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original staff report

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August 4, 2015

**ORIGINAL VIA U.S. MAIL**

**VIA EMAIL [Skinsey@marincounty.org](mailto:Skinsey@marincounty.org)**

Hon. Steve Kinsey, Chair  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

**W 21d&e**

Re: 422 and 416 Grand Boulevard, Venice  
Coastal Development Permit Nos. A-5-VEN-15-0026 and A-5-VEN-15-0027  
Commission Hearing Date: August 12, 2015  
**Request for Approval Per Staff Recommendation**

Dear Chair Kinsey and Honorable Commissioners:

This law firm represents the applicants, 422 Grand Boulevard LLC and 416 Grand Boulevard LLC, in the above-referenced matters. We urge you to follow Staff's recommendation to approve the Coastal Development Permits with conditions as proposed. The permits are for two single family homes, which meet all applicable Los Angeles Municipal Code and Coastal Act requirements (no variances or exceptions are sought). The houses were approved after public hearing by City of Los Angeles' West Los Angeles Area Planning Commission. The applicants have worked cooperatively with Commission Staff to revise the project plans to accommodate the concerns raised in these appeals. The applicants hereby agree to accept all conditions of approval as proposed in the Commission Staff Report.

The houses have garnered significant community support. Fourteen letters from Venice community members to the Commission in support of the projects are enclosed herewith.

Hon. Steve Kinsey, Chair  
August 4, 2015  
Page 2

We respectfully request that you approve the permits as recommended by Commission Staff. Thank you for your consideration. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By

  
FRED GAINES

cc: All Coastal Commission Members  
Dr. Charles Lester, Executive Director (Via Email)  
Jack Ainsworth, Senior Deputy Director (Via Email)  
Charles Posner, Long Beach Office (Via Email)  
Zach Rehm, Long Beach Office (Via Email)

August 7, 2015

Via EMAIL:

zach.rehm@coastal.ca.gov

California Coastal Commission  
Coastal Staff & Commissioners  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802

Re. OPPOSITION to CDP applications for:  
416 Grand Blvd (A-5-VEN-15-0026)  
418-422 Grand Blvd (A-5-VEN-15-0027)  
Hearing date: Wednesday August 12, 2015  
Agenda Items 21 d. & e.

Dear Coastal Staff and Honorable Commissioners,

I am writing to provide a summary of comments from numerous Venice Community members, some of whom will be attending the above-referenced hearings this week.

1. Jurisdiction and Consideration of Mandate to Protect Existing Affordable Housing in the Coastal Zone

The Coastal Commission has been put in an unenviable position by the L.A. Department of City Planning. You must review a case that has resulted from the Planning Department's willful defiance of state laws, local procedures, and private legal settlements, all of which they ignored in order to deliver an unfair benefit to real estate developers, while six moderate and low-income families lost their homes and had to leave their neighborhood, thus being the ones paying the price for these indiscretions.

You must now rise to the challenge of doing what is right by denying these coastal development permits. Some will say you don't have this power. We believe that, in fact, the Coastal Commission has strong legal grounds to deny the application because the project does not include the one-for-one replacement of six affordable housing units as a condition of approval.

There is too much at stake to ignore the fact that you also have a moral obligation to do what's right. We all have very little time and very few opportunities to actually do something in our lives that makes a difference. This is one of those opportunities. The choices:

i) You can stand on the side of the dispossessed, by rejecting this application in order to bring some justice to the families who lost their homes through this corrupt process. With this action, you have the vast majority of the community's support. Also, and significantly, L.A. City District 11 Councilmember Mike Bonin is on the record as opposing this project and he reaffirmed his opposition just last week to a large group of us, indicating that he stands with the Community members who are against these two projects and the related loss of affordable housing in the Coastal Zone. Only you have the power to do what's right and not support an application that blatantly violates the laws

you are here to enforce.

ii) Or you can buy into the twisted logic that, because the Department of City Planning did not follow the law in the first place, you must support their indefensible actions. You can do what the lawyers may be saying is the safer option – put your good names on a bad decision, put the Coastal Commission's stamp of approval on a process of systemically bad government, and be done with the whole thing.

If you choose to do what is right and deny the application, you will be making a real difference in the lives of six families who needed affordable housing, and lost it. You will be standing up for an entire community that is under assault by developers who are looking for every possible way to remove low-income people from Venice. You will bend the arc of history toward justice, and our significant efforts here will not be squandered.

If you choose to take what can only be described as the low road, the easy way out, you will be just the final step in a process that has highlighted the banality of evil to the entire Venice community. Paperwork filed incorrectly, notices never mailed, tenants never contacted, public hearings proceeding incorrectly. This is how an entire neighborhood is destroyed. Being the final chapter in this sad story may not feel momentous to you, but you are the last body that will hear this case. If you decide against the community and their elected representatives, you will close the book for good on the hope that something will eventually go right. Developers will continue to decimate the community and people of good will and good conscience will lose any faith that the government is capable of helping them, or should be trusted.

There's a lot at stake – so we are providing you the tools you need to make the best choice. It would violate both the spirit and the letter of state law and local procedure to allow the developer to move forward without replacing the six existing affordable housing units identified by the City's Housing group, HCID, previously on the site at 416-422 Grand Blvd. in Venice.

i) The California Coastal Act states that “The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.” §30604(g), and “The commission shall encourage housing opportunities for persons of low and moderate income” §30604(f).

ii) The Coastal Act also requires that plans approved by the Commission be in conformity with the local certified coastal plan, if one exists §30604(b); or where none exists that the permit can be denied if it would “prejudice the ability of the local government to prepare a local coastal program” §30604(a).

The City of Los Angeles Venice Coastal Zone Specific Plan, effective January 19, 2004, states that a project must be “consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act)” in order to be approved.

The Venice Local Coastal Program: Land Use Plan, certified by the Coastal Commission on January 14, 2001, states in its Land Use Plan Policies and Implementation Strategies: “Policy I. A. 9. Replacement of Affordable Housing. Per the provisions of Section 65590 of the State Government Code, referred to as the 'Mello Act,' the conversion or demolition of existing residential units

occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community in accordance with Section 65590 of the State Government Code (Mello Act)."

The development in question consists of four lots that used to hold three duplexes with six affordable housing units. When the developer applied to demolish these units to build luxury housing, the Department of City Planning was required to seriously consider how they could preserve the existing affordable housing by requiring the replacement of those six affordable units on-site, or at least within the Coastal Zone.

They didn't do that, but here's how they could have, should have and would have:

They could have found that the entire project constituted a "Unified Development," defined in the City of LA's Mello Act Procedures as "a development of two or more buildings which have functional linkages such as pedestrian or vehicular connections, with common architectural and landscape features which constitute distinctive design elements of the development, and that appears to be a consolidated whole when viewed from adjoining streets. Unified Developments may include two or more contiguous parcels or lots of record separated only by a street or alley."

If this project was treated as a unified development, the developers should have been required to replace all of the existing affordable units, without consideration of feasibility. In any development where the existing use is three units or more, any existing affordable housing must be replaced on a one-for-one basis without consideration of feasibility.

The Mello Act procedures also say that when existing affordable units are in duplexes, the City must answer the question "Is it infeasible for the applicant to replace any of the affordable existing residential units?" (Question #8, 4.8).

The Mello Act procedures begin with the presumption that it is feasible for affordable housing units in duplexes to be replaced, and asks for process to prove that it is infeasible.

The Mello Act procedures define feasibility as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors."

The procedures, if followed properly, should have resulted in a rigorous feasibility review taking into account all of those factors before determining that the developer did not need to replace a single one of the six affordable units on-site.

That review never happened.

The decision in front of you is fruit of the poisonous tree, and you are under no obligation to endorse it by approving this application. In fact, we strongly believe you should reject it.

i) It should be obvious that the City did not live up to its obligation to enforce its own Mello Act procedures or the overall intent of the Coastal Act to encourage the replacement of affordable housing. Instead, they delivered an entirely defective planning determination that was not further appealable.

ii) The Department of City Planning also intentionally violated the *Venice Town Council, et al. vs. City of Los Angeles* settlement agreement that forced the City to begin complying with the Mello Act in the first place. A condition of the settlement agreement is that all Mello Act determinations are sent to the Legal Aid Foundation of Los Angeles, one of the community's key partners in monitoring and enforcing the Mello Act.

The City never sent this required notice. This meant that the Legal Aid Foundation was unaware of the defective notice, and had no opportunity to appeal it.

Additionally, private citizens who chose to appeal the determination, including former tenants, had no knowledge of the Legal Aid Foundation's ability to assist them in crafting an effective Mello Act appeal.

If the Planning Department had given a proper notice to Legal Aid, and had Legal Aid been able to support the concerned Community members and former tenants in their original appeals to the City, you would most likely not be hearing this case because the City Attorney and Planning Department would have been forced to acknowledge that their initial determination was erroneous/defective when asked the right specific, technical legal questions....questions that we, as private citizens, did not know how to craft perfectly, and so they were never forced to answer these questions and expose the real truth of the matter in front of the Area Planning Commission.

You are under no obligation to support the City's bad decisions, in fact, it seems obvious under the principles, policies and requirements of the Coastal Act that you are under an obligation to do the opposite: you must support us and reject these permits.

Your decision is a critical decision for the Venice community. Justice for six families is at stake. Justice for an entire Community is at stake. Sending a message to developers about whether they can get away with corrupting the public land use and planning process is at stake. Sending a message to the City about whether they have to follow the law is at stake. Most importantly, Venice residents believing that the law and due process can actually help them defend their rights and their community is at stake.

## 2. Projects not consistent with CEQA

We have a serious concern that the projects, as conditioned, are not consistent with the applicable requirements of CEQA.

The two projects considered consist of the construction of two single-family dwellings. The Applicant and City have presented the demolition of the existing structures and the construction of the new structures as two separate projects. However, the distinction made by the City and the Applicant between the Demolition projects and the Construction projects is disingenuous at best. Under CEQA, a "project" is "an activity which may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. This definition is amplified in the Guidelines, which define a "project" as "the whole of an action, which has a potential for resulting in a direct or indirect physical change in the environment."

Thus, CEQA's requirements cannot be avoided by "piece meal" proposed projects into pieces which, individually considered, might be found to have no significant effect on the environment. (references to Lincoln Place Tenants Association v. City of L.A. and L.A. Lincoln Place Investors Ltd., B172979; and 20th Century Architecture Alliance et al v. City of L.A. and L.A. Lincoln Place Investors Ltd et al, Court of Appeal, second Appellate District, Division seven, California, B174028, July 13, 2005).

In summary, the project must be evaluated under CEQA as a Unified Development of the six consecutive parcels with the same owner, the demolition and the construction must be evaluated under CEQA together as one project, and the affordable housing regulations, namely the Mello Act, including feasibility analysis, if any, must be evaluated based on the entire Unified Development and not separately for each of the four CDP's.

Thus, given the common ownership of the six consecutive lots as well as the fact that the six lots constitute a Unified Development, as defined by the Mello Act, the four CDP projects proposed, all of which were applied for within a very short time of each other, must be evaluated under the same CEQA case. Thus, for purposes of the two CDP applications currently being evaluated, not only must the demolitions of the prior existing structures be considered, but all six lots and the related four CDP applications must all be evaluated in terms of the total direct impact on the environment.

The City did not do so, even though the Staff was aware of the common ownership of the six consecutive lots and even though the applications for the four CDP's proposed for construction on the six lots were dated as follows:

December 17, 2014	416 Grand	ENV-2014-1357-MND
April 16, 2014	418-422 Grand	ENV-2014-1357-MND
October 17, 2014	424 Grand	ENV-2014-3912-CE
October 21, 2014	426-428 Grand	ENV-2014-3907-MND

Instead, City Staff assigned two separate MND's and one CE. This is completely erroneous. Not only that, but the two MND's are full of errors, omissions, inconsistencies, and abuses of discretion.

