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**DIRECTOR'S DETERMINATION
COASTAL DEVELOPMENT PERMIT**

September 21, 2017

Owner/Applicant

Martin Meeks
Venice Investors, LLC
24942 Vista Verenda
Woodland Hills, CA 91367

Representative

Chris Parker
Pacific Crest Consultants
23622 Calabasas Road
Suite 100
Calabasas, CA 91302

Case No. DIR-2015-2823-CDP

Related Case: TT-72841-REV

CEQA: ENV-2015-2716-MND

Location: 1656 S. Abbot Kinney Blvd.

Council District: 11 – Bonin

Neighborhood Council: Venice

Community Plan Area: Venice

Land Use Designation: Community Commercial

Zone: C2-1-O-CA

Legal Description: Portions of Lot "DD", Block 24
Arb 1, Venice of America Tract

Last Day to File an Appeal: October 2, 2017

DETERMINATION – Coastal Development Permit

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.20.2, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve a Coastal Development Permit authorizing the Reversion to Acreage of 5,133 square foot of land, located in the single permit jurisdiction area of the Coastal Zone, subject to the attached conditions of approval below,

Adopt Mitigated Negative Declaration ENV-2015-2716-MND as the project's environmental clearance pursuant to the California Environmental Quality Act and Section 21082.1(c)(3) of the California Public Resources Code.

Adopt the Mitigation Monitoring Program for ENV-2015-2716-MND.

Adopt the attached findings.

The project approval is based upon the attached Findings, and subject to the attached Conditions of Approval:

CONDITIONS OF APPROVAL

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. **Parking and Access.** All existing nine (9) parking spaces shall be maintained. Vehicular access will be granted via existing driveways from Abbot Kinney Boulevard and Venice Boulevard.
4. No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with.
5. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
6. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
7. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
8. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.
9. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
10. Prior to the issuance of any permits, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
11. **Flooding/Tidal Waves.** Compliance is required with the Flood Hazard Management Specific Plan, Ordinance No. 172,081.

12. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall be consistent with the City of Los Angeles Venice Boulevard Planting Plan.
13. This approval is tied to Case No. TT-72841-REV. The applicant shall comply with all conditions of approval for Case No. TT-72841-REV.

Administrative Conditions

14. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
15. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
16. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
17. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
18. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
19. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
20. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) *Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.*

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

BACKGROUND

The subject site is a level, irregular-shaped corner parcel of land, having frontages of approximately 80 feet on the southwest side of Abbot Kinney Boulevard and 96 feet on the northwest side of Venice Boulevard. The site contains approximately 10,237 net square feet in the C2-1-O-CA Zone. The site is located within the Los Angeles Coastal Transportation Corridor Specific Plan, the Venice Coastal Zone Specific Plan (North Venice subarea), a Calvo Exclusion area, and within the single permit jurisdiction area of the California Coastal Zone. The property is also located within a methane buffer zone, liquefaction zone, and tsunami inundation zone. Per Federal Emergency Management Agency flood map, the property is located within the 500-year flood plain in Zone X, with 0.2 percent annual chance of flooding. The site is approximately 5.29 kilometers from the Santa Monica Fault.

The subject parcel is currently improved with a two-story commercial building with nine (9) at-grade parking spaces. Vehicular access is provided via existing driveways on Abbot Kinney Boulevard and Venice Boulevard. There are two (2) existing motorized driveway gates and trash enclosure on the site. There are seventeen (17) existing trees located on and near the subject parcel, including two Western Sycamore, a protected species per City of Los Angeles Protected Tree Ordinance. Ten (10) of the existing trees are located within the proposed area to be reverted. Seven (7) existing trees are located at the corner of Abbot Kinney and Venice Boulevard as well as within the public right-of-way. A revised certified arborist report by James Dean dated March 30, 2017 was submitted by the applicant on March 30, 2017. The applicant is not proposing to remove any trees for the proposed Reversion to Acreage. Surrounding properties to the south and east are zoned OS-1XL-O and are developed with parkland. Surrounding properties to the west are zoned C2-1-O-CA and RD1.5-1-O and are developed with commercial uses, and single-family and multi-family residential uses, respectively.

Abbot Kinney Boulevard is a designated Avenue III dedicated to a variable width and improved with asphalt pavement, concrete gutter, curb and sidewalk.

