

REQUEST & FINDINGS

SPECIFIC PLAN EXCEPTION PROJECT PERMIT COMPLIANCE REVIEW COASTAL DEVELOPMENT PERMIT

248 WESTMINSTER AVENUE, VENICE

REQUEST:

The instant request is for:

- Specific plan exceptions (pursuant to LAMC Sec. 11.5.7-F(c)), to permit:
 - 10 parking spaces in lieu of 40 parking spaces otherwise required by Sections 13.D & 13.E.1 of the Venice Specific Plan.
 - A floor area ratio (FAR) of 1.67:1 for a mixed-use commercial/residential building, in lieu of 1.5:1 otherwise permitted by Section 11.B.3 of the Venice Specific Plan.
- Project permit compliance review (pursuant to Section 8.B of the Venice Specific Plan and LAMC Sec. 11.5.7-C), to permit the continued use and maintenance of an existing office/residential building.
- A coastal development permit (pursuant to LAMC Sec. 12.20.2), to permit the continued use and maintenance of an existing office/residential building.

BACKGROUND & PROJECT DESCRIPTION:

The subject property is an existing irregular shaped parcel of land, varying from approximately 32 to 92 feet in width, and 112 feet in depth at its maximum, and containing 5285 square feet of lot area. It is developed with an existing 3-story building which contains commercial office uses and a residential dwelling. It is bounded by Westminster Avenue on the west (which it fronts), Riviera Avenue on the southwest, San Juan Avenue on the southeast (the rear of the building), and a public alley (Cabrillo Avenue) on the north., which is barricaded at its easterly end adjacent to the site. Ten enclosed onsite parking spaces take access via the public alley.

The site faces Westminster Avenue Elementary School to the west; a multifamily residential use in the C2-1 Zone to the southwest; a mixed-use 2-story commercial/

residential building in the C2-1-O Zone to the northeast; and older multifamily uses of varying sizes in the RD1.5-1-O Zone to the east and southeast. Overall, the vicinity is characterized by the elementary school on the west, commercial uses to the north, particularly along Abbot Kinney Boulevard, and low-medium density older residential uses in the interior areas to the east and south.

The property is located within the Venice Community Plan area, which designates the subject site for Neighborhood Office Commercial, and within the Venice Coastal Zone Specific Plan.

History. In October, 1988, under Case Nos. ZA 1988-0880 (CUZ) (YV) and CDP 1988-022, the property was approved for the construction, use and maintenance of a 3-story artist-in-residence unit (joint living/work quarters) and office building, with 10 onsite enclosed parking spaces. As a residential unit, the zoning administrator also approved setback variances along all the frontages to zero feet (except on Riviera Avenue for 2 feet). The proposed building was to contain 8000 square feet of floor area. In December, 1988, a letter of clarification was issued by the zoning administrator to reduce all setbacks to zero feet (which would be consistent with the C2 Zone for entirely commercial uses); to permit traffic to back into Cabrillo Avenue (the public alley); and to allow the maximum height of the building to be 33 feet, including a 3-foot-high parapet wall above the roof.

In March, 1989, a building permit was issued for the site, for a “combination office & residential” use (artist-in-residence), 3 stories and 33 feet in height, with 10 parking spaces (including compact spaces), containing 8000 square feet of gross floor area, and with the 2nd and 3rd floors of the building to be an artist-in-residence unit. The certificate of occupancy was issued in June, 1991.

The original owner of the property made modifications and additions to the property without benefit of building permits, including changing the basic use of the building from an artist-in-residence to a general office use and adding a 380 square-foot studio apartment on the third floor.

An Order to Comply was issued by the Department of Building & Safety in September, 2007 (Case No. 208895). The stated violations were:

1. “Unapproved occupancy of the 2nd and 3rd floor dwelling as commercial office.”
2. “The approximate 25’ x 30’ construction of an apartment out of an exterior deck to the artist-in-residence dwelling was/is constructed without the required permits and approvals.”
3. “Interior remodeling with walls moved or removed on the 1st, 2nd and 3rd floors.”