Also, it is clear that the demolitions of the two duplexes at 416-424 Grand should not have been approved by the Coastal Commission, as the rationale for the demolitions is not compelling and it is quite obvious that they are being requested for the purpose of evading the CEQA requirements which differ between projects analyzed as an existing structure vs. a vacant lot as well as Mello requirements for analysis of replacement of affordable units. Feasibility is significantly increased if the project includes all six lots vs. if the project is one or two lots.

In addition, CEQA requires an analysis of the cumulative impact of a project, which it appears was not done.

For these reasons, it is requested that if the Coastal Commission makes a decision to deny the two CDP applications, that as a part of that denial decision the Coastal Commission also requires that any future proposed projects for the same six consecutive lots be evaluated with one overall CEQA analysis for the Unified Development, and that the demolitions be required to be analyzed together with the new construction, as one project.

### 3. Projects not consistent with the L.A. General Plan Venice Land Use Plan

As per the California Coastal Commission, due to Venice's historical character, its wide range of architecture, its diverse population and its expansive recreation area, "Venice, primarily a residential community beyond the beach and oceanfront boardwalk, has engendered a status as one of the more unique coastal communities in the State, and therefore, a coastal resource to be protected (CDP 5-14-0084).

Venice is known to be one of THE most special and distinctive coastal communities in California, and this project would harm as opposed to protect Venice's unique and special qualities, including economic, racial and social diversity. In addition, the project does not respect the scale, massing and landscape of the existing surrounding residential neighborhood. The project entails what is in substance a 3-lot consolidation, which is not allowed. In fact, LUP policy I. E. 2. states that "...Lot consolidations shall be restricted to protect the scale of existing neighborhoods....." (LUP policy I. E. 2. is included on the Staff Recommendation on page 9, but excludes this relevant sentence.)

The change in character of this existing surrounding neighborhood from multi-family, affordable housing to single family dwelling luxury homes is as dramatic as it gets.

This land use plan designation is Duplex/Multi-Family Residential, which includes uses of duplexes and multi-family structures. To propose a change of use from multi-family housing to single family dwellings causes both a significant current adverse impact to this neighborhood as well as an adverse cumulative impact that is absolutely unacceptable. This precedent would likely result in the mansionization of the Venice Community, with an associated unacceptable reduction in housing stock.

Not only is this an unacceptable change in character under the Coastal Act and Venice Land Use Plan, but this is unacceptable in terms of loss of housing stock in the face of population growth and as L.A. is currently the least affordable City in the U.S.

### 3. Swimming pool

No structure is allowed to block ingress- egress to the property. The pool as it is shown on the site plan goes from the building to the property line and is blocking access through the side yard. This project continues to be designed such that it appears the plan is to combine the two homes into one 3-lot mega-mansion.

Also, excavation really close to a property line will require shoring and most like the impact on the adjacent property must be considered, whether or not the adjacent property is currently owned by the same person, as this could change.

Why you does this applicant think they are deserving of having their residential pool be supported and permitted? Please deny this project. Why a swimming pool at this time when all of California conserving water?

This project represents a cruel example of privilege and greed. The world water shortage is real -



and here in California, our cities are respecting the call for water conservation. So should this project. Are we conserving water so that the privileged can keep building their residential swimming pools?

#### 4. Social Diversity

The Mello Act definition of feasibility includes "social feasibility," which the City has not considered in making its feasibility decisions. However, this **MUST** be considered, as it is explicitly included in the Mello Act feasibility definition.

Also, the Venice Land Use Plan states:

**Preservation of Venice  
as a Special Coastal  
Community**

**Policy I. E. 1. General.** Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

## **What Is the Meaning of Social Diversity?**

Social diversity is the mixture of different types of people in a community. It is used to describe the uniqueness and individuality of a society. This means that there may be people of many origins and races in a community.

Social diversity is critical to overall character of a community. It is a key component of the City's General Plan. The following are several excerpts from the L.A. General Plan:

#### **Policy 3.1.1**

"Prohibit....business practices that are detrimental to the preservation....of housing..."

#### **Policy 3.1.4**

"...Encourage...environmental justice policies in community plans and project approval process, to allow for diversity of population and income groups."

#### **Policy 3.1.4**

"**AGGRESSIVELY** support equal opportunity practices in the sale or rental of housing..."

#### **Policy 3.1.7**

"Assure fair treatment of people of all races, cultures, incomes and education levels with respect to the development, implementation and enforcement of environmental laws, regulations, and policies..."

Policy 3.1.7 also references the following L.A. Housing Dept. program:

**P-81 Antidiscrimination Legislation**

Continue to incorporate an anti-discrimination clause in the subdivision map approval and expand the clause to other project approval processes.

Lead Agency: City Planning Department

Funding: Departmental budget

Objective: Submit policy to Planning Commission for Approval

Schedule: 1996-2005

Additionally, the Coastal Act states:

**Section 30253**

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

AND:

**Section 30116 Sensitive coastal resource areas**

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.

(b) Areas possessing significant recreational value.

(c) Highly scenic areas.

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(e) Special communities or neighborhoods which are significant visitor destination areas.

12

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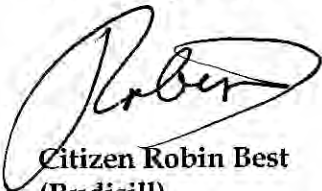
(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

(g) Areas where divisions of land could substantially impair or restrict coastal access.

**The City's is negligent in making the feasibility decision for these cases without consideration of these very policies, as all land use decisions MUST be consistent with the General Plan, Community Plan, Land Use Plan, and Specific Plan.**

**Thank you for your consideration of our strong opposition to the approval of these CDP's.**

Sincerely yours,



**Citizen Robin Best  
(Rudisill)**

**As an individual and not on behalf of the Venice Neighborhood Council or its Land Use and Planning Committee**

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



# W21e

Filed: 4/17/15  
180<sup>th</sup> Day: 6/11/15  
Staff: Z. Rehm-LB  
Staff Report: 7/30/15  
Hearing Date: 8/12/15

## STAFF REPORT: APPEAL – DE NOVO

**Application Number:** A-5-VEN-15-0027

**Applicant:** 416 Grand Blvd LLC

**Agents:** Rosario Perry, Melinda Gray, Fred Gaines

**Project Location:** 416 Grand Boulevard (Lot 6, Block 3, Tract 9358), Venice, City of Los Angeles, Los Angeles County (APN No. 4230-020-004).

**Project Description:** Construct two-story, 29 foot high, 1,800 square foot single-family home.

**Staff Recommendation:** Approval with conditions.

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### SUMMARY OF STAFF RECOMMENDATION

At a public hearing on June 11, 2015, the Commission found that the appeal of local Coastal Development Permit No. ZA-2014-1356-CDP-1A, issued by the City of Los Angeles, raised a substantial issue with respect to the proposed project's consistency with Chapter 3 of the Coastal Act. The Commission is now required to hold a de novo hearing on the merits of the project.

As originally proposed, the structure had no living area on the ground floor and appeared to be designed to function as an accessory to a proposed home at 418-422 Grand Boulevard. In consultation with Commission staff, the applicant has revised the proposed plans to enclose the lower floor of the home to provide livable space, increasing the size to approximately 1,800 square feet. The applicant has also proposed a three-foot high fence and drought tolerant non-invasive landscaping in the front yard to provide a more pedestrian-friendly scale consistent with the community character.

A-5-VEN-15-0027 (416 Grand Blvd LLC)

Appeal – De Novo

Staff recommends **approval** of Coastal Development Permit Application No. A-5-VEN-15-0027 with special conditions requiring the applicant to implement construction best management practices, provide drought tolerant non-invasive landscaping and rain cisterns, minimize fence height, and undertake development in accordance with the approved final plans.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION.....</b>	<b>4</b>
<b>II. STANDARD CONDITIONS .....</b>	<b>4</b>
<b>III. SPECIAL CONDITIONS .....</b>	<b>5</b>
<b>IV. DUAL PERMIT JURISDICTION AREA .....</b>	<b>6</b>
<b>V. FINDINGS AND DECLARATIONS.....</b>	<b>7</b>
A. PROJECT DESCRIPTION .....	7
B. PROJECT HISTORY .....	7
C. DEVELOPMENT .....	8
D. WATER QUALITY.....	13
D. PUBLIC ACCESS .....	14
E. LOCAL COASTAL PROGRAM.....	14
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT .....	15

### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Revised Plans (7/11/15)

Exhibit 3 – Project Rendering and Model

Exhibit 4 – Photos

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-15-0027 pursuant to the staff recommendation.*

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:

*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

This permit is granted subject to the following 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

This permit is granted subject to the following special conditions:

1. **Landscaping and Irrigation.** By acceptance of this permit, the permittee agrees that:
  - A. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
  - B. The permittee shall maintain the proposed rain cisterns in a functional state over the life of the development. If the rain cisterns cease functioning, the permittee shall replace them.
  - C. If using potable water for irrigation, only drip or microspray irrigation systems shall be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
2. **Water Quality.** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
  - A. No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
  - B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
  - C. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
  - D. Erosion control/sedimentation Best Management Practices shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters;
  - E. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible;
  - F. The permittee shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and



vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;

- G. The permittee shall develop and implement spill prevention and control measures;
  - H. The permittee shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
  - I. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
3. **Fences.** The front fence in the 15 foot front-yard setback area shall be constructed no higher than three-feet above grade as measured from the public sidewalk adjacent to Grand Boulevard. The side and rear yard fences shall be constructed no higher than six-feet at any point as measured from natural grade. The side yard fence at the east side of the property (between the subject site and the adjacent property at 418-422 Grand Boulevard) shall be maintained in a functional state throughout the life of the development.
4. **Permit Compliance.** The permittee shall undertake development in accordance with the approved final plans, specifically including the site plan, landscaping plan, and drainage plan. 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-approved amendment to Coastal Development Permit No. A-5-VEN-15-0027 unless the Executive Director determines that no amendment is legally required.

#### IV. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction* area), the City of Los Angeles local coastal development permit is the only coastal development permit required.

The proposed project site is within the *Single Permit Jurisdiction* area. On March 4, 2015, the City of Los Angeles approved local Coastal Development Permit No. ZA-2014-1356-CDP-1A, but that action was appealed to the Coastal Commission. On June 11, 2015, the Commission found that the appeal raised a substantial issue with respect to the proposed project’s consistency with Chapter 3 of the Coastal Act. The Commission is now required to hold a de novo hearing on the merits of the project. Chapter 3 of the Coastal Act is the standard of review.

## V. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

416 Grand Blvd LLC proposes to construct a two-story, 29-foot high, 1,800 square foot single-family home with attached 367 square foot two-car garage at 416 Grand Boulevard in Venice (**Exhibit 1**). The applicant has submitted revised plans (**Exhibit 2**) which enclose the lower floor of the home to provide livable space, increasing the size by approximately 700 square feet (**Exhibit 3**). The revised plans also call out enlarged windows and design articulations on the front façade of the house. The revised plans propose drought tolerant non-invasive landscaping, gutters and downspouts, and rain catchment cisterns in the side yards. Finally, the revised plans call out a three-foot high fence set back one foot from the sidewalk at Grand Boulevard and six to seven-foot high side and rear yard fences.

The project is proposed on a graded lot in the middle of a residentially zoned block (RD1.5-1-O) in the North Venice subarea within the City of Los Angeles Single Permit Jurisdiction area. The proposed project fronts Grand Boulevard, a wide street paved on top of the original Grand Canal of Venice, developed by Abbot Kinney in the early 1900s. The site is approximately 1,000 feet inland of Venice Beach and Ocean Front Walk (**Exhibit 1**). Grand Boulevard and the surrounding residential blocks feature single-family residences and duplexes of varying architectural styles, ranging from one-story wood bungalows to three-story-plus-roofdeck modern glass structures (**Exhibit 4**).