Venice Boulevard is a designated Boulevard II dedicated to a variable width and improved with asphalt pavement, concrete gutter, curb and sidewalk.

The proposed project does not involve increasing the number of parking spaces or other development. The current request is for site and landscape maintenance and improvements including: 1) Install "living fence", a decorative fence with a maximum height of 3.5 feet made of a combination of metal posts and chain-link hedge boxes covered with butterfly-attracting bougainvillea functioning as a fence that also supports habitat, along the property fronting Venice Boulevard; 2) Refinish approximately 703 square feet of decorative concrete access driveway from Venice Boulevard, and install approximately 740 square feet of new decorative concrete adjoining the existing driveway; 3) Install a custom swinging gate adjoining the existing driveway from Venice Boulevard; and 4) Plant new landscaping consistent with the City of Los Angeles Venice Boulevard Planting Plan.

Previous related actions on the site:

July 1, 1974 - California Coastal Commission approved Coastal Development Permit (CDP) 74-3323 for the construction of the existing two-story office building with nine (9) on-site parking spaces.

September 13, 1990 - California Coastal Commission approved CDP 5-90-664 for public works project – addressed primarily the issue of the preservation of the public parking within the Venice Boulevard right-of-way (both within the median and along the sides of the right-of-way). Commission's approval of the CDP did not include a comprehensive landscape plan for the entire Venice Boulevard right-of-way.

June 11, 2002 - City of Los Angeles filed Vacation No. VAC-E1400779 to vacate a portion of the northwesterly side of Venice Boulevard from Abbot Kinney Boulevard to approximately 96 feet southwesterly thereof and a portion of the southwesterly side of Abbot Kinney Boulevard from North Venice Boulevard to approximately 133 feet northwesterly thereof.

October 18, 2002 – Los Angeles City Council approved the street vacation, finding that the area to be vacated not needed for present or prospective public use (Street Vacation File No. VAC-E1400779-Council File No. 01-2183). City Council's action did not include a local CDP approval.

October 2, 2003 - California Coastal Commission asserted jurisdiction over the Vacation, deeming it a "development" under the Coastal Act and therefore requiring a Coastal Development Permit. A Coastal Development Permit was filed (CDP No. 04-01) and on May 2, 2005, the Bureau of Engineering issued a Notice of Decision approving CDP No. 04-01 and approved the Vacation.

December 17, 2004 - City of Los Angeles Bureau of Engineering (Public Works Department) held a public hearing for local CDP No. 04-01 to approve the City's proposed vacation.

May 2, 2005 - City of Los Angeles Bureau of Engineering issued a Notice of Decision approving local CDP No. 04-01 and incorporated the conditions into the City Council's 2002 approval of the vacation.

June 27, 2005 - City of Los Angeles Board of Public Works denied the appeal and upheld the approval of local CDP No. 04-01.

August 9, 2005 - California Coastal Commission determined that a substantial issue exists with the City's approval of the local CDP for the proposed right-of-way vacation because it could adversely affect coastal resources and public access to the shoreline along North Venice Boulevard.

January 11, 2006 - California Coastal Commission denied a City of Los Angeles CDP Application (A-5-VEN-05-259) and CDP Application 5-05-343. The Commission rejected the applicant's paved parking lot with landscape plan and determined it to be inconsistent with the preferred City planting plan. Commission found that the City landscape plan conformed more closely with the Coastal Act policies that address visual resources and public access in that the additional landscaping of the right-of-way area (instead of pavement) would substantially improve aesthetics and coastal access along North Venice Boulevard (major access route).

Public Hearing

A public hearing was held on October 22, 2015 at City Hall (200 N. Spring Street) at 9:30 A.M. The applicant's representative (Chris Parker), project engineer (Jim Faul), two members of the public, and a representative from Council District 11 were in attendance. The applicant's representative provided a brief overview of the project and requested actions. The representative stated that the project was presented to the Land Use and Planning Committee and the full Venice Neighborhood Council. Members of the public spoke in opposition to the proposed project. The comments are summarized as below:

James Murez (community member)

- subject property designated as landscape property
- property owner has cut down trees and installed trash enclosures
- property owner removed no parking sign and is using it for private parking
- property owner redesigned building and now new landscape is extending into the parking lot by 8-10 feet
- LADOT proposed putting bike share at the corner directly opposite of the project site
- land has always been an easement for roadway

Robert Aronson (community member)

- applicant is taking away public property
- subject property being used for landscaping of a primary road
- property is public land and should be used for public purpose

The record was kept open for two weeks (ending November 5, 2015) to allow additional comments and information to be submitted for consideration.