Item 1 was evidently based on the limitation in the building permit that those floors be an artist-in-residence unit (notwithstanding that the standard LADBS policy is that not more than 1/3 of a joint living/work quarters be residential, which in this instance would equal approximately one floor of the building). The cure for this violation would be to submit building plans reflecting the existing uses and obtain a new certificate of

occupancy. The existing uses in the building are permitted in the C2-1-O Zone and the present owner is under no obligation to continue to utilize the 1988 conditional use grant. Therefore, the zoning violation per se would require no Planning Department approval to correct.

Items 2 and 3 are also violations based on a lack of permits and not, per se, zoning violations requiring Planning Department approval. They, too, can be cured by obtaining a new building permit and certificate of occupancy, provided all improvements meet building codes.

However, the existing uses of the building have parking requirements which differ from those originally required in 1988, for which discretionary entitlements are needed. Similarly, the addition of floor area (the studio apartment and perhaps other areas) has increased the floor area ratio (FAR) to greater than the 1.5:1 ratio presently permitted in the Specific Plan, which also requires a discretionary entitlement. Those requests must be approved before the applicant can obtain a new building permit.

Existing building. The primary use of the building is as offices, devoted mainly to motion picture film editing. That use is wholly consistent with the C2 Zone under LAMC Sec. 12.14-A,12, which permits film and tape editing and motion picture reconstructing, and projection and screening rooms associated with such uses seating no more than 100 persons. As noted, it is not the uses of the building per se which are in violation of City zoning regulations.

The first floor of the building is occupied primarily by offices (there are also 10 enclosed parking spaces adjacent to the ground floor). The second floor is occupied primarily by offices and a theater/editing bay (screening room). The third floor has a variety of uses, including offices, lunch room, recreation room, storage and a studio apartment. The height of the building (as measured in accordance with the Venice Coastal Zone Specific Plan, from the centerline of the lowest adjacent street) is 32 feet, 11 inches to the top of the tallest parapet wall, consistent with the 33 foot height limit permitted by the zoning administrator and the building permit. Elements which house/screen mechanical equipment on the roof go to a maximum height of 34 feet, 9 ¾ inches, as permitted by LAMC Sec. 12.21.1-B,3.a, which allows such to exceed the specified height limit by up to 5 feet (in this instance, the specified height limit is 30 feet under the Specific Plan). Subsection 3.b allows chimneys to observe that height even at the perimeter of the roof.

It is the applicant's intent to obtain approval for the building as it presently exists, since it was purchased and occupied in good faith specifically to house the business which the applicant operates. There will be no physical changes to the building, either exterior or interior, as a direct result of the instant zoning requests. There will be no removal of structures, no removal of trees and no grading. The existing apartment on the third floor is to be retained, so there will be no loss of a dwelling unit onsite. The unit is not rented, since it is occupied as needed in relation to the primary business onsite. According to the applicant, there are 35 to 40 core employees of the company; as labor needs require, that

number increases to 45 to 50 personnel when temporary and/or contractual staff are added.

**SPECIFIC PLAN EXCEPTIONS FOR
PARKING & FLOOR AREA RATIO
(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.

The first request for an exception from the Venice Coastal Zone Specific Plan is to permit the continued use and maintenance of the existing 10 enclosed parking spaces onsite, in lieu of 40 spaces otherwise required under Secs. 13.D and 13.E.1 of the specific plan. This request is also based upon the provision of additional parking spaces and mitigations, as will be described hereafter.

As was described within the history under the Background & Project Description, the original development of the site was approved as a joint living/work quarters (artist-in-residence) with 10 spaces required by the conditional use approval and the subsequent building permit (2 parking spaces for the artist-in-residence unit and 8 spaces for the ground floor offices).

The nominal parking requirement for the subject property is calculated as follows, based upon the specific plan:

- Under the original conditional use approval and building permit/certificate of occupancy, 10 parking spaces for a residential unit and 8 parking spaces for ground floor offices.
- Under the Venice Specific Plan, 25 additional parking spaces for office uses on the 2nd and 3rd floors of the building, based upon combined calculated floor area on those floors of 6213 square feet (after subtraction of 380 square feet for the 3rd floor studio apartment). This is based upon the Specific Plan's parking requirement for general offices and other business, technical services of 1 space for each 250 square feet of floor area. The original building permit noted the 2nd and 3rd floors as being residential, and their use for offices was cited in the Notice to Comply as a violation.

