

**ATTACHMENT “A”**

**REQUESTS FOR DISCRETIONARY APPROVAL**

**PIONEER BAKERY BUILDING, A MIXED USE DEVELOPMENT**

The applicant requests the following Discretionary Request determinations:

- 1) Project Plan Compliance review pursuant to the **Venice Coastal Zone Specific Plan (“VSP”) Section 7.A.**
- 2) Pursuant to **Los Angeles Municipal Code (“LAMC”) Section 11.5.7.E**, the applicant requests Exceptions from the following VSP sections:
  - A. **Section 8.A.1**, which restricts development over three contiguous lots. The applicant is proposing to construct a project over 8 contiguous lots.
  - B. **Section 8.H.2** specifies the permitted densities for the RD1.5 and C4 zoned sites. It limits the RD1.5 density to 2 units per lot, and limits the C4 zoned lots to a R3 density.
    - The applicant is requesting permission to combine the density, permitted by each requirement and, average it over the split-zoned site, without increasing the density permitted by the two zones.
    - This request also includes permission to utilize a previously recorded 3-foot future street dedication (equal to 786 square feet) along Rose Avenue for density calculation purposes. According to BOE Staff, this area is no longer needed and will be vacated by the City at the time the final subdivision map records.
    - Additionally, the applicant is requesting permission to use the square footage (1,713) included in a second future street dedication along Rennie Avenue (Lots 1 & 7) and one lot on Rose Avenue (Lot 1) for density calculation purposes. This area will not be vacated back to the applicant when the map records and will become part of the public right of way.
  - C. **Section 9.B.3**, which limits the floor area ratio of a mixed-use project in commercial zones to 1.5 to 1. The applicant is requesting permission to combine 1.5 to 1 floor area ratio permitted in the C4 zoned portion of the site with the 3 to 1 floor area ratio permitted in the RD1.5-1 zone and average the combined permitted floor area over the entire site, without increasing the total permitted floor area for the site. The project floor area is equal to a floor area ratio of 1.7 to 1.
  - D. **Section 8.H.3**, which require buildings with a varied roofline not to exceed a height of 30 feet. The applicant is requesting permission to construct a varied roofline with a maximum height of 40 feet.
- 3) Pursuant **12.27 of the L.A.M.C.** the applicant is requesting a Zone Variance from the following:
  - A. **L.A.M.C. Section 12.21 C 5 (h)** that requires “no accessory building or use shall be located on property in a more restrictive zone than that required for the main building

- or main use to which it is accessory". The applicant requests permission to locate the parking for residential and commercial uses located in the C4 and access to that parking in the RD1.5 zone, instead of the C4 zone. The applicant will have two levels of subterranean parking, which covers the entire site.
- 4) Pursuant to **L.A.M.C. 12.28**, the applicant is requesting Zoning Administrator Adjustments from the following code requirements:
- A. **Section 12.09.1 B 1-3 and Section 12.10 C**, which specify the required yards for this dual-zoned site.
- Section 12.09 1 B regulates the RD1.5 required yards, which would require for this project a front yard of 15 feet, a side yard of 6 feet based on a 3 story building and a rear yard of 15 feet. The applicant is requests the following yards on the RD1.5 lots; 6-foot front yards along 5<sup>th</sup> Street and Rennie Avenue, 0-foot side yard on the northern lot lines or zone boundary, a 15 foot side yard along the southern lot lines and a 0-foot rear yard from the common lot line of the two RD1.5 lots.
  - Code Section 12.10 C regulates the R3 required yards, which are applicable to the C4-1 zoned portion of the site and would require for this project 15 feet in the front, 6-feet on the side and 15 feet in the rear. The applicant requests; 0-foot front yard along Rose Avenue, 0-foot side yards along 5<sup>th</sup> Street and Rennie Avenue and 0-foot rear yard along the Zone Boundary.
- 5) **Conditional Use Approval to deviate [pursuant to L.A.M.C. Section 12.24 W 27]** from the following provisions of **L.A.M.C. 12.22 A 23**, Mini-Shopping Centers and Commercial Corner Development:
- a. Deviation from **L.A.M.C. 12.22 A 23 (a) (1) (i)** which prohibits businesses from operating between 11 p.m. to 7 a.m. The applicant requests permission to open the retail portion of the bakery at 5 a.m.
- 6) **Pursuant to L.A.M.C. Section 17.01**, the applicant is requesting the approval of a Vesting Tentative Tract Map for Condominium Purposes (Tract No. 060403) to construct a 75-unit condominium project on the project site.
- The applicant request permission to vary from the Advisory Agency's residential parking policy No AA 2000-1 for the live work units and the affordable units. The applicant is requesting permission to provide 181 parking spaces (or 2.4 spaces per unit). Please see the Parking Section below for specific of this request.
- 7) **Pursuant to L.A.M.C. Section 12.20.2**, the applicant is requesting approval of a Coastal Development permit.
- 8) The applicant is requesting a compliance review with the **Mello Act**. The project will achieve the Mello Acts on-site requirement to provide 10 percent of its units at a level affordable to very low income persons.
- 9) Pursuant to **L.A.M.C. Section 16.05**, the applicant requests that the decision-maker make the Site Plan Review findings.

## PROJECT DESCRIPTION

The proposed project, "Pioneer Bakery Building, a Mixed Use Development" at 512 Rose Avenue is a mixed-use project featuring 75 residential condominiums, including five Joint Live/Work units and approximately 5,179 square feet of ground floor restaurant space (only 3,300 square feet of Service Floor area). The project will provide seven low-income units along with 68 market rate units.

The Pioneer Bakery Building is designed after the original bakery, once located on this site, that the Garacochea Family originally lived and worked in when they first came to this country over 100 years ago. The Garacochea Family intends to continue to operate a retail bakery in the commercial portion of the project so that they can continue the tradition of serving the community, as they have for nearly 100 years.

The commercial space and Joint Live/Work condominium units front on Rose Avenue with the bulk of the residential condominiums surrounding two large internal courtyards. The maximum building height is 40 feet. Below grade there are two levels of subterranean parking with dedicated sections for the commercial and residential.

The details of the building are listed below:

Site Square Footage	61,980 sf
Building (FAR) Square Footage	102,562 sf (for an FAR of 1.70)
Restaurant (FAR) Square Footage	5,179 sf (3,300 service floor area)
Residential (FAR) Square Footage	97,383 sf
Number of Residential Units	75 Residential Units – Divide as follows: 5 – Joint Live/Work 4 – 1 Bedroom Units; 66 – 2 Bedroom Units; (7 will be very low income)
Proposed Parking	247 spaces – two levels subterranean 66 Restaurant 181 Residential (2.4 per unit)
Open Space	16,395 sf provided 9,150 sf required
Height	40 feet to the tallest point,

## Parking

The project's parking requirement is generated by a combination of parking standards found in the Advisory Agency's residential parking policy, the Los Angeles Municipal Code and the Venice

Specific Plan. Attached to the application is a Parking Summary illustrating the applicants understanding of how these three separate parking standards/policies will be imposed on the project. The following is a written explanation of this understanding:

#### Market Rate Units

The Advisory Agency policy (No AA 2000-1) is applicable to the residential portion of the project and requires 2.0 parking spaces per unit. The applicant is requesting that the 2.0 parking standard be applied to only the 63 market rate 1 and 2 bedroom units, not the 7 affordable or the 5 live work units. The granting of this request generates the need for **126 parking** spaces for these 63 units.

#### Affordable Units

The applicant requests that the 7 one and two bedroom affordable units be parked at the affordable housing parking incentive standard specified in L.A.M.C. Section 12.22 A 25 (d) (2). That standard requires 1 space per unit for sites located within 1,500 feet of a major bus route generating a need for **7 spaces** dedicated to the affordable units. (The site is less than 1,500 feet from the Main Street, which meets the definition of a major bus route.) The applicant request that the neither the Advisory Agency's residential or guest parking policy be applied to these affordable units.

#### Joint Live/Work Units

Joint live work units are required by the Los Angeles Municipal Code Section 12.21A 4 (j) to provide spaces for both the residential and commercial portions of the units. Specifically, the residential use, with one habitable room, requires one parking space per unit for a total of 5 spaces. The commercial portion (66% of the units' total square footage, or 5,677 square feet for this project) will be parked at the commercial standard of 2 spaces per 1,000 square feet. This will generate 11 spaces dedicated to the commercial square footage of the joint live work units. Overall, the joint live work unit parking requirement will be **16 parking spaces** creating an average of 3.3 spaces per unit. The applicant requests that neither the Advisory Agency residential or guest parking standard be applied to the Joint Live Work Units.

#### Guest Parking

The applicant requests special consideration from the Advisory Agency to vary from their guest parking policy of .5 spaces per unit in parking congested areas as specified in the previously referenced memo. The applicant is requesting permission to provide **32 guest parking** spaces for the 63 one and two bedroom market rate units. The applicant requests that the guest parking standard not apply to either the joint live/work or the affordable units.

#### Restaurant

The restaurant parking will be based on the Specific Plans parking requirement of 1 space per 50 square feet of "service floor". According to the definition of "service floor" in the specific Plan, the project will contain 3,300 square feet of area that needs to meet this standard of 1 per 50 square feet. This generates a requirement for **66 spaces**.

In conclusion, the project is proposing to provide **247 total** parking spaces for the mixed-use project. There will be 181 spaces dedicated to the 75 units for an average of 2.4 spaces per unit and 66 spaces dedicated to the restaurant space.

### Site Information

The 61,980 square foot (1.43 acres) project site is bounded by Rose Avenue on the north, Rennie Avenue of the east and 5<sup>th</sup> Avenue on the west. The site is located in the Venice Community Plan area and more specifically the Oakwood/Millwood sub area of the Venice Specific Plan.

The site has a split zoning including approximately 17,135 square feet of RD1.5-1 zoned land and 44,845 square feet of C4-1 zoned land. The Venice Specific Plan limits the density on the C4 zoned property to a R3 zoned density, while the RD1.5 is permitted a density of 2 units for the first 4,000 square feet of lot area. Based on the sites lot area and the Specific Plans density regulations the site yields a base density of 60 residential units. When the base density is combined with the State mandated 25% density bonus for inclusion of low-income units, the site yields 75 units. The Specific Plan permits a floor area ratio of 1.5 to 1 for commercially zoned mixed-use projects, while the Los Angeles Municipal Code permits a 3 to 1 floor area ratio in the RD1.5 zone. Based on these floor area regulations the site will permit approximately 118,672 square feet of gross floor area.

The Specific Plan imposes a building height of 30 feet for varied rooflines and 25 feet for flat roofs.

The site is also subject to the provisions of the Mello Act, the Coastal Transportation Corridor Specific Plan and is in the single jurisdiction Coastal Zone.

### **STREETS AND CIRCULATION:**

Rose Avenue: Is designated a Modified Collector is fully dedicated, but one of the future street dedications impacting the eastern most lot fronting Rose must be improved. According to BOE Staff, the other 3 foot future street dedication along Rose Avenue is no longer required by the City and will vacated back to the property owner (applicant) at the time the map records.

Rennie Avenue: Is designated a Local street. A 5-foot future street dedication must be improved in order to provide a 20.5-foot half roadway

5<sup>th</sup> Street: Is designated a Local street and is full dedicated. It does require a Standard Curb cut.

### **SURROUNDING PROPERTY'S**

The properties to the south are zoned RD1.5 and developed with a variety of residential uses including multi-family, triplex and duplex residential uses. The lots abutting the site to the south are developed on the west side with a three story multifamily building that includes two stories over a semi subterranean parking level

The properties to the east across Rennie Avenue are zoned C4-1 and RD1.5. The first commercial lot across Rennie Avenue is undeveloped, but the next lots east are developed with two and or three story volume buildings built over semi-subterranean parking. The RD1.5 lot located across Rennie Avenue from the project is developed with a three story multifamily use.

The properties to the west across 5<sup>th</sup> Avenue are zoned C4-1 and RD1. The commercially zoned properties are developed with two story multifamily structures, while the first RD1.5 lot is developed with a single family home.

The property to the north across Rose Avenue are C4-1 and are developed with one and two story commercial, residential and mixed use uses.

## **PREVIOUS CASES, AFFIDAVITS, PERMITS & ETC.**

### ORDINANCES

Ordinance 172019: Relates to the Venice ICO.