Correspondence

The Venice Neighborhood Council (VNC) submitted a letter, dated October 21, 2015, recommending denial of the project. Approximately seven emails were submitted by neighbors and residents in opposition to the project, stating the following concerns:

- preservation of parcel as public land
- private property owner seizing public lands
- project will set a precedent for future developments
- land will serve for street widening or right turn lane
- potential commercial development which will impair visibility at the corner intersection
- preservation of open space and existing palm trees

FINDINGS

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative.

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

The subject site is a level, irregular-shaped corner parcel of land, having frontages of approximately 80 feet on the southwest side of Abbot Kinney Boulevard and 96 feet on the northwest side of Venice Boulevard. The site contains approximately 10,237 net square feet in the C2-1-O-CA Zone. The site is located within the Los Angeles Coastal Transportation Corridor Specific Plan, the Venice Coastal Zone Specific Plan (North Venice subarea), a Calvo Exclusion area, and within the single permit jurisdiction area of the California Coastal Zone. It is with a methane buffer zone, liquefaction zone, and tsunami inundation zone. Per Federal Emergency Management Agency flood map, the property is located within the 500-year flood plain in Zone X, with 0.2 percent annual chance of flooding. The site is approximately 5.29 kilometers from the Santa Monica Fault.

The subject parcel is currently improved with a two-story commercial building with nine (9) at-grade parking spaces. The subject property is relatively flat. Per Mobility Plan 2035, Venice Boulevard is a designated Boulevard II and Abbot Kinney Boulevard is a designated Avenue III. No natural land forms will be altered as a result of the proposed Reversion to Acreage. Vehicular access is provided via existing driveways on Abbot Kinney Boulevard and Venice Boulevard. There are seventeen (17) existing trees located on and near the subject parcel, including two Western Sycamore, a protected species per City of Los Angeles Protected Tree Ordinance. Ten (10) of the existing trees are located within the proposed area to be reverted. Seven (7) existing trees are located at the corner of Abbot Kinney and Venice Boulevard as well as within the public right-of-way.

The applicant is requesting a Coastal Development Permit and Tentative Tract Map authorizing the Reversion to Acreage of 5,133 square foot of land. Proposed project involves site and landscape improvements including: 1) Install "living fence", a decorative fence with a maximum height of 3.5 feet made of a combination of metal posts and chain-link hedge boxes covered with butterfly-attracting bougainvillea functioning as a fence that also supports habitat, along the property fronting Venice Boulevard; 2) Refinish approximately 703 square feet of decorative concrete access driveway from Venice Boulevard, and install approximately 740 square feet of new decorative concrete adjoining the existing driveway; 3) Install a custom swinging gate adjoining the existing driveway from Venice Boulevard; and 4) Plant new landscaping consistent with the City of Los Angeles Venice Boulevard Planting Plan. No existing trees are proposed to be removed.

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. Applicable provision are as follows:

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources. The project will revert 5,133 square feet of land to one lot of approximately 10,237 square feet. No excavation and grading is proposed and existing two-story commercial structure and surface parking lot will remain in place. The subject site is not located within an area with known Archaeological or Paleontological Resources. No potential impacts are expected from the proposed Reversion to Acreage and site and landscape improvements.

Section 30250 states that new development shall be located in areas able to accommodate

it, areas with adequate public services, and in areas where such development will not have significant adverse impacts on coastal resources. The proposed project is located at the intersection of Abbot Kinney Boulevard and Venice Boulevard. Surrounding properties are developed with parkland, commercial uses, single-family and multi-family uses. All existing parking spaces will be maintained on-site. Vehicular access will be granted via two existing driveways from Abbot Kinney Boulevard and Venice Boulevard, respectively. No new development or structures are proposed to be erected. The proposed Reversion to Acreage will provide new landscaping compatible with the Venice Planting Plan and site improvements, thus enhancing visual resources as required. As such, the project is located in an existing developed area contiguous with similar uses and will not have a significant adverse impact on coastal resources.