The subject lot is approximately 25-feet wide by 90-feet deep. A separate De Novo Coastal Development Permit (CDP) application is pending with the Coastal Commission for development of a three-story, 35-foot high, 3,913 square foot single-family home, two-car garage, and swimming pool, and consolidation of two lots at 418-422 Grand Boulevard. Separate applications are pending with the Los Angeles Department of City Planning for a two-story 1,462 square foot home plus 420 square foot two-car garage and a three-story 4,848 square foot home plus roofdeck and 397 square foot two-car garage on three adjoining lots to the east (424-428 Grand Boulevard), one of which lots are currently graded and the latter two of which are currently developed with a 1940s era duplex.

### B. PROJECT HISTORY

The subject development is proposed on a single lot at 416 Grand Boulevard, previously developed with a portion of a duplex constructed in 1947, which spanned 416-418 Grand Blvd (Lots 6 and 7, Block 3, Tract 9358). The applicant purchased 416-418 Grand Boulevard on July 30, 2012. On June 27, 2013, after reviewing information submitted by the applicant, the City of Los Angeles Housing and Community Investment Department determined that both units within the pre-existing duplex qualified as affordable under the City's Interim Administrative Procedures for Complying with the Mello Act.

On September 17, 2013, the Los Angeles Director of Planning issued a Venice Sign Off and a Mello Clearance for the demolition the duplex (DIR-2013-2903-VSO-MEL). The City's Mello Act Coordinator determined that it was infeasible to provide replacement affordable housing units on-site or off-site. The feasibility study was accompanied by a one page Mello Act Compliance Review Worksheet which defines *feasible*: "capable of being accomplished in a

successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.”

On October 22, 2013, the same applicant submitted Coastal Development Permit Application No. 5-13-0949 to the Commission proposing to demolish two pre-existing duplexes spanning four residential lots and construct a three-story, 30-foot high, 6,166 three story single-family home. The proposed development would have consolidated three lots. In a letter dated November 19, 2013, Commission staff notified the applicant’s representative that the proposed development was inconsistent with the standards of the Coastal Act and the certified Venice Land Use Plan and encouraged the applicant to modify the project and apply for a local coastal development permit from the City of Los Angeles.

The applicant elected to move forward with the demolition of the duplex at 416-418 Grand Nolevard. On January 24, 2014, after the applicant obtained a new local approval for the demolition of the duplex (and the adjacent duplex at 422-424 Grand Boulevard), the Executive Director of the Coastal Commission approved the demolition of both duplexes under waiver of coastal development permit requirements No. 5-13-0949-W. The De Minimis Waiver noted: “the applicant’s stated intent is to develop the properties with residences once the necessary approvals are obtained.”

On December 16, 2014, the City of Los Angeles Director of Planning issued DIR-2014-4707-VSO, approving a single-family dwelling with two-car garage guest parking space, pool, and spa on Lots 7 and 8. On December 26, 2014, a City of Los Angeles Zoning Administrator approved 2014-1356-CDP for development of a two-story, 30-foot high, 1,064 square foot single-family home with an attached 361 square foot two-car garage on the same site. The Zoning Administrator’s action was appealed to the City of Los Angeles Planning Commission. On March 4, 2015, the Planning Commission upheld the Zoning Administrator’s decision and approved with conditions local Coastal Development Permit No. ZA-2014-1356-CDP-1A.

On April 17, 2015, the Executive Director of the Coastal Commission and Robin Rudisill et al submitted appeals of the City’s action. At a public hearing on June 11, 2015, the Commission found that a substantial issue exists with respect to the proposed project’s consistency with the Chapter 3 policies of the Coastal Act. The Commission’s action voided the local coastal development permit and the Commission is now required to hold a de novo hearing on the merits of the project.

### **C. DEVELOPMENT**

The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods (**Exhibit 4**) – is one of the most popular visitor destinations in California. According to the Venice Chamber of Commerce, 16 million people visit annually, drawn by the unique characteristics of the area including “the Pacific Ocean, Boardwalk vendors, skaters, surfers, artists, and musicians.”<sup>1</sup> The North Venice subarea includes Abbot Kinney Boulevard and Grand Boulevard, each developed in the early 20<sup>th</sup> century as part of Mr. Kinney’s vision for a free and diverse society. Venice was the birthplace of The Doors and The Lords of Dogtown and its unique characteristics attracted myriad artists and musicians from the Beat Generation to the poets and street performers people still travel to Venice to see.

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<sup>1</sup> Venice Chamber of Commerce website. <<http://venicechamber.net/visitors/about-venice/>>

Section 30251 of the Coastal Act states in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall...be visually compatible with the character of surrounding areas...*

Section 30253 of the Coastal Act states in part:

*New development shall...*

*e) where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The entire Venice community is a popular visitor serving destination point for recreational uses specifically because of its unique characteristics. The North Venice subarea and the Venice boardwalk subsection of that area (approximately 1,000 feet west of the subject site) are the most popular visitor destination points in Venice, and among the most popular in California. Sections 30251 and 30253 of the Coastal Act state that such scenic areas and special communities shall be protected.

When the Commission certified the Venice Land Use Plan (LUP) in 2001, it considered the potential impacts that development could have on community character and adopted residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. Given the specific conditions surrounding the subject site and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether or not the project is consistent with sections 30251 and 30253 of the Coastal Act.

In this case, the certified Venice Land Use Plan echoes the priority expressed in Coastal Act for preservation of the nature and character of unique residential communities and neighborhoods.

Policy I. E. 1, General, states

*Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.*

Policy I. E. 2. Scale, states.

*New development within the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods.*

Policy I. E. 3. Architecture, states.

*Varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.*

Policy I. A. 1 b, Residential Development, states, in part:

*In order to preserve the nature and character of existing residential neighborhoods, lot consolidations shall not be permitted in the Venice Canals and Silver Strand Residential Neighborhoods. No more than two lots may be consolidated in...North Venice. Lot consolidations may be permitted only subject to the following limitations:*

- i. No building or structure shall be constructed on what were more than two contiguous lots prior to lot consolidation...*
- ii. Building facades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots. Such buildings shall provide habitable space on the ground floor, a ground level entrance and landscaping and windows fronting the street...*
- iii. Front porches, bays, and balconies shall be provided to maximize architectural variety.*

The project originally proposed under Coastal Development Permit Application No. 5-13-0949 was a three-story, 30-foot high, 6,166 three story single-family home over three lots, which was inconsistent with Sections 30251 and 30253 of the Coastal Act and with the policies of the certified LUP because it was not visually compatible with the character of the surrounding area. The structure was not consistent with the scale, massing, and landscape of the existing residential neighborhood and the proposal to construct one house over three lots was inconsistent with the policies of the certified LUP.

The applicant withdrew the referenced proposed 6,166 square foot house from the original CDP application and modified the proposed project to include a three-story, 35-foot high, 4,816 square foot single-family home on two lots adjacent lots and a 1,064 square foot single family home on the subject (third) lot. That proposal was approved by the City of Los Angeles but the Commission found that the project raised a substantial issue with respect to consistency with Chapter 3 of the Coastal Act, specifically the policies related to scenic and visual qualities and community character referenced above.

The applicant has since modified the proposed project and submitted revised plans which feature a two-story, 29-foot high, 1,800 square foot single-family home with attached 367 square foot two-car garage at 416 Grand Boulevard. The revised plans enclose the lower floor of the home to provide livable space, increasing the size to approximately 1,800 square feet (**Exhibit 3**). The revised plans also call out enlarged windows and design articulations on the front façade of the house. The revised plans propose drought tolerant non-invasive landscaping, gutters and downspouts, and rain catchment cisterns in the side yards.

The revised proposal is significantly more consistent with the scale, massing, and landscape of the existing residential neighborhood and would be visually compatible with the character of the

surrounding area. There are several three-story structures on the subject block, including a 2,798 square foot single family home at 404 Grand Blvd. and 3,159 square foot single family home at 406 Grand Blvd. approved by the Executive Director under waivers of coastal development permit requirements (5-13-040-W and 5-12-222-W; see photos in **Exhibit 4**). Those homes were built to nearly the maximum size allowed by the zoning code and the certified LUP, and included roofdecks and narrower front setbacks than the subject application. There is also a two story, 3,362 square foot four-unit apartment building to the west of the subject site at 414 Grand Blvd. and a three-story 2,526 square foot single family home at 434 Grand Blvd. There are two one-story structures at 426-428 Grand Blvd. to the east of the subject site and many one and two-story structures on the opposite side of the street.

The revised proposal features a 15 foot front yard setback with a three-foot high front yard fence setback one foot from the sidewalk adjacent to Grand Boulevard. In order to ensure that the development preserves the pedestrian scale which contributes to the unique character of the community as outlined in the certified LUP, **Special Condition 3** requires that the front fence in the 15 foot front-yard setback area shall be constructed no higher than three-feet above grade as measured from the public sidewalk adjacent to Grand Boulevard. The side and rear yard fences shall be constructed no higher than six-feet at any point as measured from natural grade.

The revised proposal is also consistent with the existing landscape of the community because it provides drought tolerant non-invasive landscaping in the 15-foot front setback, which will be visible from the sidewalk and will provide contrast from the front façade of the home.

The revised proposal includes the use of different materials from the home proposed next door by 422 Grand Blvd LLC (which is controlled by the same applicant) under the related, but separate, Coastal Development Permit No. A-5-VEN-15-0026 (**Exhibit 3**). The proposed three-foot high fences fronting each of the two proposed developments are also distinct from one another in design. To further separate the two developments so that they do not function as one compound, which would be inconsistent with the character of the community as identified in the certified LUP, the applicant proposes and **Special Condition 3** requires that the side yard fence at the east side of the property (between the subject site and the adjacent property at 418-422 Grand Blvd) shall be maintained in a functional state throughout the life of the development.

In order to ensure that the development is carried out as shown on the revised plans, consistent with the size and scale of surrounding structures and with the pedestrian scale which contributes to the unique character of the community as outlined in the certified LUP, **Special Condition 4** requires the applicant to undertake development in accordance with the approved final plans, specifically including the site plan, landscaping plan, and drainage plan.

Opponents of the proposed project assert that the City's public hearing procedures violated Venice residents' due process, did not comply with the California Environmental Quality Act, and did not comply with California Government Code Section 65590 (the Mello Act of 1982). They argue that the Venice LUP contains standards for implementation of the Mello Act which the City of Los Angeles ignored.

The California Legislature amended the Coastal Act to remove some specific policies related to the Commission's direct authority to protect affordable housing in the coastal zone.

Section 30604 of the Coastal Act, as amended, contains the following policies:

*(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.*

*(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.*

These policies require the Commission to encourage cities and property owners to provide affordable housing opportunities, but they have not been interpreted as a basis for the Commission to mandate the provision of affordable housing through its regulatory program. In 1982, the legislature codified California Government Code Section 65590 (the Mello Act), requiring local governments to protect and increase the supply of affordable housing in the Coastal Zone.

The City of Los Angeles is responsible for implementation of the Mello Act in its segments of the Coastal Zone, including Venice. Its initial regulatory program for Mello compliance was challenged by a 1993 lawsuit brought by displaced low income tenants at 615 Ocean Front Walk, where the City approved a new development with no replacement affordable housing. That lawsuit resulted in a 2001 settlement agreement between the aggrieved parties, the Venice Town Council et al, and the City of Los Angeles<sup>2</sup>. Since 2001, the City has been regulating development through its Interim Administrative Procedures for Complying with the Mello Act. In this case, the City of Los Angeles Housing and Community Investment Department determined that the subject site contained two affordable housing units in each of two pre-existing duplexes but the City of Los Angeles Planning Department determined that it was infeasible to provide replacement affordable housing on the site and approved two separate Mello Act Compliance reviews on February 9, 2015.

