

Special Instructions for:

**EXCEPTION FROM GEOGRAPHICALLY SPECIFIC PLAN
AS PRESCRIBED BY THE CITY PLANNING COMMISSION**

ZONE CODE SECTION: 11.5.7 D

The **MASTER LAND USE APPLICATION INSTRUCTION SHEET-500' RADIUS** should also be followed, with the following exceptions.

1. **PROPERTY OWNERS' AND OCCUPANTS' LABELS and LIST**, corresponding to the radius map. List of adjacent owners are not required.
2. **PLANS REQUIRED:** Each Exception to a Geographically Specific Plan application must be accompanied by two prints of an accurate **PLOT PLAN** and one 8½" by 11" transparency drawn to scale of at least 1 inch = 16 feet. The plan shall show a north arrow, the location, size, shape, height and use of all existing buildings (if any) and all proposed buildings, and width and depth of existing or proposed yards and courts on the property involved. Where possible the plan should show the location and height of buildings and width of yards on adjoining properties having a bearing on the requested exception. If a building is involved, a sketch, plan, or accurate description of same must accompany this application. When the application is for exception from floor area or parking requirements of the geographically specific plan, floor plans and parking area plans for all existing and proposed development shall be submitted. If **floor plans and elevation plans** have been completed, one print should also be submitted. When the application is for exception from the height regulations of the geographically specific plan, drawings must be to scale of at least 1 inch = 8 feet. Where hillside or sloping conditions are involved in the requested exception, a cross section of the sloping area should accompany the plot plan.
3. **ADDITIONAL INFORMATION:**
 - a. Date property was acquired See attached addendum (Month/Day/Year)
 - b. Applicant requests an exception from provisions of the Venice Costal Zone Specific Plan (State name of geographically specific plan)
 - c. Section 10.D.1(b) and Section 13.d - See attached findings
(State the provision of the geographically specific plan from which the exception is being requested)
4. **FINDINGS:** Explain in detail how your case conforms to the following requirements.
 - a. That the strict application of the policies, standards and regulations of the geographically specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of such specific plan.
 - b. That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.
 - c. That the exception from the geographically specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity, but which because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.
 - d. That the granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the same vicinity of the subject property.
 - e. That the granting of the exception will be consistent with the principles, intent and goals of the geographically specific plan and any applicable element of the General Plan.
5. **SIGNATURES** of property owners within 500 feet of the boundaries of the area who concur with this application is suggested.

ADDENDUM TO EXCEPTIONS FROM SPECIFIC PLAN

The owners/applicant seek to subdivide the existing 4 unit multi-residential property located at 14 Reef Street, Marina Del Rey ("Property") for condominium purposes. The subject 4 units on the Property have been purchased and sold as condominiums for over 30 years.

On July 23, 1975 a Condominium Plan, as Instrument No. 4247, and a Declaration of Covenants, Conditions and Restrictions ("Restrictions"), as Instrument No. 4248, were recorded for Reef Street Condominium Homes with the Los Angeles County Recorder's Office. A title company review of the transaction/deed recordation history of each unit at the Property indicates that the first condominium unit conveyance took place in February 1978.

Even though a Condominium Plan was recorded, it appears that the Property was not subdivided in accordance with the Subdivision Map Act ("Map Act") and the Los Angeles Municipal Code ("LAMC"). Only recently did the unit owners become aware that the original developer did not subdivide the Property in compliance with the Map Act and the LAMC. It appears that the current owners, all prior owners, all lenders and all title companies relied on the recorded Condominium Plan and Restrictions filed with the County of Los Angeles.

In order to 'legalize' the existing 4 units as condominiums and achieve compliance with applicable law, the within application is being filed which includes a Preliminary Parcel Map; Specific Plan Exception, Specific Plan Project Permit Compliance, Coastal Development Permit /Mello Compliance and an Environmental Assessment review.

Permit History

Building Permit No. LA 7907/70, dated 4-30-70, was issued for the construction of a 2-unit residential dwelling with 4 guest rooms and 9 parking spaces at 14 Reef Street, Marina Del Rey ("Property"). Building Permit No. LA 25363/71, dated 3-19-71, was issued to revise the parking layout to reflect reduction to 8 parking spaces. A Certificate of Occupancy was issued September 22, 1971 for a 2-unit family dwelling. Copies of Building Permits Nos. LA 7907/70 and LA 25363/71 (hereinafter collectively referred to as "Permits") are attached hereto as Exhibit A. In addition, a Certificate of Occupancy was issued September 22, 1971 for the 2-unit family dwelling and a copy is attached hereto as Exhibit B.