CPC 1987-648-ICO: Checked out by City Planner Jordan Turner

CPC 2000-4046-CA: Checked out by City Planner

ENV 2001-846-ND: Checked out by City Planner

Ordinance 172897 Venice Specific Plan: Adopted 12-22-99, locates the project site in Sub Area 4a – Oakwood.

Ordinance 172898: Adopted 10-29-1999, Approves the Venice Land Use Plan and rezones specific lots in the Venice area. The subject site shows up in the Ordinance, with a new zone designation of C4-1. Note: Adjacent to the site is a note stating “Centerline of Vac. Alley No 107 Vac 85-928301”.

CPC 1998-119-LCP Proposed ordinance relating to categorical exclusions from coastal development permit regulations in the Venice Coastal Zone after certification of Venice LCP

Coastal Transportation Corridor (Ordinance 168999)

### CASES

ZA 1983-316-CUZ: dated December 20, 1983 granted a conditional approval to construct, use and maintain 24-vehicle tandem parking area on an R3-1 zoned site serving an existing bakery of an adjacent C2-1 zoned site, with the respective sites separated by an alley.

This case file contained an Administrative Permit from the California Coastal Permit for the same use.

The file also contained two one year time extensions. One of the requests for the time extension indicated that it was required to clear conditions relating to an alley vacation.

ZA 19478: dated October 1, 1968 grants a variance to construct a 6700 square foot addition to Lot 6 for the expansion of an existing use.

ZA 17618: dated July 23, 1965 granted a variance to utilize Lot 2 for the purposes of parking, loading and unloading of bakery trucks in lieu of confining said activities to the existing site.

ZA 12526-A: This case could not be found. ZA 12526 was found but it dealt with a property located at 5825 Woodman Avenue.

### AFFIDAVITS

OB 12526-A\_Dated August 4, 1965. A covenant and agreement regarding the maintenance of yards for an oversized building on lots 2,3,4,5. Issued recordation number **3461**.

On December 19, 1968 a termination of covenant and agreement relating to Lots 2,3,4,5. Reason for termination is "A new covenant and agreement regarding maintenance of yards for an oversized building will be filed for a larger building". Issued recordation number **2589**.

Dated December 19, 1968. An additional covenant and agreement, same City reference number, regarding the maintenance of yards for an oversized building on lots 2,3,4,5 and Lot 26. Issued recordation number **3590**

PKG 3509, dated December 19, 1969, is a covenant and agreement regarding the maintenance of off-street parking spaces on Lot 26, Block H (unclear), of Ocean Tract. Lot 26 is the RD1.5 lot on 5<sup>th</sup> owned by the Pioneer Bakery site required to maintain 13 off-site spaces for 512 Rose. Issued recordation number **3588**

32107: On August 10, 1965 a Covenant and Agreement to hold Lots 2,3,4,5 together as one parcel was recorded with the County of Los Angeles. It received Recordation number **3459**.

On August 10, 1965 a Termination of Covenant and Agreement to hold Lots 2,3,4 and 5 as one parcel was recorded with the County of Los Angeles. It received recordation number **3460**.

Instrument Number 85-928301: In 1985, was recorded with the County facilitating the vacation of "Alley 107 southerly of Rose Avenue, between 5<sup>th</sup> Avenue and Rennie Avenue". This alley bisected the project site prior to its vacation. (Document Attached)

### ZONING INFORMATION

ZI 2273 – No building permit issued until Planning sign-off is obtained. Impacts all projects in the Venice Specific Plan area.

ZI 1466 – Venice Coastal Interim Control Regulation

ZI 1874 – Coastal Transportation Corridor Specific Plan. Sign off is required from DOT to obtain a sign-off. This requires projects to pay into a traffic mitigation fund. Fee is based on number of new fees generated by project. Residential is exempt.

### RELATED CASE

**CPC 2002-2302 ZC, GPA, SPA, SPE, CDP, SPP:** To permit the construction of 26 unit apartment complex, with 42 foot building limit.

**ZA 2002-1848 CDP, MEL, SPE, PP, SUB, CUB and Tract 53750:** To permit the construction of live/work units over contiguous lots and with reduced parking.

**AA-2002-3592 (PMLA):** Is an example of a project that was granted a financial hardship from the Mello Acts affordable housing requirement.

**COASTAL DEVELOPMENT PERMIT****ZONE CODE SECTIONS 12.20.2 prior to LCP certification.**

The Master Land Use Application Instruction Sheet – 500' Radius should also be followed, except that a 100-foot radius map is required, and 6 copies of the site plan required. The 100-foot radius starts across the street from the subject property.

dual permit area

single permit area

1. **CERTIFICATE OF POSTING.** When the Coastal application is accepted for filing, the applicant must within 24 hours a NOTICE OF INTENT sign (sample attached) at a conspicuous place, easily read by the public, and as close as possible to the site of the proposed development. The notice shall indicate that an application for a permit for the proposed development has been submitted to the City Planning Department. The form to be used for the posting, as well as a statement of Certificate of Posting to be submitted after notice of intent is posted is attached. If the applicant fails to post the complete notice of intent form and sign the Certificate of Posting, the Department will withdraw the application and all processing will stop.

2. **GEOLOGY REPORT:** If the property is in a Hillside area, submit a certified Geology Report.

3. **PREVIOUS ACTIONS:**

Has the property had a application submitted to the State Coastal Commission or the City of Los Angeles for Coastal approvals? Yes \_\_\_\_\_ No .

If yes, state the previous application number(s) N/A.

Describe on a separate page the facts (dates and determinations) of each of these applications.

4. **EXISTING CONDITIONS:**

a. Existing use of land: The entire site is used by food manufacturing and retail sales has existed in that location for approximately 100 years.

b. Number, type and approximate age of structures to be removed/demolished as a result of the project: There is one commercial structure will be removed. The last addition to this building occurred in 1968.

c. If residential units are being removed or demolished, indicate the number of units and monthly rent: No residential uses exist at the site currently.

d. Is there any similar housing at this price range available in the area? Where?: Not applicable to the application

5. **TREES:** Number of existing trees more than 6 inches in diameter (Show on Plot Plan): 0

6. **TREES:** Number, size and type of trees being removed (show on plot plan): 0

7. **SLOPE:** State percent of the property

100% :Less than 10% slope

0% : 10-15% slope

0% : Over 15% slope

If slopes over 10% exist, a topographical map will be required. If over 50 acres – 1" = 200' scale.

8. Are there any natural or man made **DRAINAGE CHANNELS** through or adjacent to the property? Yes \_\_\_\_\_(Show on plot plan), No X.

9. **GRADING**

\_\_\_\_\_0-500 cu. yd. \_\_\_\_\_500-5,000 cu. yd. \_\_\_\_\_5,000 – 20,000 cu. yd., over 20,000 cu. yd., indicate number of cu. yd.

Import/export: Indicate the amount of dirt being imported or **exported** 41,500.00 cu. yd. Project involving import/export of 1000 cubic yards or more are required to complete Haul Route form.

Amount of cut \_\_\_\_\_ 41,500.00 cu. yd.

Amount of fill \_\_\_\_\_ cu. yd.

Maximum height of the fill slope \_\_\_\_\_ ft.

Maximum height of cut slope \_\_\_\_\_ ft.

Amount of import or export \_\_\_\_\_ cu. yd.

Location of borrow or disposal site \_\_\_\_\_

10. Adopted Community Plan: Venice Community Plan

Plan Designation: Low Medium II Residential & Community Commercial

11. **PRIVATE OR PUBLIC PROJECT:** Private

12. **DETAILED DESCRIPTION OF PROJECT**

a. Residential:

Number of dwelling units: 75

Type of Ownership proposed: Condominiums

Number of bedrooms: One 9 Two 66 Three \_\_\_\_\_ Four or more \_\_\_\_\_.

b. Commercial, Industrial or Other:

Type of use Bakery/restaurant

Number of units if hotel/motel \_\_\_\_\_.

Number of employee's total & per shift: Not known at that this time.

Number of students/patients/patrons \_\_\_\_\_.

Hours of operation 5 am to 11 pm days of operation 7 days a week.

Number of square feet of each building \_\_\_\_\_.

c. For all projects:

Parking:

number of spaces existing All to be removed.

number of new spaces proposed 248.

Total: \_\_\_\_\_

Number of covered parking spaces: All parking is covered in a subterranean garage.

number of uncovered parking spaces: 0

number of standard spaces: \_\_\_\_\_ size \_\_\_\_\_

number of compact spaces: \_\_\_\_\_ size \_\_\_\_\_

Does tandem parking exist? Yes \_\_\_\_\_ no \_\_\_\_\_

Is tandem parking proposed? Yes \_\_\_\_\_ no \_\_\_\_\_

If yes, how many tandem sets? \_\_\_\_\_

d. Number of floors including subterranean, lofts and mezzanines: There are four total floors, three above grade and one below.

Project height from average finished grade 40 ft.

From centerline of frontage \_\_\_\_\_ ft.

e. Night lighting for the project: Low level exterior security lighting directed downward and toward the structure. Minimal interior security lighting in hallways and entryways.

f. If fixed seats or beds are involved, how many? None are involved

g. Percent of total project proposed for: Building \_\_\_\_\_ Paving \_\_\_\_\_.

- h. Percent of total project proposed for: building \_\_\_\_\_ Paving \_\_\_\_\_  
 Landscaping \_\_\_\_\_ other \_\_\_\_\_
- i. Estimates cost of the development: \$ \_\_\_\_\_

### 13. PROJECT IMPACTS

- a. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands? No, the project will not.
- b. Will the development maintain, enhance or conflict with public access to the shoreline and along the coast? No, it will not
- c. Will alternatives to private vehicle use be provided or facilitated. The project will include bicycle-parking areas. How will the development affect traffic on coastal access roads? Please refer to the Traffic Study for specific detail.
- d. Is the development proposed within or in close proximity to an existing developed area? Yes, the proposed project is within an existing developed area. Will it be visually compatible with the character of surrounding areas. Due to the eclectic nature of the Venice area, there is no one architectural style that characterizes the area. However, the project as design will be compatible with the neighborhood to the extent feasible. It in a special community or neighborhood, how will it protect the unique local character? While the Venice area is very unique in it mismatched architectural style, the site is not in a recognized by the City as a special community or neighborhood.
- e. Describe how grading will be conducted so as to minimize alterations to land forms. If on a bluff or in an area of geologic risk, how will the project design assure stability and minimize erosion?
- f. Does the development involve diking, filling, or dredging of open coastal waters, wetlands, estuaries or lakes? No What alternatives are available? Not applicable How will the environmental effects of this be minimized? Not applicable.
- g. Is the proposed development coastal dependent? No, it is not coastal dependent. Will it displace any coastal dependant facilities? Not applicable.
- h. How will the development affect biological productivity of coastal waters?. The project utilizes a fully developed site and will have no negative impact on the biological productivity of coastal waters.
- i. Is the development proposed near sensitive habitat areas, parks or recreational areas? No the project is not located near any sensitive habitat areas, parks or recreational areas. How will the project design prevent adverse environmental impacts of those areas? Not applicable.
- j. Is the development proposed within or adjoining land suitable for agriculture? The area surrounding the project site has been fully developed for many decades, so none of the adjoining parcels are suitable for agriculture.

- k. What water conservation features are included in the project?
- l. What energy conservation features are included in the project?
- m. Describe the location of service lines for necessary utility connections and any extensions or relocations of service lines. All utility providers currently service the project site. The new project will continue utilizing these services. The applicant will underground as many of the above ground utilities serving the site as feasible.
- n. Will the development protect existing lower cost visitor serving and recreational facilities? The bakery use will be modernized and maintained on the site creating a continuity of services at the site that have existed for 100 years. Will it provide public recreational opportunities? It will provide a retail bakery use and a restaurant that provide recreation opportunities to the community.
- o. Will the development protect or provide low and moderate-income housing opportunities? The project will reserve 10% of the units at a price affordable to very low income persons. Will it displace low or moderate income housing? No housing exist on the site, nor is any being removed.
- p. Is the proposed development within or near a known archeological, paleontological or historic site? No, it is not located in one of these areas/site. How will impacts on such sites be minimized? Not applicable.
- q. List the permits, permissions or approvals required from public agencies for this development and indicate those already applied for or granted.
- r. Is the project located;
1. Between the sea and the first public road paralleling the sea? No, it is not.
  2. Within 300 feet of the inland extent of any beach? No, it is not.
  3. Within 300 feet of the top of the seaward face of any coastal bluff? No, it is not.