(Under the provisions of the Specific Plan, the conversion of the upper two floors to office uses constituted a "Change in Use" (in this case, from residential to commercial), which resulted in a "Change in the Intensity of Use" (Sec. 5 of the Specific Plan). Therefore, under Sec. 13.C, the changes in use must comply with the present parking requirements of the Specific Plan.)

- Under the Specific Plan, for one multiple dwelling on a lot 35 or more feet in width if adjacent to an alley: 2 spaces plus 1 guest space (rounded up). The 2 spaces were already provided as part of the original 10 spaces, so 1 additional space is required.

- Under the Specific Plan, in the Beach Impact Zone, 1 space for each 640 square feet of ground floor commercial. For 2241 square feet, 4 parking spaces would be required.

Total required parking for the building is the sum of the 10 original required spaces, plus 25 for the 2nd and 3rd floor offices, plus 1 residential guest parking space, plus 4 Beach Impact Zone spaces, for a total of 40 parking spaces.

Under Sec. 13.C of the specific plan, all of the unprovided office parking spaces could be compensated for by paying an in-lieu fee to the Venice Coastal Parking Impact Trust Fund. Under Sec. 13.D, a residential guest parking space may also be paid for by an in-lieu fee. Under Sec. 13.E.1, up to 50 percent (or 2 spaces in this instance) of the required Beach Impact Zone parking may be paid for by an in-lieu fee.

The applicant is supplying onsite all the parking spaces which can be physically provided, given the configuration of the building. The building has no practical alternative use other than as a commercial building and, as an office use, the impacts of the occupancy of the building are substantially less than for alternative types of commercial uses, including retail or service uses, or as a medical office building. The nature of the applicant's business insures a relatively high ratio of office equipment and fixtures per employee, thereby reducing the occupancy load of the site.

The applicant is providing additional parking spaces beyond the 10 spaces contained in the garage in the following manner:

- Five spaces are provided along the public alley (Cabrillo Avenue) as parallel parking in front of the building's garage doors. This parking arrangement has no impact upon other properties and uses abutting the alley, since the 5 vehicle spaces are located directly adjacent to the onsite parking of the applicant and block only the garage doors of the applicant.
- The applicant has a lease arrangement with a church located at 1041 Abbot Kinney Boulevard for 17 parking spaces during the hours of operation for the applicant's business, which are 9:00 a.m. to 7:00 p.m., Monday through Friday. This does not conflict with the times when the church requires parking spaces for its own activities, which are primarily on Sunday morning and several weekday evenings. The church is located within 400 feet (along streets) of the subject property.

In further mitigation of the parking requirements, the applicant notes the following:

- The core number of employees for the business are 35 to 40. Depending upon the labor needs generated by specific projects, when temporary/contractual personnel are added, the average number of staff at any given time varies from 45 to 50. Because a high percentage (approximately 50 percent) of the applicant's employees live in the Venice community, at least 30 percent of all employees either walk, bike or drive motorcycles to work.

- If required, the applicant is willing to establish offsite parking for employees under a lease or other arrangement (beyond 750 feet distance), and provide shuttle service in the morning and evening (or more frequently) for those employees.
- The applicant is also willing to pay in-lieu fees for a portion of the parking shortfall onsite, under the applicable provisions of the specific plan.

Between 10 garaged spaces onsite, 5 alley spaces in front of the garage doors and 17 spaces under lease arrangement with the church on Abbot Kinney Boulevard, the applicant is providing a total of 32 parking spaces, more than sufficient in consideration of the number of employees who arrive at work by means other than an automobile or who telecommute.

