

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Th19b

Filed: 11/3/2003
49th Day: 12/22/2003
Staff: CP-LB
Staff Report: 11/21/2003
Hearing Date: December 11, 2003
Commission Action:

**STAFF REPORT: APPEAL - NO SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Los Angeles
LOCAL DECISION: Approved with Conditions
APPEAL NUMBER: A-5-VEN-03-466
APPLICANT: Abbot Kinney Investments, LLC (Michael Sant)
APPELLANTS: John Davis, Lydia Ponce & James Smith
PROJECT LOCATION: 1119-1123 Abbot Kinney Boulevard, Venice, City of Los Angeles.
PROJECT DESCRIPTION: Appeal of City of Los Angeles approval of Coastal Development Permit No. ZA-2002-1848 for Vesting Tentative Tract 53750 and the construction of a 35-foot high mixed-use building with seven live-work residential condominium units, two commercial condominium units with a total of 3,080 square feet, and a 31-stall garage on three contiguous vacant lots (C2-1-0-CA Zone).

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that the local government's approval of the local coastal development permit for the proposed development raises **no substantial issue** with regards to the project's conformity with the Chapter 3 policies of the Coastal Act for the following reasons:

1. The appellants' grounds for the appeal, listed on Page Two, do not include any allegations that the proposed project does not conform to the Chapter 3 policies of the Coastal Act (See Appeal - Exhibit #4). Therefore, the appeal raises no issues that could justify a decision by the Commission to hear the appeal.
2. The appeal does not include a statement of facts on which the appeal is based, as is required by Sections 13318 and 13111(a)(8) of Title 14 of the California Code of Regulations. The appeal does not state how or why the local action failed to comply with the Seismic Hazards Mapping Act or CEQA requirements, as alleged by the appellants (See Appeal - Exhibit #4).

The Commission's role at the "substantial issue" phase of an appeal of a local government action taken prior to certification of its local coastal program is to decide whether the appeal of the local government action raises a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act. In this case, the local government's findings for the approval of the coastal development permit support its determination that the proposed development does conform to the policies of Chapter 3 of the Coastal Act. **The motion to carry out the staff recommendation is on Page Four.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. City of Los Angeles Local Coastal Development Permit No. ZA-2002-1848.
3. City of Los Angeles Vesting Tentative Tract 53750 (Case No. ZA-2002-1848).
4. Preliminary Soils Engineering Investigation, by GeoSystems, 2/21/01 (GS00-1213).
5. City of Los Angeles Dept. of Building & Safety Soils Report Approval, Log No. 34924, 11/13/01.

I. APPELLANTS' CONTENTIONS

The appeal, filed by John Davis, Lydia Ponce and James Smith, contends that:

1. The City failed to comply with PRC Section 26507, which states: "Geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth.
2. The City failed to comply with Title 14, Article 10 (California Seismic Hazards Mapping) of the California Code of Regulations.
3. The City is in violation of CEQA (California Environmental Quality Act) as the Mitigated Negative Declaration (MND) was only transmitted to the State after hearing and is in violation of PRC Section 26507.

The ten-page appeal is attached as Exhibit #4 to this staff report (See Appeal - Exhibit #4).

II. LOCAL GOVERNMENT ACTION

On June 5, 2002, the City Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV-2002-1847-MND for the proposed project. On November 20, 2002, after a public hearing, the City of Los Angeles Zoning Administrator issued its action approving Local Coastal Development Permit Application No. ZA-2002-1848 and Vesting Tentative Tract 53750 for a 35-foot high mixed-use building at 1119-1123 Abbot Kinney Boulevard in North Venice. Lydia Ponce, one of the current appellants, appealed the Zoning Administrator's decision to the West Los Angeles Area Planning Commission. At a Special Meeting on February 5, 2003, the West Los Angeles Area Planning Commission denied the appeal and upheld the Zoning Administrator's approval of proposed development (Exhibit #3).

Lydia Ponce, Phyllis Verney and John Davis appealed the decision of the West Los Angeles Area Planning Commission to the Los Angeles City Council. The City Council did not act on the appeal, and let stand the decision of the West Los Angeles Area Planning Commission.

On October 3, 2003, the Commission's South Coast District office in Long Beach received the City's Notice of Final Action for the City's approval of Local Coastal Development Permit Application No. ZA-2002-1848 and Vesting Tentative Tract 53750, and established the twenty-working day appeal period (which ended on November 3, 2003).

On the afternoon of the last day of the appeal period (November 3, 2003), the Commission's South Coast District office received via fax a ten-page appeal from John Davis, Lydia Ponce and James Smith (See Appeal - Exhibit #4).

On November 4, 2003, the Commission's South Coast District office notified the City Planning Department of the appeal, and requested a copy of the City's file (all relevant docs) for Local Coastal Development Permit Application No. ZA-2002-1848. The Commission staff already had in its possession the project plans and the West Los Angeles Area Planning Commission's February 7, 2003 Letter of Determination containing the findings and conditions for its approval of Local Coastal Development Permit No. ZA-2002-1848 (Exhibits #2&3).

On November 7, 2003, the Commission's South Coast District office issued the Executive Director's determination, pursuant to Section 30620(d) of the Coastal Act, that the appeal is patently frivolous, thereby requiring the appellants to submit a filing fee of \$300 if they wished to continue to pursue the appeal (Exhibit #7). On November 19, 2003, the Commission's South Coastal District office received the filing fee from John Davis.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.]

Any appeal of the local action is then analyzed to determine if a substantial issue exists as to conformity with Chapter 3 of the Coastal Act (Sections 30200-30265.5). [Cal. Pub. Res. Code § 30625(b)(1).] Unless the Commission finds that the appeal raises no substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.]

At this point, the Commission may decide that the appellants' contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, in which case the action of the local government stands. Or, the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with Chapter 3 of the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

IV. DUAL PERMIT JURISDICTION

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that the development which receives a local coastal development permit also obtain a "dual" coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (*Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed development is not located within the *Dual Permit Jurisdiction*.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **no substantial issue exists** with respect to whether the local government action conforms with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to California Public Resources Code Section 30625(b)(1).

Staff recommends a **YES** vote on the following motion:

MOTION:

*"I move that the Commission determine that Appeal No. A-5-VEN-03-466 raises **NO SUBSTANTIAL ISSUE** as to conformity with Chapter 3 of the Coastal Act."*

A majority of the Commissioners present is required to pass the motion.

Resolution to Find No Substantial Issue for Appeal A-5-VEN-03-466

The Commission hereby finds that Appeal No. A-5-VEN-03-466 presents no substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a 35-foot high mixed-use building with seven live-work residential condominium units, two commercial condominium units with a total of 3,080 square feet (including one café), and a 31-stall garage on three contiguous vacant lots in North Venice (Exhibits #1&2). The project site area is 9,718 square feet, and the building floor area is 13,025 square feet (FAR: 1.34).

Abbot Kinney Boulevard, where the proposed project is located, was originally developed in the early 1900s with single-family homes and small storefronts. The street is a pedestrian oriented street where many of the buildings, still a mix of small retail establishments and residential uses, have been built up to the sidewalk with zero-foot front yard setbacks. The garages and on-site parking areas are accessed from the rear alleys, although the project site has no rear ally (Exhibit #2, p.1). During the past several years, most of the new development along the street has been new individual artist-in-residence live/work structures.

The City found that the proposed project is consistent with the Chapter 3 policies of the Coastal Act (Exhibit #3, p.33). The land use designation for the project site, as set forth in the certified Venice Land Use Plan (LUP), is Commercial Artcraft. The City's zoning for the site is C2-1-0-CA (commercial). The Commercial Artcraft land use designation allows a mix of residential and small business uses and emphasizes artists' residences that include on-site work areas. The certified Venice LUP contains the following relevant policies:

- **Policy I. B. 2. Mixed-Use Development.** *Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use. Residential density in commercial land use designations shall not exceed one unit per 800-1200 square feet of lot area and shall comply with the Floor Area Ratio (FAR) limits set forth in Policy I.B.7. The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.*
- **Policy I. B. 3. Commercial Artcraft Land Use Designation.** *The purpose of this land use designation is to create enclaves in which the artisan segments of the population may live, create, and market their work, to maintain the variety and distinctiveness of Venice's lifestyles. Residential density in the Commercial Artcraft designation shall not exceed one unit per 800-1200 square feet of lot area. Land designated Commercial Artcraft in the Venice Coastal Zone shall include the following areas: **North Venice:** As indicated on the Land Use Policy Maps (Exhibits 10a and 10b), properties located along Abbot Kinney Boulevard from North Venice Boulevard to Westminster Avenue, along Windward Avenue from Ocean Front Walk to Pacific Avenue, and along Ocean Front Walk in that vicinity, including a small site at North Venice Boulevard and Pacific Avenue.*

Uses: Artcraft activities including mixed-use, combining residential and commercial uses which emphasize artist-in-residence uses, small businesses, light industrial and artisan activities are permitted in these areas. Drive-thru facilities and billboards shall be prohibited in the Commercial Artcraft land use designation.

The proposed mixed-use project conforms with the land use designation that the certified Venice LUP sets forth for the project site. The proposed project also complies with the 30-to-35-foot height limit and the parking requirements set forth in the certified Venice LUP, including the provision (LUP Policy II.A.4) that allows the applicant to pay an in-lieu fee into the City's Venice Coastal Parking Impact Trust Fund for the additional three parking spaces required because the project is located within the Beach Impact Zone (BIZ).

• **Policy II. A. 4. Parking Requirements in the Beach Impact Zone.** *Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund.*

The proposed project, which has a parking demand of 33 spaces per the requirements of the Venice Specific Plan and the certified Venice LUP, includes a 31-stall parking garage. Three of the project's required 33 parking spaces are BIZ spaces. The applicant has agreed to pay an in-lieu fee to the City's Venice Coastal Parking Impact Trust Fund for two of the 33 required parking spaces (Exhibit #2, p.4).

B. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to the project's conformity with Chapter 3 of the Coastal Act. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,

5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **no substantial issue** exists with respect to whether the local government action conforms with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. Substantial Issue Analysis

The Commission's role at the "substantial issue" phase of an appeal is to decide whether the appeal of the local government action raises a substantial issue as to the project's conformity with the Chapter 3 policies of the Coastal Act. In this case, the local government's findings for the approval of the coastal development permit support its determination that the proposed development, as conditioned, conforms to the policies of Chapter 3 of the Coastal Act. The appeal does not include any allegations that the proposed project does not conform to the Chapter 3 policies of the Coastal Act (See Appeal - Exhibit #4). Therefore, the appeal raises no issues that could justify a decision by the Commission to hear the appeal.

The appellants assert that the City failed to comply with the California Seismic Hazards Mapping Act (Title 14, Article 10 of the California Code of Regulations) and the California Environmental Quality Act (CEQA). The Commission is not an appellate body for challenges to CEQA or California Seismic Hazards Mapping Act compliance determinations made by local governments. Therefore, these claims raise no issues that could justify a decision by the Commission to hear the appeal.

Furthermore, the appeal does not state how or why the local action failed to comply with the Seismic Hazards Mapping Act or CEQA requirements. The appellants' failure to provide any evidence or facts to support the allegations, along with the failure of the claims to relate to the applicable standard for an appeal, resulted in the Executive Director's determination that the appeal is patently frivolous pursuant to Section 30620(d) of the Coastal Act (Exhibit #7).

The applicant has provided substantial documentation to refute the appellants' allegation that the City failed to comply with the Seismic Hazards Mapping Act in regards to its action on the proposed project. The applicant's evidence of compliance includes:

1. A Soils Engineering Investigation Report prepared for the project site by GeoSystems, dated February 21, 2001 (Exhibit #5, ps.8-18). The report states that the site is within a Zone of Required Investigation, potential seismically-induced liquefaction, as defined by the Seismic Hazards Mapping Act (Exhibit #5, p.12).
2. The applicant submitted the Soils Engineering Investigation for review by the City of Los Angeles Department of Building & Safety.

3. The City of Los Angeles Department of Building & Safety reviewed and commented on the Soils Engineering Investigation (See Soils Report Approval, Log No. 34924, Exhibit #5, ps.2-7).
4. The Soils Engineering Investigation was forwarded to the California Department of Conservation Seismic Hazards Mapping Program, and received on October 4, 2002, in compliance with the requirements of the Seismic Hazards Mapping Act (Exhibit #6).

As indicated above, the standard of review is only whether the appeal raises a substantial issue as to the project's conformity with Chapter 3 of the Coastal Act, Cal. Pub. Res. Code §§ 30200-265.5, (hereinafter "Chapter 3").¹ [Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321.] The appeal raises no substantial issue as to the project's conformity with Chapter 3.

The Determination Report issued by the West Los Angeles Area Planning Commission ("Planning Commission") shows that the Planning Commission applied the policies of Chapter 3 and concluded that the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. The appeal does not include any challenge to the Planning Commission's determination. Therefore, the appeal raises no issues that could justify a decision by the Commission to hear the appeal.

This Commission's role at the "substantial issue" phase of an appeal is not to reassess the evidence in order to make an independent determination as to consistency of the project with Chapter 3, but only to decide whether the appeal of the local government action raises a substantial issue as to the project's conformity with those standards. There is no question that the local decision correctly applied the policies of Chapter 3, and the appeal raises no substantial issue regarding the project's conformity therewith.

Applying the five factors listed in the prior section further clarifies that the appeal raises no "substantial" issue with respect to Chapter 3, and the appeal does not implicate Chapter 3 policies to a level of significance (or any level at all) necessary to meet the substantiality standard of Section 30265(b)(1).

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent with Chapter 3 of the Coastal Act. The Planning Commission's conclusion is supported by substantial evidence. Specifically, the Planning Commission's Determination Report, attached as Exhibit #3, explains that the proposed development as conditioned complies with Chapter 3 because it would not negatively affect coastal access or other coastal resources (Exhibit #3, ps.33-35). The Planning Commission cites specific policies and building standards that the Coastal Commission certified on June 14, 2001 as part of the Venice LUP. The proposed project, as conditioned, was found to be consistent with all of the applicable policies and building standards set forth by the certified Venice LUP as well as the Chapter 3 policies of the Coastal Act.

The second factor is the scope of the development approved by the local government. The scope of the approved development is limited to the 9,718 square foot project site by the

¹ Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

findings and conditions of the Planning Commission's determination. The scope of the approved development is not at issue in this case.