#### 14. **California Environmental Quality Act**

Fill in the applicable items and attach copy to application:

- a. Categorically Exempt: Class \_\_\_\_\_ Paragraph \_\_\_\_\_
- b. Negative Declaration \_\_\_\_\_
- c. Environmental Impact \_\_\_\_\_
- d. Conditions, mitigation measures of project alternatives to minimize significant adverse impact.
- e. Date granted \_\_\_\_\_

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

**Additional Information**

(a) Date Property was acquired: The property has been in the Garacochea family for close to 100 years

(b) REQUEST: The Applicant requests an exception on the above-described property from provisions of the Venice Specific Plan (Ordinance 172897, Adopted 12-22-99) Section 11.5.7.D of the Comprehensive Zoning Ordinance, as amended which requires:

- **Section 8.A.1**, which restricts development over three contiguous lots. The applicant is proposing to construct a project over 8 contiguous lots.
- **Section 8.H.2** specifies the permitted densities for the RD1.5 and C4 zoned sites. It limits the RD1.5 density to 2 units per lot, limiting the C4 zoned lots to a R3 density.
  - The applicant is requesting permission to combine the density generated by each requirement and spread the it evenly over the split-zoned site, without increasing the density permitted by the two zones.
  - This request also includes permission to utilize a previously recorded 3-foot future street dedication (equal to 786 square feet) along Rose Avenue. According to BOE Staff, this area is no longer needed and will be vacated by the City and returned to the applicant at the time the final map records.
  - Additionally, the applicant is requesting permission to use the square footage (1,713) included in a second future street dedication along Rennie Avenue and one lot on Rose Avenue required by the City for the purposes of street widening. This area will not be vacated back to the applicant when the map records and will become part of the public right of way.
- **Section 9.B.3**, which limits the floor area ratio of a mixed-use project in commercial zones to 1.5 to 1. The applicant is requesting permission to combine the square footage generated by this 1.5 to 1 floor area ratio with the RD1.5-1 zones floor area ratio (equal to 3 to 1 as specified in the Los Angeles Municipal Code) and spread it evenly over the entire site, without increasing the permitted floor area for the site. The project square footage is equal to a floor area ratio of 1.7 to 1.
- **Section 8.H.3**, which require buildings with a varied roofline not to exceed a height of 30 feet. The applicant is requesting permission to construct a varied roofline with a maximum height of 40 feet.

And the approval, as shown on the attached plot plan to permit.

The Exception from the Venice Specific Plan is permitted pursuant to Section 11.5.7.F. of the Comprehensive Zoning Ordinance.

**Explain in detail wherein your case conforms to the following requirements:**

1. **That the strict application of policies, standard and regulations of the geographically specific plan to the property would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of such specific plan.**

The strict application of the specific plan regulations result in practical difficulties and unnecessary hardships inconsistent with the general purposes and intent of the Venice Specific Plan. The applicant proposes to develop a mixed-use project that crosses over an existing zone boundary creating an integrated project on the subject site.

It is important to understand that the subject site has existed in its current configuration for over 30 years. As recorded documents from the 1960's show, the City has historically viewed the site as one parcel. In fact, the applicant has operated a bakery use on the site for close to 100 years. A subterranean parking structure will be built from property line to property line, and will act as the base for the proposed mixed-use project.

Contiguous Lots

According to Section 8.A.1 of the Venice Specific Plan the applicant is not permitted to construct a project over more than two contiguous lots unless an approval is granted by the Director of Planning. In the event the Director grants this approval, it is limited to three contiguous lots. For the typical development project in Venice, this is a reasonable limitation, but in this instance it is impractical and creates an unnecessary burden. The typical development in the Venice area occurs on one or two small lots. Evidence of this is found in the Local Coastal Plan ("LCP") (Certified by the Coastal Commission on June 14, 2001), "Lots range in size from less than 3,000 square feet near the beach to 5,000 square feet near Lincoln Blvd. (Page II-1)". Additionally the Venice Community Plan states "there is a lack of large and vacant parcels with significant development potential" (page I-6).

The Specific Plan's regulation acknowledges that the typical existing development occurs on small lots and attempts to limit applicants from purchasing properties with the intent of combining lots into one development project. However, this is not the case with this project site, as the site has existed in its current configuration for years. Various recorded documents indicate that the City has considered this as one integrated site since at least the 1960's:

- In 1965 covenant OB 12526-A - dated 1965 was recorded which tied lots 2,3,4,5. Then in 1968, a new covenant was recorded that added Lot 26. (Documents Attached)
- PKG 3509, dated December 19, 1969, is a covenant and agreement regarding the maintenance of off-street parking spaces on Lot 26, Block H (unclear), of Ocean Tract. Lot 26 is the RD1.5 lot on 5<sup>th</sup> owned by the Pioneer Bakery site required to maintain 13 off-site spaces for 512 Rose. Issued recordation number **3588**
- In 1985, Instrument Number 85-928301 was recorded with the County facilitating the vacation of "Alley 107 southerly of Rose Avenue, between 5<sup>th</sup> Avenue and Rennie Avenue". This alley bisected the project site prior to its vacation. (Document Attached)

These two documents clearly demonstrate that the City understood these eight lots to make up one project site. Additionally antidotal evidence supplied by the applicant/property owner exists indicating that as far back as the early 1900's this site functioned as an integrated site when the family bakery use was established.

An additional hardship is imposed on the citizens of Los Angeles if the site is broken into smaller pieces. In its current configuration the site has the potential to generate 75 units, 10 percent of which are required to be affordable to very low income residents. As discussed later in the application the City is facing a large housing crisis and needs to promote the greatest number of units possible, not set up roadblocks to creating them. This type of density could never be achieved if the site was reduced in size to only include two or three lots because each of these new project sites would be required to meet all of the setbacks, open space and parking requirements.

Traffic impacts are also mitigated through the development of this site as a whole. Division of the site into smaller lots would require a series of new driveway entrances created to provide access to these new smaller sites. There is an economy of scale in designing a multifamily project over a larger site. Also noteworthy is that this is a mixed-use project will that help to reduce traffic congestion, which is a major concern in the City of Los Angeles, particularly in West Los Angeles. The City's recent passage of the RAS zone, acknowledges the value of mixed-use projects in commercial zones, such as this for their traffic reducing potential. The goal of the RAS zone is to promote the creation of more mixed-use projects.

According to the Local Coastal Plan Policy I B.7, precedence exists for consolidating lots under certain circumstances, which apply to this project. It states, "Lot consolidation of more than two lots shall be permitted for mixed-use projects...". This indicates that this Specific Plan regulation should not be considered an absolute rule under all circumstances.

This site has existed in its current configuration for decades and the proposed project is a mixed-use project known to generate less traffic. These facts help to justify the granting of these approvals.

#### Density and Floor Area Reallocation

The Venice Specific Plan regulates the permitted density and floor area for all of the zones in the Plan area. However, these specific regulations do not take into account projects located on a dual zoned site. The applicant is not requesting permission to exceed the overall density or floor area for the project site, only to reallocate it evenly over the entire site. The site yields a density of 75 units and a floor area of approximately 103,000 square feet. As currently written, the Specific Plan locates a majority of the units, more than 90%, on the C4 zoned portion of the site, while proportionally a majority of the floor area is located in the RD1.5 zone. This creates an unnecessary hardship by requiring the applicant to design many small units in the C4 zone that are less functional and consequently less marketable. Conversely, the RD1.5 portion would be developed with a few extremely large units.

A related request includes permission to utilize the lot area lost in a previously recorded 3-foot future dedication for the purpose of calculating density. Under a previous action with the City, the Applicant agreed to dedicate to the City a series of future dedications, including the 3-foot dedication along Rose Avenue consisting of approximately 786 square feet of lot area. According to recent conversations with Bureau of Engineering Staff, the 3-foot future dedication is no longer required by the City and will be vacated back to the applicant once the project's final tract map records. Unfortunately, this vacation will not take place until after the applicant plans on pulling the building permit to construct the project, which is when the lot area is required. Due to the timing of the vacation, an unnecessary hardship is placed on

the applicant if it is denied use of the lot area for purposes of calculating density prior to the recordation of the final map.

The applicant is also requesting permission to utilize a similar previously recorded future street dedication consisting of approximately 1,713 square feet of lot area that will be lost to the City to widen Rennie Avenue and a small part of Rose Avenue. According to the Municipal Code, lot area lost to dedications in conjunction with a subdivision can not be applied to a project's density calculation; however, if the project were to be built as a rental apartment project, this area could be counted in the density calculation. There is no logical reason for this distinction and consequently it creates an unnecessary hardship on the applicant as they propose to generate as many market rate and affordable housing units as possible in order to address the current shortage of both housing types.

### Height

The Venice Specific Plan limits buildings with pitch roof to a 30-foot height limit. This regulation generates a hardship for the applicant because it does not consider the type of project or the size of the project site.

A special circumstance is generated by the mixed-use nature of this proposed project. While residential and commercial uses are compatible, their unique design criteria must be accommodated. A successful mixed-use project must provide high quality commercial space that requires higher floor to ceiling heights than envisioned in the Specific Plan. The Specific Plan prompts the mixed-use concept, but it does not provide the development regulations required to construct it. A typical commercial floor to ceiling height is 13-15 feet. The combination of the required commercial ceiling heights and the residential demand for 9 to 10 feet ceiling heights makes it impossible to comply with the height limitations imposed by the Venice Specific Plan. This project is requesting permission to provide 13-foot commercial floor to ceiling heights and residential ceiling heights at ranging from 8 to 10 feet leaving the remaining approximately 7 to 9 feet for roof slope and other architectural features.

This is an atypically large site for the Venice area that extends an entire City block from 5<sup>th</sup> Street to Rennie Avenue. Height limits are designed to protect abutting properties from the impacts of the additional height. Due to the size of this site, its closest neighbors on three sides are buffered from the site by streets ranging in size from 50 to 60 feet. This buffer acts to mitigate the impacts of the increased building height. The closest neighbors, which is a three-story building 36 feet, on the southern side of the property are provided a 15-foot rear yard buffer. If this was not an integrated site and each zone was developed independently then these southern neighbors would be entitled to only a six-foot side yard. With this proposal, the yard becomes 2.5 times larger in exchange for only a 33% increase in building height. Not only does this increase in yard setback provide mitigation, it also creates the opportunity for this fifteen feet to become a well-designed landscaped area.

The sites' massing also helps to mitigate any potential impacts. The majority of the units are in three buildings running north south that have two courtyards separating them from each other. As depicted in the applications site plan these courtyards break up the mass of the project so that only approximately 60% of the southern portion of the site have buildings while the rest is courtyard or open space.

The strict application of the Venice Specific Plan does not take into consideration the proposed use or the atypical size of this site. Instead it imposes a one-size-fits-all set of

development regulations. The dual zoning creates a hardship on the applicant that is unnecessary for a site that has existed for years as an integrated commercial site. There is no reason that a mixed-use project on the same site can not be afforded the same ability to be an integrated project.

**State fully wherein your case conforms to the following requirements:**

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

The sites' dual zoning, size of site, the existing non-conforming use and the lack of existing residential uses generate exceptional circumstances not applicable to other properties in the same zone, and justify the approval of these requests. There are no other dual zoned sites in the general area, nor are there any sites this large.

Dual Zoning

According to the zoning maps available on the City's Zimas website, a street or an alley (See Exhibit B) divides all zones in this area. Consequently, this is a unique site that creates an exceptional circumstance. There are no such divisions between the RD1.5 and C4 portions of the project site.

A second aspect of this argument is that while site has functioned as a bakery for close to 100 years, City records indicate that the RD1.5 zoned portion of the site has been tied by use for over 35 years. Building and Safety records (OB 12526-A - dated 1965) reflect that a covenant and agreement "regarding the maintenance of yards for an oversized building on lots 2,3,4,5. Then in 1968, a new covenant was recorded that added Lot 26. This is significant because the applicant did not recently purchase the lots and combine them into one site for the purpose of this development project. In fact, the Pioneer bakery use pre-dates a majority of the site's and area's zoning regulations.