The Venice Land Use Plan was certified after the Coastal Act was amended to remove specific affordable housing policies, and after the Mello Act was passed. The City's certified LUP sets forth specific policies encouraging the preservation of existing residential units. LUP Policy I. A. 9. Replacement of Affordable Housing, states:

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<sup>2</sup> No. B091312. Second Dist., Div. Seven. Jul 31, 1996. Venice Town Council Inc. et al., Plaintiffs and Appellants, v. City of Los Angeles et al., Defendants and Respondents

*Per the provisions of Section 65590 of the State Government Code, referred to as the “Mello Act”, the conversion or demolition of existing residential units occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community in accordance with Section 65590 of the State Government Code (Mello Act).*

The certified Venice Land Use Plan also includes Policy I.A.11 requiring affordable housing units to be replaced at a 1:1 ratio, Policy I.A.12. giving displaced residents priority for new units, Policy I.13.A allowing for greater residential density in projects that include affordable housing units, Policy I.A.14 allowing for the provision of fewer parking spaces than required for projects that include affordable housing units, and Policy I.A.15 allowing for a payment of a fee in lieu of providing actual required replacement affordable housing units.

However, LUP Policy I.A.16 incorporates by reference the exception provisions of the Mello Act. Applying Policy I.A.16. Exceptions, for proposed demolitions of fewer than three units in one structure, or up to 10 units in multiple structures, replacement of affordable housing units is only required when the local government determines that it is feasible. In this case, the City considered the demolitions of each duplex separately and the City did not require any replacement affordable housing units because the City determined that it was not feasible to provide replacement affordable housing units, pursuant to the provision of the Mello Act.

The Commission has no jurisdiction to alter the City’s Mello Act determinations. The California Government Code makes it clear that it is the responsibility of the local government to implement Section 65590. Nor can the Commission invalidate the City’s California Environmental Quality Act determination. In its substantial issue analysis, the Commission found that the appellant’s contentions regarding the City’s Mello Act and CEQA determinations did not raise a substantial issue because the Commission does not have jurisdiction to review those contentions.

For the reasons discussed above, the development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on visual resources and community character. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30251 and 30253 of the Coastal Act.

#### **D. WATER QUALITY**

As originally submitted by the applicant and approved by the City of Los Angeles, the proposed project was not consistent with Section 30231 of the Coastal Act, which 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.*



The City approved development was not consistent with Section 30231 of the Coastal Act because the site plan did not call out on-site drainage devices and the special conditions of the approved permit did not require construction best management practices to prevent discharge of construction debris into coastal waters. The City-approved development did not include a landscape plan or requirement for drought tolerant landscaping. The City-approved development did not include features or requirements for controlling runoff or surface water flow generated on site or from storm events. Additionally, the City's approval was not consistent with section 30253(d) of the Coastal Act which requires new development to minimize energy use because it did not include requirements for low water/energy use appliances or other features designed to reduce resource use during California's extreme drought.

The applicant has submitted revised plans. The revised landscape plan features entirely drought-tolerant, plant species. The drainage plan features gutters and downspouts which direct water to rain cisterns. Water from the cisterns will be utilized to irrigate the landscaped areas through a drip or microspray system. The applicant proposes construction best management practices including filters to capture any runoff during construction. In order to ensure that water quality is preserved and energy use is minimized over the life of the development, **Special Condition 1** requires the applicant to provide drought tolerant non-invasive landscaping and rain cisterns, which shall be maintained in a functional state. In order to preserve water quality during construction, **Special Condition 2** requires the applicant to implement construction best management practices.

Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30231 and 30253 of the Coastal Act regarding protection of water quality to promote biological productivity and minimization of energy consumption in new development.

#### **E. PUBLIC ACCESS**

As conditioned to provide a pedestrian scale along the portion of the property fronting Grand Boulevard, the proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as conditioned, the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

#### **F. LOCAL COASTAL PROGRAM**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

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 (commencing with Section 30200).

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application 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. The City is the lead agency for CEQA compliance and after preparing an Initial Study, the City adopted Mitigated Negative Declaration No. ENV-2014-1357-MND.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

### **Appendix A – Substantive File Documents**

1. City of Los Angeles Certified Land Use Plan for Venice (2001)
2. Coastal Development Permit Waiver No. 5-13-0949-W
3. City File for Local Coastal Development Permit ZA-2014-1356-CDP-1A
4. City File for Local Coastal Development Permit ZA-2014-1358-CDP-1A



# Vicinity Map: 416 Grand Boulevard, Venice, Los Angeles



Photo credit: Bing Maps

**Exhibit 1**

Page 1 of 1

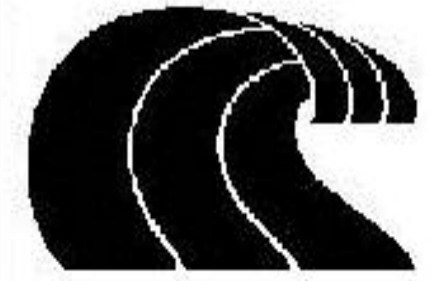


California Coastal  
Commission

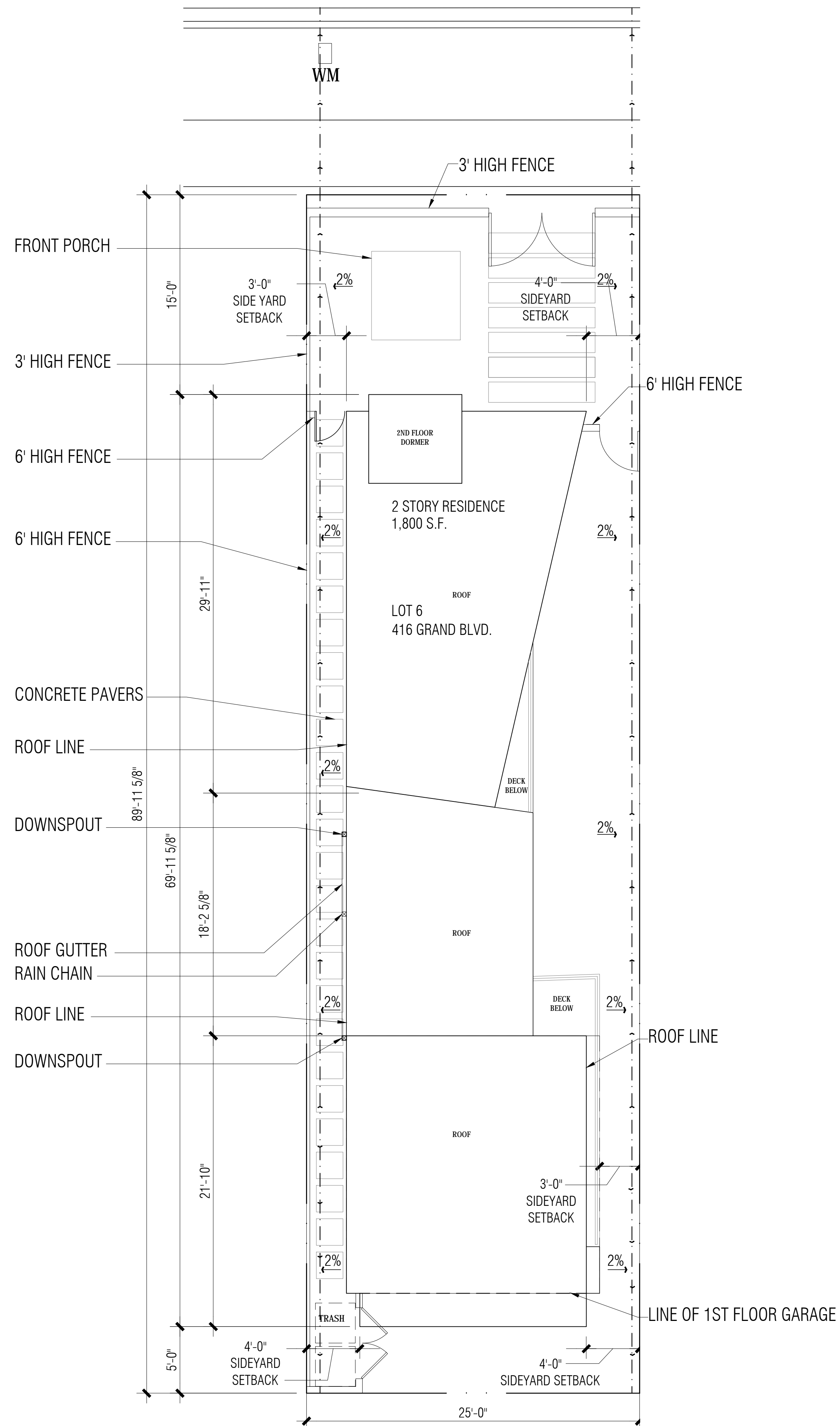


# Exhibit 2

Page 1 of 8

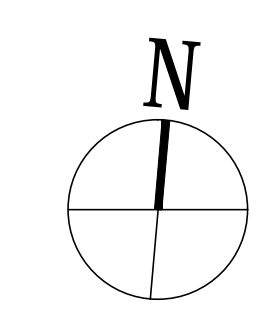


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**SITE PLAN**  
SCALE: 3/16" = 1'-0"

1



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**SITE PLAN LEGEND**

- DECOMPOSED GRANITE
- DRAIN AWAY FROM BLDG., CONVEYED TO THE STREET IN A NON-EROSIVE MANNER
- RUNOFFS TO BE CONVEYED TO THE STREET AND THE STORM DRAIN WITH AN INSTALLED FILTERING SYSTEM MAINTAINED ON-SITE DURING THE CONSTRUCTION DURATION
- GROUND FLOOR DRAIN
- DOWNSPOUT



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**416 GRAND BLVD**

416 GRAND BOULEVARD  
VENICE, CA 90291

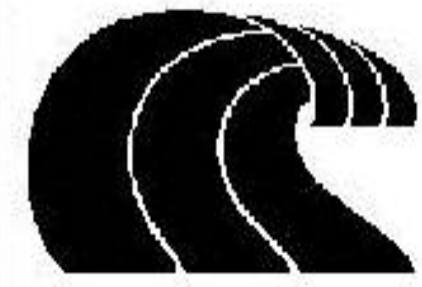
**SITE PLAN**

SCALE: 3/16" = 1'-0"  
DATE: 07.11.15

**A1.01**

# Exhibit 2

Page 2 of 8



California Coastal  
Commission

## SITE DESCRIPTION

THE PROJECT CONSISTS OF A SINGLE FAMILY RESIDENCE TO BE CONSTRUCTED ON A 25' X 90' LOT.

THE HOUSE HAS AN ATTACHED GARAGE LOCATED ON 416 GRAND BLVD.

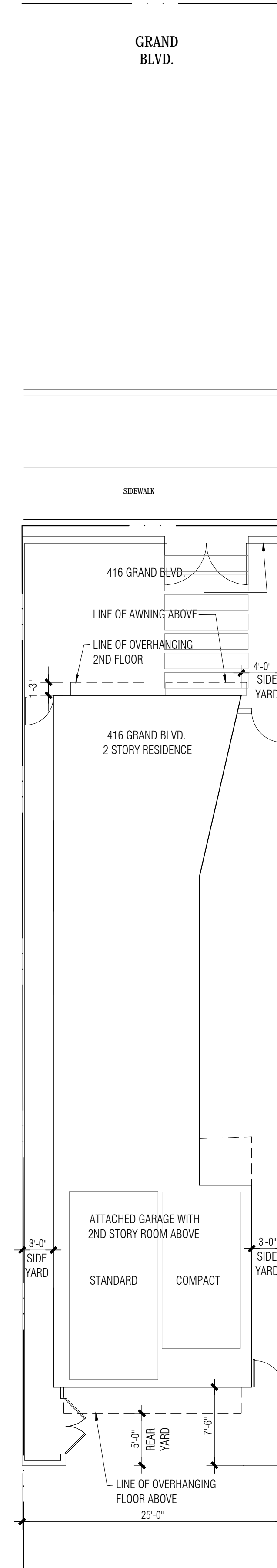
PARKING PROVIDED:  
416 GRAND BLVD.: 2 COVERED

FAR: NOT REQ'D IN VENICE NORTH COASTAL AREA SPECIFIC PLAN.

