumbing issue, cannot be resolved until the unit-density of the property is resolved, since the appliances serve the converted unit.

The applicant intends to reduce the existing number of dwellings to three units (as shown in the submitted plans), by recombining the two upstairs units into the original configuration as a single dwelling (the upstairs unit will contain 841 square feet, the downstairs unit contains 863 square feet and the conversion unit contains 508 square feet). He has owned the building since February 2002 and has occupied the upstairs level as a functional single dwelling unit. Further, as will be described in subsequent findings, several parking spaces exist onsite and are to be retained. The request is technically for zero parking because the existing spaces cannot fully meet the dimensional requirements in the Zoning Code.

The building is two stories in height (21 feet 8 inches). No modifications are proposed to the existing building, either exterior or interior (the upstairs is already functionally integrated to a single unit). The gross area within the building is 2305 square feet; the permitted floor area would be 4860 square feet (3 times the buildable area of 1620 square feet). All existing yards comply with Code: The front yard is 15 feet, 3 inches in depth; the side yards are 4 feet each; and the rear yard, including one-half of the alley, is 16 feet, 5 inches. No rental units are being removed as will be described in the following findings. There are no existing trees on the site.

The site and area are located within the jurisdiction of the Venice Specific Plan. Where provisions of the Specific Plan differ from (therefore overlap) provisions within the Municipal Code, the Specific Plan supersedes the Code provisions (Section 4.B of the Specific Plan).

**SPECIFIC PLAN EXCEPTION FOR
DENSITY & PARKING
(LAMC SEC. 11.5.7-F,2)**

FINDING NO 1: The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.

History:

The subject property was developed in 1957 under permit (1957VE17101) as a duplex. In 1958, a garage was added under permit no. 1958VE19127. The certificate of occupancy for the building states that two parking spaces were required for the duplex use, or one space per unit.

By 1959, records of the County Assessor state that four dwellings existed on the site. A field inspection form dated April 8, 1959 has a notation that “gar. now conv. to live area”. A field inspection form dated October 14, 1959 states: “Now rented as 4 units”. Similar notations continue into subsequent years.

Other historical documentation of the existence of the four units includes:

- An appraisal report prepared in December, 2001 by a State-licensed appraiser which documents the existence and specifics of the four dwellings on the site, and which states on page 4: “Zoning compliance: Legal”. *This report was among the items upon which the applicant relied in good faith regarding the legality of the subject property.*
- A purchase agreement dated December 1, 2001 between the applicant and the prior owner of the property, which states: “Seller warrants that the Property is legally approved as 4 units.” *Again, this is a document upon which the applicant relied as to the legality of the development of the site.*
- A deed of trust executed by the previous owner in January, 1990, when she purchased the property, which documents the existence of four dwellings. This suggests that the previous owner may have been unaware of the legality issue relating to the four units.
- Annual Bills from the Housing Department since 2002, which the applicant paid yearly after purchasing the property (“Mandatory Fee Notice for Systematic Code Enforcement Program & Rent Stabilization Ordinance”). These, and the City’s annual Statement of Registration of Rental Units for the site, all acknowledge the existence of four dwellings.

Since the applicant acquired the property in February, 2002, he has maintained the property in good condition, including compliance with any requirements and corrections mandated by the Housing Department. The applicant acquired the property as both an investment and as a primary residence, relying on the property's income stream to help pay the mortgage, taxes, insurance and administrative, maintenance and repair costs. The loss of rental income should the conversion unit be changed to a garage would have a materially negative impact on the applicant's ability to continue to meet these expenses, and could require the sale of the property.

The lot when created was legal in terms of the lot area it contained. The lot is now legally nonconforming both as to lot area and width. However, counting one/half the area of the two abutting public alleys (as permitted by LAMC Sec. 12.22-C,16), the site could in theory accommodate 2.4 dwellings at an RD1.5 Zone density.