The third factor is the significance of the coastal resources affected by the decision. The appellants have not asserted any affect on coastal resources. The Commission concurs with the Planning Commission's determination that the conditions of the City action adequately mitigate the identified effects of coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. This is designed to avoid leaving decisions in place that could create a precedent for how the relevant provision of the LCP is to be interpreted, assuming the local government has a certified LCP. In this case, the City does not have a certified LCP. The City's interpretation of the policies of the certified LUP has not been raised in this appeal. Nonetheless, the Commission does not find any negative precedential value in the City's interpretation of the policies of the certified LUP or Chapter 3, in this case.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises a localized issue related to the City's compliance with the Seismic Hazards Mapping Act and CEQA requirements, but it does not raise any issues of statewide significance.

Therefore, in conclusion, the Commission finds that the local government action does not raise any substantial Chapter 3 issues because the City's decision is consistent with Chapter 3. Therefore, no substantial issue exists with respect to the Chapter 3 policies of the Coastal Act.

End/cp

EXHIBITS

Coastal Commission Appeal Case No. A5-VEN-03-466

- 1. Project Location Map & Site Plan.**
- 2. Project Plans & Parking Table.**
- 3. City Planning Department Approval Letter with Findings & Conditions.**
- 4. Appellants' Appeal.**
- 5. Applicant's Response to the Appeal.**
- 6. E-mail from California's Seismic Hazards Mapping Program.**
- 7. Executive Director's Determination of Frivolous Appeal Letter.**

VENICE, CA



Site:

1119-1123 Abbot Kinney Blvd.

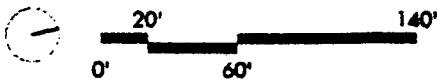
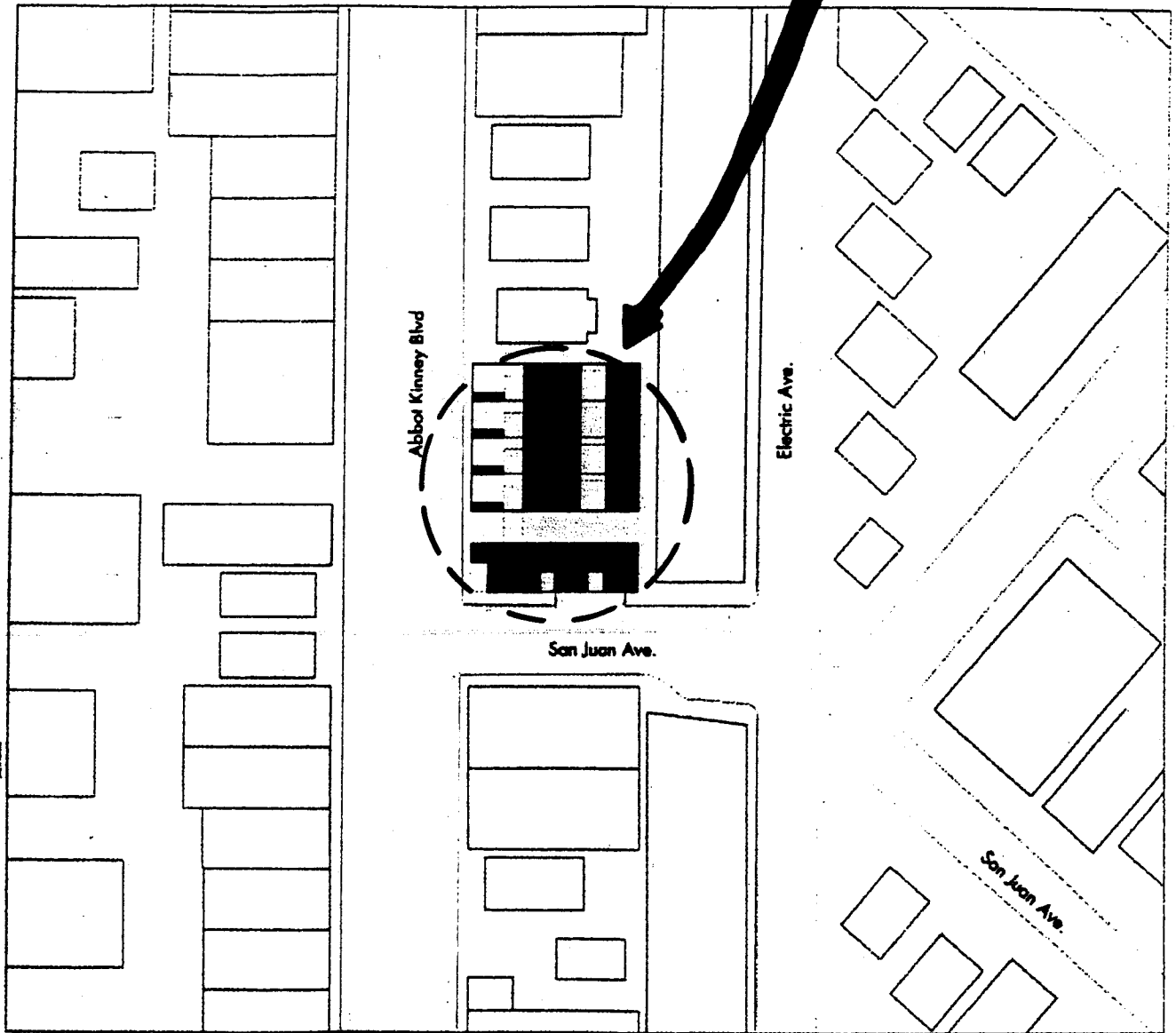
COASTAL COMMISSION
A5-VEN-03-466

EXHIBIT # 1

PAGE 1 OF 2

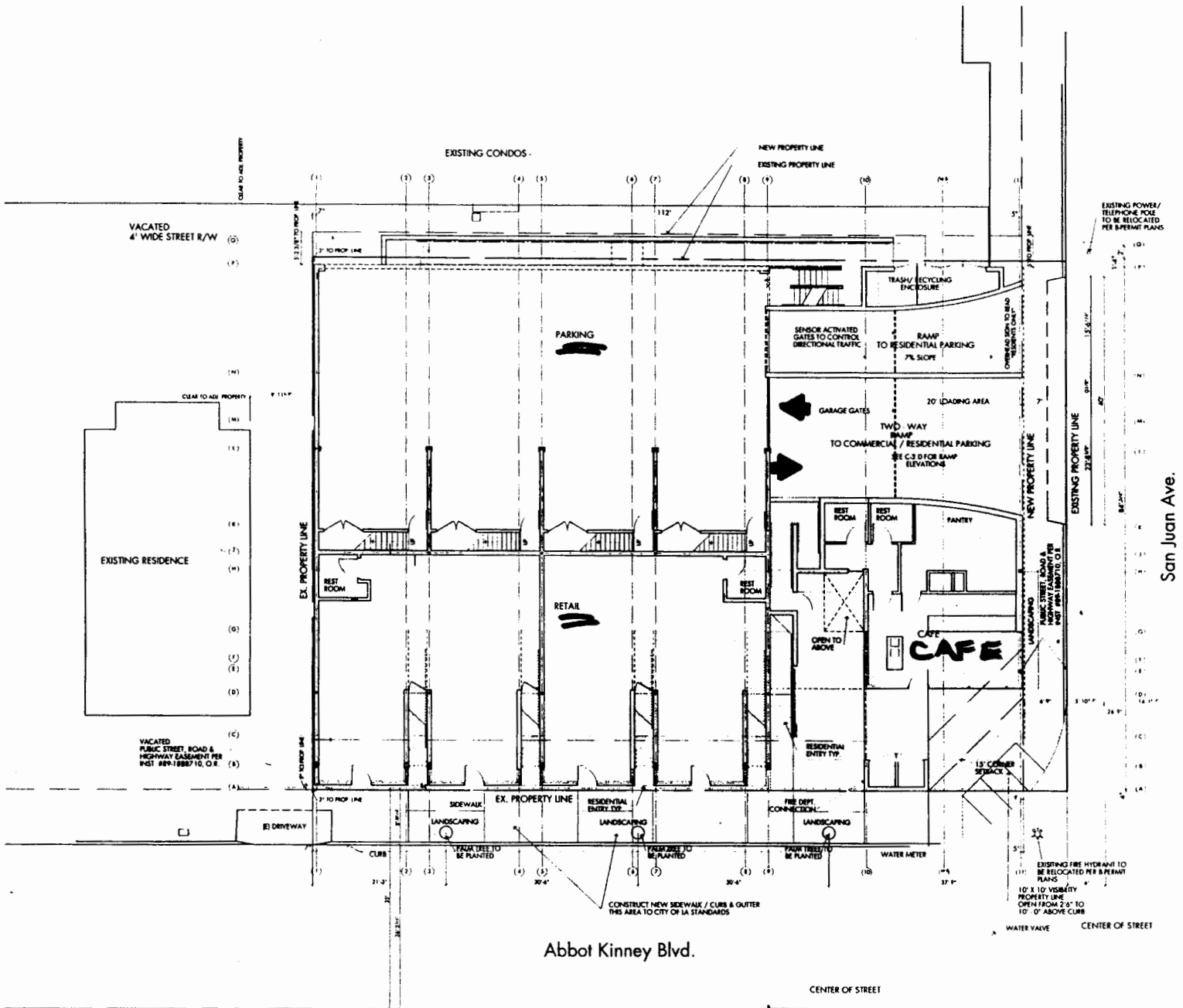
1119-1123 Abbot Kinney Blvd.

site plan



COASTAL COMMISSION
AS-VEN-03-466

EXHIBIT # 1
PAGE 2 OF 2



San Juan Ave.

Abbot Kinney Blvd.

CONSTRUCT NEW STREET PAVING THIS AREA TO CITY OF LA STANDARDS

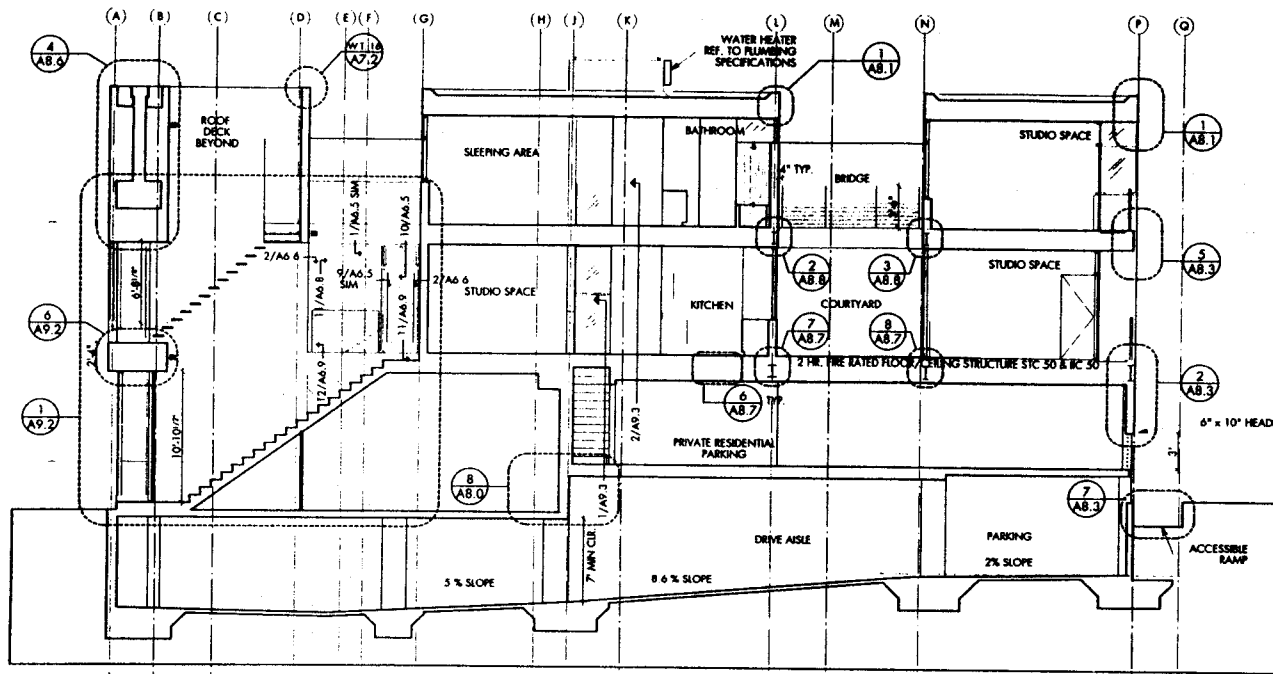
CONSTRUCT NEW SIDEWALK DRIVEWAY APRONS & CURB & GUTTER THIS AREA TO CITY OF LA STANDARDS

CONSTRUCT THE RAMP TO CITY OF LA STANDARDS

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AS-VEN-03-46C

EXHIBIT # 2
 PAGE 1 OF 4

NORTH/SOUTH SECTION



+35'00" = 142.41' SEA LEVEL EL. TO THE CENTER OF ABBOT KINNEY **35'**

+23'10" T.O. 3RD FLOOR

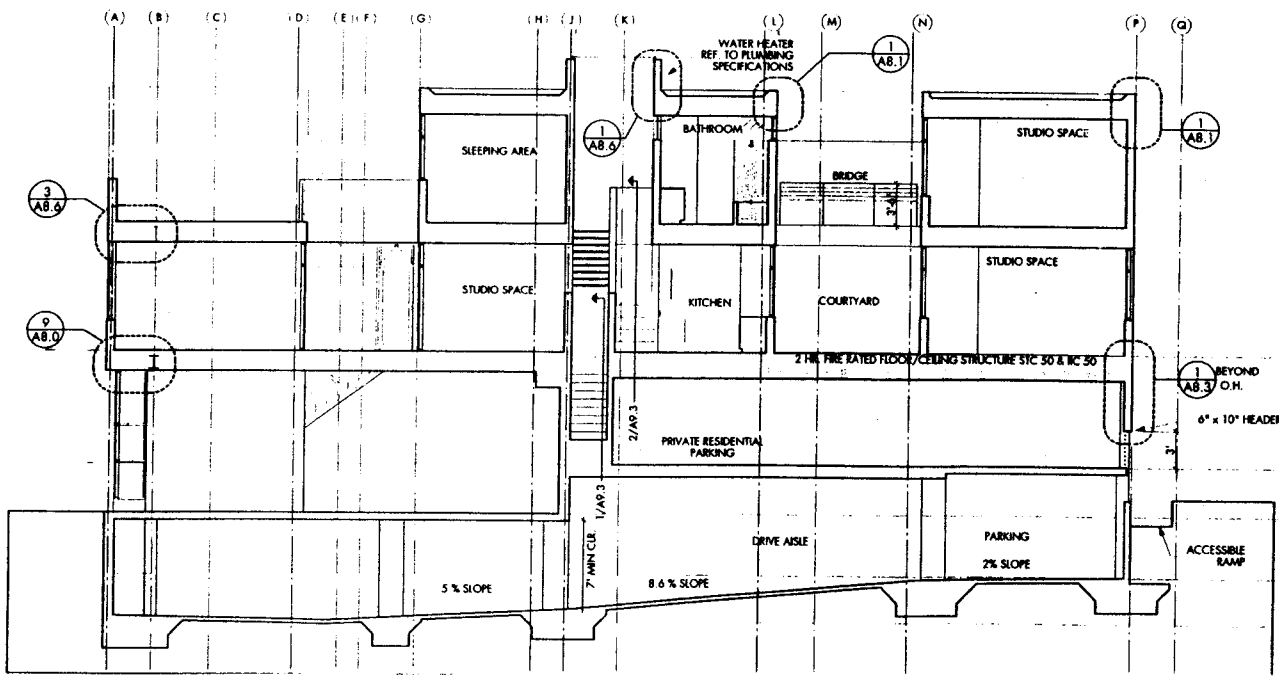
+13'2" T.O. 2ND FLOOR

+4'0" T.O. UPPER LEVEL PARKING

+10'7.41" = PROJECT 0'0" T.O. 1ST FLOOR

+1'11" T.O. SUBLEVEL PARKING HIGHEST EL.

