

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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**W24a**

Filed: 2/3/11
 49th Day: 3/24/11
 180th Day: 8/2/11
 Staff: Al Padilla-LB
 Staff Report: 3/16/11
 Hearing Date: 4/13/11

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-10-295**APPLICANT:** Covespring Partners, LLC.**AGENT:** Mika Design Group**PROJECT LOCATION:** 309/315 Culver Boulevard, Playa del Rey

PROJECT DESCRIPTION: Demolition of an existing private school and construction of 3,987 square foot and 3,917 square foot three-story commercial office buildings with a total of 32 tandem parking spaces.

Lot Area	10,000 square feet
Building Coverage	7,904 square feet
Pavement Coverage	2,096 square feet
Landscape Coverage	0
Parking Spaces	32
Zoning	C4---Commercial
Ht above final grade	37 feet

LOCAL APPROVALS RECEIVED: City of Los Angeles Coastal Development Permit No. ZA 2009-3122

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with five special conditions addressing: 1) future parking changes; 2) lighting plans; 3) water quality; 4) construction and erosion control; and 5) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-10-295 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Future Parking Changes

With the acceptance of this permit, the applicant acknowledges that any change in the parking proposed under this permit, including but not limited to elimination of the parking attendant service or change in hours that the parking attendant service is available, will require an amendment to this permit.

2. Lighting

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a lighting plan for the proposed facility. The Plan shall indicate that all lighting from the facility will be directed downward and onto the facility, and all light shall be shielded from the surrounding areas to the maximum extent feasible by use of hoods, filters, etc.

B. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. Water Quality Management Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

Water Quality Goals

- a. Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site.
- b. Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms

up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

- c. Runoff from all roofs, parking areas, maintenance areas, and driveways shall be collected and directed through a system of appropriate structural and/or non-structural BMPs. Filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

B. Monitoring and Maintenance

All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season (between April 16 and October 14).

- a. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- b. All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the Executive Director no later than June 30th of each year. This report shall be submitted for the first three years following the completion of development, biannually thereafter unless the executive director determines that no additional reports are necessary.
- c. It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

C. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Demolition, Grading, Drainage, and Erosion and Siltation Control Plan

A. PRIOR TO ISSUANCE OF THE PERMIT, THE APPLICANT SHALL PROVIDE PLANS FOR THE REVIEW AND APPROVAL OF THE EXECUTIVE DIRECTOR for control of the discharge of waste sediments, debris, dusts and pollutants during demolition of the existing structures, site preparation, grading and construction. These plans shall be prepared by a professional engineer and shall include proposed erosion and sediment prevention and control BMPs, both structural and non-structural, and the following information:

- (1) Location of all staging and stockpiling areas;
- (2) Measures to control dust and debris during demolition;
- (3) Locations and cross sections of all proposed retaining structures and temporary and permanent cut-and-fill slopes;
- (4) A drainage plan.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

STAFF NOTE - DUAL PERMIT JURISDICTION:

Pursuant to Coastal Act Section 30600(b), any development that receives a local coastal development permit from the City must also obtain a second (or “dual”) coastal development permit from the Coastal Commission if the development is within the areas specified in Section 30601 (e.g., within three hundred feet of the beach or sea). The areas specified in Section 30601 are known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The local coastal development permits in both the single and dual jurisdiction areas are appealable to the Commission.

The City approved local Coastal Development Permit No. ZA2009-3122 (see Exhibit No. 10). Because the development is located in the City’s and Commission’s “Dual Permit

Jurisdiction” area, the applicant has submitted a separate “dual” coastal development permit application to the Commission. Development may commence within a dual-permit jurisdiction only when a project applicant receives permit approval from both the local government and the Commission.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to demolish an existing 4,290 square foot private pre-school/elementary school and construct two 37 foot high, three-story commercial office buildings measuring 3,987 square foot and 3,917 square feet each, with 16 tandem parking spaces for each building (32 total spaces) with a parking attendant during business hours and bicycle parking on site.

The subject property is a level parcel of land consisting of four contiguous lots totaling 10,000 square feet with 100 feet of frontage along the north side of Culver Boulevard, in the Playa del Rey planning area of the City of Los Angeles (see Exhibit No. 1 & 2). The northern property line of the project site abuts the Ballona Wetlands property which is owned by the State. The project site is approximately .25 miles from Dockweiler State Beach.

Culver Boulevard is primarily zoned and developed commercially with a mix of multi-family residential. The surrounding development is characterized by one to three-story commercial and residential uses along the north and south sides of Culver Boulevard.

B. Coastal Access

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and the availability of public access to the coast. Section 30211 of the Coastal Act states that:

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

Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities. Section 30252 of the Coastal Act states in part:

The location and amount of new development should maintain and enhance public access to the coast by. . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation. . .

Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide adequate support parking in order not to negatively impact parking for the commercial and visitor serving area along Culver Boulevard or for beach parking.

The applicant is proposing to provide 32 on-site parking spaces for the 7,904 gross square foot office development. Based on the Commission's parking standard of 1 parking space per 225 square feet of gross floor area, the proposed project requires a total of 32 parking spaces. Therefore, the applicant is providing the required parking. However, all 32 parking spaces are provided in tandem spaces (see Exhibit No. 4). The spaces are arranged on the ground floor with 16 tandem spaces under each building. Tandem spaces tend to discourage public use because drivers are concerned with being blocked if they park in the front space and another vehicle parks behind them, therefore, the 32 parking spaces will not be fully utilized and a greater demand would be placed on the surrounding street parking. However, the applicant is proposing to include a parking attendant that will be on-duty during business hours to direct and assist patrons to the available spaces.

As proposed with a parking attendant, the 32 tandem parking spaces will be adequate to support the proposed use. To ensure that the project continues to provide a parking attendant Special Condition no. 1 requires placing the applicant on notice that any change to the parking, including but not limited to, elimination of the parking attendant service or change in hours that the parking attendant service is available, will require an amendment to this permit. The applicant and any future owner shall also participate in a transportation management plan to encourage use of alternative modes of transportation.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition (Special Condition No. 5) requiring that the property owner record a deed restriction against the property, referencing all Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development. The Commission, therefore, finds that as conditioned the project will be consistent with Section 30211 and 30252 of the Coastal Act and with the applicable policies of the City's certified LUP.

C. Biological Resources

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240(a) of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

The proposed project is located adjacent to Ballona Wetlands, in the area known as Area B. Currently, the Ballona Wetlands covers an area of approximately 600 acres and are remnants of a much larger wetland system that historically covered over 1,700 acres. Area B covers approximately 385 total acres and extends from Lincoln Boulevard west to the developed residential properties along Vista del Mar, and north from the Westchester bluffs to the Ballona Creek Channel (see Exhibit No. 7). Because of past development within Area B, including placement of fill, oil drilling, pipelines, road construction, farming, and equestrian activity, only portions of the area contain jurisdictional wetlands and areas within the wetlands are degraded. However, all wetland areas within the Ballona Wetland area are considered environmentally sensitive habitat areas and must be protected consistent with Sections 30231 and 30240 of the Coastal Act.

Based on historical and recent wetland surveys and staff reconnaissance, the area immediately adjacent to the project site does not contain wetlands and is considered an upland area consisting of ruderal and non-native vegetation (See Exhibit No. 8. Map of wetland areas, based on California Department of Fish and Game wetland determination, December 1, 1982). The area adjacent to the project site was formally used as a horse corral up until 1987. The closest mapped wetland area is located approximately 200 feet to the north. Based on preliminary discussions with the California Coastal Conservancy and the group working on restoration plans for the wetlands, the Ballona Wetland area abutting the development along Culver Boulevard, because of its close proximity to the existing development along Culver Boulevard and its absence of any wetland habitat, would be designed as a buffer area between the commercial area along Culver Boulevard and the wetland areas (see Exhibit No. 9).

1. Lighting

Because the proposed development will be located 200 feet from any wetlands the proposed development will not have a significant adverse impact on the wetland habitat;

however, lighting from development can disturb nocturnal or secretive species that inhabit the area. Exterior lights on the project site and vehicle headlights can shine into the wetland area and disrupt the behavior of these species.

The project will include a 6 foot high cinder block wall along the northern portion of the property adjacent to the Ballona Wetland property. The wall will help block lights from vehicles from shining into the wetland area. However, the proposed buildings are designed to be three stories and exterior lights can potentially illuminate the surrounding Ballona Wetland property. The proposed design plans do not include plans illustrating the type and location of outdoor lighting. Although the adjacent area does not provide any wetland habitat and will serve as a buffer between the existing and future development along Culver Boulevard light can adversely impact the behavior of the various species that inhabit the surrounding area, such as the upland areas. To ensure that the lighting will minimize illuminating the surrounding Ballona Wetland area, including the night sky, the applicant shall submit a lighting plan, as required in Special Condition No. 2 showing the location and types of exterior lights and measures to be incorporated into the lighting to minimize escaping light. As conditioned, the project will not have an adverse impact on the wetlands, and is consistent with Section 30231 and 30240 of the Coastal Act.