Further, until 1986 when the General Plan Consistency program changed the zoning (under Case No. CPC 86-824 GPC), the property and environs were located in the R4-1-O Zone. The Appendix for those zone changes explicitly stated: "The property includes existing uses which are non-conforming in the recommended zone, but shall be permitted to be maintained pursuant to LAMC 12.23". (the Code's nonconforming use regulations).

Other properties within the immediate neighborhood which also exceed the permitted density of the zoning and Venice Specific Plan:

The subject property will contain three dwellings on a lot containing 3600 square feet, including abutting alleys. *This equals one dwelling per 1200 square feet of lot area.*

Following is information on neighboring dwellings which are also below the minimum 1500 square feet of required lot area per dwelling. Information was obtained via Assessor's data, field inspection and city permits. Of these 11 examples, all equal or exceed the density of the subject property, and the majority are substantially denser than the subject site. Of the 11 properties, no permits were found for five, including the three abutting properties.

The analysis will begin on Grand Boulevard with the more immediate neighbors and then broaden to include several adjacent streets. All lot density calculations include abutting alleys as applicable:

- 541 Grand Boulevard (see Photo Exhibit No. 3): Abutting the subject property to the west. Four dwellings on one lot, built 1924: 731 square feet of lot area/dwelling. No permits found.
- 547 Grand Boulevard (see Photo Exhibit No. 5): Abutting the subject property to the east across the alley. Three dwellings on one lot, built 1920: 1200 square feet of lot area/dwelling. No permits found.

- 501-03 Grand Boulevard: Eight dwellings on two lots, built 1909(?): 731 square feet of lot area/dwelling. Certificate of occupancy (1950?) states “boarding home for aged”.
- 504-06 Grand Boulevard: Six dwellings on two lots, built 1957: 824 square feet of lot area/dwelling. Certificate of occupancy (1957) for six apartments.
- 560 Grand Boulevard: Four dwellings on one lot, built 1946: 661 square feet of lot area/dwelling. Certificate of occupancy (1946) for four apartments.
- 511-15 Rialto Avenue (block north of Grand Boulevard): Ten dwellings on two lots, built 1970: 529 square feet of lot area/dwelling. Certificate of occupancy (1970) for nine apartments.
- 526 Rialto Avenue: Four dwellings on one lot, built 1965: 694 square feet of lot area/dwelling. Certificate of occupancy (1965) for “multiple dwelling”.
- 528 Rialto Avenue: Four dwellings on one lot, built 1965: 694 square feet of lot area/dwelling. Certificate of occupancy (1965) for “multiple dwelling”.
- 536-542 Rialto Avenue (abutting the subject property to the north): Eight dwellings on three lots: 1127 square feet of lot area/dwelling. Certificate of occupancy (1979) for conversion of building to 4 apartments at 538 Rialto Avenue. No permits found for 542 Rialto Avenue.
- 576 Rialto Avenue: Three dwellings on one lot, built 1924: 658 square feet of lot area/dwelling. No permits found.
- 1604 Andalusia Avenue (cross-street to the west): Four dwellings on one lot, built 1922: 733 square feet of lot area/dwelling. No permits found.

Request for reduced parking:

When the property was developed, two parking spaces were provided for a duplex building, or one space per dwelling. Within a year after the construction of the garage in 1958, the original owner evidently converted the garage to a dwelling unit, which it has remained for nearly 50 years.

Current Zoning Code parking for the three dwellings which are to remain would be three parking spaces: one each for the upstairs and downstairs units under the original certificate of occupancy, and a third space for the conversion unit (because it has only two habitable rooms for parking calculation purposes).

Required parking under the Venice Specific Plan would be five spaces: one each under the nonconforming rights of the upstairs and downstairs units, two spaces for the

conversion unit under Section 13.D of the Specific Plan (multiple dwelling on a lot less than 40 feet in width), and a fifth space under the Beach Impact Zone parking requirements (Section 13.E.2; in relation to the latter, the Zoning Code drops any fractional spaces of 0.50 or less. Since the Specific Plan does not contain language to the contrary, the Zoning Code rule applies). Also, the project is not subject to Section 13.C, since the project is not a Change of Use as the Specific Plan defines it.