-8'7" T.O. SUBLEVEL PARKING LOWEST EL.



+35'00" = 142.41' SEA LEVEL EL. TO THE CENTER OF ABBOT KINNEY

+23'10" T.O. 3RD FLOOR

+13'2" T.O. 2ND FLOOR

+4'0" T.O. UPPER LEVEL PARKING

+10'7.41" = PROJECT 0'0" T.O. 1ST FLOOR

+1'11" T.O. SUBLEVEL PARKING HIGHEST EL.

-8'7" T.O. SUBLEVEL PARKING LOWEST EL.

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EXHIBIT # 2

PAGE 2 OF 4

AK LIVE / WORK

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DATE: MAY 12 11 5 AM '08

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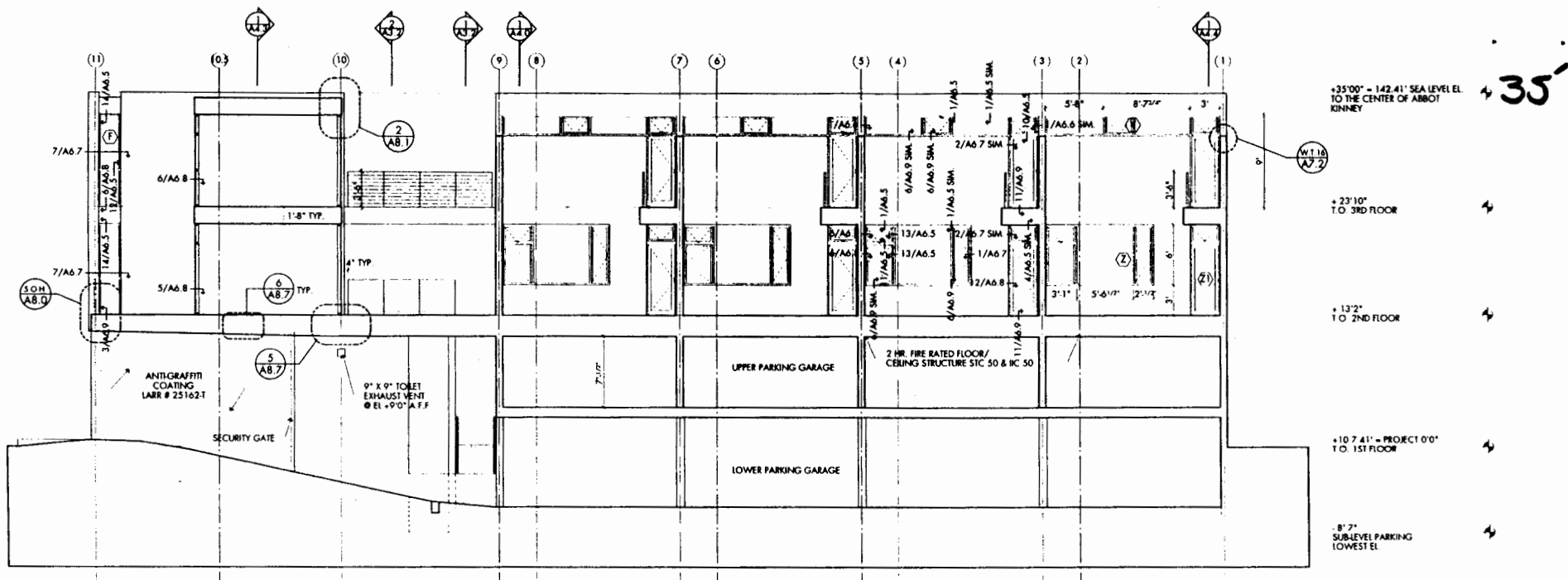
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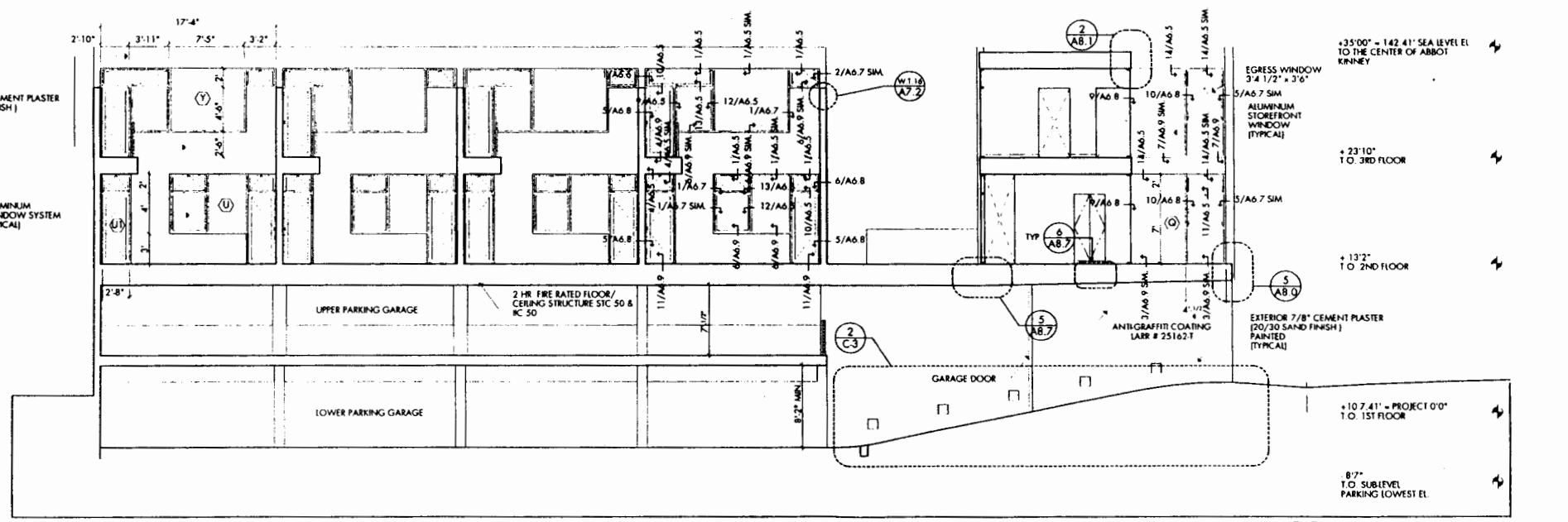
SUBMITTED

REVISIONS

1/07



PRIVATE COURT NORTH SECTION



PRIVATE COURT SOUTH SECTION

COASTAL COMMISSION
SCALE 3/16" = 1'-0"

Parking Plan

10-21-03
rec'd

A/K Live/Work
Parking

Specific Plan Parking

<u>Café</u>			
Indoor service area	125 sf		
Outdoor service area	185 sf		
<u>Total service area</u>	310 sf	6.2 spaces	
Indoor service area	125 sf		
<u>Not service area</u>	585 sf		
<u>Total indoor café area</u>	710 sf		
<u>General Retail</u>	2290 sf	10.2 spaces	
<u>Total Commercial</u>	3000 sf	16.4 spaces	
AIR	1	1722 sf	2 spaces
	2	1722 sf	2 spaces
	3	1722 sf	2 spaces
	4	1722 sf	2 spaces
	5	1315 sf	2 spaces
	6	961 sf	2 spaces
	7	961 sf	2 spaces
<u>Total Residential</u>	10125 sf	14 spaces	

TOTAL PROJECT	13125 sf	30.4 spaces req.
		30 spaces req.

Beach Impact Zone Parking

<u>Total ground floor area</u>	3000 sf	
As mixed use project	3.3 spaces	1 per 917.7 sf
	3 spaces req.	
Spaces required by Specific Plan and BIZ	33 spaces	
Specific Plan spaces provided	30 spaces	
BIZ spaces provided	1 spaces	
<u>Total spaces provided</u>	31 spaces	
Parking deficit		2 spaces, by 'in lieu' fees

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project is 23% commercial and 77% residential
 BZ 1 per (3000/13125)(640) + (10125/13125)(1000) = 1 per 917.7 sf

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EXHIBIT # 2
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West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

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DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: February 07, 2003

Case No.: Vesting Tentative Tract 53750-A1 and
ZA 2002-1848
(PPA)(SPP)(CDP)(CUB)(MEL)-A1

CEQA: ENV 2002-1847-MND

Applicant: Abbot Kinney Investments, LLC

Appellant: Lydia Ponce

Location: 1119-1123 Abbot Kinney Bl.

Council District: 11

Plan Area: Venice

Zone: C2-1-0-CA

D.M.: 108B145

Legal Description: Ralph Rogers Subdivision
of Block V Ocean Park Villa Tract No. 2 and
Part of Rancho La Ballona MB 431n
South Coast Region

RECEIVED

OCT 01 2003

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At the Special Meeting on February 05, 2003, the West Los Angeles Area Planning Commission:

Denied the appeal;

Modified the actions of the Associate Zoning Administrator/Deputy Advisory Agency for Vesting Tentative Tract No. 53750-A1 and Case No. ZA 2002-1848(PPA)(SPP)(CDP)(CUB)(MEL)-A1;

Granted the Vesting Tentative Tract for a mixed-use 7-unit residential and 2-unit commercial condominium project, subject to the attached Conditions of Approval;

Modified the attached Conditions of VTT 53750-A1 as follows:

Add Condition No. 9.t:

Add Condition No. 9.u:

Add Condition No. 9.v:

Corrected Condition No. 11 to read:

Corrected Findings of Fact (Subdivision Map Act) (Item b)

Adopted the attached Findings of the Associate Zoning Administrator/Deputy Advisory Agency, as modified by the Commission;

Adopted Mitigated Negative Declaration ENV 2002-1847-MND

Modified the grant clause subject to the attached Conditions of Approval, for ZA 2002-1848(PPA)(SPP)(CDP)(CUB)(MEL)-A1, as follows:

Modified the grant clause for the Conditional Use Permit for on-site consumption of alcoholic beverages

Add Condition No. 21:

Add Condition No. 22:

Adopted the attached Findings of the Deputy Advisory Agency

Adopted MND 2001-5677

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EXHIBIT # 3

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This action was taken by the following vote:

Moved: Moon
Seconded: Krisiloff
Ayes: Rodman, Belhumeur
Absent: Ritter Simon



Greg Bartz, Commission Executive Assistant
West Los Angeles Area Planning Commission

Attachment(s): Conditions and Findings

c: Notification List

EFFECTIVE DATE / APPEALS:

There is a 10-day appeal period for the Vesting Tentative Tract to be appealed to the City Council. The last day to file an appeal is February 18, 2003; and the Commission Determination will be final on February 19, 2003 unless an appeal is filed within that time.

NOTE: The Coastal Development Permit is further appealable to the City Council. The last day to file an appeal, with the underlying Vesting Tentative Tract Map case, is February 18, 2003. The Commission Determination will be final on February 19, 2003 unless an appeal is filed within that time.

NOTE: All of the other actions of ZA2002-1848(PPA)(SPP)(CDP)(CUB)(MEL)-A1 are not further appealable.

All City Council appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6255 Van Nuys Boulevard, First Floor, Van Nuys. Forms are also available on-line at www.lacity.org/pln. Any appeal must be filed on the prescribed forms, accompanied by 1) the required fee, 2) a copy of the determination of the Zoning Administrator/Deputy Advisory Agency, 3) a copy of the Commission's decision letter. The appeal must be received and receipted at a Public Counter office on or before the final day of the appeal period or the appeal will not be accepted.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

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CONDITIONS OF APPROVAL

VESTING TENTATIVE TRACT NO. 53750-A1

Bureau of Engineering

1. That any excess street dedication beyond 70-foot wide right away for Abbot Kinney Boulevard and along the tract frontage, and also 4-foot strip of land adjoining northeasterly tract boundary be permitted to be merged with the remainder of the subdivision pursuant to Section 66499.20-1/2 of the State Government Code, and in addition, the following be done and be administered by the City Engineer:

- a. That consents to the street dedication being merged and waivers of any damages that may accrue as a result of such merger be obtained from all property owners who might have certain rights in the area being merged.
- b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

Note: The Advisory Agency hereby finds that the street dedication to be merged are unnecessary for present or prospective public purposes and all owners of interest in the real property within the subdivision have or will have consented to the merger prior to recordation of the final map.

2. That the portion of the existing cut corner area at the intersection of Abbot Kinney Boulevard and San Juan Avenue distance eleven feet eight inches above the sidewalk finished grade be merged with the remainder of the subdivision pursuant to Section 66499.20-1/2 of the State Government Code, and in addition, the following be done and be administered by the City Engineer:

- a. That consents to the street dedication being merged and waivers of any damages that may accrue as a result of such merger be obtained from all property owners who might have certain rights in the area being merged.
- b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

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Note: The Advisory Agency hereby finds that the street dedication to be merged are unnecessary for present or prospective public purposes and all owners of interest in the real property within the subdivision have or will have consented to the merger prior to recordation of the final map.

Department of Building and Safety, Grading Division

3. Subdivider shall comply with the grading conditions outlined in the letter from the Department of Building and Safety to the Advisory Agency dated April 29, 2002.

Department of Building and Safety, Zoning Division

4. Violations - That prior to recordation, the Department of Building and Safety certify that there are no Building or Zoning Code violations.