2. Water Quality

The proposed project poses a potential source of pollution due to contaminated runoff from the proposed construction, parking areas and other hardscape. The proposed project will incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site and will incorporate urban runoff measures to reduce runoff from the site. Site drainage will be directed to an on-site filtered retention basin and then to the street which is then directed to the City's stormdrain system. No runoff will be directed to the Ballona Wetlands. To ensure that the proposed project incorporates best management practices, Special Condition No. 3 and 4 are necessary to require the applicant to submit a water quality management plan and drainage and urban runoff control plan. As conditioned, the Commission, therefore, finds that the development will be consistent with Section 30230, 30231, and 30240 of the Coastal Act.

D. Visual

Section 30251 of the Coastal Act 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 the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Playa del Rey is a small scale community located between Marina del Rey small craft harbor entrance channel and the Westchester Bluffs. Since the early 1970's, the community has recycled from one and two-story beach cottages to mostly two and three-story single-family residences and duplexes in the residential areas. Culver Boulevard consists of a mix of one to three story residential and commercial developments.

In establishing precedent to determine the appropriate scale of development in the Playa del Rey community, the Commission originally required a height limit of 30 feet east of Pacific Avenue, including the area along Culver Boulevard. In response to the established height limit for this area and other areas of Playa del Rey, the City of Los Angeles held numerous community meetings and developed the Del Rey lagoon Specific Plan (draft LCP) for the area. The Specific Plan included a 37 foot height limit for the community.

Although the City's Specific Plan was not certified by the Commission, the Plan has been used as a guide for appropriate scale for development in the Playa del Rey area. The Coastal Commission has previously approved development at the 37 foot height limit (CDP No. 5-92-074) along Culver Boulevard. The proposed project will be consistent with the 37 foot height limit as established in the Specific Plan and will be consistent with existing development that varies from one to three stories along both sides of Culver Boulevard. Therefore, the Commission finds that the proposed three-story, 37 foot high development will be consistent with the height limit for the area and with the scale of existing development, and is consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program

Section 30604 (a) of the Coastal Act states that:

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 the provisions of Chapter 3 (commencing with Section 30200) of this division 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 the provisions of Chapter 3.

The proposed project is located within the City of Los Angeles' planning areas of Playa Del Rey and Playa Vista. The City of Los Angeles does not have a certified Local Coastal Program for the Playa del Rey area. The City of Los Angeles submitted its Local Coastal Program in March 1981. The Commission denied the submitted LCP on December 18, 1981. The City has not submitted a revised LCP. As proposed, the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



Site



LOS ANGELES AREA

RECEIVED
 South Coast Region
 CALIFORNIA
 COASTAL COMMISSION

HUNTINGTON BI

EXHIBIT NO. 1
Application Number 5-10-295
Regions / Map
California Coastal Commission

4116 9
SHEET 1
SCALE 1" = 60'

2010

The assessment of units in the following Condominium Plans, includes all rights and interests in the common areas as set forth in deeds of record.
 Condominium Common Area Subdivision
 Plan Reference Tract No. Blk. Lots Units of Airspace
 259343 3-14-80 36705 -- -- Sheet 2

10-10-62
1-9-63
5-16-64
6906/1656
7204/2559
7504/16305
7407/31307
8011/652
2004/1505
2000/7120/0122/001-09
2002/7141/001/001-03

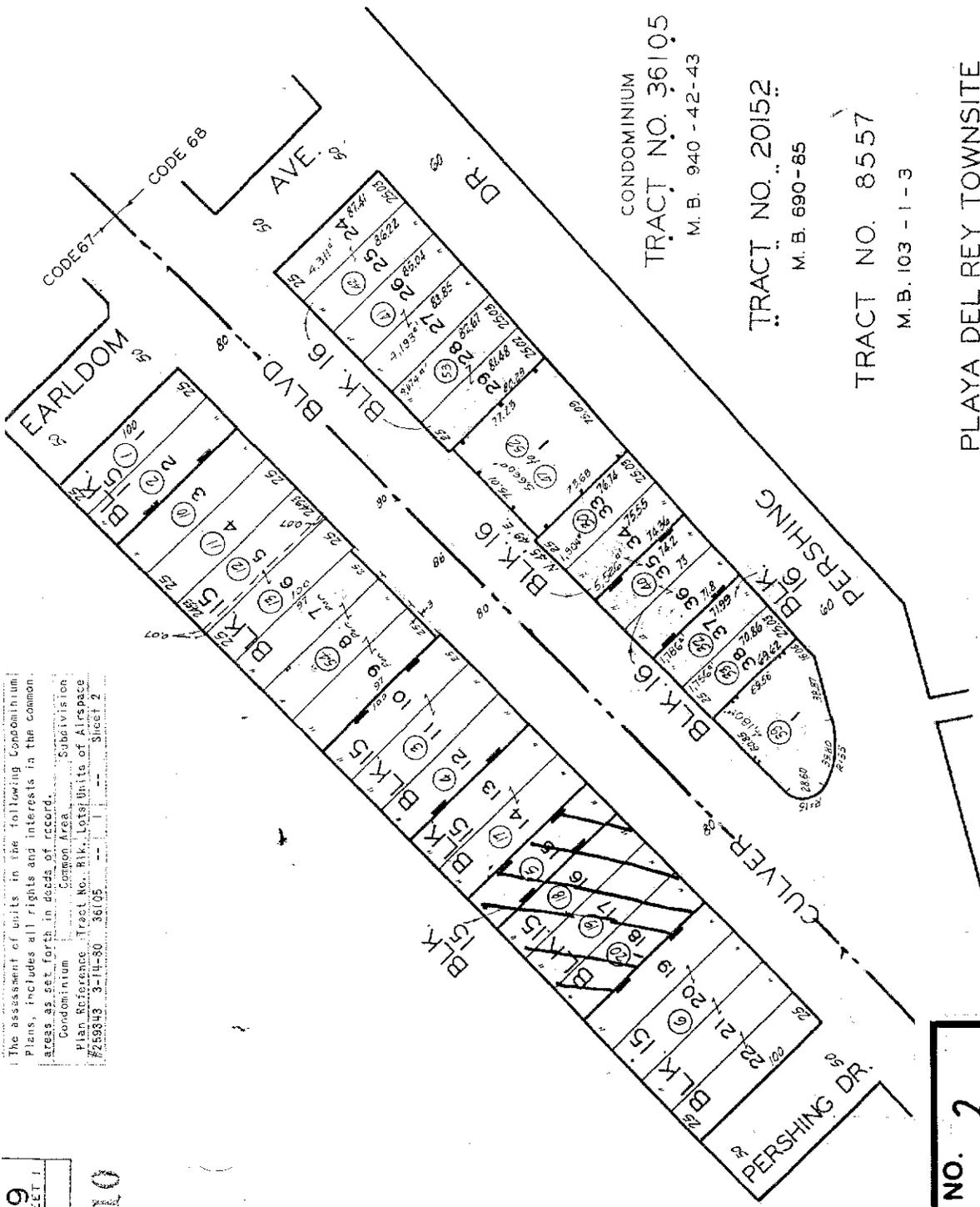
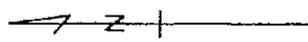
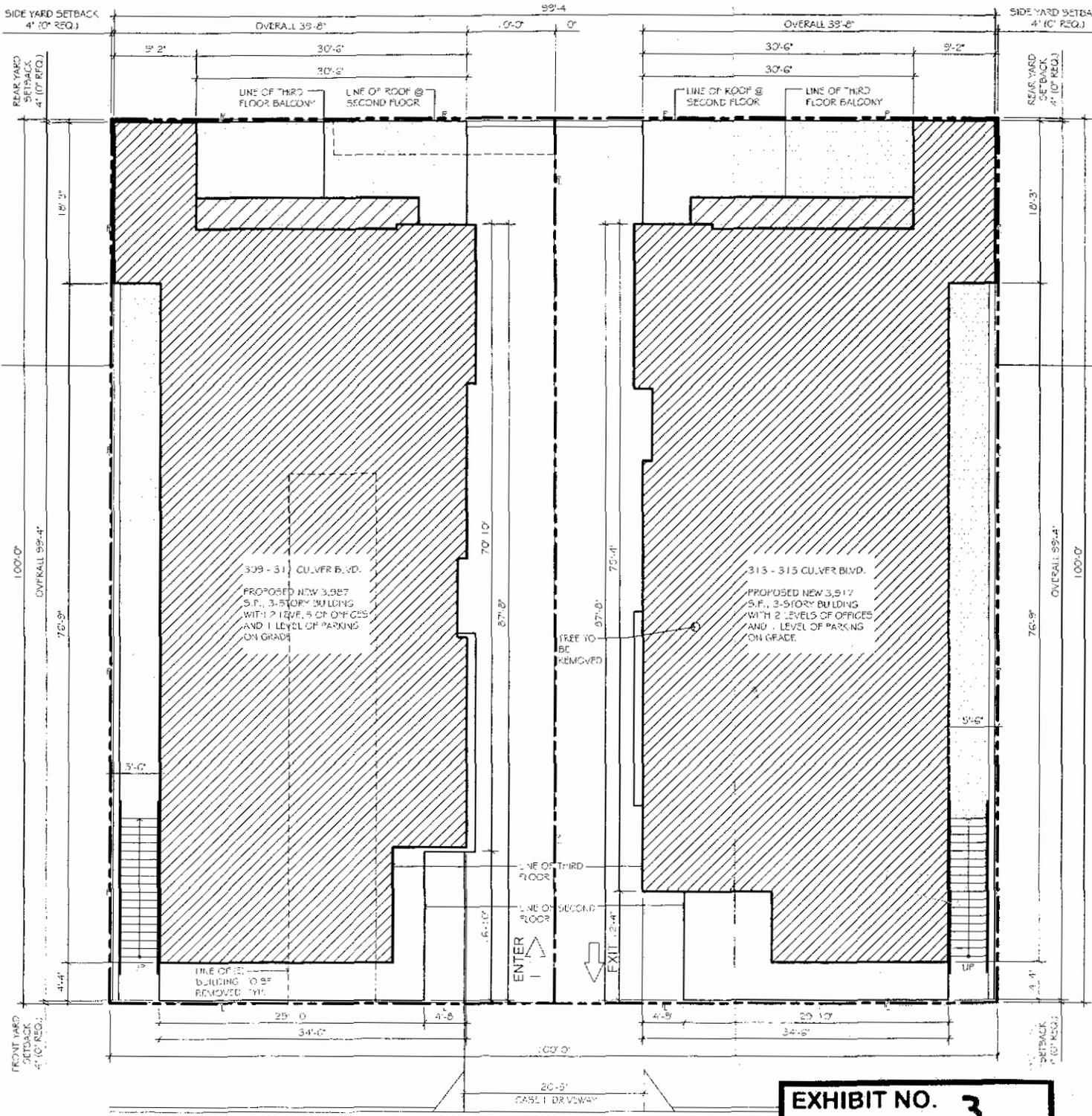