A special circumstance is generated by imposing two conflicting sets of development standards on one site that has existed for decades. Since this site has functioned as one for so long the dual zoning should be dropped and one zoning designation should apply to the site.

Size of the Site

The size of this site, 61,980 square feet, is substantially larger than the typical developable lot in the area. According to the Local Coastal Plan ("LCP") (Certified by the Coastal Commission on June 14, 2001), "Lots range in size from less than 3,000 square feet to near the beach to 5,000 square feet near Lincoln Blvd." (Page II-1). Additional evidence of the uniqueness of the site is provided in the Venice Community Plan on page I-6 where it states that "there is a lack of large and vacant parcels with significant development potential". While this site might not be vacant, it does contain a non-residential use in need of relocating for economic reasons. The site contains eight lots all in excess of 7,000 square feet. The size of each lot and the fact that they have been combined as part of an integrated site for so long separates it from the vast majority of others sites in the area. The size of this site provides the applicant the opportunity to construct a project with "significant development potential" that address the following Coastal issues enumerated in the LCP:

- Provision of very low, low and moderate income housing for a cross section of the population, including persons with special needs.
- Encouragement of coastal development, recreation, neighborhood and visitor serving facilities.
- Over intensification of commercial uses.

All projects in the Coastal zone are required to include affordable units, but a project of this density has the potential to generate more affordable units on a single site than typical. This project will include seven “for sale” condominiums available to qualifying very low-income applicants for approximately \$50,000.00. As a point of comparison, the typical development on a 5,000 square foot lot generates only one unit. This project offers an incredible opportunity to generate affordable units in the Coastal Zone without creating an excessive financial hardship on the applicant.

It is interesting to note that many single lots being developed with residential projects in Venice are applying for and being granted financial hardship exemptions from their affordable requirement. An example of this is found in AA-2002-3592 (PMLA) as well as many other recently approved projects in the area.

This size of this site not only generates an affordable housing stock, but it also creates neighborhood serving and visitor serving uses. The existing bakery has served the local community for close to 100 years and has become a part of the community’s fabric. The inclusion of a small bakery in the project will allow the community to walk to purchase baked goods. This amenity will remain intact, but the use will now be expanded to provide visitors with a new dining opportunity on their trip to Coastal area as the site will now contain a small restaurant.

Another special circumstance is generated by the size of the site is its ability to provide 75 new homeownership units on the site without impacting any existing units at a time when the City is faced with a housing crisis. According to the City’s Housing Element, the West Los Angeles Subregion (which includes Venice) is required to construct approximately 2,600 new dwelling units before 2010 to meet its Regional Housing Needs Assessment numbers. Typically, development in Venice only occurs with the demolition of currently occupied units. It is very rare for a project of this density to be built without impacting an existing community member’s home. Most of the lots ripe for redevelopment in the Venice area contain units that are currently providing affordable rental units. Once they are demolished these community members find it difficult to remain in the area. This is a unique opportunity for the City to approve affordable and market rate homeownership opportunities without displacing current residents.

One other special circumstance is the permitted non-conforming use that exists on the site. Although the Bakery’s manufacturing use predates the vast majority of the neighboring uses, the manufacturing use is no longer consistent with the areas zoning designations (RD1.5 & C4). By approving this project the General Plans goal of creating a logical pattern of uses based on their compatibility with one another is promoted. However, the Venice area with its higher living costs, dated structures and lack of distribution centers is not ideal for large manufacturing uses. Additionally, the community benefits from the elimination of the Bakery’s 18-wheel supply trucks that are forced to navigate on a daily basis the narrow streets typical in the Venice Area. The manufacturing use could remain for years, but here is

the opportunity to eliminate a non-conforming use, create urgently needed homeownership opportunities and promote the zoning patterned promoted by the General Plan.

#### Commercial Over Intensification

The proposed use of the site creates a special circumstance justifying approval of this project. The creation of a mixed-use project at the site helps to address the commercial intensification of the area discussed in the Venice Community Plan. The C4 portion of the site could be developed with approximately 44,845 square feet of retail/office floor area or 21,636 square feet of retail space. A mixed-use project at the site not only limits the commercial intensification of the area it also generates substantially less traffic than a straight commercial project. To illustrate this fact, the projects traffic consultant, Crain & Associates, provided the following trip generation comparison for traditional commercial uses on the C4 portion of the site and a mixed-use project over the entire site:

Use	Lot area and Floor area	Trips generated
50% Office / 50% Retail	Lot area = 44,845 SF Floor area = 44,845 FAR of 1 to 1	2,957 daily trips, including 119 AM peak hour trips, and 269 PM peak hour trips.
Retail	Lot area = 44,845 SF Floor Area = 21,636 FAR of .5 to 1	2,547 daily trips, including 64 AM peak hour trips, and 208 PM peak hour trips
Mixed Use (75 units and 5100 SF of commercial)	Lot area = 61,980 SF Floor Area = 103,000 FAR of 1.7 to 1	1,321 daily trips, with 69 AM trips and 99 PM trips

As discussed above, several special circumstances exist on the site which justify the granting of the requested variances. The applicant respectfully requests that the exception be granted.

#### **State fully wherein your case conforms to the following requirements:**

3. **That such 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.**

As described above, exceptional circumstances exist on the project site to justify the granting of the requested actions. Special circumstance created by dual zoning and the size of the subject site create practical difficulties leading to unnecessary hardships on the applicant.

#### Floor Area & Density

Owners of property in a single zone are not faced with similar impediments to developing their property. It is not logical or practical for one project site to negotiate between multiple code requirements pertaining to floor area and density.

The Specific Plan was created to deal with the typical development site that includes one zone designation with a single list of zoning restrictions. Once there are two zones on a site, it becomes practically impossible to design a project meeting all of the design standards that, at times, conflict. For example, on this project, the Code requires two separate floor area standards for the project site. In order to achieve this standard, a very inefficient site plan would need to be created that would locate over 90% of the units in the C4 zone, but would restrict the site's use of the permitted floor area to less than 60% in the same area.

If discretionary approvals, variances or exceptions, were not approved, then no owner of a dual zoned site could develop their property with a functioning, integrated project with an economic value.

#### Height and Number of Lots

The size of the project site and the type of use create exceptional circumstances. According to the Venice Community Plan, "there is a lack of large or vacant parcels in the community with significant development potential" (page I-6). As mentioned previously in this document the typical lot size is 5,000 square feet. Obviously, at 61,980 square feet this project site is considerably larger than any of the typical developments in the area. While it is true this project site consolidates eight lots in its development site, it is important to note that these lots have been tied by use for close to one century. Consequently, the vast majority of the community understands this site as one integrated bakery site and the applicant/property owner simply wishes to maintain this consolidation.

A special circumstance is generated by the mixed-use nature of this proposed project. While residential and commercial uses are compatible, their unique design criteria must be accommodated. A successful mixed-use project must provide high quality commercial space that requires higher floor to ceiling heights than envisioned in the Specific Plan. The Specific Plan prompts the mixed-use concept, but it does not provide the development regulations required to build it. A typical commercial floor to ceiling height ranges from 13 to 15 feet. When you combine this height with the residential demand for larger ceiling heights of at least 9 to 10 feet, it becomes impossible to compile with the height limitations. This project is requesting permission to provide 13-foot commercial floor to ceiling heights and residential ceiling heights at 10 feet leaving the remaining approximately 7-9 feet for roof slope and other architectural features.

The size of the project allows the building to provide an increased building height without impacting the surrounding community. Other buildings in the area, including the sites south western neighbor, achieve a three story building height. Height limits are designed to protect an abutting property from the impacts of the additional height. Streets ranging in size from 50 to 60 feet provide buffers from the site's closest neighbors along three of its borders, thereby mitigating the impacts of the increased building height. The closest neighbors on the southern side of the property are provided a 15-foot buffer because this site is an unformed site whose front yard faces Rose Avenue. If this was not an integrated site, and this site was developed to the code requirements, these southern neighbors would only be entitled to a six-foot side yard requirement. With this application, the yard becomes 2.5 times larger in exchange for only a 33% increase in building height. Not only does the increase in yard

setback provide mitigation, it also provides the opportunity for this fifteen feet to become a well-designed landscaped area.

**State fully wherein your case conforms to the following requirements:**

4. **That the granting of such 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.**

Granting the requested exceptions will not be materially detrimental to the public welfare or injurious to the property or improvement is the same zone. The well-designed integrated project is situated on the site such that the surrounding community members will be unaware certain portions of the site include more density or floor area than permitted by code. The community will benefit from this particular project because it generates substantially less traffic than the vast majority of other permitted uses on the site. Another benefit to the community is the increase in street parking gained by the redevelopment of this site.

Design

The granting of these requests permits the applicant to construct a well-designed functional mixed-use project that is sensitive to its surrounding community. The blending, or reallocation, of the site's density and floor area over the site allows the permitted density and floor area to be evenly distributed over the site without focusing it all in one area.

The impact of the additional height is limited due to the three streets bordering it and the massing of the architectural design. Due to the size of the site, three streets border the property; Rose Avenue, Rennie Avenue and 5th Avenue. As mentioned before this is a unique aspect of this site as compared to other development sites in the area, which are typically bordered by two or three other lots. The value of this is that each of these streets, each in excess of 50 feet, provides a buffer to the adjacent neighbors and nearby community members.

Also, the sites' massing helps to mitigate any potential impacts. The majority of the units are in three buildings running north/south that have two courtyards separating them from each other. As depicted in the applications site plan, these courtyards break up the mass of the project so only approximately 60% of the southern portion of the site have buildings while the rest is courtyard or open space.

Traffic Generation

By right, the C4 portion of the site could be developed with approximately 44,845 square feet of office/retail floor area or 21,636 square feet of retail floor area. A mixed-use project at this site not only limits the commercial intensification of the area it also generates substantially less traffic than a straight residential project. To illustrate this benefit, the project's traffic consultant, Crain & Associates, has provided the following trip generation comparison for traditional commercial uses on the C4 portion of the site and a mixed-use project over the entire site:

Use	Lot area and Floor area	Trips generated
50% Office / 50% Retail	Lot area = 44,845 SF Floor area = 44,845	2,957 daily trips, including 119 AM

Use	Lot area and Floor area	Trips generated
	FAR of 1 to 1	peak hour trips, and 269 PM peak hour trips.
Retail	Lot area = 44,845 SF Floor Area = 21,636 FAR of .5 to 1	2,547 daily trips, including 64 AM peak hour trips, and 208 PM peak hour trips
Mixed Use (75 units and 5100 SF of commercial)	Lot area = 61,980 SF Floor Area = 103,000 FAR of 1.7 to 1	1,321 daily trips, with 69 AM trips and 99 PM trips

As designed, the project creates a win-win solution for the applicant, the community and the City. The Community gains a well-designed, architecturally interesting project of which the residential character is more in keeping with the neighborhood, maintains an established family business in the area, and, at the same time, generates substantially fewer trips than the vast majority of the alternatives. The City gains 75 new units, some of which are affordable, without the loss of existing units and removes a permitted non-conforming manufacturing use from what is now a commercial and residential area.

#### On-Street Parking

The Bakery, an existing manufacturing use has existed on the site for decades. These buildings were designed and built prior to the need for parking regulations. Consequently, this current use supplies limited parking for its employees. Employees, who work 24/7, are forced to park off-site on the surrounding surface streets. The redevelopment of this site, with a building providing parking at current code level, will be a huge public benefit to this parking impacted area.

For the reasons listed above, the approval of this project will not be injurious to the public, but rather, will provided the community with a use substantially more compatible with the surrounding area on a site more than adequate to sustain it.

#### **State fully wherein your case conforms to the following requirements:**

5. **That the granting of such exception will be consistent with the principals, intent and goals of the geographically specific plan and any applicable element of the General Plan**

The General Plan will not be adversely affected by the granting of these exceptions. In fact, this project promotes many of the goals and policies of the General Plan. In addition to eliminating a permitted non-conforming use, the following will discuss the project's consistency with various elements of the General Plan, including the Local Coastal Plan ("LCP"), Venice Community Plan and the Housing Element.