FLOOR AREAS:  
416 Grand Blvd.: 1800 SF  
(garage is an additional 367 SF)

TOTAL SITE AREA:  
416 GRAND BLVD.: 2250 SF

PROJECT HEIGHTS MEASURED FROM CENTERLINE OF STREET AT CENTER OF LOTS:  
416 GRAND BLVD.: 28' - 8.5"  
(FLAT ROOF)



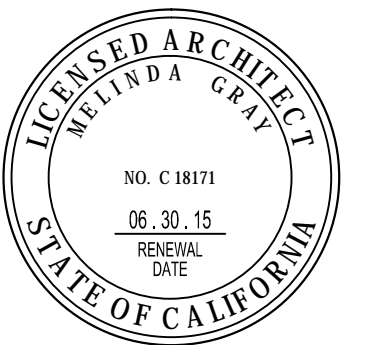
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## 416 GRAND BLVD

416 GRAND BOULEVARD  
VENICE, CA 90291

## PLOT PLAN

SCALE: 1/8" = 1'-0"  
DATE: 07.11.15

# A1.02

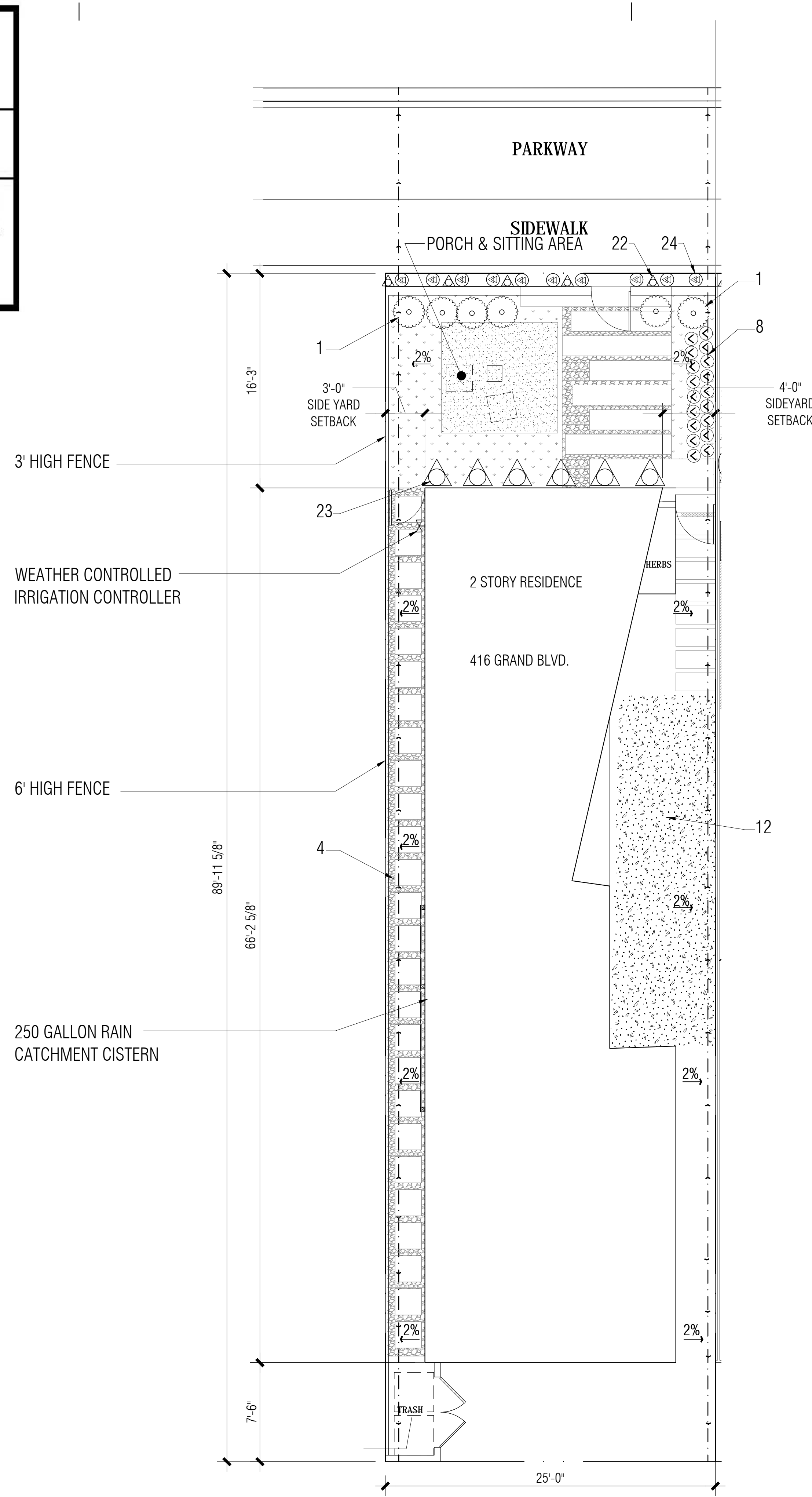


# Exhibit 2

Page 3 of 8



California Coastal Commission



**LANDSCAPE PLAN**  
SCALE: 3/16" = 1'-0"

1

- |    |  |                        |
|----|--|------------------------|
| 1  |  | Pittosporum Tenufoeium |
| 2  |  | Meyer Lemon Tree       |
| 3  |  | Douglas Iris           |
| 4  |  | Gravel                 |
| 5  |  | Heart Leaved Pentemon  |
| 6  |  | Penstemon              |
| 7  |  | Wallace                |
| 8  |  | Lamb's Ear             |
| 9  |  | Purples and Yellows    |
| 10 |  | Red Kangaroo Paw       |
| 11 |  | Star Jasmine           |
| 12 |  | Marathon Lawn          |
| 13 |  | ---                    |
| 14 |  | Pomegranate            |
| 15 |  | Thyme Ground Cover     |
| 15 |  | Dymondia Ground Cover  |
| 15 |  | Oregano Ground Cover   |
| 16 |  | ---                    |
| 17 |  | ---                    |
| 18 |  | Purple Three Awe       |
| 19 |  | Japanese Rush          |
| 20 |  | ---                    |
| 21 |  | Pineapple Guava        |
| 22 |  | Dwarf Flowering Maple  |
| 23 |  | Garden Hydrangea       |
| 24 |  | Geranium Cranesbill    |

**LANDSCAPE IMAGES**

2

**IRRIGATION CONTROLLER**

**RAIN BIRD** TECH SPECS  
**Rain Bird ET Manager Series**

The Rain Bird ET Manager Series is a complete irrigation control system that provides precise watering for your landscape. It features a weather sensor that adjusts watering based on actual weather conditions, ensuring your plants receive the right amount of water at the right time.

**Features:**

- Weather sensor for precise watering
- Adjustable watering schedule
- Easy-to-use controls
- Compatible with Rain Bird ET Manager Series controllers

**Installation:**

Follow the instructions provided with the controller for proper installation. Ensure the weather sensor is placed in an open area, away from trees and buildings.

**Warranty:**

The Rain Bird ET Manager Series is covered by a 5-year warranty.

**DRIP OR MICROSPRAY IRRIGATION SYSTEM TO BE PROVIDED**

**SITE PLAN LEGEND**

- CONCRETE
- DECOMPOSED GRANITE
- THYME GROUND COVER
- DRAIN AWAY FROM BLDG., CONVEYED TO THE STREET IN A NON-EROSIVE MANNER
- RUNOFFS TO BE CONVEYED TO THE STREET AND THE STORM DRAIN WITH AN INSTALLED FILTERING SYSTEM MAINTAINED ON-SITE DURING THE CONSTRUCTION DURATION

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**416 GRAND BLVD**

416 GRAND BOULEVARD  
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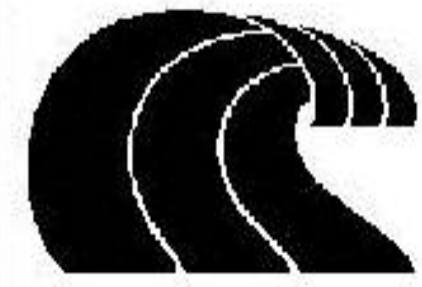
**LANDSCAPE PLAN**

SCALE: 3/16" = 1'-0"  
DATE: 07.11.15

**A1.03**

# Exhibit 2

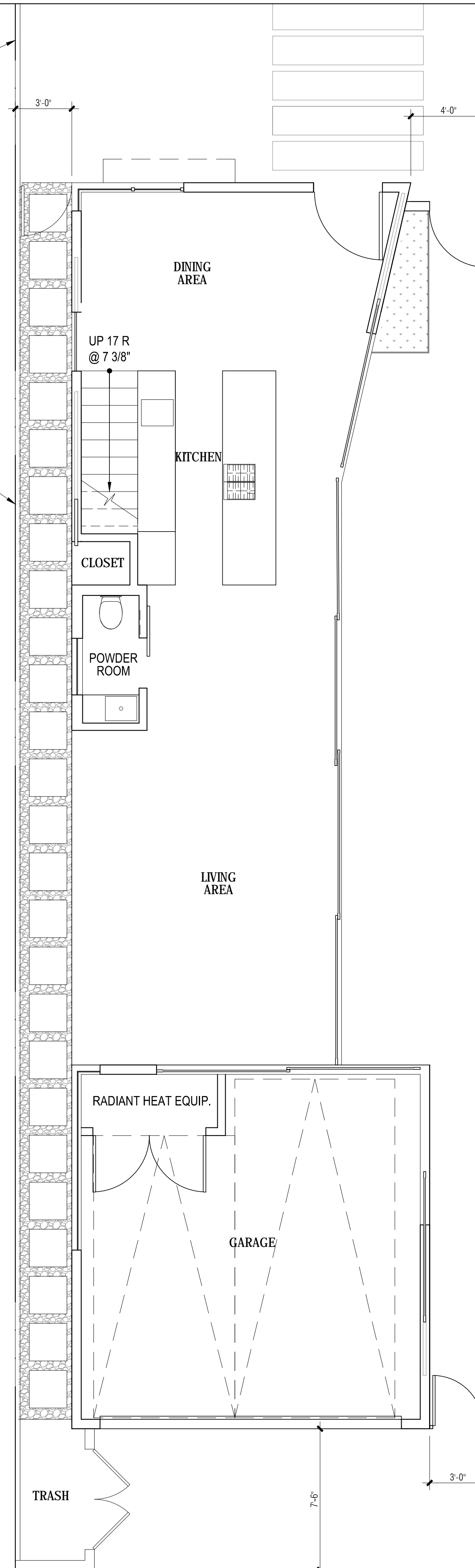
Page 4 of 8



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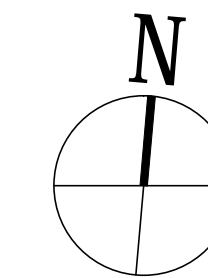
3' HIGH FENCE