EXHIBIT NO. 2
Application Number 5-16-295
Parcel Map
California Coastal Commission

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

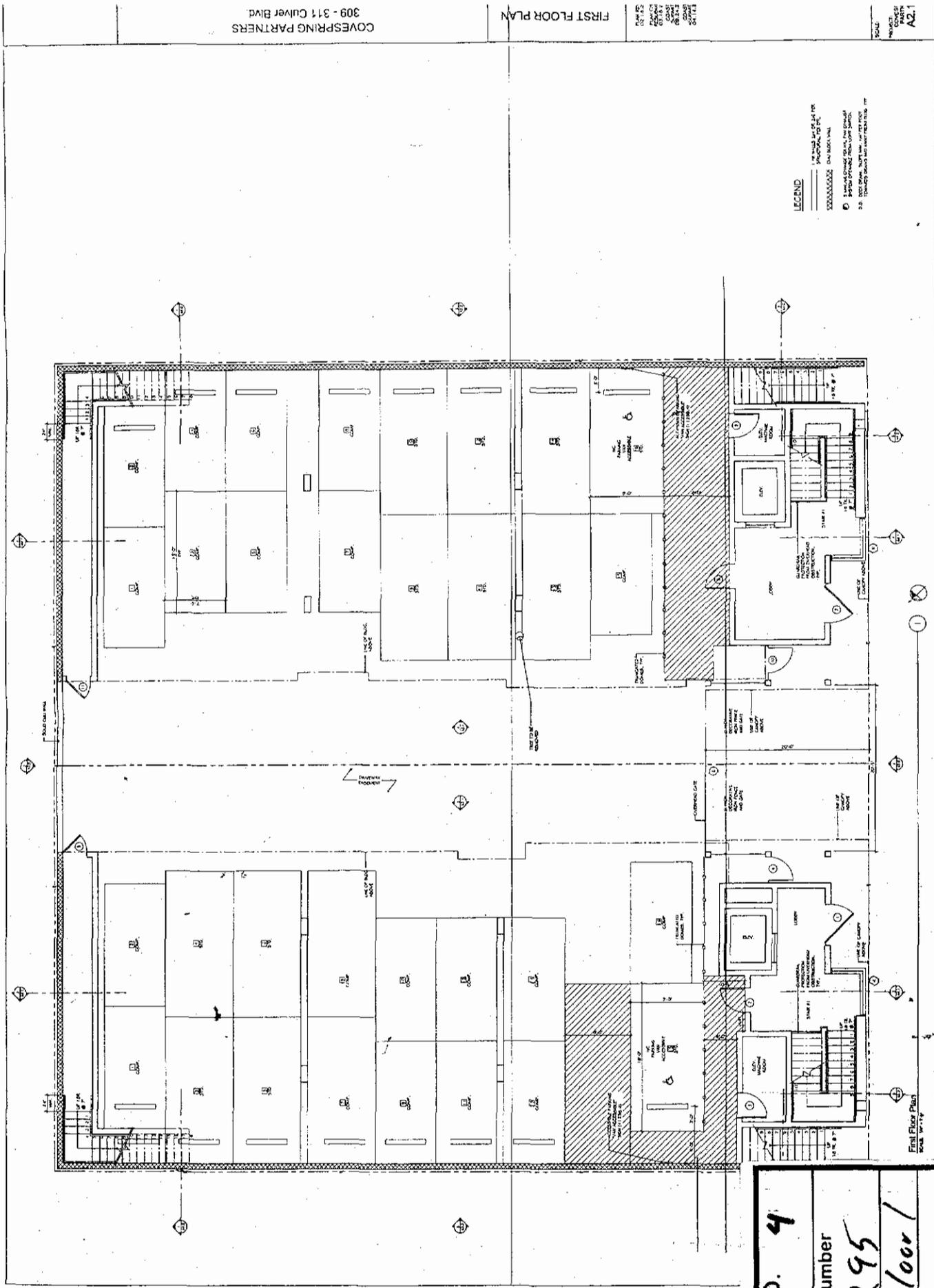


CULVER BLVD.

309-315 Culver Blvd. Plot Plan

SCALE: 1/16" = 1'-0"

EXHIBIT NO. 3
Application Number <i>5-10-295</i>
<i>Site Plan</i>
California Coastal Commission



LEGEND

- FINISHED FLOOR
- FINISHED WALL
- FINISHED CEILING
- FINISHED FLOOR
- FINISHED WALL
- FINISHED CEILING
- FINISHED FLOOR
- FINISHED WALL
- FINISHED CEILING

FIRST FLOOR PLAN

COVERSPRING PARTNERS
309 - 311 COVER BLVD

SCALE
1/8" = 1'-0"

EXHIBIT NO.	4
Application Number	5-10-295
First Floor / Parking	
California Coastal Commission	

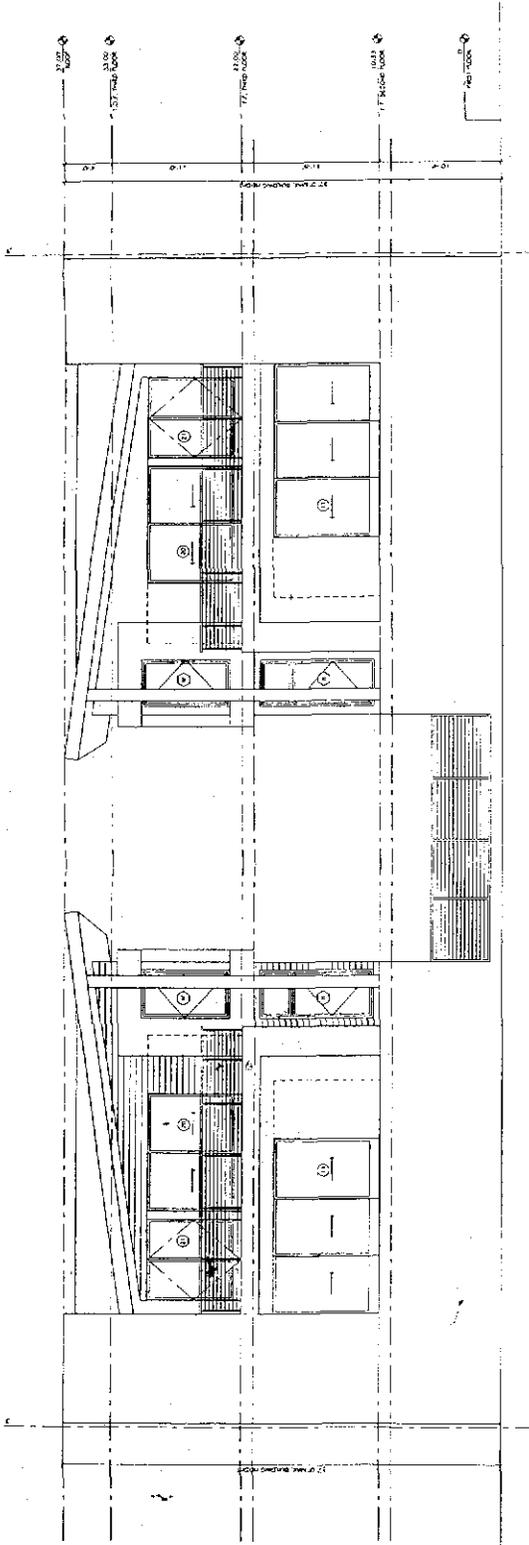
DATE: 10/10/10
BY: [Signature]
CHECKED BY: [Signature]