On street parking on adjacent streets is permitted at all times, with the following exceptions: On Mondays, between 12 noon and 2:00 p.m., parking is restricted on the southeast side of San Juan Avenue and the northeast side of Riviera Avenue. On Tuesdays, between the same hours, parking is restricted on the northwest side of San Juan Avenue and the southwest side of Riviera Avenue. During weekday daytime hours, much of the available onstreet parking in the immediate is utilized, largely by residents of the neighboring apartments. The employees of the applicant use onstreet parking as available, but do not rely upon it.

The second specific plan exception is to permit a floor area ratio (FAR) of 1.67:1 in lieu of the 1.5:1 FAR permitted for a mixed-use development. When the building was originally permitted, it was as an 8000 square foot project, which corresponded to a FAR of 1.5:1. As was noted previously, an apartment was added on the third floor, in what was previously an open deck area, without benefit of permits by a previous owner. Therefore, as is true for the present parking requirements, it is the illegal actions of a prior owner which are now compelling the applicant to seek relief. That addition, among perhaps other changes, has increased total floor area to 8834 square feet.

Notwithstanding, the existing floor area ratio is a relatively minor increase from that first permitted. While a deck area was enclosed, the exterior footprint and envelope of the building remains unchanged from that originally permitted in 1991. It would be a practical difficulty and unnecessary hardship, serving no beneficial purpose, to require the applicant to reduce the interior floor area to the original 8000 square feet.

The applicant purchased the property in good faith in March, 2005, to be used for their primary business. Since the applicant acquired the property, they have maintained the property in good condition, including seeking to comply with any requirements and corrections mandated by the Department of Building & Safety.

They believed at the time of purchase that the building was in compliance with all existing laws and regulations of the City. The original owner of the property made modifications and additions to the property without benefit of building permits, including

changing the basic use of the building from an artist-in-residence to a general office use and adding a studio apartment on the third floor. The applicants are innocent victims of those pre-existing violations and are seeking to bring the building into compliance to the best of their ability under the existing circumstances. Their primary concern is to be able to continue to operate their business in a viable manner.

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 applicant is supplying onsite all the parking spaces which can be physically provided, given the configuration of the building. The building has no practical alternative use other than as a commercial building and, as an office use, the impacts of the occupancy of the building are substantially less than for alternative types of commercial uses.
- Between onsite garaged spaces, alley spaces and lease arrangements with a nearby church, the applicant is providing a total of 32 parking spaces, more than sufficient in consideration of the number of employees who arrive at work by means other than an automobile or who telecommute.
- If necessary, the applicant is willing to establish a shuttle service for employees between an offsite parking area and the subject property, and/or to pay in-lieu fees for a portion of the required parking spaces.
- The existing floor area is a minor increase from that first permitted. The exterior footprint and envelope of the building remains unchanged from that originally constructed. It would serve no beneficial purpose to require the applicant to reduce the interior floor area at this time.
- There will be no exterior physical changes of any type to the building. The property has functioned for 17 years as a primarily commercial enterprise without apparent detriment to occupants/owners of either the property itself or adjacent properties.

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 a highly-irregular shaped lot bounded on all four sides by public streets and or an alley, with no physical contiguity to any other parcel. The size, shape and boundaries of the site made development of the property difficult to design and build, if it were to be aesthetically attractive as well as functional.

- The parcel is developed with an existing 3-story commercial building which has existed for 17 years, and it is the intent of the applicant to continue to use and maintain the as-built building, with no exterior modifications.
- The applicant purchased the property in good faith in March, 2005, to be used for their primary business. They believed at the time of purchase that the building was in compliance with all existing laws and regulations of the City. They are innocent victims of violations created by previous owners and are seeking to bring the building into compliance to the best of their ability under the existing circumstances. Their primary concern is to be able to continue to operate their business in a viable manner.
- The applicant is providing onsite all the parking spaces which can be physically provided, given the configuration of the building. The building has no practical alternative use other than as a commercial building and, as an office use, the impacts of the occupancy of the building are substantially less than for alternative types of commercial uses, including retail or service uses, or as a medical office building.

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 commercial properties within the immediate vicinity which seek to operate viable business enterprises, and who have long-established, functional uses, within a zone which permits the uses as a matter of right, and which have operated without adverse impacts upon neighboring occupants and properties.