A survey of all neighboring properties on streets adjacent to the subject site revealed that the following numbers of properties contained zero on-site parking:

- Along Grand Boulevard between Andalusia and Cabrillo Avenues, 16 of 57 properties (other than the subject property).
- Along Rialto Avenue between Andalusia and Cabrillo Avenues, 16 of 42 properties.
- Along the south side of Altair Place, 7 of 15 properties.
- Along the north side of Venice Way, 3 of 17 properties.

In total, 42 properties within the immediate vicinity completely lacked on-site parking (comprising 32 percent of all properties inspected).

The subject property has functioned for nearly 50 years without detriment to occupants/owners of either the property itself or adjacent properties. In addition, on-street parking is available at all times on both sides of Grand Boulevard except for two hours per week for street cleaning (noon to 2 p.m. Monday on the north side of the street and noon to 2 p.m. Tuesday on the south side).

Notwithstanding, the applicant can provide the following in mitigation of the request for zero onsite parking:

- Two parking spaces exist on the site and will continue to be provided. The first of these is visible in Photo Exhibit Nos. 9, 11 and 12 and is located adjacent to the east alley, entirely within the subject property. The space is 7 ½ feet in width (parking is permitted within a side yard). The space cannot be technically counted as a parking space, because the Zoning Code requires that a space be a minimum of 8 feet 8 inches in width plus 10 inches on a side abutting a wall (also, on properties providing less than 10 parking spaces, compact spaces are not permitted). However, as the photographs demonstrate, the space is fully functional as parking.
- The second space is at the rear of the property (visible in Photo Exhibit No. 10). Parking can legally be provided within a rear yard. That space is 8 feet 9 inches in width and again cannot meet the Code's definition of a compliant space, since 10 inches of clearance would be needed on both sides of the space (or one side, if the rear fence is removed).

It would be physically impossible for the applicant to provide more than the two existing spaces. To require more would necessitate the loss of the third dwelling and the re-establishment of the original garage, which would abrogate the need for the instant request altogether. That would also impose unnecessary financial hardships upon the applicant.

In summary, the strict application of the regulations of the specific plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan, in that:

- The continued maintenance of the converted (garage) unit has had, and will continue to have, a positive effect on the public welfare by providing needed housing in the area. The converted dwelling is a studio unit and therefore provides a more affordable housing option for potential renters than would be provided by larger units. Conversely, its removal from the housing supply would have an adverse effect on the public welfare.
- Historic documentation proves that the property has existed as a four-dwelling development since two years after its original construction (nearly 50 years ago), which was known to the County Assessor and (more recently) the Department of Housing, based upon their records.
- The applicant is only the most recent in a succession of owners. He purchased the property in good faith, relying upon the historic record, as well as assurances in an appraisal report done in late 2001 at the time of sale to him, as well as explicit statements in the purchase agreement. It would constitute a practical difficulty to require the present owner to return the property to an original state which has not existed for nearly 50 years.
- The applicant intends to remove one of the dwellings, reducing the number to three units (functionally, this has already occurred, since he occupies the entire upstairs level of the building). There will be no exterior physical changes of any type to the building or interior changes. The property has existed for almost 50 years as four dwellings without detriment to nearby properties. A reduction to three dwellings will only improve that condition.
- Since the applicant acquired the property, he has maintained it in good order, complying with all mandated requirements. The applicant acquired the property as both an investment and as a primary residence, relying on the property's income stream to help pay various expenses. The loss of rental income should the conversion unit be changed to a garage would have a materially negative impact on the applicant's ability to continue to meet those expenses, and could require the sale of the property. In the context of this request, that financial impact would constitute a practical difficulty and unnecessary hardship.
- Numerous other properties within the immediate neighborhood exceed the densities permitted within the RD1.5 Zone under a variety of circumstances. The applicant is seeking equitable treatment consistent with the existence of those other properties.
- With respect to parking, the property has functioned for nearly 50 years without apparent detriment to the neighborhood. Notwithstanding, the applicant presently

provides, and will continue to provide, two parking spaces onsite. To require more would force the removal of the third dwelling, which would penalize the present owner of the property for events which occurred a half-century ago.