COVERSPRING PARTNERS
309 - 315 Culver Blvd.
Playa Del Rey, CA 90293

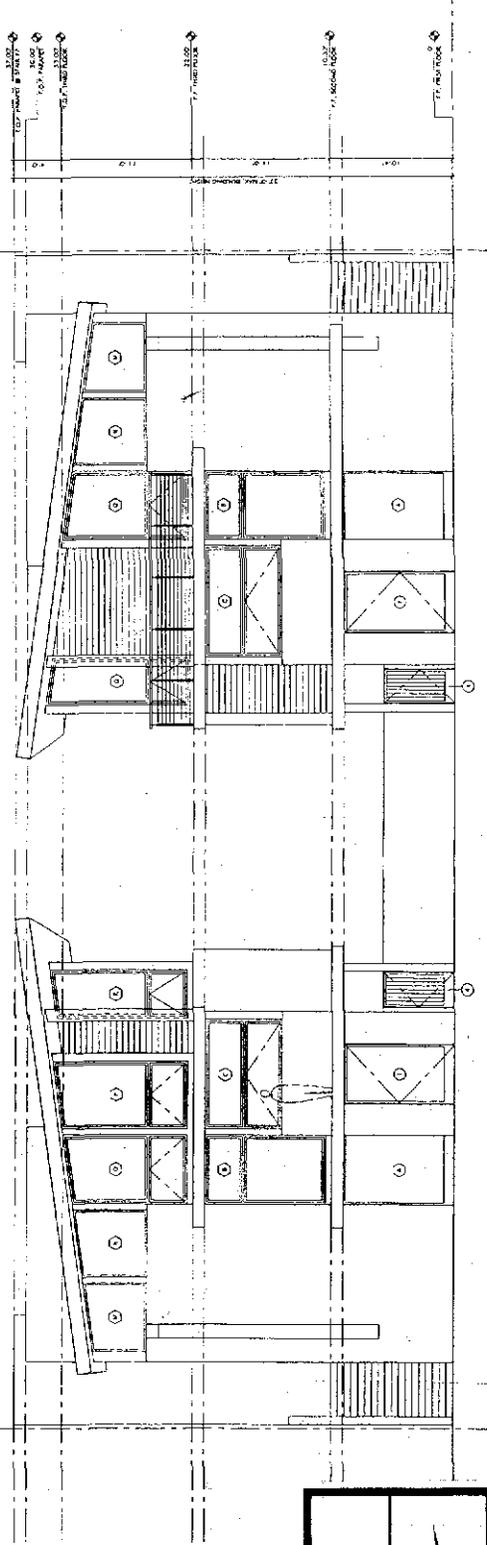
ELEVATIONS

DATE: 10/10/10
BY: [Signature]
CHECKED BY: [Signature]

SCALE:
PROJECT: COVERSPRING PARTNERS
DRAWING NO: A3.0

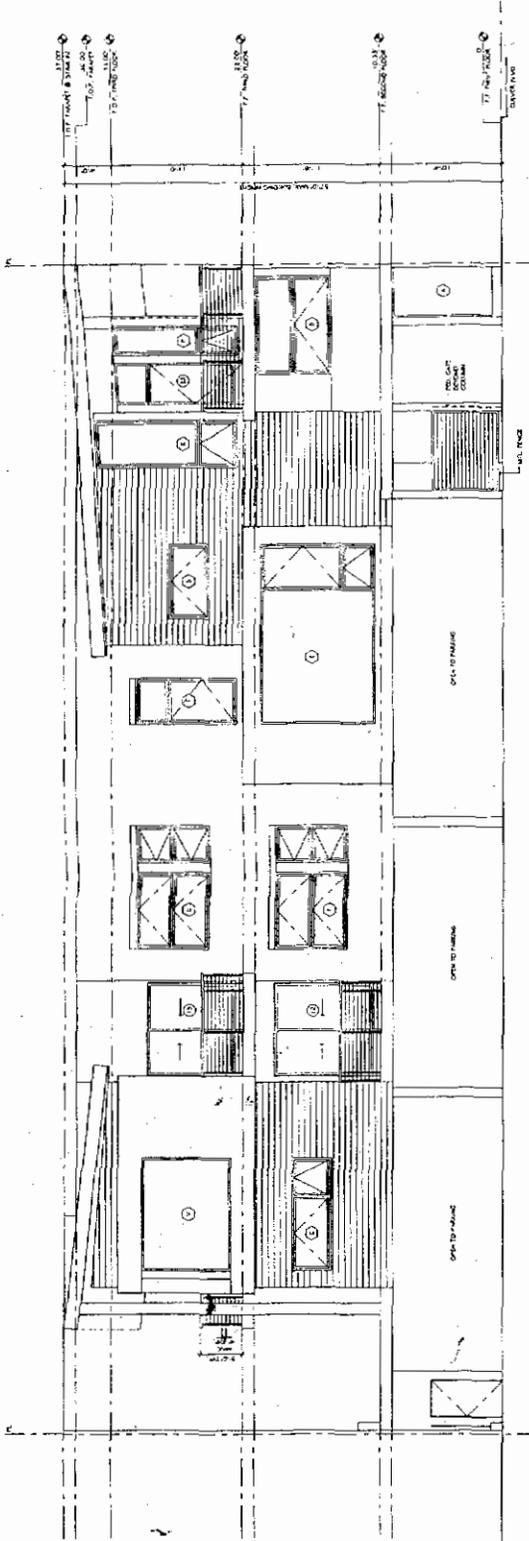


Rear (North) Elevation
Scale: 1/8" = 1'-0"



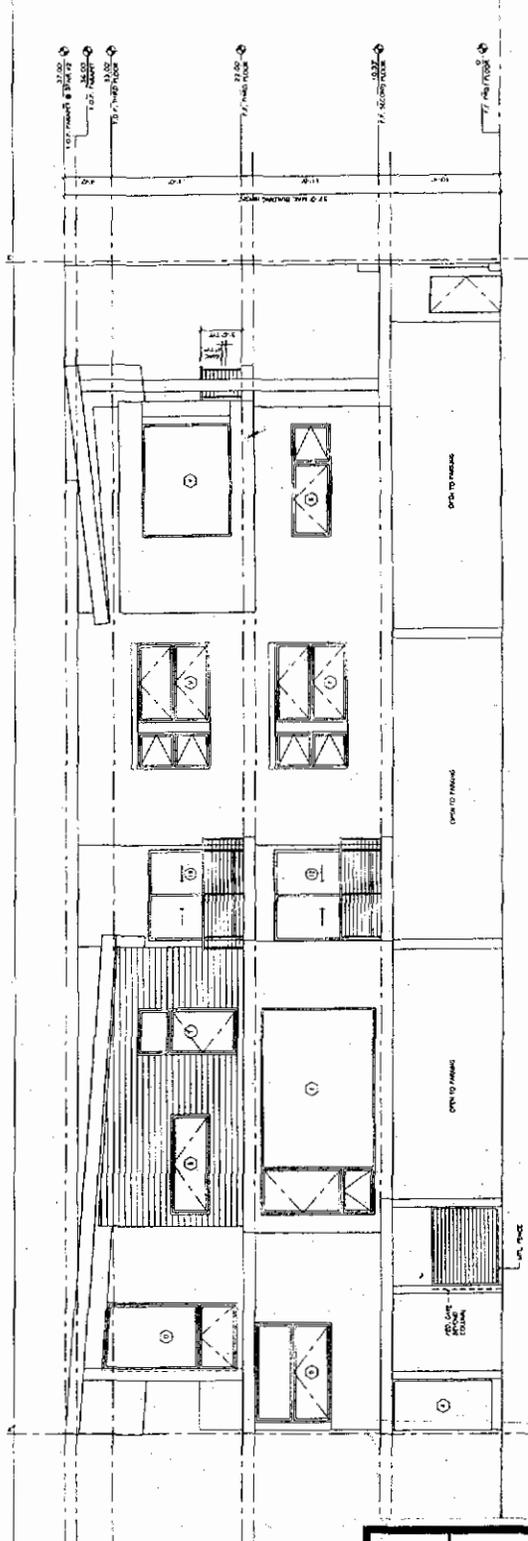
Front (South) Elevation facing Culver Blvd.
Scale: 1/8" = 1'-0"