The applicant purchased the property in good faith in March, 2005, to be used for their primary business. They believed at the time of purchase that the building was in compliance with all existing laws and regulations of the City. They are innocent victims of violations created by previous owners and are seeking to bring the building into compliance to the best of their ability under the existing circumstances. Their primary concern is to be able to continue to operate their business in a viable manner.

The applicant is providing onsite all the parking spaces which can be physically provided, given the configuration of the building. The building has no practical alternative use other than as a commercial building and, as an office use, the impacts of the occupancy of the building are substantially less than for alternative types of commercial uses, including retail or service uses, or as a medical office building. The nature of the applicant's business insures a relatively high ratio of office equipment and fixtures per employee, thereby reducing the occupancy load of the site.

Between onsite garaged spaces, alley spaces and lease arrangements with a nearby church, the applicant is providing a total of 32 parking spaces, more than sufficient in consideration of the number of employees who arrive at work by means other than an automobile or who telecommute.

The existing floor area is a minor increase from that first permitted. The exterior footprint and envelope of the building remains unchanged from that originally constructed. It would serve no beneficial purpose to require the applicant to reduce the interior floor area at this time.

Previous discretionary cases similar to the instant requests have been approved in the immediate vicinity:

- Under Case No. APCW-2003-2696-SPE-SPP, In January, 2004, the West Los Angeles Area Planning Commission approved a reduction in parking required under the Venice Coastal Zone Specific Plan from 7 parking spaces to 2 spaces, in conjunction with the conversion of an existing 2-car garage to commercial art craft space, located at 1341 Abbot Kinney Boulevard. Similar to the instant request, the use in that case had existed since 1993 and it was deemed physically impossible to provide the amount of parking otherwise required under the specific plan.
- Under Case No. APCW-2007-2489-SPE-SPP-MEL, in December, 2007, the West Los Angeles Area Planning Commission approved a reduction in parking required under the Venice Coastal Zone Specific Plan from 5 parking spaces to zero spaces, in conjunction with an existing 3-unit multifamily residential building, located at 543 Grand Boulevard. Again, this was in recognition that the use had long existed and it would be physically impossible to provide the required parking under the specific plan.
- Under Case No. ZA 2002-1848 (PPA)(SPP)(CDP)(CUB)(MEL)-A1, in February, 2003, the West Los Angeles Area Planning Commission approved a reduction in parking required under the Venice Coastal Zone Specific Plan from 34 parking spaces to 31 spaces, in conjunction with a 9-unit commercial/residential mixed-use condominium project, located at 1119-1123 Abbot Kinney Boulevard.

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 following recapitulates previous discussion, which is repeated here to support the instant finding:

- The subject property is a highly-irregular shaped lot bounded on all four sides by public streets and or an alley, and is therefore physically separated from all adjacent properties and uses, relative to impacts.
- Other than the instant requested exceptions, the project complies with all the requirements of the Venice Specific Plan.
- The requested exceptions will require no exterior physical modifications to the property; it will continue to have the appearance it has possessed for the past 17 years. The property has functioned during that time as a primarily commercial enterprise without apparent detriment to occupants/owners of either the property itself or adjacent properties.
- Since the property has existed as it presently is configured since 1991 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. Any impacts upon neighboring uses and properties have been long realized and absorbed.
- The applicant is supplying onsite all the parking spaces which can be physically provided, given the configuration of the building. The building has no practical alternative use other than as a commercial building and, as an office use, the impacts of the occupancy of the building are substantially less than for alternative types of commercial uses.
- The core number of employees for the business are 35 to 40. Depending upon the labor needs generated by specific projects, the average number of employees at any given time varies from 45 to 50. Because a high percentage of the applicant's employees live within the Venice community, at least 30 percent of the applicant's employees either walk, bike or drive motorcycles to work.
- Between onsite garaged spaces, alley spaces and lease arrangements with a nearby church, the applicant is providing a total of 32 parking spaces, more than sufficient in consideration of the number of employees who arrive at work by means other than an automobile or who telecommute.
- If necessary, the applicant is willing to establish a shuttle service for employees between an offsite parking area and the subject property, and/or to pay in-lieu fees for a portion of the required parking spaces.
- The existing floor area ratio is a relatively minor increase from that first constructed. While a deck area was enclosed, the exterior footprint and envelope of the building remains unchanged from that originally permitted in 1991.