Department of Transportation

5. That prior to the recordation of final tract map, satisfactory arrangements be made with the Department of Transportation with respect to the following:
- a. That a parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 300, Station 23.
 - b. Subdivider shall provide a minimum 20-foot reservoir space between any security gate(s) and the property line prolongation along San Juan Avenue.

Fire Department

6. That prior to final map recordation, suitable arrangements be made to the satisfaction of the Fire Department to the following:
- a. Submit plot plans for Fire Department approval and review prior to recordation of tract map action.
 - b. Access for fire Department apparatus and personnel to and into all structures shall be required.

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Department of Parks and Recreation

7. That the Quimby fee be based on artist in residence criteria (33% of other zone fee). MM

Information Technology Agency

8. That satisfactory arrangements be made with the cable television franchise holder for this area in accordance with policies adopted by the Department of Telecommunications to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code Section 17.05N. Written evidence of the arrangements made with the Applicant must be submitted by the cable company to the Department of Telecommunications, Room 600, 120 S. San Pedro Street, Los Angeles, CA 90012, (213) 485-7969 before the condition can be cleared by the Department.

Department of City Planning

9. **Development** - Prior to the recordation of the final map, the subdivider will prepare and execute a covenant and agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to a maximum of 7 joint living and work units and two (2) commercial units.
 - b. Subdivider shall provide a minimum of 2 parking spaces per dwelling unit plus 17 parking spaces for the commercial portion of the subdivision for a total of 31 parking spaces.
 - c. The design and location of all security gates shall be to the satisfaction of the Advisory Agency, Department of Transportation and the Fire Department prior to recordation of the final map. Where gates are constructed they must be designed to automatically open should there be a power failure in the area and so that Fire Department personnel will have immediate access through the gate systems.
 - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a building permit.
 - e. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. MM

- f. That the landscape plan required under Condition C-5 show special attention to the mitigation of the visual impact any ground level parking may have on the street. Moreover, all open areas not used for buildings, driveways, recreational facilities or walks shall be properly 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. MM
- g. The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs. MM
- h. On-site signs are limited to the maximum allowable under the code. Furthermore, multiple temporary signs in the store windows and along the building walls are not permitted. MM
- i. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties. MM
- j. Building design of new structures shall be in conformance the Venice Community Plan/ Venice Specific Plan/ Venice Local Coastal Program.
- k. Odor-control measures shall be used, and work space shall be separate from living space with a (protective) barrier to avoid odors going into the living space. MM
- l. Prior to the issuance of the Certificate of Occupancy the Applicant shall provide a letter from the Fire Department stating that the agency has been permitted the facility's use, storage, and creation of hazardous substances.
- m. 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. MM
- n. Compliance 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.

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.
MM

- o. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 and the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations. MM
- p. Subdivider shall incorporate stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control and require the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board. MM
- q. Compliance with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 154,405. (This MND does not apply should a waiver be given under provisions of the Flood Hazard Management Specific Plan.) MM
- r. 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. MM
- s. Subdivider shall comply with the requirements addressed in the Inter-Office Correspondence from the School Traffic and Safety Education Section of the Los Angeles Unified School District to the Advisory Agency dated June 28, 2002. MM
- t. The parking spaces designated for residential uses shall be specifically assigned to individual residential units, and shall be clearly identified on the plot/floor plan. The plan shall be submitted to the Advisory Agency for placement in the tract file. Further, after construction of the building, the physical parking places shall be specifically assigned and designated to the units. *(Added by the West Los Angeles Area Planning Commission [WLAAPC], February 6, 2003)*

COASTAL COMMISSION

91 ~~21~~ The designated residential parking spaces shall be identified in the Covenants, Conditions and Restrictions of the condominium association. *(Added by the WLAAPC, February 6, 2003).*

94 ~~22~~ Automatic security gates shall be installed across the driveways providing access to the parking areas within the building. The security gate for the subterranean parking level shall remain closed except during normal business hours for commercial purposes, and the security gate for the upper parking level shall remain closed at all times. *(Added by the WLAAPC, February 6, 2003)*

10. Construction Mitigation Conditions - Prior to the recordation of the final map, the subdivider will prepare and execute a covenant and agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. During demolition and construction, exposed earth surfaces should be sprayed with water at least twice a day by the contractor to minimize dust generation. MM
- b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. MM
- c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. MM
- d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amount of dust. MM
- e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust. MM
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. MM
- g. The project shall comply with the City of Los Angeles Noise Ordinances No. 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. MM

- h. Construction shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. MM
 - i. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. MM
 - j. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. MM
 - k. The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. MM
 - m. 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. MM
 - n. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. MM
 - o. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible. MM
 - p. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting. MM
 - q. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets. MM
 - r. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drip and spills. MM
11. Prior to the recordation of the final map, the subdivider shall submit an approved determination for ZA-2002-1848-CDP, SPP, PPA, CUB, MEL to the satisfaction of the Advisory Agency (*Corrected by the WLAAPC, February 6, 2003*). **COASTAL COMMISSION**

12. That prior to recordation, the Applicant shall submit an emergency response plan for approval by the Fire Department and the Advisory Agency. The emergency response plans shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.
13. That prior to the recordation of the final map, the subdivider shall prepare and execute a covenant and agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, requiring the subdivider to identify (a) mitigation monitor(s) who shall require periodic status reports on the implementation of mitigation items required by conditions 7, 9e-9i, 9k, 9m-9s, and 10 of the Tract's approval, satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, post-construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
14. That the front yard be designated along Abbot Kinney Boulevard.

CONDOMINIUM CONDITION

- C-1 That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event such a plan is not completed prior to the recordation of the final map, the subdivider shall record a covenant and agreement satisfactory to the City Planning Department to submit such a plan to the City Planning Department for approval prior to obtaining any building or grading permits.

BUREAU OF ENGINEERING CONDITIONS

- S-1 (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Municipal Code.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

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- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
 - (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
 - (e) That drainage matters be taken care of satisfactory to the City Engineer.
 - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
 - (g) That any required slope easements be dedicated by the final map.
 - (h) That each lot in the tract comply with the width and area requirements of the Zoning Ordinance.
 - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use for access purposes until such time as they are accepted for public use.
 - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
 - (k) That no public street grade exceed 15%.
 - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2 That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
 - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
 - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
 - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
 - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3 That the following improvements be either constructed prior to the recording of the map or that such construction be suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
 - (b) Construct any necessary drainage facilities.
 - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
 - (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (485-5675) upon completion of construction to expedite tree planting.
 - (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
 - (f) Construct access ramps for the handicapped as required by the City Engineer.

- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Improve San Juan Avenue adjoining the subdivision by the construction of the following:
 - (1) A concrete curb, a concrete gutter, and a 7-foot concrete sidewalk with tree wells.
 - (2) Suitable surfacing to join the existing pavement and complete a 20-foot half roadway.
 - (3) Any necessary removal and reconstruction of existing improvements.
 - (4) The necessary transitions to join the existing improvements all satisfactory to the City Engineer.

NOTES

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05N of the Los Angeles Municipal Code.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

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The subdivider should consult the Department of Water and Power to obtain energy-saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

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FINDINGS

VESTING TENTATIVE TRACT NO. 53750-A1

Further, in the event the Advisory Agency approves the Tentative Tract, the following findings for the California Environmental Quality Act and Subdivision Map Act should be adopted by the Advisory Agency.

FINDINGS OF FACT (CEQA)

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV-2002-1847-MND on June 5, 2002, indicating potential negative impacts due to:

- need of landscaping,
- graffiti and accumulation of rubbish and debris along the wall(s) adjacent to public rights-of-way,
- on-site signage,
- excessive illumination on the project site,
- project's location in an area of potential seismic activity,
- project's location in an area with liquefaction potential,
- location in an area of potential methane gas zone,
- release of toxins into the stormwater drainage channels during the routine operation of restaurants, bakeries, and food producers,
- location of the proposed project in an area which is potentially subject to flood hazards,
- insufficient parks and/or recreational facilities,
- erosion/grading/short-term air quality and noise construction impacts,
- hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses,
- and the creation of additional solid waste.

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2002-1847-MND reflects the independent judgement of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a level of insignificance through implementation of **Condition Nos. 7, 9e-9i, 9k, 9m-9s, 10 and 13** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

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In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 12.

FINDING OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Tentative Tract No. 53750, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, 66474.61 and 66474.63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.
- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Venice Community Plan designates the subject property Commercial Aircraft (Mixed Commercial, Light Industrial and Residential) uses with corresponding zones of C2. The property contains 9,718 net square feet and is presently zoned C2-1-O-CA. The proposed development of 7-unit living and work and 2-unit commercial condominium is subject to the approval of **ZA-2002-1848-CDP, SPP, PPA, CUB, MEL** (Corrected by the WLAAPC, February 6, 2003).

The site is located in the Flood Plain Management Specific Plan area (special/flood hazard area/hillside area/mud prone area).

The project conforms with both the specific provisions and the intent of the Flood Plain Management Specific Plan (Section 5.B.4 of Ordinance 154,405)

Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Venice Specific Plan/ Venice Local Coastal Program, provided that the Zoning Administrator approves ZA-2002-1848-CDP, SPP, PPA, CUB, MEL. (Corrected by the WLA APC, February 6, 2003).

- (c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.
- (d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF

DEVELOPMENT.

The proposed development conforms to the density/ intensity permitted for mixed use projects in the North Venice Neighborhood, as per the Venice Specific Plan standards.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Initial Study prepared for the project identifies no impacts on fish or wildlife resources as far as earth and plant life are concerned. Environmental mitigation measures are required as part of this approval which will mitigate the any mentioned impacts to a level of insignificance.

Furthermore, the surrounding area is presently developed with commercial structures and does not provide a natural habitat for either fish or wildlife.

In light of the above, the project qualifies for the De Minimis Exemption for Fish and Game fees (AB 3158).

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which is currently being upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)
- a. In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the Applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.
 - b. Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.
 - c. The proposed project is an infill and the subdivider has no ability to influence the north/south orientation.
 - d. The existing topography is generally level limiting the influence on passive or natural heating and cooling.
 - e. In addition, prior to obtaining a building permit, the subdivider considered building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

MELLO FINDING(S)

The subject project is exempt from the provisions of Section 65590 of the State Government Code, referred to as the "Mello Act."

In accordance with Section 65590 of the State Government Code (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 Coastal Zones. The subject site is within a Coastal Zone.

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The Mello Act and the Mello Act Settlement Agreement which became effective on January 3, 2001 provides exemptions from the Mello Act to those **new housing development projects consisting of fewer than 10 (ten) residential units**. The subject subdivision consists of **new 7 condominium units**.

These findings shall apply to both the tentative and final maps for Tract No. 53750.

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CONDITIONS OF APPROVAL

ZA2002-1848-PPA-SPP-CDP-CUB-MEL-A1

A Project Permit Adjustment to permit 31 parking spaces in lieu of the combined requirements of Section 11.C and 11.D (33-34 parking spaces).

A Project Permit Compliance for the construction of a maximum new 7-unit joint living and work condominium and 3 2-unit commercial condominium with a total of 3,080 square feet of floor area, including a 3-Lot Consolidation in conformance with Policy I.B.7 of the Venice Local Coastal Program Land Use Plan and Section 8.A,1 and 2 of the Venice Coastal Specific Plan (Ordinance N0. 172897). *(Corrected by WLA APC, February 6, 2003)*

A Coastal Development Permit within the Single Permit jurisdiction of the California Coastal Zones to permit the construction, use and maintenance of the proposed project.

A Conditional Use to permit the sale and dispensing of beer and wine ((a Type 42 State license) for on-site consumption in conjunction with an approximately 780 sq. ft. full service café/restaurant *(Modified by the WLA APC, February 6, 2003)*).

Upon the following 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.

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4. 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 included in the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
5. Parking. Subdivider shall provide a minimum of 2 parking spaces per dwelling unit plus 17 parking spaces for the commercial portion of the subdivision for a total of 31 parking spaces.
6. The Applicant shall pay into the Venice Coastal Parking Impact Trust Fund an amount in lieu of physically providing parking spaces in conformance to the Beach Impact Zone Parking Requirements, Section 11.D of the Venice Coastal Zone Specific Plan and to the satisfaction of the Zoning Administrator.
7. The environmental mitigation measures of the related Mitigated Negative Declaration ENV-2002-1847-MND shall be complied with:
 - a. During demolition and construction, exposed earth surfaces should be sprayed with water at least twice a day by the contractor to minimize dust generation. MM
 - b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. MM
 - c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. MM
 - d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amount of dust. MM
 - e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust. MM
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. MM
 - g. The project shall comply with the City of Los Angeles Noise Ordinances No. 144,331

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and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible. MM

- h. Construction shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. MM
- i. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. MM
- j. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. MM
- k. The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. MM
- l. 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. MM
- m. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. MM
- n. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible. MM
- o. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting. MM
- p. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets. MM
- q. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drip and spills. MM

- r. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. MM
- s. That the landscape plan show special attention to the mitigation of the visual impact any ground level parking may have on the street. Moreover, all open areas not used for buildings, driveways, recreational facilities or walks shall be properly 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. MM
- t. The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs. MM
- u. On-site signs are limited to the maximum allowable under the code. Furthermore, multiple temporary signs in the store windows and along the building walls are not permitted. MM
- v. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties. MM
- w. Odor-control measures shall be used, and work space shall be separate from living space with a (protective) barrier to avoid odors going into the living space. MM
- x. 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. MM
- y. Compliance 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.

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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. MM

- z. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 and the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations. MM
- aa. Subdivider shall incorporate stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control and require the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board. MM
- bb. Compliance with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 154,405. (This MND does not apply should a waiver be given under provisions of the Flood Hazard Management Specific Plan.) MM
- cc. 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. MM
- dd. Subdivider shall comply with the requirements addressed in the Inter-Office Correspondence from the School Traffic and Safety Education Section of the Los Angeles Unified School District to the Advisory Agency dated June 28, 2002. MM

Conditions Nos. 8 through 20 are alcohol-specific conditions which have been volunteered by the Applicant.

- 8. Hours of operation shall be from 7 a.m. to 2 a.m. daily, including alcohol sales.
- 9. There shall be no lounge area for the purposes of selling and dispensing of alcohol beverages to patrons.