#### Non-Conforming use

The elimination of a non-conforming use at the site will create consistency with the General Plan. Although the Bakery's manufacturing use predates the vast majority of the neighboring uses, the manufacturing use is no longer consistent with the areas zoning designations (RD1.5 & C4). By approving this project the General Plans goal of creating a logical pattern of uses based on their compatibility with one another is promoted. In certain situations manufacturing and residential uses can be co-mingled, as evidenced by the proliferation of A.I.R. units in the City's M zones through the Conditional Use process. However, the Venice area with its higher living costs, dated structures and lack of distribution centers is not ideal for large manufacturing uses. Additionally, the community benefits from the elimination of the Bakery's 18-wheel supply trucks that are forced to navigate on a daily basis the narrow streets typical in the Venice Area. The manufacturing use could remain for years, but here is the opportunity to eliminate a non-conforming use, create urgently needed homeownership opportunities and promote the zoning patterned promoted by the General Plan.

### Local Coastal Plan

Policy I.B.2 of the LCP specifically encourages "mixed use residential commercial" uses in all areas designated on the Land Use Policy Map for commercial use. One of the benefits acknowledged in the LCP is that mixed use development is intended to mitigate traffic impacts in the area and increase the potential for pedestrian activity. The project proposes to add outdoor dining and will remain a neighborhood serving commercial use, both of which will promote pedestrian activity in the area. As mentioned in a previous Finding the project will substantially reduce the potential traffic that would be generated by this site if it were to be developed as a purely commercial project.

Policy V.A.5 of the LCP promotes the creation and maintenance of streetscapes that "enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors". The redevelopment of a site that stretches an entire City block from (5<sup>th</sup> Street to Rennie Avenue) provides the perfect opportunity to implement a streetscape that enhances the visual image of Rose Avenue, which in turn enhances the quality of life in the area.

### Venice Community Plan

Under Community Issues and Opportunities, the Venice Community Plan discusses the need for the "Preservation of residential neighborhoods and provisions of more affordable housing" (Page I-2). This project achieves both of these goals simultaneously, as it will create 75 new dwelling units without demolishing any existing units. Furthermore, not only will this project generate new dwelling units on a site currently developed with a manufacturing use, it is also setting aside ten percent of these for very low income owners.

Policy 1-2.2: "The Plan permits mixed-used or residential only development in commercial zones". Obviously, this mixed-use project responds to this policy by developing residential uses in a commercial zone.

Objective 1-4: "to promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population." With the inclusion of 10% of its units at a level affordable to very low-income homeowners, the proposed project increases the number of and accessibility to affordable units in the area. These units will also be new

units that are constructed to current building code specifications, thus creating a quality living environment for all of the future residents.

Policy 1-4.2: "Ensure that new housing opportunities minimize displacement of residents". Since this site currently contains a manufacturing use there will be no displacement of existing residents.

### HOUSING ELEMENT

The Housing Element outlines a critical lack of housing opportunities. According to the Housing Element "Population increases in all planning areas within the West Los Angeles Subregion result in that subregion growing more than any other in the City" (Page 3-31). It indicates that the City must generate approximately 60,280 dwelling units over a seven year period starting in 1998 and ending 2005. This equates to approximately 8,600 units per year and approximately 400 units per year in the West Los Angeles sub region. Of these units, 47% need to be constructed for residents in the "Low and Very Low" income category. According to the report by the City Council's Housing Crisis Task Force, *Recommendations to Facilitate Housing Production (September 2000)*, there is a downward trend in terms of housing production (3,140 fewer units were built in 2000 than in 1999). As a result, actual dwelling unit production is no where close to these numbers.

While this project will not eliminate the housing shortage in the City, it is consistent with the goal of the City's Housing Element to generate more housing as it will produce 75 units, 10% of which set aside for low income residents.

Due to this project's ability to conform with the goals and intent of the General Plan, the applicant respectfully requests the approval of the discretionary requests.

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## VARIANCE FINDINGS

### 1. **The strict application of the provisions of the zoning ordinance will result in practical difficulties and unnecessary hardships.**

The strict application of the provisions of the zoning ordinance will result in practical difficulties and unnecessary hardships. The code section in question does not take into consideration dual zoned sites. The Code assumes that each site contains one zone designation. As discussed in the Project Description, this site is zoned RD1.5-1 and C4-1. Practical difficulties and unnecessary hardships will be created if this project is required to achieve the provisions of both zones as defined in the L.A.M.C.

It is important to understand that this is one project site that has existed in its current configuration for over 30 years. In fact, the applicant has operated a bakery use on the site for close to 100 years. The applicant's development plan includes the use of the entire site to be developed as one integrated project. A subterranean parking structure built from property line to property line will act as the base for the proposed mixed-use project that crosses the zone boundary.

#### Accessory Use

According to the L.A.M.C, parking for the units located in the C4 zone must be located on the C4 zone. This project proposes to spread its subterranean parking throughout the dual zone site on both the RD1.5-1 and C4 zones. Access for the parking will be located on 5<sup>th</sup> Street via the C4 zoned portion of the site. Once the car enters the subterranean parking, it is no longer visible to the general public. Since the parking is subterranean community members will never know if the car parks in the RD1.5-1 or C4 zone. Consequently, the potential impact on the community is eliminated.

The C4 zone will contain a majority of the total number of units (approximately 57) and all of the proposed commercial uses. If the project were required to follow the letter of the code, it would be required to add additional levels of subterranean parking in only the C4 zone. This would create two unnecessary hardships on the applicant: The structural cost of building 3 or 4 levels of subterranean parking in the C4 zone while, maintaining a one or two level structure in the RD1.5 zoned portion. This type of design also creates functional inefficiencies for the structure. In order to provide the ramps in the C4 zone to access the lower levels the amount of parking per floor is reduced generating a need to add additional levels.

This requirement potentially could also generate unnecessary hardships on the community by generating more construction traffic than if the request is granted. The deeper the subterranean parking, the more material exported from the site (via large 18 wheel trucks that must travel the adjacent streets), increasing traffic congestion in the area.

Since there is no visible or physical impact on the community by providing C4 residential parking on the RD1.5 zoned property, the applicant respectfully requests that the variance be granted.

**2. That there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone.**

The sites dual zoning and large size generate special circumstances not applicable to other property in the same zone and justify the approval of these requests. There are no other dual zoned sites in the general area, nor are there any sites this large.

Dual Zoning

According to the zoning maps available on the City's Zimas website, all zones in this area are divided by a street or and alley (See Exhibit B). Consequently, this is a unique site that creates a special circumstance. There are no such divisions between the site's RD1.5 and C4 portions of the site.

Additionally, the site has functioned as a bakery for close to 100 years and the RD1.5 zoned portion of the site has been tied to the C4 portion by use for over 35 years. Building and Safety records, OB 12526-A, reflect that a covenant and agreement "regarding the maintenance of yards for an oversized building on lots 2,3,4,5. Then in 1968, a new covenant was recorded that added Lot 26. The importance of this is that the Pioneer Bakery site has existed at the site prior to the existence of a majority of the zoning site's regulations.

A special circumstance is generated by imposing two conflicting sets of development standards on a site that has existed as one integrated site for decades.

Size of the Site

The size of this site, approximately 61,980 square feet, is substantially larger than the typical developable lot in the area. According to the Local Coastal Plan ("LCP") (Certified by the Coastal Commission on June 14, 2001), "Lots range in size from less than 3,000 square feet to near the beach to 5,000 square feet near Lincoln Blvd. (Page II-1)". This project site contains eight lots, all of which are in excess of 7,000 square feet. The size of each lot and the fact that they have been combined as part of an integrated site for so long separates this site from the vast majority of others site in the area.

The size of this site provides the applicant the opportunity to construct a project that address the following Coastal issues enumerated in the LCP:

- Provision of very low, low and moderate income housing for a cross section of the population, including persons with special needs.
- Encouragement of coastal development, recreation, neighborhood and visitor serving facilities.
- Over intensification of commercial uses.

All projects in the Coastal zone are required to include the affordable units. A project of this density has the potential to generate more affordable units on a single site than typical. This project will include seven "for sale" condominiums available to qualifying very low-income applicants for approximately \$50,000.00. In contrast to a typical development on a 5,000 square foot lot, which would include one affordable unit, this project offers an incredible opportunity to generate affordable units in the Coastal Zone without creating a financial hardship on the applicant. Furthermore, it is interesting to note that many single lots being

developed with residential projects are being granted financial hardship exemptions from their affordable requirement, such as AA-2002-3592(PMLA).

Additionally the size of this site also permits the creation of both neighborhood serving and visitor serving uses. The existing bakery has served the local community for close to 100 years and has become a part of the community's fabric. The inclusion of a small bakery in the project will maintain the community's ability to walk to purchase baked goods. This amenity will remain intact, but the use will now be expanded to provide visitors with a new dining opportunity on their trip to Coastal area.

#### Housing Generation

Another special circumstance generated by the size of this project site is its ability to provide 75 new homeownership units without impacting any existing units at a time when the City is faced with a housing crisis. According to the City's Housing Element, the West Los Angeles Subregion (which includes Venice) must construct approximately 2,600 dwelling units before 2010 to meet its Regional Housing Needs Assessment numbers. Typically, development in Venice only occurs with the demolition of currently occupied units. It is very rare for a project of this density to be built without impacting an existing community member's home. In some cases these existing units are providing reasonably priced family housing. Once they are demolished these community members find it difficult to remain in the area. The proposed project represents a unique opportunity for the City to approve affordable and market rate homeownership opportunities without displacing current residents.

#### Commercial Over Intensification

The redevelopment of the site with a mixed-use project limits the amount of retail space available in the area and consequently limits the commercial intensification of the area. The C4 portion of the site has the by-right potential to be developed with approximately either 44,845 square feet office/retail uses or 21,636 square feet of retail space. A mixed-use project at this site not only limits the commercial intensification of the area. it also generates substantially less traffic than other permitted alternative projects. To illustrate this fact, the project's traffic consultant, Crain & Associates, has provided the following trip generation comparison for traditional commercial uses on the C4 portion of the site and a mixed use project over the entire site:

<b>Use</b>	<b>Lot area and Floor area</b>	<b>Trips generated</b>
50% Office / 50% Retail	Lot area = 44,845 SF Floor area = 44,845 FAR of 1 to 1	2,957 daily trips, including 119 AM peak hour trips, and 269 PM peak hour trips.
Retail	Lot area = 44,845 SF Floor Area = 21,636 FAR of .5 to 1	2,547 daily trips, including 64 AM peak hour trips, and 208 PM peak hour trips
Mixed Use (75 units and 5100 SF of commercial)	Lot area = 61,980 SF Floor Area = 103,000 FAR of 1.7 to 1	1,321 daily trips, with 69 AM trips and 99 PM trips

For the reasons stated above, a special circumstance exists to justify the granting of the requested variances. The applicant respectfully requests that the variances be granted.

- 3. That such a variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property 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.**

As described above, the special circumstances exist on the project site. The special circumstance created by the dual zoning creates practical difficulties leading to unnecessary hardships on the applicant. Other owners with property in a single zone are not faced with similar impediments to developing their property. It does not make sense for one project site to negotiate between multiple permitted building heights, floor areas or yard requirements.

The Code and Specific Plans were created to deal with typical development site that includes one zone with a single list of uniformed zoning restrictions. When there are two zones on a project site, it becomes practically impossible to design a functional project that can meet all of the design standards that, at times, conflict. For example, the Code requires all of the parking for the units located in the C4 portion of the site to be located on the C4 portion of the site. As a result the applicant is forced to create a much deeper subterranean garage that is very inefficient and potentially cost prohibitive.

If discretionary approvals were not approved then no owner of a dual zoned site could develop their property with a functioning integrated project with an economic value.

**State fully wherein your case conforms to the following requirements:**

- 4. That the granting of such variance 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.**

Granting the requested variances will not be materially detrimental to the public welfare or injurious to the property or improvement is the same zone. This well-designed integrated project is situated on the site in a manner where the surrounding community members will be unaware certain portions of the site include more density or floor area than permitted by code. The community will benefit from this particular project because it generates substantially less traffic than the vast majority of the other permitted uses on the site. Another benefit to the community is the increase in street parking gained by the redevelopment of this site.