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 Coastal Zone Specific Plan area. The subject property is designated for the C2 Zone (the existing zoning) and the Neighborhood Commercial land use category. The existing use is consistent with the zoning and plan designation.

The purposes of the Venice Coastal Zone Specific Plan are stated in Section 2 of the plan. They relate primarily to the protection, maintenance and enhancement of aspects of the Venice Coastal Zone and to the regulation of development. The granting of the deviation in this case leaves intact the consistency of the overall use of the subject property with the principles, intent and goals of the specific plan. Other than the exception requested herein, for which findings in support have been presented, the property is consistent with all provisions of the Venice Specific 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 subject building was approved in October, 1988, under Case Nos. ZA 1988-0880 (CUZ)(YV) and CDP 1988-022, for the construction, use and maintenance of a 3-story joint living/work quarters and office building, to a maximum height of 33 feet including parapet walls, with 10 onsite enclosed parking spaces. Variances were also approved for zero setbacks from all abutting streets and the public alley. In March, 1989, a building permit was issued for the above-described building, and a certificate of occupancy was issued in June, 1991.

The exterior of the existing building is identical to the building approved and constructed 17 years ago. There have been no exterior modifications to the building and none are proposed in conjunction with the instant requests. There will be no change to the footprint, volume or height of the existing building, or to any cosmetic details. Since 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 building was deemed to be compatible in scale and character with the existing neighborhood, and not materially detrimental to adjoining lots or the immediate neighborhood, when it was approved and constructed. Since nothing has changed in relation to the exterior of the building or the parking provided, that remains true at the present time.

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 Coastal Zone Specific Plan and the Venice Land Use Plan permit a building with a flat roof to have a maximum height of 30 feet (Sec. 10.F.3.a). The subject building complies with that height, but was expressly permitted 3 additional feet for a parapet wall under the conditional use grant in 1988. The existing building has a total height, as measured from the centerline of the lowest adjacent street, of 32 feet, 11 inches. Elements which house/screen mechanical equipment on the roof go to a maximum height of 34 feet, 9 ¾ inches, as permitted by LAMC Sec. 12.21.1-B,3.a, which allows such to exceed the specified height limit by up to 5 feet (in this instance, the

specified height limit is 30 feet under the Specific Plan). Subsection 3.b allows chimneys to observe that height even at the perimeter of the roof.

- 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 public alley (Cabrillo Avenue) on its north side, in conformance with the provisions of the Specific Plan.
- With respect to floor area ratio, Sec. 11.B.3 of the specific plan states that, in commercial zones, the floor area ratio shall be 1.5:1 for mixed-use office and residential uses. This same provision is within the Venice Land Use Plan. The building was approved at that ratio under the extant conditional use approval and building permit. The original owner of the building added a studio apartment on the third floor of the building without benefit of permits. The overall FAR for the building is now 1.67:1. With the approval of the requested exception to the Specific Plan for FAR, the project will be in compliance with this provision.
- The parking requirement for the subject property is calculated as follows, based upon the specific plan:
 - Under the original building permit, 10 parking spaces for one residential unit and ground floor offices.
 - For 6213 square feet (net a residential unit) of additional offices on the 2nd and 3rd floors, 25 parking spaces at 1 space for each 250 square feet of floor area. (General offices and other business, technical services.)
 - For one multiple dwelling on a lot 35 or more feet in width if adjacent to an alley: 1 additional guest parking space.
 - In the Beach Impact Zone, 1 space for each 640 square feet of ground floor commercial. For 2241 square feet, 4 parking spaces would be required.