10. No live entertainment, amplified music, dancing or karaoke shall be permitted on the premises. A single stereo is permitted on the premises. Music shall not be audible beyond the subject premises.
11. The sale of alcoholic beverages for consumption off the premises is prohibited.
12. No video or other game machines shall be available for use on the subject property.
13. There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages.
14. Alcohol may be sold without a food order; however, a full menu shall be offered for breakfast, lunch and dinner.
15. No "Happy Hour" or other type of reduced price alcoholic beverage promotion shall be permitted. No promotional nights are permitted. These include but are not limited to: discounted drinks for female patrons; encouraging patrons to come to premises after an entertainment event at another location; the selling of brands and/or types of beverages at a discounted price.
16. There will be no consumption of alcohol allowed on any adjacent property under the control of the Applicant. Private consumption within the seven joint-living-and-work-quarters excepted.
17. The quarterly gross sale of alcoholic beverages shall not exceed the gross sale of food during the same period. The Applicant shall, at all times, maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon request.
18. The Applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which the Applicant has control.
19. The café/restaurant owner shall maintain at least three employees working on premises at any given time. *(Modified by the WLA APC, February 6, 2003)*

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20. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon the request of the Zoning Administrator of Police Department.
21. At such time that a specific operator is identified for the proposed café/restaurant, an Approval of Plans shall be filed (\$523 fee) prior to utilization of the grant for beer and wine, with a public hearing and a 500-foot notification radius. The intent of the Approval of Plans action will be to impose additional or more specific conditions on the operation of the facility, as may be deemed appropriate by the Zoning Administrator. *(Added by the WLA APC, February 6, 2003)*
22. Valet parking service shall be provided within the subterranean garage area at all times during business hours for the commercial uses within the subject property. *(Added by the WLA APC, February 6, 2003)*

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FINDINGS OF FACT

ZA2002-1848-PPA-SPP-CDP-CUB-MEL-A1

Project Permit Adjustment

- 1. That there are special circumstances applicable to the project or project site which make the strict application of the specific plan regulations(s) impractical.**

The proposed 7-unit joint living and work plus ~~3=~~ 2-unit (Corrected by the WLA APC, February 3, 2003) commercial condominium project is located within the single permit jurisdiction of the California Coastal Zone, the Venice Specific Plan, the Coastal Transportation Corridor Specific Plan, and within a DOT designated parking congested area. The proposed development site is zoned C2-1-O-CA and designated for Commercial Aircraft (Mixed Commercial, Light Industrial and Residential) uses. A total of 31 parking spaces will be provided onsite, 14 of which will be dedicated to the residential uses and the remaining 17 to commercial uses and Beach Impact Zone parking.

The design of the project accommodates 8 private parking spaces on the street level floor leading directly into the live/ work space units, and on the sub-level floor the project design accommodates 6 residential parking spaces, 16 commercial parking spaces, and one ADA parking space. The Applicant has maximized the number of parking spaces based on the project design and the project site area. This constitutes the special circumstance in limiting the number of parking spaces to 31, and is within the 10 percent criteria for the granting of a project permit adjustment under Section 11.5.7-E,2(f) of the LAMC. The required number of parking spaces is 33/34 distributed as follows: (under the Venice Coastal Zone Specific Plan) the project requires 10 parking spaces for the retail uses, 6 parking spaces for the deli/ restaurant uses, 3 parking spaces as per the Beach Impact Zone criteria, and 14 parking spaces for the live/ work units portion of the project, for a total of 33 required parking spaces. The Zoning Administrator has included a condition for an in lieu fee payment for the parking deficit under the Beach Impact Zone Parking Requirements, so that those monies are allocated into the Venice Coastal Parking Impact Trust Fund in conformance with Section 12 of the Venice Specific Plan.

- 2. That in granting the Project Permit Adjustment, the Director has imposed project requirements and/ or decided that the proposed project will substantially comply with all applicable specific plan regulations.**

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The proposed project requires 33/34 parking spaces and the Applicant provides 31 parking spaces. The Zoning Administrator has included a condition for an in lieu fee payment for the parking deficit under the Beach Impact Zone Parking Requirements, so that those monies are allocated into the Venice Coastal Parking Impact Trust Fund in conformance with Section 12 of the Venice Specific Plan. Other than the small shortage of parking, the project substantially complies with all applicable regulations contained in the Venice Plans.

- 3. That in granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights of way.**

The proposed project provides two parking spaces for each live/ work unit. Parking for general retail stores is provided at the ratio of one space for each 225 square feet of gross floor area and for a café/restaurant (*Modified by the WLA APC, February 6, 2003*) at a ratio of one space for each 50 square feet of service area. The proposed project provides 31 parking spaces and thus complies with these Guidelines. Moreover, the Zoning Administrator has included a condition for an in lieu fee payment for the parking deficit under the Beach Impact Zone Parking Requirements, so that those monies are allocated into the Venice Coastal Parking Impact Trust Fund in conformance with Section 12 of the Venice Specific Plan. Consequently, no on-street parking impact affecting surrounding properties is expected.

Furthermore, the Bureau of Engineering has reviewed the design layout and determined that it is generally satisfactory. The Bureau's recommendations regarding dedication and improvements along Abbot Kinney Boulevard and/ or San Juan Street were made part of the Advisory Agency decision on the subdivision request (VTT 53750) for the proposed project.

- 4. That the project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects on the project, to the extent physically feasible.**

Conditions of approval were incorporated in the Advisory Agency's Decision Letter for VTT 53750, pertaining to the mitigation measures addressed in the environmental review (MND 2002-1847), monitoring of these mitigation measures, and additional conditions as recommended by City Agencies and considered by the Advisory

Agency. This determination also includes standard conditions and mitigation measures pertaining to the specific entitlements requested by the Applicant.

Project Permit Compliance

5. **The project is compatible in scale and character with the existing neighborhood, as defined by the Coastal Commission Regional Interpretive Guidelines, and the Project would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The zoning along both sides of Abbot Kinney Boulevard is C2-1-0-CA, including the subject site. The zoning northerly along Electric A venue, but only on the southerly half of the avenue, is also C2-1. The zoning both northerly and southerly thereof on the interior residential streets is RD 1.5-1. The subject property is abutted on its north side by a 4-foot public right of way, which separates it from a recently constructed residential condominium building, with its side yard abutting a 4-foot right of way. Properties northerly of the condominium building are primarily multi-family residential in use. On the west, the subject property is abutted by a recently refurbished duplex, 2- stories in height, used as offices. To the east, across San Juan Avenue, there exists an older one story commercial building. To the south, across Abbot Kinney Boulevard, the subject property faces older commercial buildings and a parking lot. The remainder of Abbot Kinney Boulevard is characterized by mixed commercial development, much of it retail in character and including at least a half-dozen restaurants/cafes.

The abutting condominium project to the north of the subject site is one of the tallest building in the immediate neighborhood, at a height of 3 stories. The subject project proposes to be of a similar height. The project will be in conformity with the height limits of the Venice Specific Plan as described below.

The Regional Interpretive Guidelines of the California Coastal Commission apply as follows:

Height - the height of either residential or commercial buildings in the North Venice subarea should not exceed 30 feet above the centerline of the frontage road. The adopted Venice Specific Plan expressly permits the height of buildings to be 35 feet, provided they are 30 feet in height at the front yard and stepped back at least one foot for every foot in height above 30 feet (Sec.8-G,3,a). The project complies with these requirements.

Number of lots - Common wall construction should not extend over more than 60 feet of street frontage or two lots. The adopted Venice Local Coastal Program (LCP) Land Use Plan expressly permits mixed use projects to consolidate more than two lots provided that the proposed project conforms to the scale and character of the surrounding community and that

the project provides adequate on-site parking (Policy I.B.7, including the added exception to that Specific Plan Policy). As a mixed-use development, the proposed project is not therefore subject to this restriction. Moreover, as a mixed-use project, pursuant to LAMC 12.22-A,18(c)(3), it has been determined that the project is not subject to any setback requirements. Furthermore, Section 8.A,2 of the Venice Coastal Specific Plan (Ordinance NO. 172897) allows consolidation of a maximum of three lots, and Section 8.A,1 allows consolidation of more than two lots when the project includes subterranean development.

Commercial areas - In existing commercial areas, the existing nature of the street with small shops and community institutions should be preserved. The project conforms to this Guideline.

Parking - Two parking spaces should be provided for each dwelling unit. As joint living and working quarters for artists/artisans, it has been determined that the project is not subject to a guest parking requirement. Parking for general retail stores should be provided at the ratio of one space for each 225 square feet of gross floor area and for a deli/ café at a ratio of one space for each 50 square feet of service area. The proposed project will comply with these Guidelines.

The overall project will fit in well with the nearby properties and land uses. The joint living and working quarters for artists/artisans, general retail and café uses are consistent with development in this portion of the Venice community. The residential density, which is below the maximum permitted by the R3 Zone, is compatible with the neighborhood and consistent with the LCP Land Use Plan (Policy No. I.B.2 pertaining to mixed-use developments) and the Specific Plan (Sec. 8-G,2,b pertaining to residential density in commercially zone property). The height, as previously noted, is also consistent with the LUP and Specific Plan. Therefore, the project is compatible in scale and character with the existing neighborhood as defined by the Interpretive Guidelines and would not be materially detrimental to adjoining lots or the immediate neighborhood.

6. The project is consistent with the policies and provisions of the General Plan and all applicable specific plans.

The adopted Venice Local Coastal Program Land Use Plan designates the subject property (North Venice subarea) for Commercial Artcraft, with a corresponding zone in the Venice Specific Plan of C2-CA. Both the LUP (policy I.B.3) and the Specific Plan (Sec. 8-G,1,a) permit mixed use development, including residential densities in conformity with the R3 Zone

(LUP Policy I.B.2 and Specific Plan Sec. 8-G,2,b: one dwelling per 800-1200 square feet of lot area). The property contains 9,718 square feet in the C2-1-0-CA Zone. The proposed development of 7 joint living and working quarters for artists/artisans, and the deli/restaurant (*Modified by the WLA APC, February 6, 2003*) and retail commercial use on the ground floor is in conformity with the adopted plans, as is the proposed stepped building height of 28 to 35 feet.

The LUP permits lot consolidation of more than two lots for mixed use projects which conform to the existing scale and character of the surrounding community and which provide adequate onsite parking (Policy I.B.7) and Section 8.A,1 allows consolidation of more than two lots when the project includes subterranean development. Further, the LUP permits shared parking pursuant to Policy II.A.11 and a Project Permit Adjustment from Specific Plan Sec. 11 has been approved accordingly and the findings of the adjustment were incorporated supra. As a mixed use project, the subject development is not subject to Sec. 8-G,4,a (front yard setback) of the Specific Plan, pursuant to LAMC 12.22-A,18(c)(3). In summary, the project is consistent with the adopted Land Use Plan and, with the approved adjustment, is consistent with the Venice Specific Plan.

7. The project is consistent with the goals of the California Coastal Act, and the Project will not prejudice the development, adoption or implementation of the Local Coastal Program in the Venice Coastal Zone.

The Land Use Plan (LUP), a portion of the Venice Local Coastal Program (LCP) was certified by the California Coastal Commission on June 14, 2001. The proposed project will not change or impede the adoption and certification of other components of the LCP. The Venice Specific Plan allows for the proposed mixed use and the LUP designates the subject property for Commercial Aircraft with a corresponding zone of C2-CA. Further, the proposed project will not impede public access to the beach and environmental mitigation measures were imposed as conditions of approval of the subject project to reduce impacts to a level of less than significance. Therefore, the proposed project would not prejudice the goals and objectives of the Venice LUP or the ability of the City in preparing a more specific LCP.

The Coastal Act generally provides that new development shall be located within existing developed areas able to accommodate it, that land divisions shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels, and that where development would adversely affect archaeological or paleontological resources, reasonable mitigation

measures shall be required.

The proposed mixed use commercial/residential project will be located within an already well-developed area composed of commercial and multi-family residential uses, with an infrastructure capable of accommodating it, which has been in place for many decades. The condominium project will contain a single lot of 9,718 net square feet, which is approximately three times the size of the typical existing lot within the area, and virtually 100 percent of usable parcels within the area have been developed. The project will comply fully with any environmental mitigation measures relating to archeological and/or paleontological resources. The project is therefore consistent with the goals of the California Coastal Act.

8. The Project complies with all development requirements of the Specific Plan.

The project complies with all the provisions of the Venice Specific Plan with the only adjustments granted by this approval.

9. The Applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed Project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.

The property has been vacant since 1987, was previously developed with single family dwellings and, therefore, no existing affordable units are being demolished. The planned 7 joint living and working quarters for artists/artisans will be market rate units. The project will contain condominium units for ownership and no rental units are anticipated.

10. The Project is 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).

This finding is not applicable to this project. Since the property has been vacant since 1987, was previously developed with single family dwellings and, therefore, no existing affordable units are being demolished, and, further, since the subject project will contain fewer than 10 dwelling units, it is exempt from the requirements of the Mello Act.

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Coastal Development Permit

11. **That the development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The Coastal Act provides that: New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, a land division, other than leases for agricultural uses outside existing developed areas, shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. Further, where development would adversely affect archaeological or paleontological resources as identified by the State Historic Preservation Offices, reasonable mitigation measures shall be required.

The proposed mixed-use commercial/residential project will be located within an already well-developed area composed of commercial and multifamily residential uses, with an infrastructure capable of accommodating it, which has been in place for many decades. The site was previously developed with several single-family dwellings, until 1987.

As a division of land, the condominium project will contain a single lot of 9,718 net square feet, which is approximately three times the size of the typical existing lot within the area. Virtually 100 percent of usable parcels within the area have been developed.

The project will comply fully with any environmental mitigation measures relating to archeological and/or paleontological resources, which may be imposed as part of the environmental clearance for the development.

The project will provide sufficient onsite parking and recreational facilities for the use of residents and guests. Since the subject property is not adjacent to the shoreline, it will neither interfere with nor reduce access to the shoreline. Marine resources are not affected by this project, nor are coastal waters or wetlands. The project will not affect any environmentally sensitive habitat area. The project will not block any designated public access viewpoints.

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

The Land Use Plan (LUP), a portion of the Venice Local Coastal Program (LCP) was certified by the California Coastal Commission on June 14, 2001. The proposed project will not change or impede the adoption and certification of other components of the LCP. The Venice Specific Plan allows for the proposed mixed use and the LUP designates the subject property for Commercial Aircraft with a corresponding zone of C2-CA. Further, the proposed project will not impede public access to the beach and environmental mitigation measures were imposed as conditions of approval of the subject project to reduce impacts to a level of less than significance. Therefore, the proposed project would not prejudice the goals and objectives of the Venice LUP or the ability of the City in preparing a more specific LCP.

