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CALIFORNIA



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October 30, 2003

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Department of Building and Safety

CASE NO. ZA 2003-2642(CDP)(ZAA)
COASTAL DEVELOPMENT PERMIT
Related Cases: APCW 2002-5556-
(CDP)(SPE)(SPP)(ZAA)(MEL) and
AA 2002-5557-PMLA
709 South 5th Avenue
Zone: RD1.5-1
Venice Planning Area
Council District: 11
CEQA: ENV-2002-5558-MND
Fish and Game: Exempt

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

a coastal development permit within the single permit jurisdiction of the California Coastal Zone, and

Pursuant to Section 12.28 A, I hereby APPROVE:

an adjustment to allow a 42-foot lot width in the RD1.5-1 Zone in lieu of 50 feet required by Section 12.09.1-B, 4, in conjunction with Preliminary Parcel Map AA-2002-5557-PMLA,

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.

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

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **NOVEMBER 14, 2003**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln**. 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.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

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, staff analysis, the statements made at the public hearing on October 15, 2003, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The proposed project is located in the Oakwood area of the Venice Community. The lot is 42 feet wide and 133.2 feet deep after alley dedication. It is located between 5th Avenue, a local street, and a substandard alley. The existing single family dwelling will be demolished.

The proposed project is for three condominiums of about 1,800 square feet each on a 5,600 square foot lot in the RD1.5-1 Zone. The corners of the project along the front property line will encroach into the Venice Specific Plan height and set back requirement.

July 23, 2003, the City Council on appeal granted a Specific Plan Exception to allow the third dwelling unit on the site and a 30-foot building height. The City Council on appeal also granted a waiver to permit a reduced passageway of 5 feet 6 inches for two of the proposed units in lieu of the required 12 feet. October 22, 2003, the Advisory Agency approved a preliminary parcel map to permit three condominiums on the site, consistent with the project conditions and waivers approved by the City Council.

COASTAL DEVELOPMENT PERMIT FINDINGS

In order for a coastal development permit to be granted, all of the requisite findings contained in Section 12.20.2,G-1 of the Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to the same.

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

A primary objective of Chapter 3 of the 1976 California Coastal Act is coastal access. The guideline mandated parking requirement will be met by the provision

of seven onsite parking spaces for the three-unit condominium. The proposed project is designed to meet the needs of the people living in the area, particularly persons from the artistic community.

2. **The development will/will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The Land Use Plan (LUP), a portion of the Venice local Coastal Program (LCP) was certified by the California Coastal Commission on June 14, 2001. The proposed project will not change or impede the adoption and certification of other components of the LCP. The Venice Specific Plan and the Venice LUP designates the subject property for Low Medium II multi-family dwelling uses with corresponding zones of RW1, RD2 and RD1.5. The proposed project will not impede public access to the beach and environmental mitigation measures will be imposed as conditions of approval of the subject project to reduce impacts to a level of less than significance.

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.**

The Coastal Commission Guidelines of density, setbacks, parking and height are addressed in the Specific Plan Exception (APCW 2002-5556-CDP-ZAA-SPE-MEL) granted by the City Council on July 23, 2003, and by the accompanying Zoning Administrators Adjustments. Appropriate conditions imposed on the associated parcel map will further bring the overall project into substantial conformance with the Commission Guidelines.

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.**

The Advisory Agency is not aware of any conflicts between the decision and any other decision of the Coastal Commission

5. **The development is/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/is not in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The subject property is not located between the nearest public road and the shoreline. The property is zoned RD1.5-1 and is approved for residential use.

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

Other than as conditioned by ENV-2002-5558-MND and the parcel map AA 2002-5557-PMLA, the California Environmental Quality Act provides no feasible alternative or feasible mitigation measures to substantially lessen any significant adverse impacts that the development may have on the environment; and therefore will not have a significant impact on the environment

ZONING ADMINISTRATOR ADJUSTMENT FINDINGS

In order for an adjustment from the zoning regulations to be granted, all five of the mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the relevant facts of the case to same:

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

The general character of the surrounding neighborhood is consistent with the proposed condominiums. Four of the five other lots on this block have an existing density of 3 or more units, and the majority of these residential uses have been developed on legal nonconforming lots enjoying substandard lot width and area configurations. The proposed project will observe similar densities with respect to the scale and character of the existing developments.

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

The adopted Venice Community Plan designates the subject property for Low Medium II Residential with corresponding zones of RW1, RD2 and RD1.5. The designated land use and the zone allow the subject condominium project proposed by the applicant. The granting of this adjustment is consistent with the Community Plan and does not violate any rules of the Venice Specific Plan. Furthermore, the matter at issue-lot width-is not dealt with directly in any adopted General Plan element.

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

Denial of the request would unfairly prevent the applicant from enjoying reasonable use of the subject site. The zoning regulations require certain minimum lot widths regulations, however, such regulations are written on a Citywide basis and cannot take into account individual unique characteristics which a specific parcel and its intended use may have. In this instance, the Code's desire to achieve compatibility between respective sites and the applicant's desire to provide viable dwellings can be accommodated in a manner consistent with the intent and purpose of the zoning regulations.

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

The granting of the proposed lot width adjustment does not impose any adverse impact to the adjoining/neighborhood properties. The reduced lot width only affects how residents will move around internally on the site.

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

The location, land use, zone and existing neighboring development make the proposed request, logical. Without this adjustment, no development of the site would be possible. A majority of the surrounding multiple family developments were historically approved on legal non-conforming lots with reduced lot width and building separation. The applicant here is merely seeking to be on a par with such other developments.

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. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
13. On November 11, 2002, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2002-5558-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 763, 200 North Spring Street.
14. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



EMILY GABEL-LUDDY
Associate Zoning Administrator
Direct Telephone No. 213-978-1327

EGL:LH

cc: Councilmember Cindy Miscikowski
Eleventh District
Adjoining Property Owners
County Assessor