At the time the building was constructed, the Property was zoned R-3 with an allowable height limit of 45 feet. As such, the height of the building at 45 feet is deemed a legal, non-conforming usage subsequent to the adoption of the Venice Coastal Zone Specific Plan in 2004.

Condominium History

Even though a Condominium Plan was recorded, it appears that the Property was not subdivided in accordance with the Subdivision Map Act and Los Angeles Municipal Code.

LADBS Enforcement Action

A Substandard Order was issued by the City of Los Angeles Building & Safety Department, effective December 19, 2008, for the unapproved occupancy and use of a 2-family residential dwelling and four guest rooms as a 4-unit condominium building. The order directed the Property owners to obtain permits and all related approvals, including a new Certificate of Occupancy for condominiums.

No New Construction

The within application and related entitlements do not contemplate any new construction, expansion or intensification of use beyond the existing use which has been there for over 30 years.

SPECIFIC PLAN EXCEPTION REQUESTS

1. Section 10.D.1 (b) of the Venice Coastal Zone Specific Plan ("Specific Plan") specifies that on R-3 zoned lots, a maximum of two dwelling units per lot shall be permitted, and the lot area per dwelling unit shall not be less than 1200 square feet.

As set forth above, the subject four unit building located at 14 Reef Street was constructed prior to the adoption of the Specific Plan. A Specific Plan Exception is needed to legalize the density of four units which has existed for over 30 years.

2. Section 13.D of the Plan specifies that a multiple dwelling unit 35 feet in width and adjacent to an alley must provide two spaces per unit plus one guest space for each four units. Accordingly, 9 spaces are required for the subject Property.

As set forth above, the subject four unit building located at 14 Reef Street was constructed prior to the adoption of the Specific Plan. A Specific Plan Exception is needed to legalize 8 parking spaces which have existed for over 30 years.

PROPOSED FINDINGS

1. *The strict application of the policies, standards and regulations of the Specific Plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the Plan.*

The subject R3 zoned Property was constructed in 1971 prior to the adoption of the Specific Plan. The strict application of this regulation would result in practical difficulties and unnecessary hardship to the owners of the Property because the Owners would have to demolish and reconstruct a portion of this fully improved building. The 4 four residential unites and 8 parking spaces have existed for over 30 years. Other practical difficulties include the fact that each of the four units is encumbered by deeds of trust securing loans made to the Owners by lenders.

2. *There are exceptional circumstances or conditions that are applicable to the subject property or the intended use or development of the subject property that do not generally apply to other property in the Plan area.*

It is difficult to imagine a case with more extraordinary and exceptional circumstances than the within case where the four units and 8 parking spaces have existed for more than 30 years. The current Owners purchased their units and obtained financing secured by such units from lenders. These extraordinary and exceptional circumstances do not apply generally to other property within the Specific Plan area. Most importantly, the subject four units and 8 parking spaces were constructed prior to the adoption of the Specific Plan.

3. *The requested exceptions are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstance and practical difficulties or unnecessary hardships, is denied to the property in question.*

The Venice Community Plan text reads in pertinent part:

Objective 1-1: To provide for the preservation of the housing stock ... to meet the diverse economic and physical needs of existing residents ...

- 1) Policy 1-1.1: Designate specific lands to provide for adequate multi-family residential.

The requested exceptions will allow for the preservation of this multi-family building consistent with the uses and rights possessed by other property owners within the Specific Plan area; will provide home ownership to the Property Owners; and said exceptions are consistent with the objectives and policies of the above referenced Venice Community Plan provisions.

4. *The granting of the requested exceptions will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

The subject Property is located in a fully developed and established area of the Marina Peninsula. The density, height and parking components of the Property are consistent with other properties in the area. The granting of the requested exceptions will not be detrimental to the welfare of the existing and adjacent Marina Peninsula subarea community. To the contrary, the legalization of the Property uses will be beneficial to the adjacent multi-family properties.

5. *The granting of the requested exceptions is consistent with the principles, intent and goals of the Specific Plan.*

The Venice Local Coastal Program reads in pertinent part:

**Policy 1.A.5: Preserve and protect stable multi-family residential neighborhoods
... and the residents' quality of life can be maintained...**

The requested exceptions will preserve and protect multi-family housing opportunities in the community and not displace any current residents