6' HIGH FENCE



FIRST FLOOR PLAN

1



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## 416 GRAND BLVD

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## FIRST FLOOR PLAN

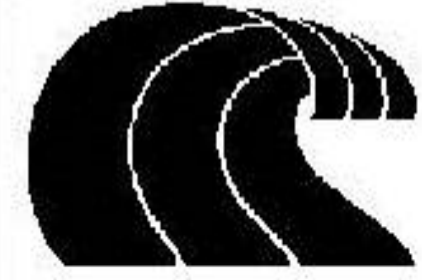
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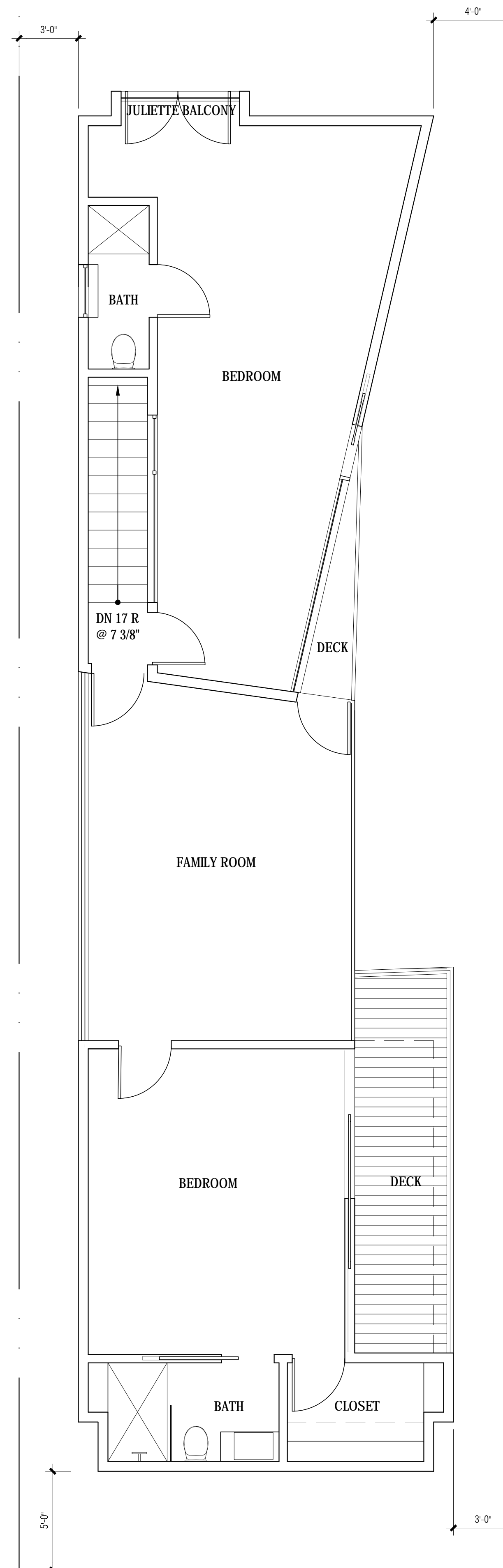


# Exhibit 2

Page 5 of 8

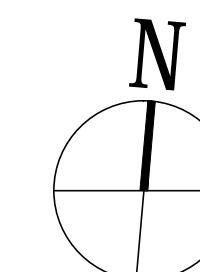


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SECOND FLOOR PLAN

1



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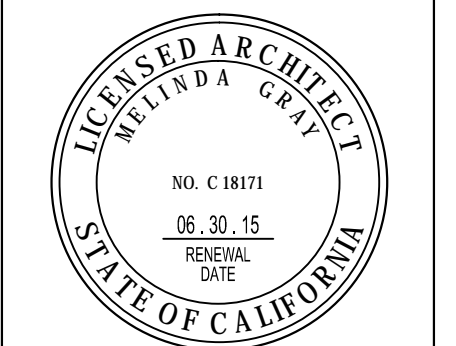
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**SECOND  
FLOOR  
PLAN**

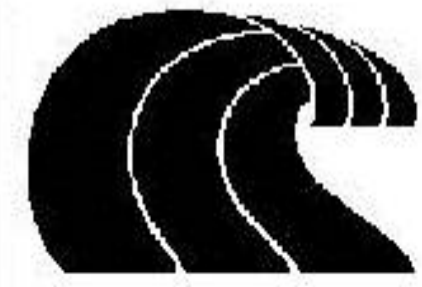
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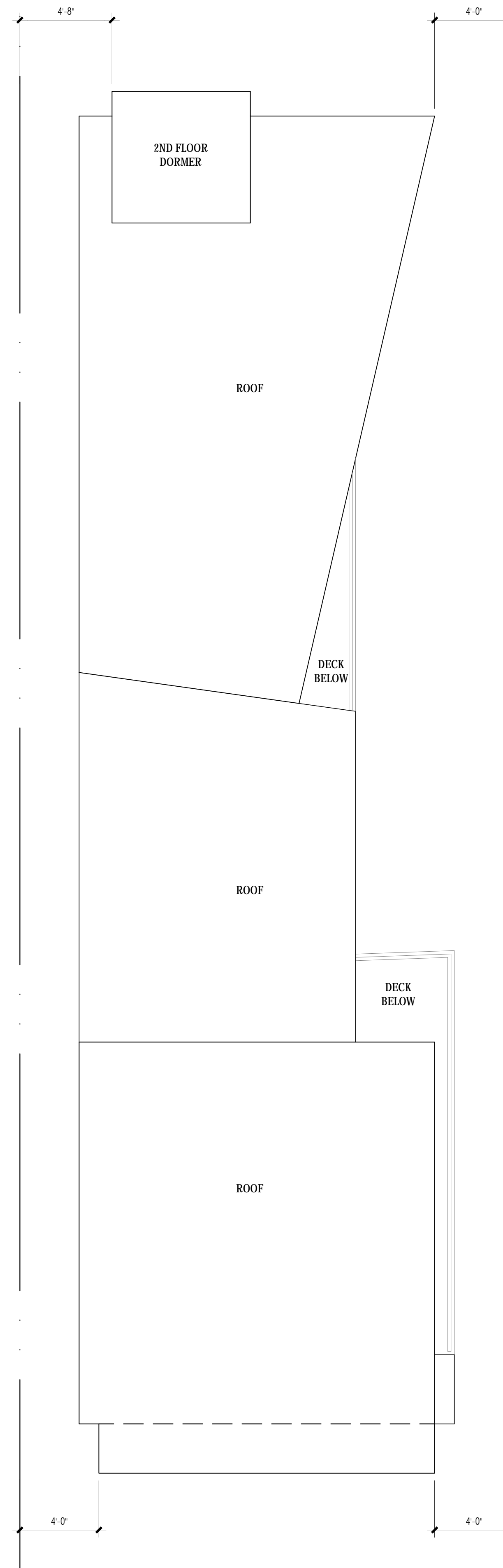


# Exhibit 2

Page 6 of 8

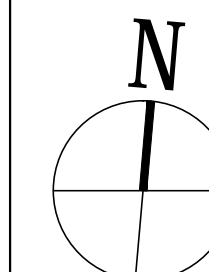


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ROOF PLAN

1



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california 90402

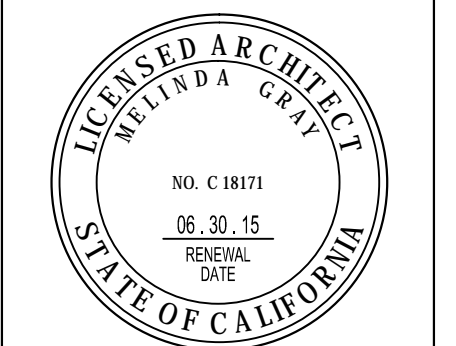
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ROOF  
PLAN

SCALE: 1/4" = 1'-0"  
DATE: 07.11.15

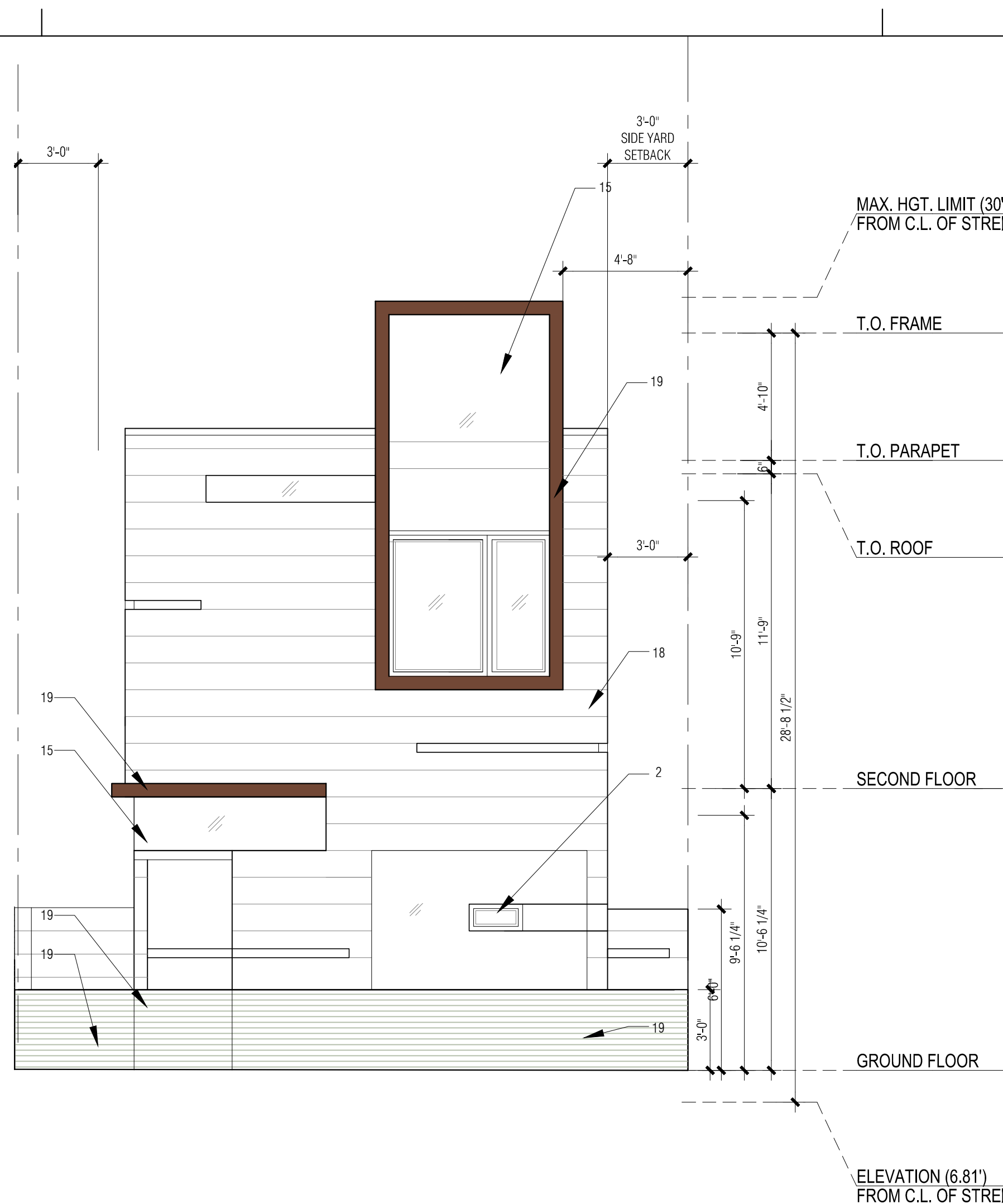
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# Exhibit 2