FINDING NO. 2: 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.

These exceptional circumstances include:

- The subject property is abutted by alleys on two sides, effectively increasing its lot area for the purposes of calculating permitted density to approximately 3600 square feet, or 2.4 dwellings at an RD1.5 Zone density.
- The subject property has been documented by public agencies, including the County Assessor, as having four dwellings since 1959, nearly a half-century ago, and only two years after the building on the site was constructed.
- The applicant intends to reduce the number of onsite dwellings to three, for the first time in 50 years. In fact, the reduction has already functionally occurred, since the applicant has occupied the entire upstairs level of the building as a single unit since moving in, in February, 2002.
- While the property technically cannot accommodate any parking spaces which meet all dimensional requirements of the Zoning Code, two functional parking spaces do exist and will continue to be provided.

FINDING NO. 3: An exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area 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 applicant is seeking parity with numerous other properties within the immediate neighborhood, including three abutting properties to the east, west and north, which have densities in excess of that permitted by the present RD1.5 zoning. A total of 11 such properties were found, the great majority of which had densities substantially greater than that on the subject property. Of the 11 properties, no permits were found for five, including the three abutting properties.

The applicant is also seeking parity with those properties within the immediate neighborhood which provide no onsite parking. These comprise 32 percent of all

properties in the vicinity. However, unlike those properties, the applicant has provided, and will continue to provide, two functional parking spaces.

The County Assessor (in particular, along with other public agencies including the Housing Department) has documented the existence of four dwellings on the site for nearly 50 years. The applicant seeks to maintain three of those. The applicant is an innocent party in this matter, since he bought the property in good faith, relying upon the accuracy of statements in an appraisal report and the purchase agreement.

FINDING NO. 4: The granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.

- The continued maintenance of the converted (garage) unit has had, and will continue to have, a positive effect on the public welfare by providing needed housing in the area. The converted dwelling is a studio unit and therefore provides a more affordable housing option for potential renters than would be provided by larger units. Conversely, its removal from the housing supply would have an adverse effect on the public welfare.
- The site is within a neighborhood of identically zoned and similarly developed properties, and blends well with existing surrounding development. The development of the site is consistent with the general density of neighboring properties and is less dense than the three abutting properties to the west, east and north. It is also consistent with the provision of onsite parking on approximately 32 percent of neighboring properties, which provide zero onsite parking.
- The property has existed with four dwellings and zero parking, for nearly 50 years without detriment to the occupants of the site or to neighboring properties. Further, the applicant intends to reduce the number of dwellings to three, and will continue to provide two functional onsite parking spaces.
- The requested exception will require no exterior physical modifications to the property; it will continue to have the appearance it has possessed for the past half century. There will also be no interior changes, since the upstairs level is already integrated as one dwelling unit.
- Since the property has existed as it presently is configured since 1959 and no functional changes are proposed, there will be no new impacts upon traffic, parking, noise or other effects from the approval of the instant request.
- Other than the instant requested exceptions, the project complies with all the requirements of the Venice Specific Plan. Further, no loss of rental units will occur,

since the applicant has occupied the entire upstairs level as a single dwelling for the past five years, since moving into the building.

- The Housing Department has inspected the conversion (garage) unit for Code compliance and, other than the density of the property as a whole, has found the converted unit to be in compliance.
- Since the applicant acquired the property in February, 2002, he has maintained the property in good condition, including compliance with any requirements mandated by the Housing Department to make corrections. Based on LAHD inspections and an inspection by a qualified home inspector at the time of acquisition, the existing structure meets all general life/safety requirements.
- Since the lot area, including alleys, for the site would permit 2.4 dwellings, the requested three dwellings does not substantially exceed the permitted density.

FINDING NO. 5: The granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.