#### Design

The granting of these requests permits the applicant to construct a well-designed and functional mixed use project that is sensitive to its surrounding community. The blending or reallocation of the site's density and floor area over the entire site allows the permitted density and floor area to be evenly distributed over the site without focusing it all in one area.

The impact of the additional height is limited due to the three streets bordering it and the massing of the architectural design. Due to the size of the site, spanning the length of one

City block, three streets border the property; Rose Avenue, Rennie Avenue and 5th Avenue. As mentioned before, this is a unique aspect of the site as compared to other development sites in the area, which are typically bordered by two or three other lots. The value of this is that each of these streets, each in excess of 50 feet, provide a large buffer to the community and the nearby community members.

Also, the massing of the architectural design mitigates the impact of the additional height. The design of the project's southern elevation contains three buildings that resemble fingers extending in a north/south orientation. Two courtyards separate the buildings. As a result, the relationship of the courtyards and buildings generates a southern elevation that is half building and half open space.

### Traffic Generation

The C4 portion of the site has the potential to be developed with approximately 44,845 square feet of retail/office space or 21,636 square feet of retail space by right. A mixed-use project at the site not only limits the commercial intensification of the area, it also generates substantially less traffic than a straight residential project. To illustrate this benefit, the projects traffic consultant, Crain & Associates, has provided the following trip generations numbers for traditional commercial uses on the C4 portion of the site and a mixed-use project over the entire site:

<b>Use</b>	<b>Lot area and Floor area</b>	<b>Trips generated</b>
50% Office / 50% Retail	Lot area = 44,845 SF Floor area = 44,845 FAR of 1 to 1	2,957 daily trips, including 119 AM peak hour trips, and 269 PM peak hour trips.
Retail	Lot area = 44,845 SF Floor Area = 21,636 FAR of .5 to 1	2,547 daily trips, including 64 AM peak hour trips, and 208 PM peak hour trips
Mixed Use (75 units and 5100 SF of commercial)	Lot area = 61,980 SF Floor Area = 103,000 FAR of 1.7 to 1	1,321 daily trips, with 69 AM trips and 99 PM trips

As designed the project creates a win-win solution for the applicant, the community and the City. The applicant is permitted to redevelop their property in order to promote their families' future security. The Community gains a well-designed architecturally interesting project that's residential character is more in keeping with the neighborhood that eliminates a permitted non-conforming manufacturing use while maintaining an established family business in the area and at the same time generating substantially fewer trips than the vast majority of the alternatives. The City gains 75 new units, some of which are affordable, without the loss of existing units and removes a permitted non-conforming manufacturing use from what is now a commercial and residential area.

### On-Street Parking

The Bakery, an existing manufacturing use has existed on the site for decades. These buildings were designed and built prior to the need for parking regulations. Consequently, this current use supplies limited parking for its employees. Employees, who work seven days a week, are forced to park off-site on the surrounding surface streets seven days and week 24 hours a day. The redevelopment of this site, with a building providing parking at current code level will be a huge public benefit to this parking impacted area.

For the reasons listed above, the approval of this project will not be injurious to the public welfare, but rather, will provide the community with a use substantially more compatible with the surrounding area on a site more than adequate to sustain it.

### **5. That the granting of these variances will not adversely affect any element of the General Plan.**

The General Plan will not be adversely affected by the granting of these variances. In fact this project promotes many of the goals and policies of the General Plan. In addition to eliminating a permitted non-conforming use, the following will discuss the projects consistency with various elements of the General Plan, including the Local Coastal Plan ("LCP"), Venice Community Plan and the Housing Element.

### Non-Conforming use

The elimination of a non-conforming use at the site will create consistency with the General Plan. Although the Bakery's manufacturing use predates the vast majority of the neighboring uses, the manufacturing use is no longer consistent with the areas zoning designations (RD1.5 & C4). By approving this project the General Plans goal of creating a logical pattern of uses based on their compatibility with one another is promoted. In certain situations manufacturing and residential uses can be co-mingled, as evidences by the proliferation of A.I.R. units in the City's M zones through the Conditional Use process. However, the Venice area with its higher living costs, dated structures and lack of distribution centers is not ideal for large manufacturing uses. Additionally, the community benefits from the elimination of the Bakery's 18-wheel supply trucks that are forced to navigate on a daily basis the narrow streets typical in the Venice Area. The manufacturing use could remain for years, but here is the opportunity to eliminate a non-conforming use, create urgently needed homeownership opportunities and promote the zoning patterned promoted by the General Plan.

### Local Coastal Plan

Policy I.B.2 of the LCP specifically encourages "mixed use residential commercial" uses in all areas designated on the Land Use Policy Map for commercial use. One of the benefits acknowledged in the LCP is that mixed use development is intended to mitigate traffic impacts in the area and increase the potential for pedestrian activity. . The project proposes to add outdoor dining and will remain a neighborhood serving retail use, both of which will promote pedestrian activity in the area. As mentioned in a previous Finding, the project will substantially reduce the potential traffic that would be generated by this site if it were to be developed as a purely commercial project

Policy V.A.5. of the LCP promotes the creation and maintenance of streetscapes that "enhance pedestrian activity and contribute to a high quality of life and visual image for

residents and visitors”. The redevelopment of a site that stretches an entire City block (from 5<sup>th</sup> Street to Rennie Avenue) provides the perfect opportunity to implement a streetscape enhancing the visual image of Rose Avenue, which in turn enhances the quality of life in the area.

### Venice Community Plan

Under Community Issues and Opportunities, the Venice Community Plan discusses the need for the “Preservation of residential neighborhoods and provisions of more affordable housing” (Page I-2). This project achieves both of these goals simultaneously, as it will create 75 new dwelling units without demolishing any existing units. Furthermore, not only is this project generate new dwelling units on a site currently developed with a manufacturing use, it will also set aside ten percent of these for very low-income owners.

Policy 1-2.2: “The Plan permits mixed-used or residential only development in commercial zones”. Obviously, this mixed-use project responds to this policy by developing residential uses in a commercial zone.

Objective 1-4: “to promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.” With inclusion of 10% of its units at a level affordable to very low-income homeowners, the proposed project increases the number and accessibility of affordable units in the area. These units will also be new units that are constructed to current building code specifications, thus creating a quality living environment for all of the future residents.

Policy 1-4.2: “Ensure that new housing opportunities minimize displacement of residents”. Since this site currently contains a manufacturing use there will be no displacement of existing residents.

### HOUSING ELEMENT

The Housing Element outlines a critical lack of housing opportunities. According to the Housing Element “Population increases in all planning areas within the West Los Angeles Subregion result in that subregion growing more than any other in the City” (Page 3-31). It indicates that the City must generate approximately 60,280 dwelling units over a seven year period starting in 1998 and ending 2005. This equates to approximately 8,600 units per year and approximately 400 units per year in the West Los Angeles sub region. Of these units, 47% need to be constructed for residents in the “Low and Very Low” income category. According to the report by the City Council’s Housing Crisis Task Force, *Recommendations to Facilitate Housing Production (September 2000)*, there is a downward trend in terms of housing production (3,140 fewer units were built in 2000 than in 1999). As a result, actual dwelling unit production is no where close to these numbers.

While this project will not eliminate the housing shortage in the City, it is consistent with the goal of the City’s Housing Element to generate more housing as it will produce 75 units, 10% of which set aside for low income residents.

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## ADJUSTMENT FINDINGS

### 1. **That the granting of such adjustment will result in development compatible and consistent with the surrounding uses.**

The granting of the requested adjustments will result in development consistent with the surrounding uses.

Few, if any projects in the area were designed to accommodate two zoning designations resulting in three front yards. Usually, a project is required to provide one front yard, two side yards, and one rear yard. This is the typical configuration for all projects located in the area. In this case, due to the configuration of the lots and the dual zoning on the subject property, the Building and Safety Department has determined that the subject site has three front yards (located along the RD1.5 portions of Rennie Avenue and 5<sup>th</sup> Street and along the Rose Avenue frontage).

The project's design includes one front yard, two side yards and one rear yard. After discussions with the Building and Safety Department and the Department of City Planning, it was decided that the project would front on Rose Avenue with side yards along Rennie Avenue and 5<sup>th</sup> Street and a rear yard abutting the site's southern neighbor. The applicant is requesting approval to construct a building with a zero-foot front yard (typical to commercial developments fronting on Rose Avenue), a zero-foot side yard along the R3 portion of the site fronting Rennie Avenue and 5<sup>th</sup> Street (in lieu of the R3 area standards required for C zoned property in the Venice Specific Plan area), a 15-foot rear yard abutting the project's southern neighbors, a six-foot side yard along the RD1.5-1 portion of the site (required by 3 story buildings), and a 15-foot rear yard (which is more than double the yard required for lots in the RD1.5 zone if they were to be developed individually).

The Zoning code also requires setbacks for the zone boundary lines, which generates an unnecessary hardship for the applicant. This requirement would create a disjointed site plan with breaks in the building massing effectively reducing the functionality of the development. The applicant is looking to develop one uniformed project over the entire site and requests permission to deviate from the requirement to provide yards from the zone boundaries.

No other sites in the area are burdened with dual zoning and the impacts it creates. The applicant is simply requesting permission to develop the subject site in a configuration consistent with other properties in the surrounding area. With yards typical to those of its neighbors, the proposed project, once completed, will be compatible with the surrounding developments.

### 2. **That the granting of such adjustment will be in conformance with the intent and purpose of the General Plan.**

The General Plan will not be adversely affected by the granting of this adjustment. In fact, this project promotes many of the goals and policies of the General Plan. In addition to eliminating a permitted non-conforming use, the project is consistent with various elements of the General Plan, including the Local Coastal Plan ("LCP"), Venice Community Plan and the Housing Element.

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### Non-Conforming use

The elimination of a non-conforming use at the site will create consistency with the General Plan. Although the Bakery's manufacturing use predates the vast majority of the neighboring uses, the manufacturing use is no longer consistent with the area's zoning designations (RD1.5 & C4). The General Plan aims to create a logical pattern of uses based on their compatibility with one another. Approving this project will promote this goal.

In certain situations manufacturing and residential uses can be co-mingled, as evidenced by the proliferation of A.I.R. units in the City's M zones via the Conditional Use process. However, the Venice area, with its higher living costs, dated structures and lack of distribution centers is not an ideal location for large manufacturing uses. The community will benefit from the elimination of the Bakery's 18-wheel supply trucks that are forced to navigate, on a daily basis, through the narrow streets typical of the Venice Area. As a legal non-conforming use, the manufacturing use could remain in operation for years; this project present the Venice community with the opportunity to eliminate an incompatible non-conforming use while creating urgently needed homeownership opportunities and promoting the zoning pattern intended by the General Plan.

### Local Coastal Plan

Policy I.B.2. of the LCP specifically encourages "mixed use residential commercial" uses in all areas designated on the Land Use Policy Map for commercial use. One of the benefits acknowledged in the LCP is that mixed use development generates less traffic and increases the potential for pedestrian activity. As mentioned in previous Findings, the project will substantially reduce the potential traffic that would be generated by this site if it were to be developed as a purely commercial project. Also, this project proposes to keep its existing neighborhood serving commercial use and add outdoor dining, both of which will promote pedestrian activity in the area.

Policy V.A.5. of the LCP promotes the creation and maintenance of streetscapes that "enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors". This project, which will redevelop a site that stretches an entire City block (from 5<sup>th</sup> Street to Rennie Avenue), will provide the perfect opportunity to implement such a streetscape, thereby enhancing the visual image of Rose Avenue, which in turn will enhance the quality of life in the area.

### Venice Community Plan

Under Community Issues and Opportunities, the Venice Community Plan discusses the need for the "Preservation of residential neighborhoods and provisions of more affordable housing" (Page I-2). This project achieves both of these goals simultaneously, as it will create 75 new dwelling units without demolishing any existing units. Furthermore, in addition to generating new dwelling units on a site currently developed with a manufacturing use, this project will also set aside ten percent of them for very low-income owners.

Policy 1-2.2: "The Plan permits mixed-used or residential only development in commercial zones". This mixed-use project as proposed responds to this policy by developing residential uses in a commercial zone.