EXHIBIT NO. 5
Application Number 5-10-295
Elevation North + South
California Coastal Commission



4

Side Elevation
SCALE: 1/8\"/>



3

Side Elevation
SCALE: 1/8\"/>

EXHIBIT NO. 6
Application Number 5-10-295
Elevation
California Coastal Commission

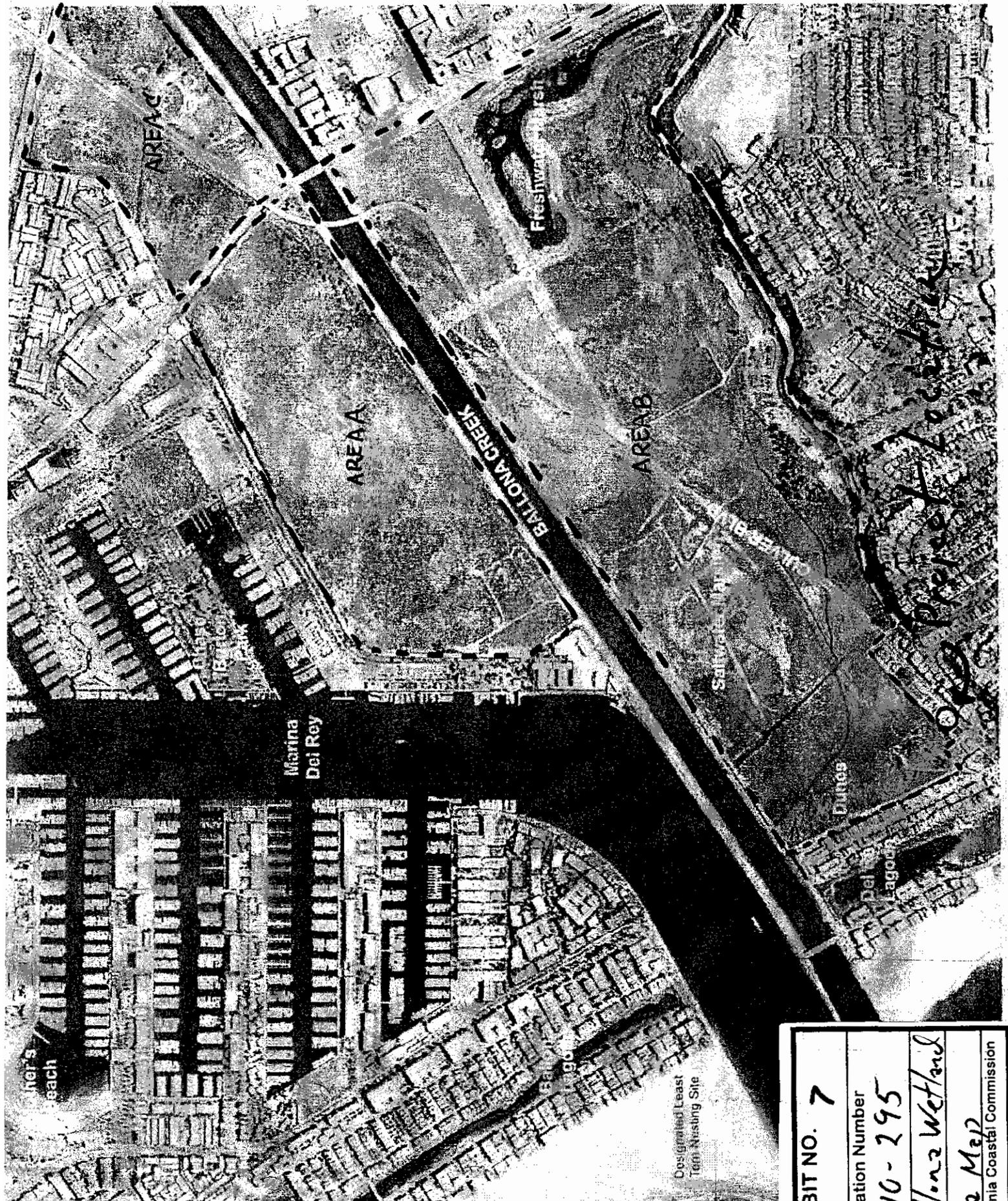


EXHIBIT NO. 7
Application Number 5-10-295
Ballona Wetland
Area Map California Coastal Commission

local coastal program

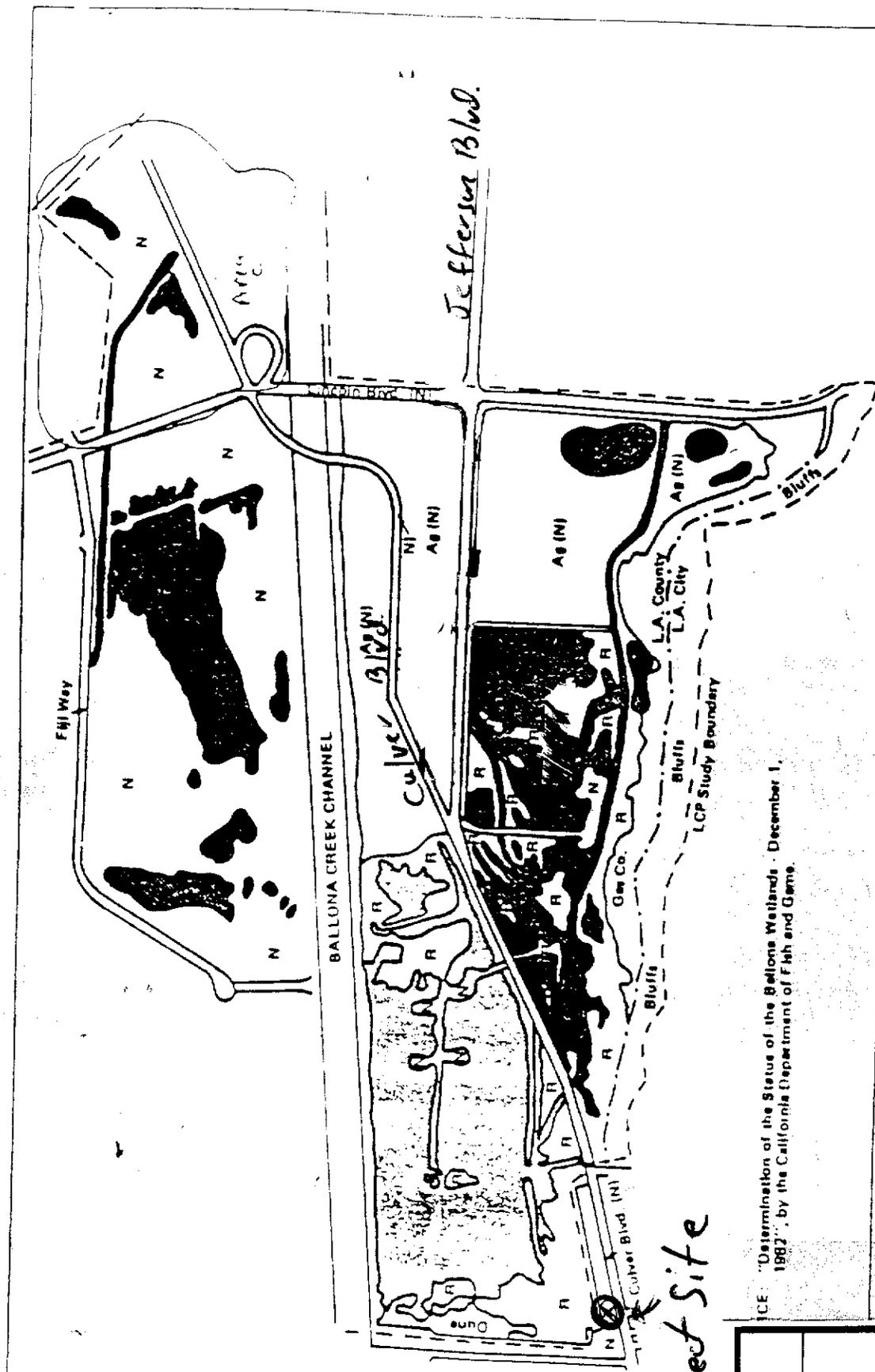
marina del rey/ballona

map 14

PRESENT STATUS OF THE BALLONA REGION

1982

- Non degraded wetland
- Feasibly restorable former wetland
- Former wetland not feasibly restorable
- Degraded wetland
- Former wetland not feasibly restorable
- Environmentally sensitive upland



Project Site

ICE: "Determination of the Status of the Ballona Wetlands - December 1, 1982", by the California Department of Fish and Game.

COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING

EXHIBIT NO.	8
Application Number	5-10-295
Wetland Map	
Dept. of Fish & Game	
California Coastal Commission	

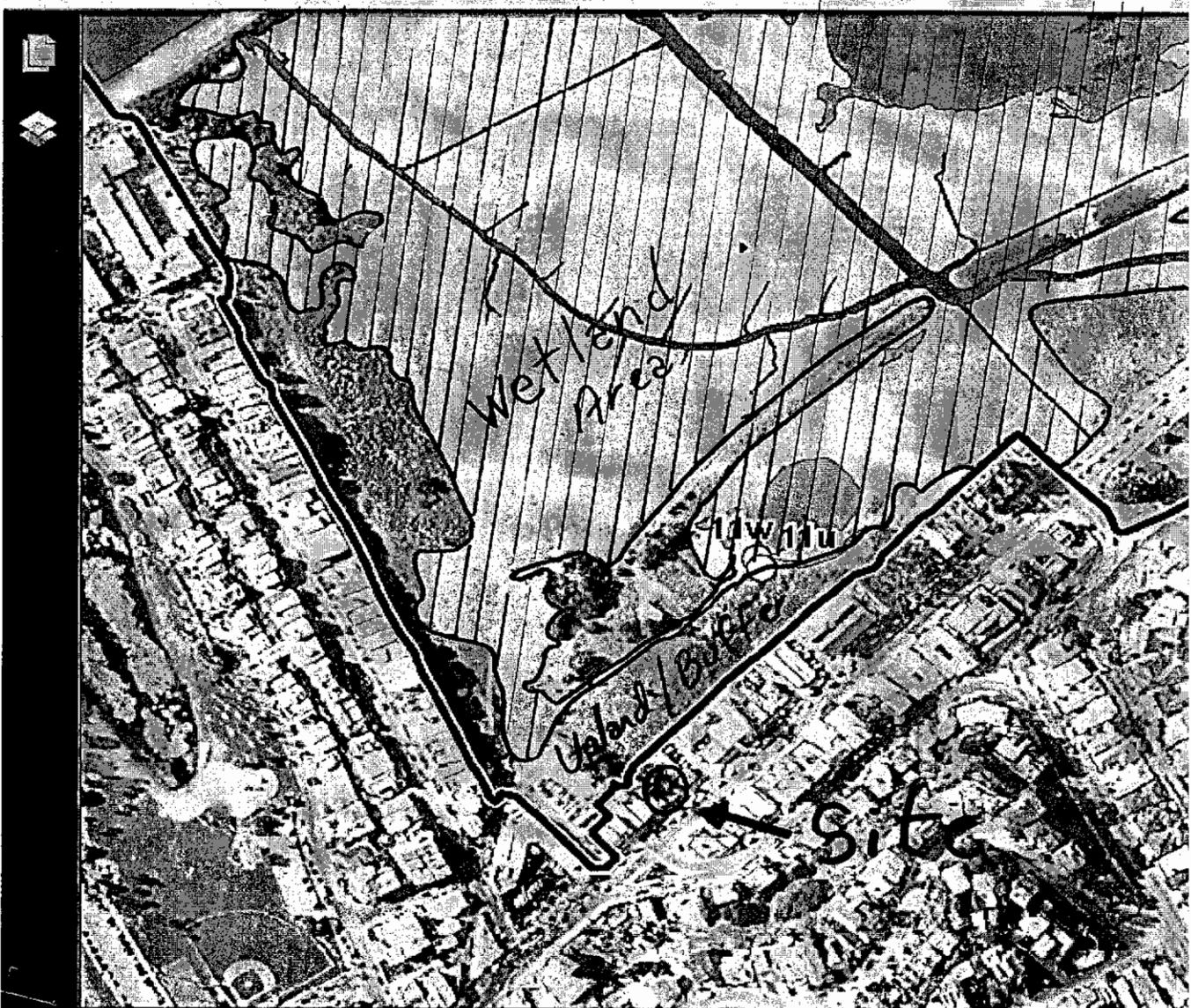


EXHIBIT NO. 9
Application Number 5-10-295
Wetland & Buffer Area
California Coastal Commission

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
LINN K. WYATT
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXHIBIT NO. 10
Application Number 5-10-295
City CDP No. 242009-3122
California Coastal Commission

www.lacity.org/PLN

August 5, 2010

Cove Spring Partners, LP (A)(O)
411 East Culver Boulevard
Playa Del Rey, CA 90293

Mikaela Nagler (R)
Mika Design Group
12133 Viewcrest Road
Studio City, CA 91604

CASE NO. ZA 2009-3122(CDP)
COASTAL DEVELOPMENT PERMIT
309-315 East Culver Boulevard
Westchester-Playa Del Rey
Planning Area
Zone : [Q]C4-1D
D. M. : 096B149
C. D. : 11
CEQA : ENV-2009-3121-MND
Legal Description: Lots 15, 16, 17 & 18,
Tract 8557

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

a Coastal Development Permit to allow the demolition of an existing school and the construction of two three-story buildings on a lot in the [Q]C4-1D Zone located within the dual permit jurisdiction of the California Coastal Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall submit the plot plan for review and approval to the Fire Department. Said Department's approval shall be included in the form of a stamp on the plans submitted to the Zoning Administrator.
8. The project shall not exceed 37 feet in height and 7,904 square feet of floor area as shown on Exhibit "A".
9. The required parking shall be provided in compliance with the code and the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
10. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent properties.
11. All mechanical equipment including but not limited to a water heater as well as heating and air conditioning units shall not be placed in the area that adjoins habitable rooms of neighboring properties or in the required front and side yards in order to mitigate potential noise and aesthetic impacts to the surrounding properties. Any mechanical equipment placed on the roof shall not be viewed from the streets or neighboring properties and shall be completely shielded by appropriate screening devices or walls to the satisfaction of the Zoning Administrator.
12. The project shall comply with the following [Q] conditions of Ordinance No. 175,981 (SA120):
 - a. All buildings shall have their primary ground floor pedestrian entrance facing Culver Boulevard. If the front of the building is set back more than 5 feet from the front property line, some type of pedestrian amenity(s) shall be provided at the front of the building, such as a walkway, a courtyard, outdoor seating area, etc.
 - b. Residential uses shall be prohibited on the ground floor.

- c. Pole signs and illuminated architectural canopy signs shall be prohibited.
- d. Exterior security grilles or permanently affixed security bars, or roll-down grilles that conceal storefront windows shall be prohibited.
- e. All areas of the site not developed with structures, parking areas, walkways or other pedestrian amenities shall be attractively landscaped.
- f. No building or structure shall exceed 37 feet in height.
- g. The maximum FAR for the area shall not exceed 1.0:1 as defined in Section 12.21.1(A,5 and B,4) of the LAMC.

Prior to the issuance of any building permit, evidence of compliance with this condition shall be provided to the satisfaction of the Zoning Administrator, such as sign off from the community planning bureau or the plan approval unit of the Planning Department etc.

- 13. Bicycle racks shall be provided on-site as proposed by the applicant.
- 14. Prior to the issuance of any building permit, a landscape plan including an automatic irrigation plan shall be prepared by a licensed landscape architect to the satisfaction of the Zoning Administrator.
- 15. The following mitigation measures included in ENV 2009-3121-MND shall be complied with:
 - a. Aesthetics (Landscaping)

All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.
 - b. Aesthetics (Graffiti)
 - 1) Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
 - 2) The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.
 - c. Aesthetics (Signage)
 - 1) On-site signs are limited to the maximum allowable under the code.

- 2) Multiple temporary signs in the store windows and along the building walls are not permitted.

d. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

e. Air Pollution (Stationary)

An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety.

f. Wildlife Corridor

- 1) Habitat Modification (Nesting Native Birds) - The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory non-game birds (as listed under the Federal MBTA).

- a). Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

- b). If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat the applicant shall:

- i) Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a

weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.