Section 30251 states the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. The subject is relatively flat and no natural land forms will be altered as part of the project. The project proposes the Reversion to Acreage with site and landscape improvements. Proposed improvements include: 1) Install "living fence", a decorative fence with a maximum height of 3.5 feet made of a combination of metal posts and chain-link hedge boxes covered with butterfly-attracting bougainvillea functioning as a fence that also supports habitat, along the property fronting Venice Boulevard; 2) Refinish approximately 703 square feet of decorative concrete access driveway from Venice Boulevard, and install approximately 740 square feet of new decorative concrete adjoining the existing driveway; 3) Install a custom swinging gate adjoining the existing driveway from Venice Boulevard; and 4) Plant new landscaping consistent with the City of Los Angeles Venice Boulevard Planting Plan. There are no designated historic structures on the subject parcel and no existing trees are proposed to be removed.

Section 30252 states that new development should maintain and enhance public access to the coast. The project proposes the Reversion to Acreage of approximately 5,133 square foot of land at the intersection of Abbot Kinney Boulevard and Venice Boulevard. The subject property is not located on a Walk Street per the Specific Plan, nor will the proposed site and landscape improvements obstruct access to the beach. No new structures are being proposed and public access to the coast would not be impacted. Sidewalk and roadways along Venice Boulevard and Abbot Kinney Boulevard will observe standards as required in the Los Angeles Mobility Plan, which is an Element of the Los Angeles General Plan.

Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses. The property is located within a Methane Buffer Zone and approximately 5.29 kilometers from the Santa Monica Fault. As such, the project is subject to compliance with Zoning, Building, and Fire Safety Code requirements that will minimize risks to life and property in geologic and methane hazard areas.

The proposed Reversion to Acreage includes site and landscape improvements on a site currently improved with a two-story commercial structure and surface parking lot. The proposed project would have no significant adverse impacts on public access, recreation, public views, or the marine environment, as the property is located within a developed area and located more than 1000 feet from Venice Beach. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the proposed request, and there are no sensitive habitat

areas, archaeological or paleontological resources identified on the site. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

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

Section 30604(a). Coastal development permit; issuance prior to certification of the local coastal program; finding that development in conformity with public access and public recreation policies; housing opportunities for low and moderate income persons (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

As discussed, the project consists of a Coastal Development Permit to allow the Reversion to Acreage of 5,133 square foot of land with site and landscape improvements. The proposed project does not involve increasing the number of parking spaces or other development. The current request is for site and landscape maintenance and improvements including: 1) Install "living fence", a decorative fence with a maximum height of 3.5 feet made of a combination of metal posts and chain-link hedge boxes covered with butterfly-attracting bougainvillea functioning as a fence that also supports habitat, along the property fronting Venice Boulevard; 2) Refinish approximately 703 square feet of decorative concrete access driveway from Venice Boulevard, and install approximately 740 square feet of new decorative concrete adjoining the existing driveway; 3) Install a custom swinging gate adjoining the existing driveway from Venice Boulevard; and 4) Plant new landscaping consistent with the City of Los Angeles Venice Boulevard Planting Plan. The proposed project is consistent with the following policies of the LUP:

Policy I. C. 9. Public Rights-of-Way. Public rights-of-way in the Venice Coastal Zone shall be reserved for public transportation uses including use by private vehicles, pedestrians and bicyclists. Uses that do not interfere with coastal access, transportation and visual quality may be permitted, subject to a discretionary review by means of a coastal development permit. Vacations of public rights-of-way shall not be permitted in the area between the first public road and the sea, Ballona Lagoon or any canal except for public purposes consistent with all applicable local, state and federal laws.

The City has reviewed the proposed project and concluded that the right-of-way area proposed to be reverted does not currently support public access and recreational opportunities (e.g., public parking). The project site is not identified as a public parking area. The proposed project will not interfere with the public sidewalk that runs along North Venice Boulevard and Abbot Kinney Boulevard. No new curbs are proposed, as the entrance and exit to the private parking area already exist. Therefore, the proposed project would not adversely affect or interfere with public parking, the public sidewalk, or any other existing public access facilities.

Policy V. A. 5. Streetscapes. Streetscape improvements throughout the Venice Coastal Zone shall be maintained and enhanced to enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors. Public and private

developments within the Venice Coastal Zone shall be required to include elements that will contribute to and enhance streetscape improvements in accordance with a Venice Coastal Zone streetscape plan.