Objective 1-4: “to promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.” With the inclusion of 10% of its units at a level affordable to very low-income homeowners, the proposed project increases the number and accessibility of affordable units in the area. These units will also be new units that are constructed to current building code specifications, thus creating a quality living environment for all of the future residents.

Policy 1-4.2: “Ensure that new housing opportunities minimize displacement of residents.” Since this site currently contains a manufacturing use, there will be no displacement of existing residents.

### HOUSING ELEMENT

The Housing Element outlines a critical lack of housing. According to the Housing Element, “Population increases in all planning areas within the West Los Angeles Subregion result in that subregion growing more than any other in the City” (Page 3-31). It indicates that the City must generate approximately 60,280 dwelling units over a seven year period starting in 1998 and ending 2005. This equates to approximately 8,600 units per year and approximately 400 units per year in the West Los Angeles subregion. Of these units, 47% need to be constructed for residents in the “Low and Very Low” income category. According to the report by the City Council’s Housing Crisis Task Force, *Recommendations to Facilitate Housing Production (September 2000)*, there is a downward trend in terms of housing production (3,140 fewer units were built in 2000 than in 1999). As a result, actual dwelling unit production is no where close to these numbers. While this project will not eliminate the housing shortage in the City, it is consistent with the goal of the City’s Housing Element to generate more housing as it will produce 75 units, 10% of which set aside for low income residents.

### **3. That the granting of an adjustment is in conformance with the spirit and intent of the Zoning Ordinance of the City.**

Granting the requested adjustment is in conformance with the spirit and intent of the Zoning Code. The intent of the Zoning Code is to provide for orderly development throughout the City. The proposed project is consistent with the uses permitted in the zone, a majority of the development standards imposed by the zoning code and the existing development of the area.

### **Yard Adjustments**

The requested yard reductions in the C4 (R3) and the RD1.5 zones are consistent with the Zoning Code. Yards are required in order to protect adjacent buildings from encroachment by new projects and to maintain existing buildings’ access to light and air. This project will include a six-foot, well-landscaped yard adjacent to public streets 50 feet wide. This equates to a minimum of a 56-foot buffer from the proposed building to the closest property line, and even farther to the closest building. This buffer is more than sufficiently wide enough to protect the adjacent property’s access to light and air.

The intent of the Code is not to create a project site with three front yards; however, due to the dual zoning of this project site, without the requested adjustments, this would be the case

on the subject site. The requested adjustments will create yards appropriate for a mixed-use development in this area. The requested six-foot yard is consistent with a residential project of this height in the R3-1 zone.

The requested yard adjustment in the C4-1 zone portion of the project is consistent with development in the commercial areas fronting Venice Boulevard. For example, the development located directly north of the site, across Rose Avenue, has a two-story mixed-use structure built to the property line. Similarly, by bringing the ground floor commercial and/or Joint Live/Work units to the property line, the project will enhance the pedestrian feel of the project and the area, allowing pedestrians a glimpse into an active building as they pass by the site.

Finally, the project will provide a 15-foot yard abutting the site's southern neighbor, which is more than double that which would be required if the RD1.5 lots were developed separately.

#### **General Project Consistency**

Both the C4-1 zone and the RD1.5-1 zone permit the construction of residential uses on the site. As designed, the project meets the parking, density, floor area and open space requirements of the Zoning Code. The requested variances (previously discussed) are in the spirit and intent of the Zoning Code. The density and floor area averaging simply permit the applicant to re-allocate the density over the entire site without increasing the project density. The approval of these adjustments will result in a project that is consistent with the General Plan in that it will have one front yard, two side yards and one rear yard.

For the reasons specified above, the approval of the requested adjustments is in the spirit of the Zoning Code.

#### **4. That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

No adverse impacts will be created from the granting of the requested adjustments. The adjustments required for the C4 zoned portion of the property will generate a development consistent with other commercial projects in the area. A reduced setback in the RD1.5 zone will allow for the construction of a project with one front yard, two side yards and one rear yard. Any impact resulting from the elimination of yards from the zone boundary will be unperceivable by the surrounding community.

All of the buildings currently constructed in the surrounding commercial zones are built to the property line. For example, the two-story building located directly across Rose Avenue is developed to the property line with what appears to be a residential use located above commercial space. Historically, commercial streets have been developed with buildings built to the property line in order to promote pedestrian friendliness of the street. With its architectural detail and large courtyard with potential for outdoor dining, the project will create an inviting and pedestrian friendly environment. Thus, the approval of this request will allow for a development that is consistent with the surrounding community.

The reduced yards in the RD1.5 zone will allow the project to maintain one front yard, two side yards and one rear yard as is typical of all development in the City. It is important to note that the reduced yard areas abut public streets, not other residential uses. Consequently, the impact of the buildings closer proximity to the property line is felt by the

public street, not an adjacent neighbor. The reduction in yard area will be mitigated via a well-designed landscape plan.

That yards be provided between zone boundaries is an obscure regulation that is not intended for a dual zoned site such as this. If strictly enforced, this regulation it would prohibit every dual zoned site from being designed with a uniformed development that achieves its development potential. It is quite likely that the impacts of this requirement would reduce the scale of the project to a level where the sites redevelopment becomes infeasible. Due to the severe housing crisis in the City, impediments to housing production, such as this one, needs to be analyzed very carefully. What benefit is actually provided to the community by this requirement? If the site is not redeveloped, the Community will be left with a non-conforming use that generates large parking and traffic impacts on the surrounding community (due to the supply and distribution trucks), and buildings that do not promote the pedestrian activity desired by the community.

As discussed above, there are limited impacts to the Community from the granting of this request. Conversely, the adjustments will permit a project that will improve the quality of the surrounding area.

**5. That the site or existing improvements make strict adherence to zoning regulations impractical or infeasible.**

The configuration of the site makes strict adherence to zoning regulations impractical. It is impractical to have a project site with three front yards. The granting of these adjustment requests will allow for a uniformed development that is consistent with other developments in the area.

This site fronts on three streets creating a situation where the project is required to provide three front yards. Historically, the lots fronting Rose Avenue have had front yards facing Rose Avenue, while the RD1.5 zoned lots have had front yards facing either Rennie Avenue or 5<sup>th</sup> Street. Unfortunately, the Code considers the RD1.5 lots to be “through lots” and requires them to maintain their existing front yards facing either Rennie Avenue or 5<sup>th</sup> Street. However, this project as proposed is designed to have one front yard on Rose Avenue, two side yards on Rennie Avenue and 5<sup>th</sup> Street and one rear yard abutting neighbors to the south. It is not practical for the project to provide three front yards.

The Code also requires yards or setbacks from zone boundaries, which is also infeasible for a site that contains dual zoning. If the project met this requirement it would require building separations on both sides of the zone boundary. Not only would this impact the number of market rate and affordable units on the site, it would also upset the uniformed nature of the project. Historically, the site has had one use over the entire property that created a uniform development. When the current dual zoning was imposed on the site, this fact was never considered. If it had been, the site would have been granted a single zoning designation that in turn would have eliminated the need for this request. A dual zoning designation is clearly inappropriate for this site. Therefore, setbacks for zone boundaries are impractical.

Finally, it is impractical to strictly adhere to Code regulations when there is a housing crisis. Denial of this approval would reduce the width of the project site, affecting the square footage of the units and the amount of open space provided in the courtyards. The need for new housing in this area is stressed in the Housing Element. Equally important is the need to

construct high quality multi-family housing with a practical amount of floor area and open space. The approval of these adjustments will permit the construction of urgently needed, comfortable, ownership housing units without having a negative impact on the community.

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## Commercial Corner Findings

- a) **Describe briefly the type of use and improvement proposed. State whether new buildings are to be constructed, existing buildings are to be used or additions made to the existing buildings.**

The proposed project, "The Pioneer Bakery Building" is a mixed-use development featuring 75 residential condominiums, including five Joint Live/Work, and approximately 5,179 square feet of ground floor restaurant space. The project will provide low-income units along with market rate units.

The Pioneer Bakery Building is designed after the original bakery (once located on this site) where the Garacochea family originally lived and worked in when they first came to this country over 100 years ago. The Garacochea Family intends to continue to operate a retail bakery in the commercial portion of the project so that they can continue the tradition of serving the community, as they have for nearly 100 years.

All of the site's existing buildings will be demolished. The commercial space and Joint Live/Work condominium units will front on Rose Avenue with the bulk of the residential condominiums surrounding two large internal courtyards. The maximum building height will be 40 feet. Below grade there will be two levels of subterranean parking with 247 spaces dedicated to the commercial and residential uses proposed.

- b) **Why does the applicant believe the location of the use in question on the particular property will be desirable to the public convenience and welfare, proper in relation to the adjacent uses or the development of the community, in harmony with the various elements and objectives of the Master Plan and will not be detrimental to the character of development in the immediate neighborhood?**

The proposed project will be desirable to the public convenience and welfare because it replaces a non-conforming use with a residential project that not only provides ownership opportunities, but also generates affordable units. The proposed project is compatible with various elements of the General Plan as well as the character of development in the immediate area.

The existing manufacturing use at the site is no longer consistent with the character of development in the area. Its existing facilities do not provide adequate parking or loading that meet the current needs of the business. Currently, the majority of the employees that operate the facility, 24/7, are forced to find parking on the adjacent streets. While this is not illegal, it does generate an impact on the surrounding community. The proposed project will provide sufficient parking for its residents, their guests, the commercial employees and its patrons. This generates a public benefit by freeing up a substantial amount of on-street parking in the area.

Additionally, the creation of new home ownership opportunities in Venice without eliminating existing units is another public benefit. According to the Housing Element "Population increases in all planning areas within the West Los Angeles Subregion result in that subregion growing more than any other in the City" (Page 3-31). It indicates that the City must generate approximately 60,280 dwelling units over a seven year period starting in 1998 and ending 2005. This equates to approximately 8,600 units per year and approximately 400

units per year in the West Los Angeles sub region. Of these units, 47% need to be constructed for residents in the “Low and Very Low” income category. According to the report by the City Council’s Housing Crisis Task Force, *Recommendations to Facilitate Housing Production (September 2000)*, there is a downward trend in terms of housing production (3,140 fewer units were built in 2000 than in 1999). As a result, actual dwelling unit production is no where close to these numbers. This project is a step in the right direction.

For the reasons listed in Finding H of this application, this proposed project is consistent with the intent of the General Plan. The proposed mixed-use project is compatible with the commercial and residential zones that surround the project site.

**c) Describe how the proposed use and improvements are to be designed and arranged to fit into the development of adjacent property and the neighborhood.**

The residential use and the architectural style of the proposed project will be compatible with the surrounding neighborhood. As illustrated in the aerial photos, the majority of the uses adjacent to the site are multi-family or commercial uses. This project is a mixed-use project that combines both types of uses. The proposed use is consistent with the adjacent residential uses in the area, while the project design will create an architecturally interesting building.

All of the properties south of the site are zoned RD1.5 and are developed with multi-family developments. The existing structures range from one to three stories and include no less than four residential units, in some cases many more. As development standards have become more stringent with time, the proposed project will include more open space and parking than these adjacent projects

Communities always perceive an impact from the construction of new projects. The project design will include architectural treatments mitigating the impacts associated with new development on the community. The inclusion of simple design features and landscaping will permit the construction of a high-quality, aesthetically interesting project, thereby mitigating the potential impacts on the community. The building facade will include architectural breaks, courtyards and a variety of materials and colors that will reduce the mass of the building. A well planned landscape buffer in the project’s yard areas will also break up the mass of the building.

**d) Are you going to develop any of the following?**

	YES/NO
A drive-thru fast food establishment	No
A business open any time between 11 p.m. and 7 a.m.	Yes
A multi-residential use	Yes
An Amusement enterprise as enumerated in Section 12.14 A 3 of the Los Angeles Municipal Code?	No
An automobile laundry or washrack	No
A commercial swimming pool	No

The depositing of recyclable materials as set forth in Sec 12.14 A 11 of the Los Angeles Municipal Code	No
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**e) How many parking spaces are being provided?**

Type of Space	Total by Type
Handicap	Per Code
Compact	Per Code
Standard	Per Code
Total	247

**f) What is the height? 40 feet maximum Number of stories? 3 stories**

**g) Why is the Project properly located in relation to adjacent uses and the development of the community?**

This mixed use project is in proper relation to adjacent residential and commercial uses because it is a combination of those uses; it provides housing units; it generates less traffic; and it eliminates a non-conforming use from the neighborhood.