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

Height - the height of either residential or commercial buildings in the North Venice subarea should not exceed 30 feet above the centerline of the frontage road. The adopted Venice Specific Plan expressly permits the height of buildings to be 35 feet, provided they are 30 feet in height at the front yard and stepped back at least one foot for every foot in height above 30 feet (Sec.8-G,3,a). The project complies with these requirements. Further, appropriate conditions imposed on the tentative tract will bring the overall project into substantial compliance with the Commission Guidelines.

Number of lots - Common wall construction should not extend over more than 60 feet of street frontage or two lots. The adopted LCP Land Use Plan expressly permits mixed use projects to consolidate more than two lots (policy I.B.7), and Section 8.A,1 allows consolidation of more than two lots when the project includes subterranean development. As a mixed-use development, the subject project is not therefore subject to this restriction. Further, as a mixed-use project, pursuant to LAMC 12.22-A,18(c)(3), it has been determined that the project is not subject to any setback requirements.

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Commercial areas - In existing commercial areas, the existing nature of the street with small shops and community institutions should be preserved. The project conforms to this Guideline.

Parking - Two parking spaces should be provided for each dwelling unit. As joint living and working quarters for artists/artisans, it has been determined that the project is not subject to a guest parking requirement. Parking for general retail stores should be provided at the ratio of one space for each 225 square feet of gross floor area and for a deli/ café at a ratio of one space for each 50 square feet of service area. The proposed project will comply with these Guidelines. It is noted that the Parking Guidelines expressly state that they: "are intended to insure beach access. They should be used as a general indicator of parking need. The diversity of circumstances occurring within the various areas of the coastal zone requires care in the application of these guidelines." The proposed project is not close to the beach. However, the Parking Guidelines have been substantially complied with and appropriate conditions imposed on the tract map will bring the overall project into substantial conformance with the Commission Guidelines.

14. **That 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.**

Generally, the Coastal Commission has tended to support and encourage the arts and establishment of joint living and working quarters for artists/artisans, as well as mixed use projects, and this project does not appear to create any precedent contrary to what is well established in the vicinity at present. The project is in conformity with any known applicable decisions of the California Coastal Commission.

15. **If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The development is not located between the nearest public road and the shoreline.

16. **Any other finding or findings as may required for the development by the California Environmental Quality Act.**

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A Mitigated Negative Declaration 2002-1847-(SUB)(CDP)(PP)(PPA)(CUB) was issued for this project by the City Planning Department Environmental Staff Advisory Committee (ESAC) on June 5, 2002 and mitigation measure/ conditions were imposed to reduce the impacts to a level of less than significance.

Conditional Use (Alcohol)

17. The proposed location will be desirable to the public convenience or welfare.

The overall proposed project will comprise a 3-story building (plus a semi-subterranean garage level) containing approximately 13,000 square feet of floor area. The 2nd and 3rd floors will contain 7 joint living and working quarters for artists/artisans. The ground floor will contain approximately 2300 square feet of floor for general retail uses and a caf/restaurant (*Modified by the WLA APC, February 6, 2003*) containing approximately 780 square feet, including kitchen and restrooms. This latter area is the subject of the instant request for the sale or dispensing for consideration of alcoholic beverages on the premises.

The café/restaurant (*Modified by the WLA APC, February 6, 2003*) will contain a service area of approximately 300 square feet. The permitted occupancy of the premises will be 31 persons, however, seating for 42 will be provided both indoors and outdoors, at tables and a counter.

The Applicant intends to apply for a Type 42 license from the Department of Alcoholic Beverage Control (On Site Sale, Beer and Wine -- Bona Fide Public Eating Place). This license will permit the sale/dispensing of beer and wine beverages for on site consumption. Meals do not have to be served continuously under this license, but must be available during the normal breakfast, lunch and dinner time periods.

The intended café/restaurant use will be small in scale and will function as a bona fide eating establishment with a full kitchen. The size of the proposed café/restaurant is so small, that the Applicant had originally intended to apply for an alcoholic beverage approval for a restaurant with seating on the premises for no more than 50 persons (LAMC Sec. 12.24-X,2), but was unable to request that because of a day care/school facility located at the periphery of a 600 foot radius from the edge of the subject property.

The establishment will cater primarily to adult patrons, but will not be age-restricted. The serving or sale of alcoholic beverages will be strictly restricted to those over the age of 21 by confirmation with proper identification.

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Because of the urbanized character of Venice, with a lively daytime and nighttime level of activity, it is requested to have hours of operation from 7 a.m. to 2 a.m. daily. There will be no entertainment of any type within the café. There will be no video or other game machines. There will be no signs visible on the outside which will advertise the availability of beer and wine. *(Modified by the WLA APC, February 6, 2003)*

With respect to parking, a total of 31 parking spaces will be provided onsite, of which 17 will be available for commercial uses in general including the café or deli, and of which 6 spaces will be expressly provided to fulfill the parking requirement for the eating establishment. The 6 spaces will provide one parking space for every 50 square feet of service area, as the Venice Land Use Plan and Venice Specific Plan require, and one parking space for every 130 square feet of total floor area within the establishment, exceeding the requirement for one space for every 200 square feet under LAMC Sec. 12.21-A,4(c)(4).

With respect to the economic welfare of the community, this development should serve as a catalyst to further upgrade and renew neighboring areas. The proposed use will include either a café/restaurant, and will not contain any type of use which may be typically associated with adverse effects upon the economic health of a neighborhood, such as a liquor store, cocktail bar or nightclub. The project will positively affect the economic vitality of the community by including a well balanced development including the café/restaurant, retail space and joint living and working quarters for artists/artisans.

The location of the project will provide convenient access to a quality café or specialty food item facility, as well as provide a gathering area where persons can relax and congregate in a low-key environment. In consideration of the character and scale of the proposed operation, it is anticipated that it will attract patrons primarily interested in full meal service or light snacks, with the ability to consume alcoholic beverages in conjunction with those. The deli and market would attract individuals interested in specialty imported/domestic goods. It will therefore serve the convenience and/or welfare of the local public.

On February 6, 2003, the West Los Angeles Area Planning Commission modified the on-site sales request to a beer and wine service; and added condition number 21 that will require an Approval of Plans prior to any sale of beer and wine on-site. The Approval of Plans will be subject to a public hearing and public notification within a 500-foot radius of the establishment. *(Modified by the WLA APC February 6, 2003)*

18. **The location is proper in relation to adjacent uses or the development of the community.**

The property is located in the C2-1-O-CA Zone, a zone which permits a request for the sale or dispensing of beer and wine. The entire frontage along both sides of Abbot Kinney

Boulevard is located within this zone. The Boulevard is developed with a variety of commercial uses. The overall character of the proposed development will consist of ground floor commercial uses geared to the sale of retail goods, with the café/restaurant constituting approximately 25% of the total commercial space. The upper floors of the building will contain artists-in-residence studios which will be consistent with the character of the commercial artcraft zone in which the site and vicinity are located.

The eating establishment will be located at the southeasterly corner of the building, adjacent to the intersection of Abbot Kinney Boulevard and San Juan Avenue. This place is within the confines of abutting commercial uses except for a recently constructed residential condominium building to the north. The subject building will itself provide effective visual and noise buffering between the café/restaurant and abutting potentially more sensitive residential uses.

The architecture of the building, and its uses, height and density will be highly compatible with adjacent properties and uses. Parking will be ample, and will be easily accessible from San Juan Avenue. Overall signage will be low-key and, as noted supra, there will be no signs visible on the outside of the building indicating the availability of alcoholic beverages. The requested hours of operation are consistent with the urban, cosmopolitan character of the Venice community in general and this area in particular.

The uses sited along Abbot Kinney Boulevard are designed to create an urban edge as one would find along any pedestrian oriented street in any great urbanized area. A natural component of a mixed use project, such as the proposed project, would include the service of alcoholic beverages along with the bona fine serving of food. Further, the café/restaurant would fill a noticeable gap along Abbot Kinney between pedestrian-oriented restaurants that are currently located to the north and south of the site. The special character of this neighborhood street would be enhanced by the addition of this proposed use in this location.

(Modified by the WLA APC, February 6, 2003)

19. The proposed use will not be materially detrimental to the character of development in the immediate neighborhood.

The entire frontage along both sides of Abbot Kinney Boulevard is located within the C2-1-O-CA Zone and is developed with a variety of commercial uses. The overall character of the proposed development, consisting of ground floor commercial uses (the sale of retail goods, including the café/restaurant constituting approximately 25% of the total commercial space), and artists-in-residence studios on the upper floors, will be consistent with the character of the commercial artcraft zone in which the site and vicinity are located.

The eating establishment will be located at the southeasterly corner of the building, adjacent to the intersection of Abbot Kinney Boulevard and San Juan Avenue. This place is in proximity to abutting/adjacent commercial uses except for a recently constructed residential

condominium building to the north. The building will itself provide effective visual and noise buffering between the café and potentially more sensitive residential uses.

The architecture of the building, and its uses, height and density will be highly compatible with adjacent properties and uses. Parking will be ample and easily accessible from San Juan Avenue. Overall signage will be low-key and, as noted supra, there will be no signs visible on the outside of the building indicating the availability of beer and wine. The requested hours of operation are consistent with the urban, cosmopolitan character of the Venice community in general and this area in particular.

(Modified by the WLA APC, February 6, 2003)

20. The proposed use will be in harmony with the various elements and objectives of the General Plan.

The adopted Venice Local Coastal Program Land Use Plan designates the subject property (North Venice subarea) for Commercial Artcraft, with a corresponding zone in the Venice Specific Plan of C2-CA. Both the LUP (Policy I.B.3) and the Specific Plan (Sec. 8-G,1,a) permit mixed use development, including residential densities in conformity with the R3 Zone (LUP Policy I.B.2 and Specific Plan Sec. 8-G,2,b: one dwelling per 800-1200 square feet of lot area). The property contains 9,718 square feet in the C2-1-O-CA Zone. The proposed development of 7 joint living and working quarters for artists/artisans, and a café/restaurant and retail commercial on the ground floor are in conformity with the adopted plans, as is the proposed stepped building height of 28 to 35 feet.

The General Plan does not specifically designate uses permitted by conditional use. Los Angeles Municipal Code Section 12.24-W,1 permits the requested use within the zone corresponding to the land use designation within the LCP Land Use Plan. The request is therefore consistent with the adopted plan.

21. The proposed use will not adversely affect the welfare of the pertinent community.

The approval of this request will not adversely affect the welfare of the community since it is expected to contribute positively to the local economy. The restaurant will provide employment for the community, provide tax revenues, the purchase of goods and services to support the restaurant, and invest in property improvements. The location of the restaurant use will serve to increase the attraction of this commercial area and is expected to help promote commerce in this area.

22. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these

establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

The Department of Alcoholic Beverage Control indicates that in Census Tract No. 2733, the maximum number of on-site licenses permitted is four, with zero existing. The maximum number of off-site licenses permitted is three, with four existing. Within Crime Reporting District No. 1431, 1293 crimes were reported in 2001 compared to the citywide high average of 343 crimes.

Within a 1000 foot radius of the subject property, six establishments selling or dispensing alcoholic beverages for onsite consumption were located and two establishments selling alcoholic beverages for offsite consumption. All of these establishments were located at the periphery of the 1000 foot radius. There are no establishments selling or dispensing alcoholic beverages for either onsite or offsite consumption within a 600 foot radius of the subject property.

With respect to the request for authorization to sell/dispense beer and wine beverages for onsite consumption in conjunction with a 42-seat café/restaurant (including indoor and outdoor seating), the statistics from the Department of Alcoholic Beverage Control indicate there is no over-concentration of licenses. This is reinforced by the information on the number of actual establishments within a 1000 foot radius. As has been discussed in previous findings, the intended use will be of a small scale and will function as a bona fide eating establishment with a full kitchen.

A very small percentage of the square footage contained within the project will be used for the sale of beer and wine. Of the approximately 3080 square feet of commercial space on the ground floor of the proposed building, the service area of the café/restaurant will be approximately 300 square feet or 10 percent.

While the area does have a high crime rate, it is not anticipated that the character of the proposed uses, which will be of a low intensity as described above, would exacerbate existing levels of crime or be a magnet for criminal activity.

(Modified by the WLA APC, February 6, 2003)

- 23. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving due consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

As has been stated in previous findings, the proposed beer and wine use will be very low key,

involving the sale and dispensing of liquor for onsite consumption in conjunction with a small 42-seat café (including indoor and outdoor seating) , which will be operated as a bona fide public eating place.

It is in the context of this proposed low-impact use that its effects upon nearby sensitive uses must be evaluated. The nearest residential uses are an existing three story condominium building abutting the subject site on the north and a refurbished two-story duplex, used as offices, abutting on the west. The café will be located at the southeast corner of the proposed building, placing it a maximum distance from these two residential uses, and completely buffered with respect to visual and noise impacts by the building itself. All parking will be provided on-site and no spillover into residential areas is anticipated due to the adequacy of onsite parking.

The establishments offering alcoholic beverages within a 1000 foot radius of the subject site were discussed in the previous finding. These include six establishments selling or dispensing alcoholic beverages for onsite consumption and two establishments selling alcoholic beverages for offsite consumption. All of these establishments are located at the periphery of the 1000 foot radius. Further, as previously noted, the Department of Alcoholic Beverage Control stated that, within Census Tract No. 2733, 4 onsite licenses would be permitted with none existing and 3 offsite licenses would be permitted with 4 existing.

With respect to other sensitive uses, there exist 3 churches within a 1000 foot radius. These are the Second Community Baptist Church, located at 1041 Abbot Kinney Boulevard, which places it virtually at the limits of the 1000-foot radius. The New Bethel Baptist Church is located at 502 Brooks Avenue, again approximately at the limits of the 1000-foot radius. The Venice Four Square Church is located at 1400 Riviera Avenue, 600 to 700 feet from the subject site and within an interior street system buffered from Abbot Kinney Boulevard. The only park is Westminster Park located at Main Street and Westminster Avenue, close to the 1000-foot limit of the radius. There is one public school located at Abbot Kinney Boulevard and Westminster Avenue, approximately 500 feet from the subject site, and one small day care center/school (Ecole Clairefontaine) located at 226 Westminster Avenue, approximately 600 from the site. There are no hospitals within a 1000-foot radius.

Thus, the potentially sensitive uses noted, with the exception of the abutting residential uses, lie 500 to 1000 feet from the subject property and are located either on Abbot Kinney Boulevard, a highly commercialized street, or on interior residential streets with no direct access to the relevant portion of Abbot Kinney Boulevard and well-buffered by intervening land uses. The addition of the proposed small café/restaurant will not detrimentally affect any of these uses.