Page 7 of 8



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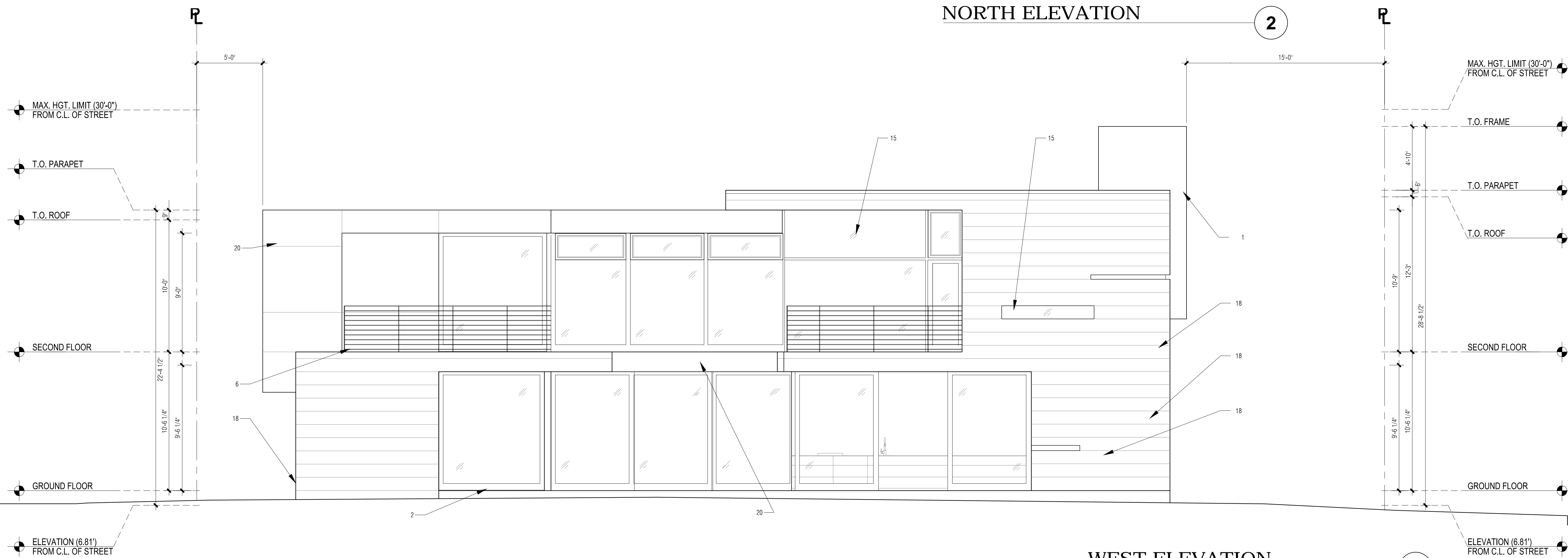
NORTH ELEVATION

2

### ELEVATION KEY NOTES

- 1 LIGHT GREY ZINCALUM PANELS
- 2 ALUMINUM WINDOWS BY JACK'S GLASS
- 3 SMOOTH STEEL-TROWELED STUCCO
- 4 SCULPTURAL GUTTER
- 5 CORROSION RESISTANT WEEP SCREED 4" ABOVE GRADE OR PAVING
- 6 METAL GUARDRAIL
- 7 GALV. SHEET METAL GUTTER AND DOWNSPOUTS
- 8 SELF CLOSING SOLID SLAB METAL PANEL DOOR
- 9 JACUZZI W/ GLASS FRONT
- 10 EXPOSED STEEL I-BEAM
- 11 GAS FIREPLACE
- 12 CURB-MOUNTED SKYLIGHT
- 13 RUST PATINA METAL AWNING
- 14 EXPOSED STEEL BEAM
- 15 FRAMELESS GLASS PANELS
- 16 GALV. METAL ROLLUP GARAGE DOOR
- 17 GALV. METAL SCUPPER
- 18 BONDERIZED METAL PANELS
- 19 WOOD SIDING (RESYSTA)
- 20 CBF COMPOSITE PANELS
- 21 COMPOSITE WOOD SCREEN
- 22 32"W x 94"H - 310 GALLON CISTERN
- 23 31"W x 84"H - 250 GALLON CISTERN
- 24 PERFORATED METAL SCREEN W BACKING
- 25 GREY SMOOTH STEEL TROWEL PLASTER STUCCO
- 26 BOARD FORMED CONCRETE FENCE WALL

### ELEVATION GENERAL NOTES



WEST ELEVATION

1

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### EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"  
DATE: 07.11.15

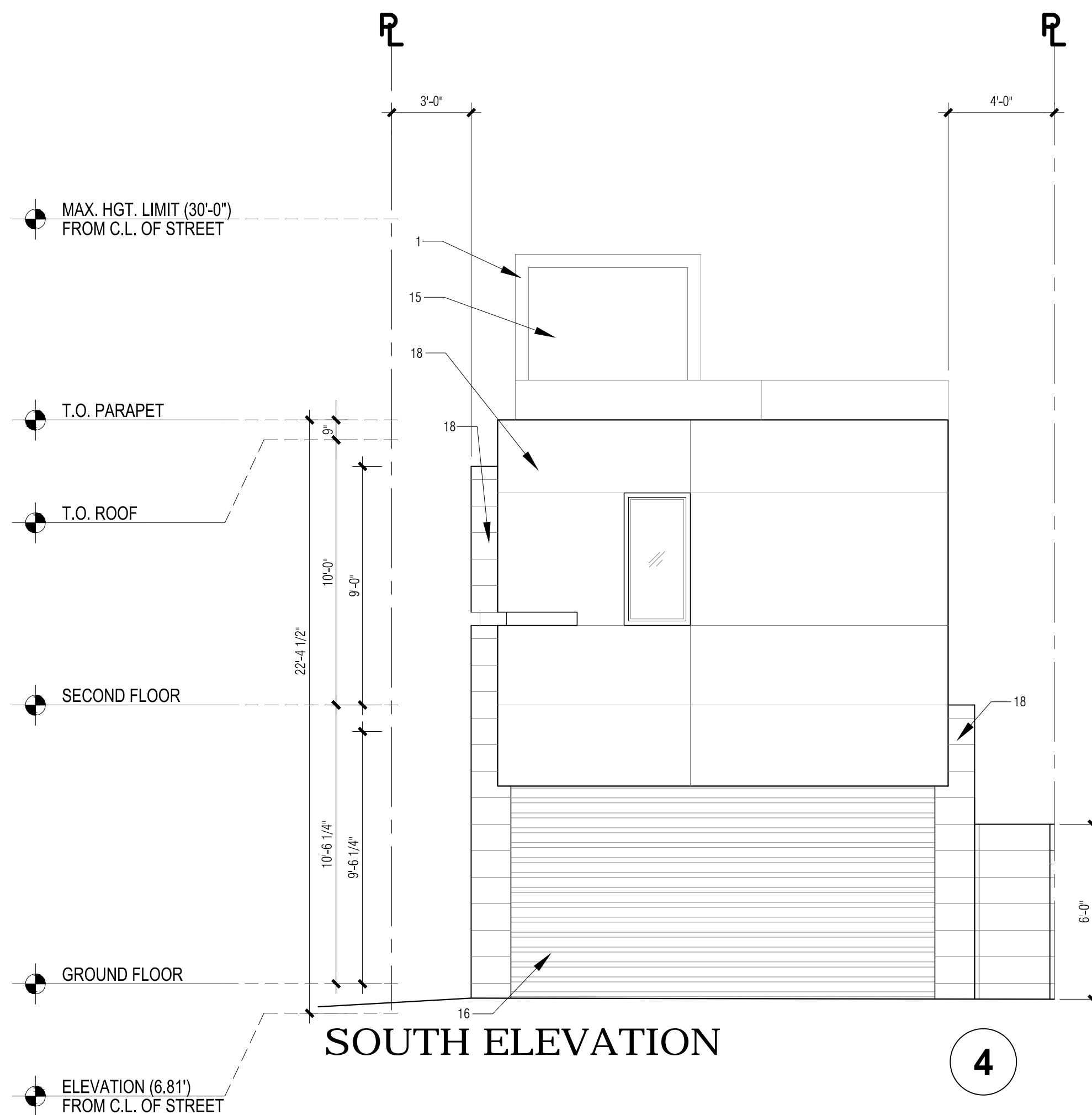
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# Exhibit 2

Page 8 of 8



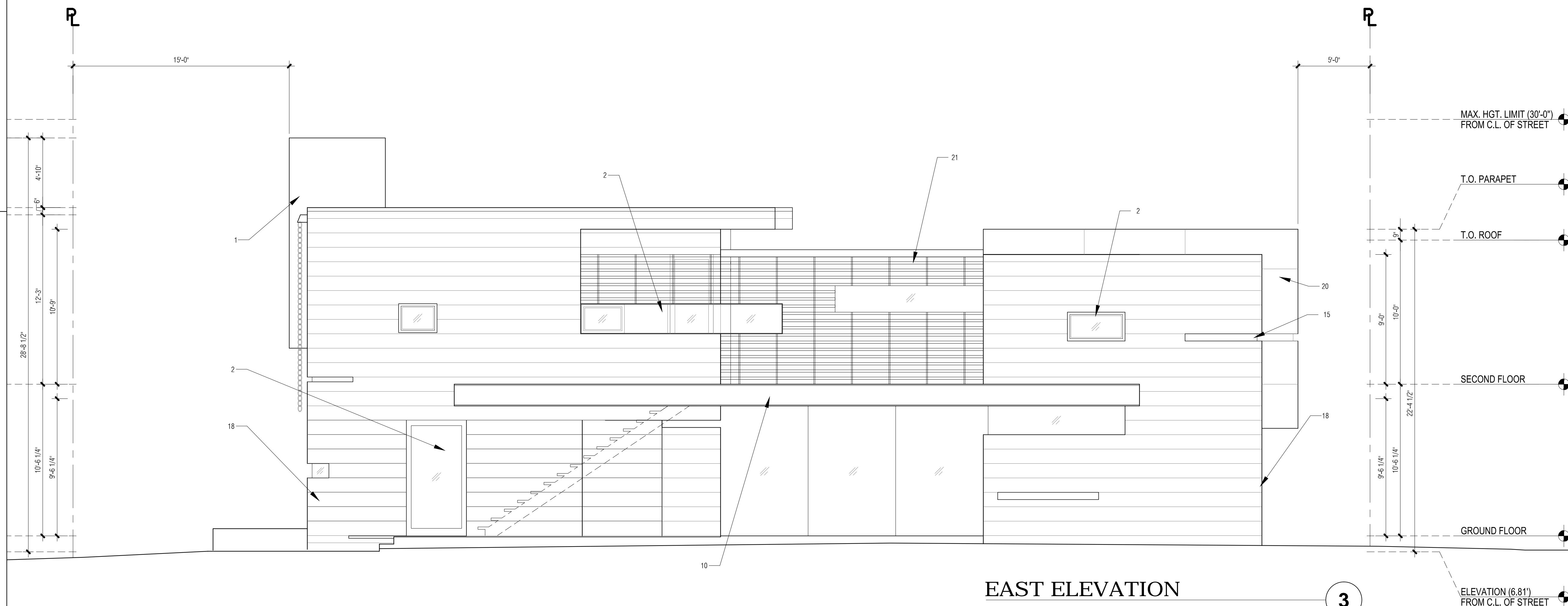
California Coastal Commission



### ELEVATION KEY NOTES

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### ELEVATION GENERAL NOTES



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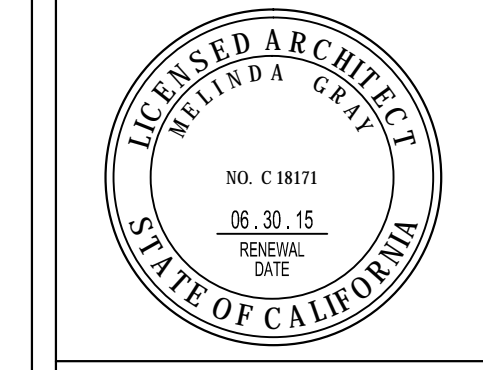
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**416 GRAND BLVD**