Under Sec. 13.C of the specific plan, all of the unprovided office parking spaces could be compensated for by paying an in-lieu fee to the Venice Coastal Parking Impact Trust Fund. Under Sec. 13.D, a residential guest parking space may also be paid for by an in-lieu fee. Under Sec. 13.E.1, up to 50 percent (or 2 spaces in this instance) of the required Beach Impact Zone parking may be paid for by an in-lieu fee.

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 subject property was approved as an artist-in-residence unit in 1988. The present building continues to retain a dwelling unit on its third floor, which the applicant intends to continue to maintain and use. The dwelling is not rented and is used in conjunction with the primary commercial operation within the building. There is no intention to rent the dwelling at any time in the future.

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 one dwelling, 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 height, the existing building complies with the specific plan and will not be modified.
- With respect to vehicular access, the project will take access from the abutting public alley, which is in compliance with the specific plan.
- With respect to floor area ratio, the project, after approval of a specific plan exception, will comply with the provisions of 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.

COASTAL DEVELOPMENT PERMIT
(LAMC Sec. 12.20.2-G,1)

FINDING NO. 1: The development is in conformity with Chapter 3 of the California Coastal Act of 1976.

The Venice Coastal Zone Local Coastal Program has not been certified by the State and, therefore, a coastal development permit in the Venice community continues to be subject to the findings under LAMC Sec. 12.20.2.

The existing building, substantially as it is presently configured, was granted a coastal development permit in October, 1988 under Case No. CDP 1988-022. A new coastal development permit is requested because the building is no longer being used as it was originally permitted.

The Coastal Act provides that new development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effect, either individually or cumulatively, on coastal resources.

The proposed project is located within a highly urbanized existing commercial/residential area. The building and infrastructure capable of supporting it have been in place for many years. The building is not new development, since it was permitted and has existed since 1991.

Since the subject property is not adjacent to the shoreline, it will neither interfere with nor reduce access to the shoreline. Recreation and visitor-serving facilities are unaffected by, and unrelated to, the subject property and its improvements. Water and marine resources are not affected by this project, nor are coastal waters or wetlands. The project will not affect any environmentally sensitive habitat area, nor archaeological or paleontological resources. No external physical changes are proposed to the existing development of the subject site. The project will not entail any grading. The project will not block any designated public access viewpoints.

FINDING NO. 2: The permitted development 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 proposed project is substantially consistent with the Venice Community Plan and Venice Coastal Zone Specific Plan, which serve as the functional equivalent in conjunction with any pending Local Coastal Plan. 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.

FINDING NO. 3: The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1997 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination.

In this instance, Guideline standards concerning the following are relevant:

- a. Height – Height of structures shall not exceed 30 feet above the centerline of the frontage road. As approved in 1988, and described in more detail elsewhere in the instant findings, the existing building is in conformity.
- b. Parking – Three spaces should be provided for a residential unit (including one guest space) and offices should be parked at a ratio of one space for each 250 square feet of floor area. The parking appendix for the Guidelines contains the following statement: “The following parking guidelines are intended to insure beach access. They should be used as a general indicator of parking need. The diversity of circumstances occurring within the various areas of the coastal zone require care in the application of these guidelines. Local parking requirements should be considered.”

The existing development is not close to the beach. Further, the above standards would require 37 parking spaces for the project, which would be physically impossible. The applicant provides 10 garaged spaces onsite, 5 spaces in front of the garage doors and 17 spaces under lease arrangement with a church on Abbot Kinney Boulevard. the applicant is providing a total of 32 parking spaces, more than sufficient in consideration of the number of employees who arrive at work by means other than an automobile or who telecommute. With the approval of a specific plan exception, the project will be in conformity with the parking standard.

FINDING NO. 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.

This section of the California Public Resources Code provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976. This request is in conformity with such known applicable decisions.

FINDING NO. 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 recreation policies of Chapter 3 of the California Coastal Act of 1976.

The development is not located between the nearest public road and the shoreline.

FINDING NO. 6: An appropriate environmental clearance under the California Environmental Quality Act has been granted.

A mitigated negative declaration has been granted, which is adequate to satisfy the requirements of the California Environmental Quality Act of 1970, as amended.