The subject property is located within the Venice Community Plan and Venice Specific Plan area. The subject property is designated for the RD1.5 Zone (the existing zoning) and the Low Medium II Residential land use category. Other than the exceptions requested herein, the property is consistent with all provisions of the Venice Specific Plan.

Footnote No. 11 in the Venice Community Plan states: “In the Venice Coastal Zone Land Use Plan, the R3 zone is a corresponding zone to the Low Medium II Residential land use category.” On 3650 square feet of lot area (including alleys), the R3 Zone would permit 4.56 dwellings. The requested three dwellings are consistent with that density.

The continued maintenance of the converted unit will continue to provide needed housing in the area, consistent with the provisions of the Housing Element of the General Plan. The converted dwelling is a studio unit and provides a more affordable housing option for potential renters than would be provided by larger units. Objective 1.1 of the Housing Element states: “Encourage production and preservation of an adequate supply of rental and ownership housing to meet the identified needs of persons of all income levels and special needs.” Objective 2.5 states: “Encourage equitable distribution of affordable housing throughout the City.” The request is therefore consistent with the Housing Element of the General Plan.

PROJECT PERMIT COMPLIANCE REVIEW
(SEC. 8.C OF VENICE SPECIFIC PLAN & LAMC SEC. 11.5.7-C,2)

FINDING NO. 1: The Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

The existing neighborhood has been long improved with multifamily dwellings on relatively small lots. The existing building on the subject property was constructed in 1957 and is proposed to be retained with no exterior physical modifications.

The site is within a neighborhood of identically zoned and similarly developed properties, and blends well with existing surrounding development. The property has existed as presently configured for nearly 50 years without detriment to the occupants of the site or to neighboring properties. The development will maintain the existing character, ambience and appearance of the neighborhood.

As to density, the development of the site is consistent with the general density of neighboring properties and is less dense than the three abutting properties to the west, east and north. It is also consistent with the provision of onsite parking on approximately 32 percent of neighboring properties, which provide zero onsite parking.

The project will not be materially detrimental to adjoining lots or the immediate neighborhood, since the project will entail no exterior changes and will continue as it has for the past half-century. There will be no change to the footprint, volume or height of the existing building, nor to any cosmetic details. It is similar in height and mass to neighboring structures. This is evident in the submitted Photo Exhibits, particularly Photo Nos. 1, 2, 3, 5, 9, 13, 14, 15, and 16. Since the property has existed as it presently is configured since 1959 and no functional changes are proposed, there will be no new impacts upon traffic, parking, noise or other effects from the approval of the instant request.

The Housing Department inspected the conversion unit (in the original garage) in 2006 for Code compliance and, other than the density of the property as a whole, found the converted unit to be in compliance. A previous inspection by the Housing Department in 2004 found the entire property to be in compliance with density limits.

Since the applicant acquired the property in February, 2002, he has maintained the property in good condition, including compliance with any requirements mandated by the Housing Department to make corrections. Based on LAHD inspections and an inspection by a qualified home inspector at the time of acquisition, the existing structure meets all general life/safety requirements.

FINDING NO. 2: The Venice Coastal Development Project is in conformity with the certified Venice Local Coastal Program.

- For the North Venice subarea, in which the subject property is located, the Venice Specific Plan permits a maximum of two dwelling units per lot on multifamily residentially-zoned lots; however, not less than 1500 square feet of lot area is required for each dwelling unit in the RD1.5 Zone (Sec. 10.F.2.a). With the approval of the requested exception to the Specific Plan for residential density, the project will be in compliance with this provision. It is also in compliance with Policy I.A.7.d of the Venice Land Use Plan.

Further, Footnote No. 11 in the Venice Community Plan states: “In the Venice Coastal Zone Land Use Plan, the R3 zone is a corresponding zone to the Low Medium II Residential land use category.” On 3600 square feet of lot area (including alleys), the R3 Zone would permit 4.5 dwellings.