(Modified by the WLA APC, February 6, 2003)

COASTAL COMMISSION

EXHIBIT # 3
PAGE 41 OF 42

MELLO

24. **The subject project is exempt from the provisions of Section 65590 of the State Government Code, referred to as the "Mello Act."**

In accordance with Section 65590 of the State Government Code (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 Coastal Zones. The subject site is within a Coastal Zone.

The Mello Act and the Mello Act Settlement Agreement which became effective on January 3, 2001 provides exemptions from the Mello Act to those **new housing development projects consisting of fewer than 10 (ten) residential units**. The subject subdivision consists of **new 7 condominium units**.

ADDITIONAL MANDATORY FINDINGS

25. **Flood Management.** 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. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
26. **Environmental.** On June 5, 2002, the City planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2002-1847-MND and Determined that by imposing conditions the impacts could be reduced to a level of insignificance.
27. **Fish and Game:** The subject project, which is located in Los Angeles County will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2. Therefore, the project qualifies for the *de minimis* finding for exemption.
28. **Applicable Charter Sections.** Charter Section 564 and Los Angeles Municipal Code Sections 12.36-B (Multiple Quasi-Judicial Approvals) and E (Multiple Approvals, Including Director Approval) address projects requiring multiple approvals. The recommended action is consistent with the above-mentioned provisions.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 42 OF 42

CALIFORNIA COASTAL COMMISSION

South Coast Region Office
2000 S. Main Street, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)



RECEIVED
South Coast Region

NOV 8 - 2003

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

CALIFORNIA
COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

John Davis P.O. 10152 Marina del Rey CA 90295 (310) 420-4200
Lydia Parice 515 San Juan Ave Venice CA 90291
Jim Smith P.O. 644 Venice CA 90294
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles

2. Brief description of development being appealed: Mixed Use Unit in C-2

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1119-1123 Abbot Kinney Bl. Venice CA

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: Approval of zoning change + special conditions of Venice Specific Plan
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-VEN-03-466

DATE FILED: 11/03/03

DISTRICT: South Coast / Long Beach

HS: 4/88

Unapproved by Coastal Commission

COASTAL COMMISSION
A5-VEN-03-466

EXHIBIT # 4

PAGE 1 OF 10

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other

6. Date of local government's decision: 10/3/03

7. Local government's file number (if any):
Z-A-2002-1898 [PPA] [SPP] [CDP] [CUB] [MEL]

SECTION III. Identification of Other Interested Persons

Tract map No 53750

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Michael Sant Sant Architect Inc
1601 Abbot Kinney Blvd
Venice, CA 90291

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings. Include other parties which you know to be interested and should receive notice of this appeal.

(1) John Davis
339 Venice Way
Venice, CA 90291

(2) Lidia Ponce
P.O. 699 San Juan Ave Venice CA 90291

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 10

State briefly your reasons for this appeal. Include a summary description of local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is in violation and the reasons the decision warrants a new hearing. (Use additional paper if necessary.)

City of Los Angeles failed to comply with PRC section no. 26507. Furthermore City failed to comply with Title 14 Article 10 of Seismic Hazard Mapping act.

City is in violation of CEQA as the (MND) was only transmitted to state after hearing and is in violation of PRC no. 26507

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient information for staff to determine that the appeal is allowed to file. The appellant, subsequent to filing the appeal, may want additional information to the staff and/or Commission to support the appeal request.

also see attached

SECTION V. VERIFICATION

The information and facts stated above are correct to the best of my knowledge.

John Davis
Signature of Appellant(s) or Authorized Agent

Date Nov 3, 03

(APPELLANTS CONT.)

Lidia Ponce
James Smith

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I hereby authorize _____ to act as my/our representative and to sign verus in all matters concerning this appeal.

515 SAN JUAN AVE #2, CA 90291
PO BOX 444, VENICE 90291

Signature of Appellant(s)

COASTAL COMMISSION

(APPELLANTS CONT.)

Date Nov 3, 03

EXHIBIT # 4
PAGE 3 OF 1

26507. "Geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 4 OF 10

CALIFORNIA CODE OF REGULATIONS

**Title 14
ARTICLE 10
SEISMIC HAZARDS MAPPING**

Last Updated: 02/25/98

**ARTICLE 10
SEISMIC HAZARDS MAPPING**

3720. Purpose

These regulations shall govern the exercise of city, county and state agency responsibilities to identify and map seismic hazard zones and to mitigate seismic hazards to protect public health and safety in accordance with the provisions of Public Resources Code, Section 2690 et seq. (Seismic Hazards Mapping Act).

Authority cited: Public Resources Code Section 2695
Reference: Public Resources Code Section 2695(a)(1) and (3)-(5)

3721. Definitions

(a) "Acceptable Level" means that level that provides reasonable protection of the public safety, though it does not necessarily ensure continued structural integrity and functionality of the project.

(b) "Lead Agency" means the city, county or state agency with the authority to approve projects.

(c) "Registered civil engineer" or "certified engineering geologist" means a civil engineer or engineering geologist who is registered or certified in the State of California.

Authority cited: Public Resources Code Section 2695
Reference: Public Resources Code Sections 2690-2696.6

COASTAL COMMISSION

EXHIBIT # 4
PAGE 5 OF 1



3724. Specific Criteria for Project Approval

The following specific criteria for project approval shall apply within seismic hazard zones and shall be used by affected lead agencies in complying with the provisions of the Act:

(a) A project shall be approved only when the nature and severity of the seismic hazards at the site have been evaluated in a geotechnical report and appropriate mitigation measures have been proposed.

(b) The geotechnical report shall be prepared by a registered civil engineer or certified engineering geologist, having competence in the field of seismic hazard evaluation and mitigation. The geotechnical report shall contain site-specific evaluations of the seismic hazard affecting the project, and shall identify portions of the known off-site seismic hazards that could adversely affect the site in the event of an earthquake. The contents of the geotechnical report shall include, but shall not be limited to, the following:

- (1) Project description.
- (2) A description of the geologic and geotechnical conditions at the site, including an appropriate site location map.
- (3) Evaluation of site-specific seismic hazards based on geological and geotechnical conditions, in accordance with current standards of practice.
- (4) Recommendations for appropriate mitigation measures as required in Section 3724(a), above.
- (5) Name of report preparer(s), and signature(s) of a certified engineering geologist and/or registered civil engineer, having competence in the field of seismic hazard evaluation and mitigation.

(c) Prior to approving the project, the lead agency shall independently review the geotechnical report to determine the adequacy of the hazard evaluation and proposed mitigation measures and to determine the requirements of Section 3724(a), above, are satisfied. Such reviews shall be conducted by a certified engineering geologist or registered civil engineer, having competence in the field of seismic hazard evaluation and mitigation.

Authority cited: Public Resources Code Section 2695
Reference: Public Resources Code Section 2695(a)(3)(A), (B), and (C)
See also: Guidelines for Evaluating and Mitigating Seismic Hazards in

COASTAL COMMISSION

EXHIBIT # 4
PAGE 6 OF 10

to 916 324 0948

To: Jason Marshall
California Department of Conservation
Office of Government and Environmental Relations
From: John Davis
Re: Public Records Request

Dear Mr. Marshall,

Pursuant to the California Public Records Act, I hereby submit 4 separate and distinct requests for public records.

1.) I request a copy of the Geotechnical report that is required to be filed with the State Geologist under CALIFORNIA CODES PUBLIC RESOURCES CODE §2897(a) and (b) for the following project located in the Venice Quadrangle Seismic Hazard Zone on the Map approved by the State Geologist in March of 1999.

CP 1999 - 2915 and CP 1999 - 29/63
Za Case No. CDP No. 99-016
CEQA: EIR No. 91-0675 (SUB) (CDP) (PP) (ZAB)
ADDRESS 7501 WEST 80TH STREET
COMMUNITY PLAN: WESTCHESTER - PLAYA DEL REY
ZONE: R1-1, R3-1, R1(PV) AND OS(PV) COUNCIL DISTRICT 6
DM 99B157
LEAGAL: PORTION OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 15
WEST, SAN
BERNADINO MERIDIAN, LOTS 27-31, BLOCK 9, TRACT 8167; AND LOTS 5-10,
BLOCK 11, AND TRACT 9187

2.) I request the Waiver required under CALIFORNIA CODE OF REGULATIONS Title 14 §3725. Waivers of Geotechnical Report Requirements for the following project located in the Venice Quadrangle Seismic Hazard Zone on the Map approved by the State Geologist in March of 1999.

CP 1999 - 2915 and CP 1999 - 29/63
Za Case No. CDP No. 99-016
CEQA: EIR No. 91-0675 (SUB) (CDP) (PP) (ZAB)
ADDRESS 7501 WEST 80TH STREET
COMMUNITY PLAN: WESTCHESTER - PLAYA DEL REY
ZONE: R1-1, R3-1, R1(PV) AND OS(PV) COUNCIL DISTRICT 6
DM 99B157
LEAGAL: PORTION OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 15
WEST, SAN

COASTAL COMMISSION

EXHIBIT # 4
PAGE 7 OF 10



**BERNADINO MERIDIAN, LOTS 27-31, BLOCK 9, TRACT 8167; AND LOTS 5-10,
BLOCK 11, AND TRACT 9187**

3.) I request a copy of the Geotechnical report that is required to be filed with the State Geologist under CALIFORNIA CODES PUBLIC RESOURCES CODE §2697(a) and (b) for the following project located in the Venice Quadrangle Seismic Hazard Zone on the Map approved by the State Geologist in March of 1999.

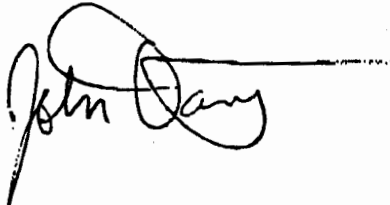
**Lead Agency – City of Los Angeles
Project Title –ENV-2002-1847-MND
Case No. – ZA-2002-1848-CDP-MEL-SPE-PP-SUB-CUB
Project Location – 1119-1123 Abbot Kinney Boulevard, Venice CA, 90291**

4.) I request the Waiver required under CALIFORNIA CODE OF REGULATIONS Title 14 §3725. Waivers of Geotechnical Report Requirements for the following project located in the Venice Quadrangle Seismic Hazard Zone on the Map approved by the State Geologist in March of 1999.

**Lead Agency – City of Los Angeles
Project Title –ENV-2002-1847-MND
Case No. – ZA-2002-1848-CDP-MEL-SPE-PP-SUB-CUB
Project Location – 1119-1123 Abbot Kinney Boulevard, Venice CA, 90291**

I hereby certify transmission via Fax to the California Department of Conservation on 2/22/03.

**John Davis
PO 10152
Marina del Rey CA, 90295**



COASTAL COMMISSION

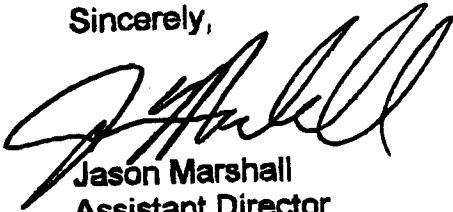
EXHIBIT # 4
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Mr. Joriri Davis
July 9, 2003
Page Two

Clearinghouse number 2003041093, the Department did not receive a copy of the environmental review documents. The enclosed State Clearinghouse Document Details Report indicates which departments and agencies received the report in question.

Thank you for your patience in this process. While we regret that we were unable to provide the information requested, I believe the Details Reports provided offer guidance about which agencies may have copies of the records you are seeking.

Sincerely,



Jason Marshall
Assistant Director

Enclosures

COASTAL COMMISSION

EXHIBIT # 4
PAGE 9 OF 11



DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

July 9, 2003

Office of
Governmental and
Environmental
Relations

801 K STREET
SUITE 2400
SACRAMENTO
CALIFORNIA
95814-2402

PHONE
916/445-8733

FAX
916/324-0948

TDD
916/324-2555

INTERNET
consrv.ca.gov

GRAY DAVIS
GOVERNOR

Mr. John Davis
P.O. Box 10152
Marina del Rey, CA 90295

Dear Mr. Davis:

On May 22, 2003, you requested several documents related to the environmental review of two projects in the Los Angeles area. This letter is in response to that request. Your request seeks copies of the geotechnical reports and waivers of specific requirements apparently offered by the lead agency for two projects, EIR No. 91-0675 (SUB) (CDP)(PP)(ZAB) (for which no State Clearinghouse number was provided on May 22) and ENV-2002-1847-MND (State Clearinghouse number 2003041093).

Enclosed is a copy of the State Clearinghouse's Document Details Report regarding project ENV-2002-1847-MND (State Clearinghouse number 2003041093). As noted in that Details Report, the Department of Conservation was not assigned as a reviewing agency. We did not receive any of the documentation about this project and, thus, do not have a copy of the geotechnical report or any waivers related to the project.

Our initial review of our records could not identify any documents associated with "EIR No. 91-0675 (SUB) (CDP)(PP)(ZAB)," in large part because no State Clearinghouse number was available in your initial fax request. When we spoke subsequent to your May 22 request (during the week of June 2, 2003), you indicated that you could provide the State Clearinghouse number for that project. You also indicated that you would not mind extending the period for us to reply to your request, given the delay in our receiving the second Clearinghouse number. We received that Clearinghouse number by phone message later that week.

That Clearinghouse number -- 1992041046 -- is associated with "EIR No. 91-0675 (SUB)(CDP)(PP)(ZAB)" also known as "West Bluffs." Unfortunately, a search of our internal records, combined with a search of the Clearinghouse records indicates that, like the document with State

EXHIBIT # 4
PAGE 10 OF 10



1601
Abbot Kinney Blvd.
Venice
California
90291

310 396 4828
310 396 5839 fax

10 November 03

Charles R. Posner
California Coastal Commission
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302

NOV 12 2003
CALIFORNIA
COASTAL COMMISSION

Dear Mr. Posner:

I am in receipt of both the Commission Notification of Appeal dated November 4, 2003 and the Executive Director's Determination Letter stating that the appeal is deemed "patently frivolous", dated November 7, 2003. In the event that the appellants should decide to deposit \$300 within the stated time frame and a substantial issue hearing on the appeal is held, I understand that a staff report addressing the appeal will be prepared.

In the event that such a report is to be prepared, it should be noted that the proper protocol for project approval, per Title 14, Article 10 of the Seismic Hazards Mapping Act, has been and will continue to be followed. The Lead Agency overseeing proper compliance is the Los Angeles Department of Building and Safety (LADBS).