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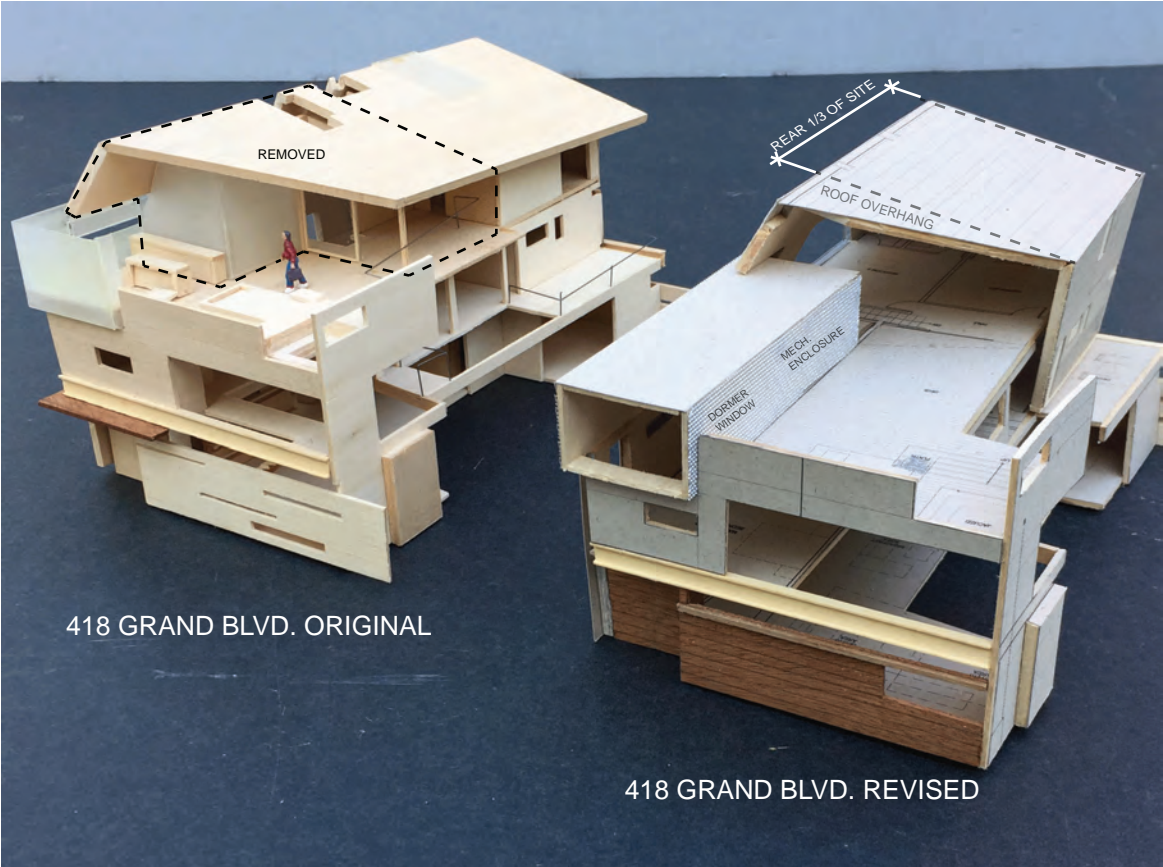
### EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"  
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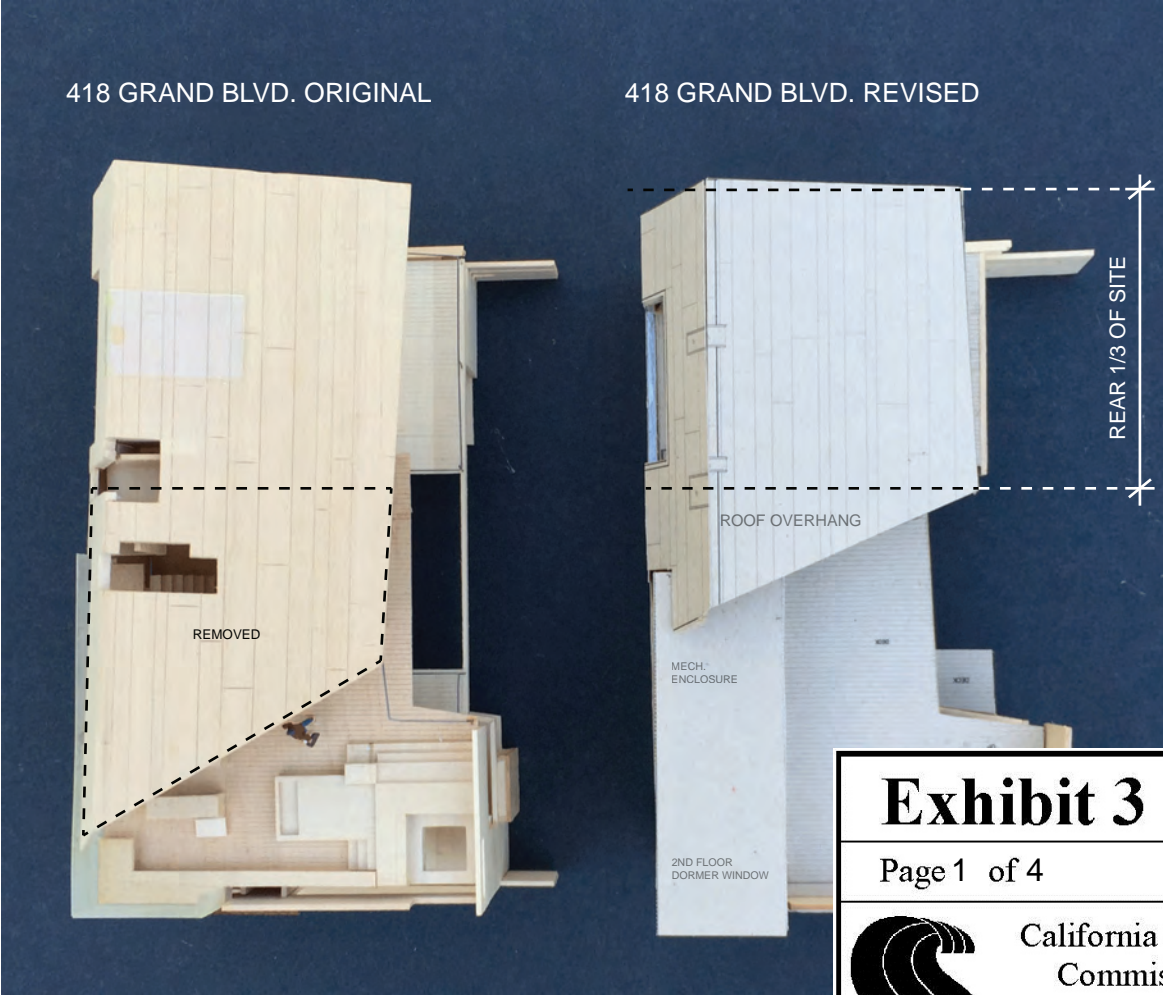
**A5.02**



418 GRAND BLVD.: ANGLE VIEW



418 GRAND BLVD.: ROOF PLAN VIEW





416 AND 418 GRAND BLVD.: STREET ELEVATION VIEW



DIFFERENT MATERIALS FOR EACH HOUSE

<b>Exhibit 3</b>	
Page 2 of 4	
	California Coastal Commission





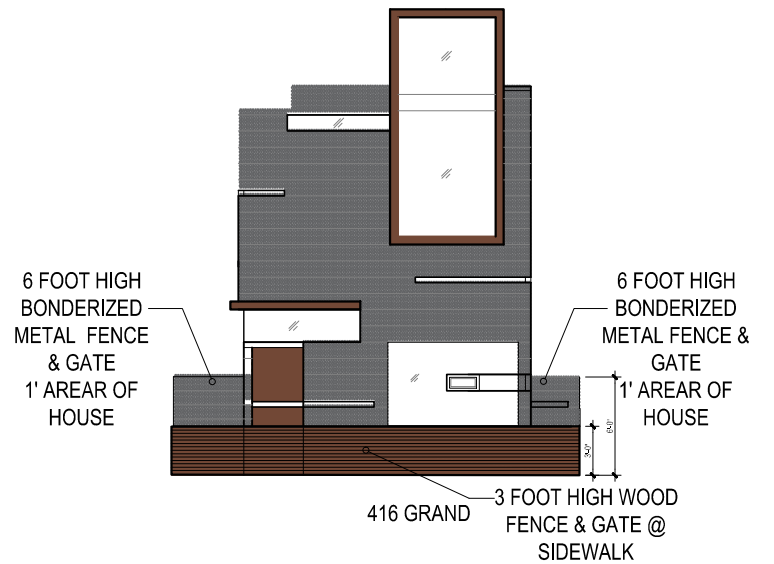
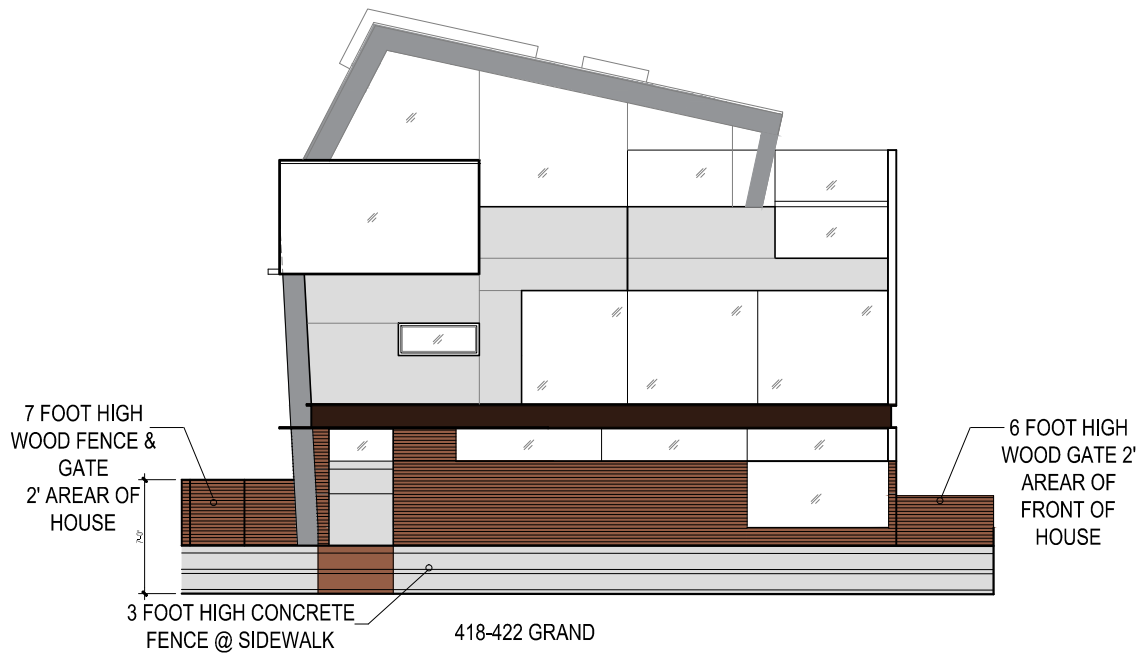
416 & 418 GRAND MATERIALS BOARD

## Exhibit 3

Page 3 of 4



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# Exhibit 3

Page 4 of 4



California Coastal Commission





One-story bungalows/cottages directly across street from subject site



## Exhibit 4

Page 1 of 1



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Photos: Commission staff (4/25/15)

Modern three-story homes on same block (west of subject site)