The proposed project is located at the intersection of Abbot Kinney Boulevard and Venice Boulevard. No existing trees on-site are being removed and existing public sidewalk trees will not be affected by the proposed project. There are ten (10) existing palm trees located at the corner of Abbot Kinney and Venice Boulevards and the applicant indicated all will remain in place. The current request is for site and landscape maintenance and improvements including: 1) Install "living fence", a decorative fence with a maximum height of 3.5 feet made of a combination of metal posts and chain-link hedge boxes covered with butterfly-attracting bougainvillea functioning as a fence that also supports habitat, along the property fronting Venice Boulevard; 2) Refinish approximately 703 square feet of decorative concrete access driveway from Venice Boulevard, and install approximately 740 square feet of new decorative concrete adjoining the existing driveway; 3) Install a custom swinging gate adjoining the existing driveway from Venice Boulevard; and 4) Plant new landscaping consistent with the City of Los Angeles Venice Boulevard Planting Plan.

As conditioned, the proposed site and landscape improvements would enhance visual resources consistent with policies of the certified Venice LUP. As such, the proposed project will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used "in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources." In addition to the Regional Interpretative Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered.

The project consists of a Reversion to Acreage of 5,133 square foot of land. The proposed project includes site and landscape improvements on a parcel maintained by a two-story commercial building and surface parking lot. The Regional Interpretive Guidelines have been reviewed and the proposed project is consistent with the requirements for use on the subject lot; the project also complies with the policies of the LUP and standards of the Specific Plan.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

The Director of Planning considered the following three Coastal Commission decisions in the vicinity of the site:

In January 2006, the Commission denied an appeal for a Coastal Development Permit for the vacation of 4,500 square foot portion of the public right-of-way located at 1656 Abbot Kinney Boulevard. (Appeal No. A-5-VEN-05-259)

In January 2006, the Commission denied Coastal Development Permit No. 5-05-343 for proposed improvements on 4,500 square foot of land located at 1656 Abbot Kinney Boulevard. Proposed improvements included landscaping and paved parking area.

In November 2007, the Commission denied an appeal for a Coastal Development for the vacation of a 25' x 480' portion of the public right-of-way located at 585-595 N. Venice Boulevard. (Appeal No. A-5-VEN-07-358)

As discussed, the project consists of a Coastal Development Permit to permit the Reversion to Acreage of 5,133 square foot of land with site and landscape improvements. The Applicant is proposing to maintain all existing trees on-site with no changes to the number of parking spaces or existing commercial building. Proposed site and landscape improvements include installation of decorative metal fence and swinging gate, refinishing decorative concrete access driveway, and new landscaping consistent with the Venice Boulevard Landscape Plan.

As such, this decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The subject property is located approximately 0.71 miles from the closest body of water within the coastal zone. Despite the distance to the water, the project could have a cumulative effect on public access to the coast if it resulted in a loss of on-street parking spaces or did not provide adequate parking for the current use. The existing commercial building is served by nine (9) parking spaces, accessed from driveways on Abbot Kinney Boulevard and Venice Boulevard. No new parking spaces are being proposed and no existing parking spaces will be reduced. The proposed Reversion to Acreage includes minor site and landscape improvements. The subject property is not immediately adjacent to waterways. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

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

On September 21, 2015, the Department of City Planning issued Mitigated Negative Declaration ENV-2015-2716-MND. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines and CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact and provide data for determining whether or not the impacts of a project reach or exceed those thresholds. The Mitigated Negative Declaration identified that the following environmental factors would be potentially affected: Aesthetics (Landscape). However, mitigation measures will reduce impacts to a less than significant level. There is no substantial evidence that the proposed project will have a significant effect on the environment. As such, the environmental clearance for the development is appropriate pursuant to CEQA.

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street, Los Angeles, CA 90012.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas of 500-year flood with 0.2 percent annual chance of flood hazard. As conditioned, the project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172081. (Regulatory Compliance Measure RC-WQ-6, Mitigation Monitoring Program).

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to

schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Director's determination in this matter will become effective after 10 days, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available online at <http://cityplanning.lacity.org>**. Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

for Debbie Lawrence
Faisal Roble, Principal City Planner

Reviewed by:

Debbie Lawrence
Debbie Lawrence, AICP, Senior City Planner

Reviewed by:

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