- ii) If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31.
- iii) Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- iv) The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

g. Tree Removal (Non-Protected Trees)

- 1) Prior to the issuance of any permit, a plot plan prepared indicating the location, size, type and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- 2) All significant trees (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree.
- 3) A Landscape Plan shall be prepared, indicating the location of all replacement trees, to the satisfaction of the decision-maker. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- 4) Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact: Urban Forestry Division at 213-485-5675. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division of the Department of Public Works, Bureau of Street Services.

h. Cultural Resources (Archaeological)

- 1) If any archaeological materials are encountered during the course of the project development, the project shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology - Cal State University Northridge, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist to assess the resources and evaluate the impact.
- 2) Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center.
- 3) A covenant and agreement shall be recorded prior to obtaining a grading permit.
- 4) (Human Remains) In the event that human remains are discovered during excavation activities, the following procedures shall be observed:
 - a) Stop immediately and contact the County Coroner:

1104 North Mission Road
Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday and Holidays)
 - b) The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
 - c) The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
 - d) The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
 - If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
 - If the owner does not accept the descendant's recommendations, the owner of the descendant may request mediation by the Native American Heritage Commission.

i. Seismic

The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

j. Erosion/Grading/Short-Term construction Impacts

1) Air Quality:

- a) All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b) The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c) All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- d) All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- e) All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- f) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

2) Noise:

- a) The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b) Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
- c) Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.

- d) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - e) The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- 3) General Construction:
- a) All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
 - b) Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
 - c) Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
 - d) Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or cover with tarp or plastic sheeting.
 - e) Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
 - f) All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.
- k. Liquefaction
- 1) The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss which requires the preparation of a geotechnical report. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration.

- 2) Building design considerations may include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

I. Explosion/Release (Methane Gas)

All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements; a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.

m. Explosion/Release (Asbestos Containing Materials)

- 1) Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.
- 2) Prior to the issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

n. Projects located within or directly adjacent to or discharging directly to an environmentally sensitive area:

- 1) Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- 2) Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rates and shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

- 3) Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- 4) Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- 5) Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- 6) Promote natural vegetation by using parking lot islands and other landscaped areas.
- 7) Preserve riparian areas and wetlands.
- 8) The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.

o. Flooding/Tidal Waves

The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081, effective 7/3/98.

p. Land Use

- 1) The applicant shall comply with mitigation measures required by this MND.
- 2) Exceed 2008 Title 24 minimum building energy efficiency requirements by a minimum of 14%.
- 3) Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

q. Severe Noise Levels (Aircraft Noise - Residential)

All exterior windows shall be constructed with double-pane glass.

r. Public Services (Fire)

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include

the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

s. Public Services (Police General)

The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213) 485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

t. Increased Vehicle Trips/Congestion

The site is located within the Los Angeles Coastal Transportation Corridor Specific Plan which requires that the Department of Transportation establish the number of daily trips created by the project and subject the applicant to the necessary mitigation measures as referenced in the plan. This is to be done prior to the issuance of any building, grading or foundation permit.

u. Safety Hazards

Submit a parking and driveway plan that incorporates design features that shall reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

- 1) The applicant shall submit a parking and driveway plan that incorporates design features that shall reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.
- 2) Prior to plan check submittal to LADBS, submit a site and/or driveway plan, scaled at least 1 inch = 40 feet, to: LADOT Construction Services Center, 201 N. Figueroa Street, #400 (Counter No. 3), Los Angeles, 90012.
- 2) Prior to plan check submittal to LADBS, submit a site and/or driveway plan, scaled at least 1 inch = 40 feet, to: LADOT West L.A./Coastal Development Review, 7166 W. Manchester Avenue, Los Angeles, 90045.

Two-way driveways shall be 30 feet wide and one-way driveways shall be 16 feet wide, exclusive of side slopes.'

A minimum 20-foot reservoir space (property line to gate/first parking stall) at all entrances to lots with up to 100 spaces; a minimum 40-foot reservoir is required for lots with 101 to 300 spaces.

- 3) Street improvements required per LAMC 12.37-A must be cleared by the Bureau of Engineering prior to issuance of LADOT project approval.

v. Utilities (Local or Regional Water Supplies)

- 1) The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- 2) If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- 3) (All New Construction, Commercial/Industrial Remodel, Condominium Conversions, and Adaptive Reuse)

Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:

- a) High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- b) Restroom faucets with a maximum flow rate of 1.5 gallons per minute.

Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g., vacuum pump, ice machines, bypassing the water

through equipment and discharging the heated water to the sanitary wastewater system.)

4) (All New Commercial and Industrial)

Unless otherwise required, all restroom faucets shall be of a self-closing design, to the satisfaction of the Department of Building and Safety.

5) (Landscaping) In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- a) Weather-based irrigation controller with rain shutoff;
- b) Matched precipitation (flow) rates for sprinkler heads;
- c) Drip/microspray/subsurface irrigation where appropriate;
- d) Minimum irrigation system distribution uniformity of 75 percent;
- e) Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and
- f) Use of landscape contouring to minimize precipitation runoff.
- g) A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

w. Utilities (Solid Waste)

- 1) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- 2) Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- 3) To facilitate on-site separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction.

These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

16. Coastal clearance shall be obtained from the California Coastal Commission, and the use and development of the property shall be in conformance with any conditions that may be required by the California Coastal Commission. Prior to the issuance of any building permit, evidence of compliance with this condition shall be submitted to the satisfaction of the Zoning Administrator such as a clearance letter from the California Coastal Commission, etc.
17. Prior to the issuance of any permits relative to this matter, 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 Zoning Administrator 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.

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

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator,

Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this 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 Zoning Administrator's determination in this matter will become effective after AUGUST 19, 2010, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <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.

NOTICE

The applicant is further advised that all subsequent contact with this Office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on April 29, 2010, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a relatively level, square-shaped, interior parcel of land consisting four contiguous lots totaling 10,000 square feet, having a frontage of 100 feet on the north side of Culver Boulevard, and an even depth of 100 feet. The property is presently developed with a one-story, 3,200 square-foot commercial building, originally built in 1957, and formerly used as a private nursery/elementary school.

The applicant is proposing to construct two new three-story buildings on an existing 10,000 square-foot lot. The westerly-most building, 309-311 East Culver Boulevard, consists of 3,987 square feet with two levels of offices and one level of parking on grade (Lots 18 and 19). The easterly-most building, 313-315 East Culver Boulevard, consists of 3,917 square feet also with two levels of offices and one level of ground parking (Lots 16 and 17). A total of 32 parking spaces will be provided on-site.

The adjoining properties potentially most affected include the florist shop, nail shop, and commercial buildings located directly west of the subject property; and the liquor store and other commercial establishments located directly east. There is a wide open field located directly north of the subject property. This open space area is owned by a local utility company, with no plans for further development at this time.

At the time of the Zoning Investigator's site visit on April 22, 2010, an official Notice of Public Hearing was posted on the property, in accordance with the code requirement to post the ZA notice at least ten (10) days prior to the scheduled hearing date.

According to information submitted by the applicant: "The area is not designated as a "special area", the new project will create a more pleasing visual "pedestrian area" with its design, replacing the existing "walled in" compound of the old pre-school building. The visibility to the west open space will be more pleasing to local neighbors." The Zoning Investigator's review of the project plans and on-site observation of the property confirms the above statements

The surrounding properties are primarily zoned [Q]C4-1D and are characterized by one- and two-story neighborhood-serving commercial uses along the north and south sides of Culver Boulevard. Beyond that to the south, properties are zoned R2-1 and R1-1 and are characterized by relatively upscale multi-family dwellings along Pershing Drive and one- and two-story single-family residences situated on rolling hillsides providing scenic views of the Pacific Ocean. The Southern California Gas Company owns a relatively large parcel of land (63.4 acres) zoned OS-PV and R3-PV-1VL directly north of the subject property. The project is located at the heart of the community of Playa Del Rey, situated along Culver Boulevard.

Culver Boulevard, adjoining the subject property to the south, is a designated Secondary Highway dedicated a variable width of 80 to 86 feet and improved with curbs, gutters, and sidewalks on both sides. The westbound (north side) of the boulevard has 15 minute parking from 6:00 a.m. until 6:00 p.m. daily (except Sundays), with no parking from 12 noon to 2:30 p.m. on Thursdays. The eastbound (south side) has 2 hour parking from 8:00 a.m. until 6:00 p.m. daily (except Sundays), with no parking from 12 noon to 2:30 p.m. on Wednesdays.

Previous zoning related actions on the site/in the area include:

Subject property:

Case No. CPC-2005-8252(CA) - On January 11, 2007, the City Planning Commission approved a code amendment affecting areas within the Westchester-Playa Del Rey Community Plan and an ordinance establishing permanent regulations implementing the Mello Act in the Coastal Zone.

Case No. CPC-2000-4046(CA) - On May 23, 2001, the City Planning Commission approved a code amendment affecting areas within the Westchester-Playa Del Rey Community Plan.

Surrounding properties:

Case No. ZA 2008-3680(CDP)(MEL) - On July 2, 2009, the Zoning Administrator approved an application to permit a 6 unit condominium conversion at 6627 South Vista Del Mar.

Case No. ZA 2007-0694(CU) - On July 26, 2007, the Zoning Administrator approved a conditional use to allow the installation of a wireless facility consisting of 12 antennas, divided into 3 sectors, and an equipment shelter behind an existing office building at 200 Culver Boulevard.