- The permitted height of a building with a flat roof shall not exceed a height of 30 feet, or 35 feet with a varied roofline, which the subject building possesses (Sec. 10.F.3.a of the Specific Plan and Policy 1.A.7.d of the Venice Land Use Plan). The height of the existing building is 21 feet, 8 inches as measured from the centerline of Grand Boulevard, which is the abutting street with the lowest elevation, as measurement is required by Sec. 9.B.3 of the Specific Plan. Since the instant project will require no modifications to the envelope of the building, including its footprint and height, the building complies with the above requirements.
- The front yard setback shall be consistent with LAMC requirements, but shall be not less than five feet (Sec. 10.F.4.a). The property observes a 15 foot, 3 inch setback from Grand Boulevard and is in compliance with the requirement.
- Driveways and vehicular access shall be provided from alleys, unless the Department of Transportation determines that is not feasible. (Sec. 10.F.5.a). The subject project takes vehicular access from the two adjacent public alleys, Seville and Navarre Courts, and will continue to do so, in conformance with the provisions of the Specific Plan and the existing development.
- With respect to parking, Sec. 13.D of the Specific Plan requires that, on a lot less than 40 feet in width, a minimum of 2 parking spaces are required for multiple dwellings. Required parking under the Venice Specific Plan would be five spaces: one each under the nonconforming rights of the upstairs and downstairs units under the original certificate of occupancy for the building, two spaces for the conversion unit under Section 13.D of the Specific Plan, and a fifth space under the Beach Impact Zone parking requirements (Section 13.E,2; in relation to the latter, the Zoning Code drops any fractional spaces of 0.50 or less. Since the Specific Plan does not contain language to the contrary, the Zoning Code rule applies). The project is not subject to

Section 13.C, since the project is not a Change of Use as the Specific Plan defines it, and therefore does not trigger a Change in Intensity of Use (see Specific Plan definitions). With the approval of the requested exception to the Specific Plan for parking, the project will be in compliance with this provision.

FINDING NO. 3: The applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed Venice Coastal Development Project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.

The existing building was constructed in 1957 as a duplex (Permit No. 1957VE17101). As of 1959, the County Assessor documented that the property contained four dwellings. This included a division of the upstairs unit into two units and the conversion of the garage to a dwelling. The applicant intends to reinstate the upstairs level as a single unit. In fact, he has lived on the upper floor since purchasing the property in February, 2002, as a single functional dwelling unit.

The dwelling which is technically being removed does not qualify as a replacement affordable unit under the provisions of the Mello Act. Such a unit must have been actively rented at some time during the previous three years. It is within that time frame that the Housing Department determines whether rents were at an affordable level and/or whether tenants qualified as moderate- or low-income.

As noted, the applicant purchased the property in February, 2002 and has occupied the entire upper floor since that time as a functional single dwelling. There have been no other occupants, as renters or otherwise, since that date (a period of five years), and no rents charged. Further, there have no eviction of tenants in the last three years nor vacant units.

FINDING NO 4: The Venice Coastal Development Project is consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).

As a development containing three dwellings, the project would not be required to incorporate low and moderate income housing units, since developments of nine or fewer dwellings are not subject to that requirement.

FINDING NO. 5 (LAMC 11.5.7-C,2(a)): The project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan.

This finding is identical to Finding No. 2 for project permit compliance review pursuant to the Venice Specific Plan. In summary:

- With respect to density, the project, after approval of a specific plan exception, will comply with the provisions of the specific plan.
- With respect to height, the existing building complies with the specific plan and will not be modified.
- With respect to the front yard setback along Grand Boulevard, the property is in compliance.
- With respect to vehicular access, the project will take access from the abutting public alleys, which is in compliance with the specific plan.
- With respect to parking, the project, after approval of a specific plan exception, will comply with the provisions of the specific plan.

FINDING NO. 6 (LAMC 11.5.7-C,2(b)): The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

The project will incorporate all mitigation measures, and monitoring measures if necessary, as may be required pursuant to the environmental clearance for the project, to reduce any potential impacts to a level of less than significance.