This project is a combination of commercial and residential uses, both of which predominate the area. Rose Avenue is a commercial corridor, home to a variety of commercial uses as well as second story residential units. The surrounding properties, which do not front on Rose Avenue, are all zoned for and developed with residential uses. Consequently, this is proposal is a perfect fit for this location.

As discussed in previous Findings, there is a critical need to develop new residential units in order to keep pace with population demand. This project will create a substantial number of units without demolishing any existing units, which as previously discussed is very unique for Los Angeles and the Venice area.

The traffic generated by the mixed-use nature of the project is another reason why the project is in proper relation to the community. This use generates substantially less trips than the vast majority of the permitted uses within the subject zones. With high levels of traffic congestion impacting the area, this is very important to the community.

Finally, the approval of this project eliminates a manufacturing use from a commercial and residential area. While the manufacturing use operates in an efficient and neighborhood-friendly manner, it is out-of-place with the current nature of the area development. In terms of its operation and adjacency to the Venice area, this site no longer is ideal for the manufacturing use. The elimination of the use and the redevelopment of the site with a mixed use project will significantly benefit the surrounding community.

**h) Why is the Project proper in relation to the various elements of the General Plan including any applicable specific plans? Does the project conform to any applicable specific plans?**

The General Plan will not be adversely affected by the granting of this adjustment. In fact, this project promotes many of the goals and policies of the General Plan. In addition to eliminating a permitted non-conforming use, the project is consistent with various elements of the General Plan, including the Local Coastal Plan ("LCP"), Venice Community Plan and the Housing Element.

#### Non-Conforming use

The elimination of a non-conforming use at the site will create consistency with the General Plan. Although the Bakery's manufacturing use predates the vast majority of the neighboring uses, the manufacturing use is no longer consistent with the area's zoning designations (RD1.5 & C4). The General Plan aims to create a logical pattern of uses based on their compatibility with one another. Approving this project will promote this goal.

In certain situations manufacturing and residential uses can be co-mingled, as evidenced by the proliferation of A.I.R. units in the City's M zones via the Conditional Use process. However, the Venice area, with its higher living costs, dated structures and lack of distribution centers is not an ideal location for large manufacturing uses. The community will benefit from the elimination of the Bakery's 18-wheel supply trucks that are forced to navigate, on a daily basis, through the narrow streets typical of the Venice Area. As a legal non-conforming use, the manufacturing use could remain in operation for years; this project present the Venice community with the opportunity to eliminate an incompatible non-conforming use while creating urgently needed homeownership opportunities and promoting the zoning pattern intended by the General Plan.

#### Local Coastal Plan

Policy I.B.2. of the LCP specifically encourages "mixed use residential commercial" uses in all areas designated on the Land Use Policy Map for commercial use. One of the benefits acknowledged in the LCP is that mixed use development generates less traffic and increases the potential for pedestrian activity. As mentioned in previous Findings, the project will substantially reduce the potential traffic that would be generated by this site if it were to be developed as a purely commercial project. Also, this project proposes to keep its existing neighborhood serving commercial use and add outdoor dining, both of which will promote pedestrian activity in the area.

Policy V.A.5. of the LCP promotes the creation and maintenance of streetscapes that "enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors". This project, which will redevelop a site that stretches an entire City block (from 5<sup>th</sup> Street to Rennie Avenue), will provide the perfect opportunity to implement such a streetscape, thereby enhancing the visual image of Rose Avenue, which in turn will enhance the quality of life in the area.

#### Venice Community Plan

Under Community Issues and Opportunities, the Venice Community Plan discusses the need for the "Preservation of residential neighborhoods and provisions of more affordable housing" (Page I-2). This project achieves both of these goals simultaneously, as it will create 75 new dwelling units without demolishing any existing units. Furthermore, in addition to generating new dwelling units on a site currently developed with a manufacturing use, this project will also set aside ten percent of them for very low-income owners.

Policy 1-2.2: “The Plan permits mixed-used or residential only development in commercial zones”. This mixed-use project as proposed responds to this policy by developing residential uses in a commercial zone.

Objective 1-4: “to promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.” With the inclusion of 10% of its units at a level affordable to very low-income homeowners, the proposed project increases the number and accessibility of affordable units in the area. These units will also be new units that are constructed to current building code specifications, thus creating a quality living environment for all of the future residents.

Policy 1-4.2: “Ensure that new housing opportunities minimize displacement of residents.” Since this site currently contains a manufacturing use, there will be no displacement of existing residents.

### HOUSING ELEMENT

The Housing Element outlines a critical lack of housing. According to the Housing Element, “Population increases in all planning areas within the West Los Angeles Subregion result in that subregion growing more than any other in the City” (Page 3-31). It indicates that the City must generate approximately 60,280 dwelling units over a seven year period starting in 1998 and ending 2005. This equates to approximately 8,600 units per year and approximately 400 units per year in the West Los Angeles subregion. Of these units, 47% need to be constructed for residents in the “Low and Very Low” income category. According to the report by the City Council’s Housing Crisis Task Force, *Recommendations to Facilitate Housing Production (September 2000)*, there is a downward trend in terms of housing production (3,140 fewer units were built in 2000 than in 1999). As a result, actual dwelling unit production is no where close to these numbers. While this project will not eliminate the housing shortage in the City, it is consistent with the goal of the City’s Housing Element to generate more housing as it will produce 75 units, 10% of which set aside for low income residents.

For the reasons listed above, the project is consistent with the General Plan.

**i. Why will the Project not be materially detrimental to the character of the development in the immediate neighborhood?**

Granting the requested exceptions will not be materially detrimental to the character of the development in the immediate neighborhood. This well-designed and integrated project is massed on the large site such that the surrounding community members will be unaware of the scale of the project. The community will benefit from this particular project because it will generate substantially less traffic than the vast majority of other uses permitted on the site. Additionally, the community will see an increase in street parking as a result of the site’s redevelopment because adequate onsite parking will be provided for the proposed uses.

### Design

The granting of these requests will permit the applicant to construct a well-designed and functional mixed-use project that is sensitive to its surrounding community. The blending, or reallocation, of the site’s density and floor area over the entire site will allow the permitted

density and floor area to be evenly distributed over the property without focusing it all in one area.

The impact of the additional height requested is limited due to the three streets bordering the site and the massing of the architectural design. Because the site is so large, three streets border the subject property: Rose Avenue, Rennie Avenue and 5th Avenue. As mentioned before, this is a unique characteristic as compared to other development sites in the area, which are typically bordered by two or three other lots, not streets. The value of this is that each of these streets (each at least 50 feet wide) provides a buffer to the adjacent neighbors and nearby community members.

The site's massing also helps to mitigate any potential impacts from the project. The majority of the units are in three buildings running north/south that have two courtyards separating them from each other. As depicted in the attached site plan, these courtyards break up the mass of the project so that only approximately 60% of the southern portion of the site is built up while the rest of the site is left open with courtyard or open space. The project's frontage along Rose Avenue also contains a large courtyard that not only breaks up the mass of the building, but also provides the potential for outdoor seating.

### Traffic Generation

By right, the C4 portion of the site could be developed with approximately 44,845 square feet of retail/office space or 21,636 square feet of retail space. A mixed-use project at this site not only limits the commercial intensification of the area, it also generates substantially less traffic than a straight residential project. To illustrate this benefit, the project's traffic consultant, Crain & Associates, has provided the following trip generation comparison for traditional commercial uses on the C4 portion of the site and a mixed-use project over the entire site:

<b>Use</b>	<b>Lot area and Floor area</b>	<b>Trips generated</b>
50% Office / 50% Retail	Lot area = 44,845 SF Floor area = 44,845 FAR of 1 to 1	2,957 daily trips, including 119 AM peak hour trips, and 269 PM peak hour trips.
Retail	Lot area = 44,845 SF Floor Area = 21,636 FAR of .5 to 1	2,547 daily trips, including 64 AM peak hour trips, and 208 PM peak hour trips
Mixed Use (75 units and 5100 SF of commercial)	Lot area = 61,980 SF Floor Area = 103,000 FAR of 1.7 to 1	1,321 daily trips, with 69 AM trips and 99 PM trips

As designed, the project creates a win-win solution for the applicant, the community and the City. The Community gains a well-designed, architecturally interesting project of which the residential character is more in keeping with the neighborhood, maintains an established family business in the area, and, at the same time, generates substantially fewer trips than the vast majority of the alternatives. The City gains 75 new units, some of which are affordable, without the loss of existing units and removes a permitted non-conforming manufacturing use from what is now a commercial and residential area.

On-Street Parking

The Bakery, an existing manufacturing use, has existed on the site for decades. These buildings were designed and built prior to the need for parking regulations. Consequently, the current use supplies limited parking for its employees. Employees, who work 24/7, are forced to park off-site on the surrounding surface streets. The redevelopment of this site, with a building providing parking at current code level, will be a huge public benefit to this parking impacted area.

For the reasons listed above, the approval of this project will not be injurious to the public, but rather, will provided the community with a use substantially more compatible with the surrounding area on a site more than adequate to sustain it.

- j. List all of the uses to be included in the development and their square footages and the percentage of the total development to be occupied by each:**

Use	Square Footage	Percentage
Residential	Approximately 103,000	95%
Commercial	Approximately 5,100	5%
Total	108,100	100%

- k. Describe any security measures that will be taken to prevent loitering, theft, vandalism, etc:**

Lighting, security gates and locking doors will help secure the site from loitering, theft and vandalism. The homeownership/residential component of the project will ensure that there are many eyes with a vested interest in protecting the property watching the site.

- l. For drive-through fast food establishments submit plans showing points of ingress and egress, the location of speakers, driveways and queuing lanes?**

Does not apply

- m. For all applications the following items shall be delineated on plans in accordance with the applicable Zoning Code Section:**

- 1) Exterior Walls
- 2) Lighting Plans
- 3) Landscaped and irrigation areas in the parking area
- 4) Location of trash storage area(s)
- 5) Location of other storage area(s)
- 6) Parking layout indicating striping, landscaping, and driveways

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## SITE PLAN REVIEW FINDINGS

1) **That the project complies with all applicable provisions of the Los Angeles Municipal Code, Planning and Zoning Section and any specific plan.**

The project complies with the majority of the zoning provisions imposed by the Los Angeles Municipal Code and the Venice Specific Plan. In the instances where the project can not achieve the requirements, it will request deviations in accordance with the rules of the LAMC and the Venice Specific Plan.

2) **That the project is consistent with the General Plan**

The General Plan will not be adversely affected by the granting of this adjustment. In fact, this project promotes many of the goals and policies of the General Plan. In addition to eliminating a permitted non-conforming use, the project is consistent with various elements of the General Plan, including the Local Coastal Plan ("LCP"), Venice Community Plan and the Housing Element.

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### **3) That the project is consistent with any applicable adopted redevelopment plan**

This site does not fall with in any redevelopment plan area.

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- 4) **That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, load areas, lighting, landscaping trash collections, and other such pertinent improvements, which is or will be compatible with existing and future developments, which is or will be compatible with existing and future development on the neighboring properties.**

The project is designed to be compatible with the existing and future development of neighboring properties. The Rose Avenue frontage will include a well-designed facade resembling the mixed-use project associated with turn of the century town square mixed-use developments. The ground floor will either be commercial space or joint live/work quarters that appear to be commercial space. The second and third floors will contain residential uses in a building design that includes articulations similar to the original building built over 100 years ago for the applicant's family business. The buildings on the southern side of the site will be of a similar height and scale as the building located directly south of the site. All of the buildings setbacks will be consistent with other development in the area. The C4 areas will be built to the property lines while the RD1.5 yards will be consistent with the requirements of its zone. Parking will be provided in the area that achieves the most current parking standards providing ample on-site parking for the use.

- 5) **That the project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA.**

The project will fully comply with the terms and conditions imposed by City's CEQA review of the project.

- 6) **That any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and services in order to improve habitability for the resident and minimize impacts on neighboring properties where appropriate.**

This project includes considerably more open space than required by code. These open spaces are located in two large open courtyards that will be available for active and passive recreation. Equally importantly, this site is within one mile of the ocean which provides additional recreational opportunities.