Case No. ZA 2004-6382(ZAA) - On February 22, 2005, the Zoning Administrator approved an adjustment to permit a deck and stairs greater than 6 feet in height in the rear yard at 6645 South Vista del Mar.

Case No. ZA 2003-6289(CU) - On January 28, 2004, the Zoning Administrator approved a conditional use to permit the installation of wireless telecommunication facilities in the C2-1 zone at 200 Culver Boulevard.

Case No. ZA 2001-9980(YV)(ZAA) - On January 10, 2002, the Zoning Administrator approved a request to remodel an existing second floor unit and the addition of a third floor and roof terrace at 6640 Vista del Mar.

Case No. ZA 2000-4122(YV)(ZAA) - On May 2, 2001, the Zoning Administrator denied a request to legalize an apartment building from 9 units to 12 units at 6824 Esplanade Avenue.

Case No. ZA 95-0105(YV)(ZV) - On April 12, 1995, the Zoning Administrator approved a request for the installation and maintenance of one pool table in an existing restaurant and bar in the C2-1D Zone at 337-339 Culver Boulevard.

The Westchester-Playa Del Rey Community Plan Map designates the property for [Q]C4-1D "General Commercial" land uses with corresponding zones of C1.5, C2, C4, CR, RAS3 and RAS4, and height limited to District No. 1; The "Q" condition applies to the north and south sides of Culver Boulevard between Pershing Drive and Pacific Avenue. Effective July 3, 2004, the zoning in the specified area changed from C2-1D to [Q]C4-1VL (Ordinance No. 175,981). The property is not currently within the area of any specific plans or interim control ordinances. However, the project is located along the Los Angeles Coastal Corridor and the proposed *Del Rey Lagoon Specific Plan*.

The following correspondence was received: [

- A letter from the Native American Heritage Commission (dated December 31, 2009), which determined that Native American cultural resources were not identified within one half mile of the "area of potential effect" (APE).
- A letter from Ms. Cheryl A Burnett, a resident of 6400 Pacific Avenue, Playa Del Rey. In a letter dated January 10, 2010, Ms. Burnett expressed disappointment with the quality and accuracy of the Environmental Report (MND).
- A letter dated January 11, 2010, was received from the Sierra Club and the Ballona Wetlands with regard to possible errors and discrepancies in the MND.
- An e-mail from Council District 11 to the Zoning Administrator on April 29, 2010, which expressed concerns about storm water runoff to the adjacent Ballona wetlands.

All correspondence is enclosed within the case file. It is noted that the discrepancies in the MND, which were addressed by the Sierra Club and the Ballona Wetlands and a resident in the area were not found in the MND.

MANDATED 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. Following is a delineation of the findings and the application of the facts of this case to same.

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

The applicant is requesting a Coastal Development Permit to allow the demolition of an existing nursery school and the construction of two office buildings with associated parking on site. The proposed buildings will be 37 feet in height and will contain a total of 7,904 square feet of floor area in compliance with the [Q] conditions on 10,000 square-foot lots located within a dual permit jurisdiction of the California Coastal Zone.

- a. **Shoreline Access:** The subject property is located within the dual jurisdiction of the California Coastal Zone and will not interfere with or obstruct any access to coastal resources or ocean use.
- b. **Recreation and Visitor Serving Facilities:** The project site has no adjacent or nearby recreational facilities for visitors.
- c. **Water and Marine Resources:** This project will not impact any marine resources. The project is well above the high tide line and will not have any identifiable effect on the Pacific Ocean, or on the sandy inter-tidal zone.
- d. **Environmentally Sensitive Habitat Area.** The site is located adjacent to open space in close proximity to the Ballona Wetlands. However, the site is currently improved with the existing structures, which had been previously occupied by a pre-school and is within a fully developed residential and commercial community. The project is limited to the boundary of the private property in an area that is fully developed with residential homes and commercial buildings.

2. The development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3 of the California Coastal Act of 1976.

Currently, there is no adopted Local Coastal Plan (LCP) for this portion of the Coastal Zone. In the interim, the adopted Westchester-Playa Del Rey Community Plan serves as the functional equivalent. The Westchester-Playa Del Rey Community Plan Map designates the property for [Q]C4-1D "General Commercial" land uses with corresponding zones of C1.5, C2, C4, CR, RAS3 and RAS4, and height limited to District No. 1. The "Q" condition applies to the north and south sides of Culver Boulevard between Pershing Drive and Pacific Avenue. Effective July 3, 2004, the zoning in the specified area changed from C2-1D to [Q]C4-1VL (Ordinance No. 175,981). The property is not currently within the area of any specific plans or interim control ordinances. The subject property is zoned [Q]C4-1VL and the project is in compliance with the required [Q] conditions. The proposed use is permitted in the C4 zone and plan designation of the Westchester-Playa Del Rey Community Plan.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments (revised October 14, 1980) thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The referenced interpretive guidelines are designed to provide direction to the decision-making authority when rendering discretionary determinations on requests for coastal development permits, pending the adoption of a Local Coastal Program. The project does not conflict with any of the guideline provisions for the involved area. The project will provide parking that is in compliance with the code and to the satisfaction of the Department of Building and Safety. The project will provide 32 parking spaces on the site, therefore, minimizing the use of on-street and coastal access roads. The guidelines also require visual compatibility with the surrounding topography and vegetation.

Visual compatibility of the proposed project will be achieved by maintaining a similar roof color and type, similar building design and window treatment and the continuation of similar landscaping with the present vegetation and landscaping in the surrounding area. At the public hearing, which was held on April 29, 2010, a resident of 308 Culver Boulevard stated that the proposed project is located adjacent to the wetlands and will block the ocean view from his property. The project complies with the maximum height required by the code and the [Q] conditions. No deviation from the maximum building height permitted on site has been requested or granted herein. The Coastal Act protects public views of the ocean, but not private views. No public views will be impacted by this project.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.**

The Coastal Commission has consistently indicated concerns for the public views, important resources, accessibility, and improved access to recreational opportunities for the public and the impacts to marine resources or sensitive habitats. No outstanding issues have emerged which would indicate a conflict between the proposed project and any other decision of the Coastal Commission. Inasmuch as the property has no physical connection to the beach or any body of water, there are no Commission actions related to marine resources, wetlands, fishing, diving or other water related issues.

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.**

The property is OUTSIDE the area between the sea and Pacific Coast Highway, the nearest highway. The subject property is located within the dual permit jurisdiction of the California Coastal zone and a few miles from the shoreline. The proposed

development will have no impact on public access or public recreation as described in Chapter 3 of the California Coastal Act.

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

The proposed project will not be materially detrimental to the property or the improvements in the same zone or vicinity in which the property is located. The proposed office buildings will not cause a traffic/parking increase or any soil or environmental problems for local residents. The mitigation measures included in the MND are incorporated as the conditions of this grant and shall be complied with including a mitigation measure for potential impacts on storm water through implementation of the Best Management Practice (BMP) and the Standard Urban Stormwater Mitigation Plan (SUSMP).

7. **Mello Act**

The Mello Act (California Government Code Sections 65590 and 65590.1) is a Statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion, and construction of residential units in California's Coastal Zone. The Mello Act requires that very low, low, and moderate income housing units that are demolished or converted must be replaced and that new residential developments must reserve at least 20% of all new residential units for low or very low income persons or families or reserve at least 10% of all new residential units for very low income persons or families.

Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning the implementation of the Mello Act in the Coastal Zone portions of the City of Los Angeles, the following finding is provided.

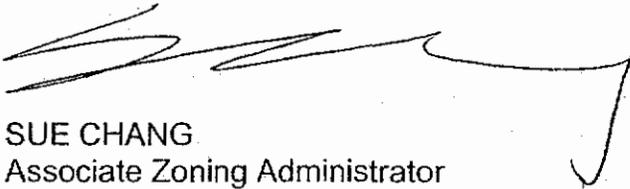
The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project involves the demolition of the existing structures, which were previously occupied by a pre-school and the construction of two office buildings with associated parking on site. The applicant stated at the April 29 hearing that the prior school had been abandoned and the site has been vacant for 7 to 8 years. There is no residential dwelling unit on site; therefore, the proposed project is not subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.

CITY PLANNING DEPARTMENT REVIEW FOR INCLUSIONARY HOUSING REQUIREMENT

Not Applicable – The project does not contain any residential dwelling unit.

ADDITIONAL MANDATORY FINDINGS

8. 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 B, areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood.
9. On March 8, 2010, a Mitigated Negative Declaration (ENV 2009-3121-MND) was prepared for the proposed project. 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 (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment 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.



SUE CHANG
Associate Zoning Administrator
Direct Telephone No. (213) 978-3304

SC:lmc

cc: Councilmember Bill Rosendahl
Eleventh District
Adjoining Property Owners