GeoSystems prepared a soils engineering report for the project on February 21, 2001 and Raphael Cheng, a geotechnical engineer with the LADBS Grading Division, reviewed and approved the report with conditions on November 13, 2001. These documents were subsequently submitted to the project structural engineer, John A. Martin and Associates, so that the requirements and recommendations from each document could be properly incorporated into the structural design solution.

The structural plans and calculations, together with a copy of the soils report and Approval Conditions letter, were then submitted for plan check on July 3, 2002. The assigned plan checker, John Vasquez, then reviewed these documents to verify conformance with the recommendations and requirements of both the soils report and the Approval Conditions letter and issued his corrections. Mr. Vasquez is currently in the process of reviewing the structural engineer's response to each correction. Before a building permit can be issued, the final structural drawings must be reviewed for compliance and approved by GeoSystems, the project Geotechnical Engineer.

Please find enclosed, for your review, copies of the original soils engineering report from GeoSystems, the Approval Conditions letter prepared by LADBS Grading Division, and the plan check corrections prepared by John Vasquez (see items #13,29,32,33 and 38 for reference to the soils report and approval conditions). If you have any further questions regarding the project or the process of approval, please don't hesitate to call.

Sincerely,


Michael J. Sant
Sant Architects, Inc.

COASTAL COMMISSION
AS-VEN-03-466

EXHIBIT # 5
PAGE 1 OF 18



APPROVAL CONDITIONS FOR SOIL REPORTS

Log# 34924 Date: 11/13/2001 SOILS/GEOLOGY FILE - 2

SITE ADDRESS: ... DISTRICT OFFICE: WLA
TRACT: RALPH ROGERS SUBDIVISION OF BLOCK V OCEAN PARK VILLA TRACT COUNTY REF. NO. MP 4-23
BLOCK: A LOT: 6 ARB.
Report Prepared By: GEO SYSTEMS Dated: 2/21/2001
Oversized Document(s): X-Ref Dt X-Ref Dt

DAVID HSU -CHIEF OF GRADING SECTION
Reviewed By: [Signature]
Phone: RAPHAEL CHENG Geotechnical Engineer I (213) 977-6329

Is the site located within a liquefaction Seismic Hazard Zone: YES NO
Does construction qualify as a "project" per the Seismic Hazard Mapping Act: YES NO

Description of work/Comments: PROPOSED 3-STORY MIXED USE BUILDING WITH SUBTERRANEAN PARKING. CALL PROPOSED FOOTINGS ON COMPETENT NATIVE SOILS.

All of the following listed and circled conditions shall apply: 1-3, 5, 8, 9, 11-16, 18, 20, 24, 25, 27, 30, 31, and 34-45

1. Plans The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.

2. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.

3. All recommendations of the report(s) which are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.

4. All conditions of the following Department letter(s) shall apply, except as superseded herein:

5. Grading Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill.

6. All new fill slopes shall be no steeper than 2:1.
7. All new cut slopes in bedrock shall be no steeper than _____ and/or no steeper than any unsupported bedding planes, foliation planes, continuous joints or faults.
8. A grading permit shall be obtained.
9. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557; Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density.
10. If import soils are used, no footings shall be poured until the Soils Engineer has submitted a compaction report containing in-place shear test data and settlement data to the Department, and obtained approval
11. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Department and the Department of Public Works, for any grading work in excess of 200 cu yd.

Temporary Excavations

12. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety.
13. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation
14. Unsurcharged temporary excavations may be cut vertical up to a height of 4 feet. Excavations that exceed this height may be ~~vertical up to a height of _____ feet then have the upper portion trimmed back~~ at a gradient not exceeding 1:1 (horizontal to vertical), as recommended.
15. A supplemental report shall be submitted to the Grading Section containing recommendations for shoring, underpinning, and sequence of construction in the event that any excavation would remove lateral support to the public way or adjacent structures.
16. Installation of shoring, ~~underpinning~~, and/or slot

cutting excavations shall be performed under the inspection and approval of the soils engineer and deputy grading inspector.

17. Suitable arrangements shall be made with the Department of Public Works for the proposed removal of support and/or retaining of slopes adjoining the public way.

Footings & Piles

18. The LABC Soil Type underlying the site is SD.
19. Compacted fill shall extend beyond the footings a minimum distance equal to the depth of the fill below the bottom of footings or a minimum of 5 feet whichever is greater.
20. All footings shall be founded in Competent Native Soils, as recommended.
21. The structural engineer and the soil engineer shall verify the adequacy of the existing footings for underpinning.
22. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4) ½-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top.
23. Whenever the principal building on a site is added to, altered or repaired in excess of 50 percent of its replacement value, the entire site shall be brought up to the current Code standard per Code Section 91.7005.9.
24. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored.
25. If the actual foundation design loads do not conform to the foundation loads assumed in the report, the Soils Engineer shall submit a supplementary report containing specific design recommendations for the heavier loads to the Department for review and approval prior to issuance of a permit.
26. Pile caisson and/or isolated foundation ties are required by Code Section 91.1807.2. Exceptions and modification to this requirement are provided in Rule of General Application 662.
27. Slabs placed on approved compacted fill shall be at least 3½ inches thick and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
28. Concrete floor slabs placed on expansive soil shall be

placed on a 4-inch-thick fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least 3½ inches thick and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.

- 29. Slab-on-uncertified fill shall be designed as a structural slab.
- 30. The building design shall incorporate provisions for anticipated differential settlements in excess of one-fourth inch.

Retaining Walls

- 31. Retaining walls up to a maximum height of 10 feet shall be designed for a minimum equivalent fluid pressure of _____ pcf, as recommended. *in page 12 and plate PD-1 of the soils report dated 7/21/2001.*
- 32. The rear yard retaining walls shall be provided with a minimum freeboard of _____, as recommended.

33. The recommended equivalent fluid pressure (EFP) for the proposed retaining wall shall apply from the top of the freeboard to the bottom of the wall footing.

34. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device.

35. All retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Installation of the subdrain system shall be inspected and approved by the soil engineer and the City grading/building inspector.

Drainage

36. All roof and pad drainage shall be conducted to the street in an acceptable manner; water shall not be dispersed on to descending slopes without specific approval from the Grading Section and the consulting geologist and soil engineer.

Inspection

37. Prior to excavation, an initial inspection shall be called at which time sequence of shoring, protection fences and dust and traffic control will be scheduled.

38. The soil engineer and the geologist (where both are required to sign the plans) shall inspect the excavations for the footings to determine that they are founded in the recommended strata before calling the Department for footing inspection.

39. Prior to the placing of compacted fill, a representative of the consulting Soils Engineer shall inspect and

approve the bottom excavations. He shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the City Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed with the Department upon completion of the work. The fill shall be placed under the inspection and approval of the Foundation Engineer. A compaction report shall be submitted to the Department upon completion of the compaction.

40. Prior to the pouring of concrete, a representative of the consulting Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work.

41. The soil engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading.

42. The dwelling shall be connected to the public sewer system

Additional Conditions:

43. Improvements on the project site are subject to the California Coastal Zone Conservation Act. Prior to the issuance of permits, the owner shall obtain clearance from the City Planning Department and other necessary lead agencies.

44. The liquefaction study included as a part of the report demonstrates that the site soils are subject to liquefaction. The earthquake induced total and differential settlements are calculated to be 3/4 and 1/2 inches respectively. The consultant has determined that the conventional, shallow foundation will perform adequately in the event that liquefaction does occur. This satisfies the requirement of the State of California Public Resources Code, Section 2690 et seq. (Seismic Hazard Mapping Act).

45. The A-B-C slot cut method may be used for surcharged temporary excavations not exceeding 6 feet in height and width with a surcharge load of 0.5 kip/ft. as recommended. **COASTAL COMMISSION**

CITY OF LOS ANGELES

CALIFORNIA

BOARD OF BUILDING AND SAFETY COMMISSIONERS

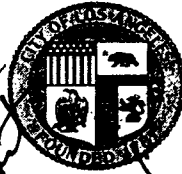
ILAN ISRAELI PRESIDENT

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JAMES K. NICHN MAYOR

DEPARTMENT OF BUILDING AND SAFETY 201 NORTH FIGUEROA STREET LOS ANGELES, CA 90012

ANDREW A. ADELMAN, P.E. GENERAL MANAGER

TOM WHELAN EXECUTIVE OFFICER

Handwritten signature

to be reviewed as app. submit for separate permit of center

1119 ABBOT KINNEY BLVD

02010-10000-02259

1. PROVIDE COPY OF RECORDED TRACT MAP AND RECORDED TRACT CONDITIONS ONCE OBTAINED. COMPLY W/ ALL CONDITIONS CONTAINED THEREIN. COMPLIANCE TO ALL CONDITIONS TO BE VERIFIED ONCE PROVIDED. ADDITIONAL COMMENTS MAY FOLLOW.

2. DEDICATED AREAS AS SHOWN ON SHEET A1.0 OF PLAN ARE NOT ALLOWED TO BE BUILT ON. OBTAIN APPROVAL FROM PUBLIC WORKS TO CLARIFY WHAT YOU ARE PROPOSING W/IN THESE DEDICATED AREAS.

3. 2 EXITS REQUIRED FROM BASEMENT LEVEL. THEY ARE REQUIRED TO BE SEPARATED BY A DISTANCE OF 1/2 THE MAXIMUM DIAGONAL OF THAT LEVEL. THIS SEPARATION MUST BE MAINTAINED TO THE STREET. *We have this. Refer Plans*

4. ALL EQUIPMENT ROOMS AND STORAGE ROOMS MUST BE SEPARATED FROM THE REST OF THE BLDG BY A ONE HOUR WALL/ ONE HOUR DOORS. *Corrected on Plans*

5. IF USING A VERTICAL CURVE AT THE DRIVEWAY, PROVIDE COMPLETE VERTICAL CURVE DESIGN AND DETAILS. IN LIEU OF THAT, PROVIDE COMPLETE STRAIGHT GRADE INFORMATION. LIMIT THE STRAIGHT GRADES AT TRANSITION SLOPES TO 10% SINCE THE MAIN SLOPE OF THE DRIVE IS 20%. *the comply (Civil Drawin*

6. CORRECT PARKING LAYOUT- SEE PLAN. PROVIDE REQD OBSTRUCTION INCREASES, REQD END WALL INCREASES, ETC. *Not required for 28' Drive Aisle per Bob Quan*

7. 40% MAX COMPACTS ALLOWED FOR COMMERCIAL PARKING SPACES. PLAN AS PRESENTED IS EXCEEDING THIS LIMIT. *We have < 40%*

8. PROVIDE AN LA RESEARCH REPORT # FOR FIRE RATED GLASS USED AT SEPARATION BETWEEN R1 AND M OCCUPANCIES. *None Exists - Accept UL Rating?*

9. ALL EXTERIOR GUARDRAILS ARE REQUIRED TO BE 42" HIGH- DESIGN AND DETAIL REQD- ARCHITECTURAL AND STRUCTURAL INFO REQD. *Corrected on Plans*

10. CLEARLY SHOW THE AREA FOR EACH UNIT AND THE BREAK DOWN BETWEEN COMMERCIAL SPACE AND RESIDENTIAL SPACE W/IN EACH UNIT. THE RESIDENTIAL PORTION OF A UNIT MUST NOT EXCEED 1/3 OF THE AREA OF THE ENTIRE UNIT. PLEASE SHOW THIS FOR EACH UNIT. SEE UNIT AT SOUTHEAST CORNER OF BLDG- TOTAL AREA OF SPACE = 1326 SF. (1/3 OF THAT IS 442 SF). THE ACTUAL AREA OF RESIDENTIAL THAT IS SHOWN ON PLANS IS 520 SF. ALLOWABLE EXCEEDED! CLEARLY SHOW THIS INFORMATION AT EACH UNIT.

11. CLARIFY HOW SEPARATION BETWEEN THE R1 AND THE S3 OCCUPANCIES WILL BE PROVIDED. A 2-HOUR OCCUPANCY SEPARATION REQUIRED. SEE PLAN. *We Calculate 1-Hour < 3,000 S.F. w/ Drive way*

12. CLEARLY SHOW THAT THE DEVELOPMENT COMPLIES WITH THE REQUIREMENTS OF 12.22A18 OF THE LA ZONING CODE. SEE THE REQUIREMENTS IN ORDER TO USE THIS SECTION- I.E. IS THIS AREA DESIGNATED AS A COMMUNITY PLAN "REGIONAL CENTER", "REGIONAL COMMERCIAL", "HIGH INTENSITY COMMERCIAL", OR IS IT W/IN A REDEVELOPMENT AREA APPROVED BY COUNCIL? PLEASE CLARIFY HOW YOU ARE USING THIS SECTION. HAS THIS JOB BEEN APPROVED BY PLANNING WITH A VARIANCE? PLANNING TO DETERMINE IF YOU ARE ABLE TO USE THIS SECTION OF CODE. OTHERWISE, WILL NEED TO PROVIDE CODE REQD YARDS FOR ALL RESIDENTIAL USES.

13. SUBMIT SOIL REPORT TO GRADING DIVISION FOR APPROVAL. COMPLY W/ ALL CONDITIONS CONTAINED W/IN REPORT AND APPROVAL LETTER. COMPLIANCE TO CONDITIONS CONTAINED THEREIN TO BE CHECKED ONCE ALL INFORMATION PROVIDED. *See Plans for Approval Letter*

EXHIBIT # 5

14. PROVIDE SPECIFIC REFERENCES FOR ALL FIRE RATED AND SOUND RATED ASSEMBLIES USED ON THIS PROJECT. I.E. GYP CAT REF #, CODE REF #, LARR#, ETC **See Collected Plans**

15. CLARIFY THE HEIGHT OF THE BUILDING ON PLAN. TO BE MEASURED FROM THE LOWEST ADJACENT GRADE (PROVIDE LICENSED SURVEY MAP) TO THE HIGHEST POINT ON THE BLDG- SEE DEFINITION IN CODE. MAKE SURE THE HEIGHT ALLOWED W/IN THE VENICE ORDINANCE IS NOT EXCEEDED. **Abbott Highway = FY.**

16. PROVIDE A SEATING PLAN (TENANT IMPROVEMENT PLAN) FOR THE RESTAURANT AREA. IS THE SEATING FIXED OR MOVABLE? IS THIS WORK TO BE DEFERRED TO A SEPARATE PERMIT? PLEASE CLARIFY. **See Plans**

17. COMPLY W/ LIGHT AND VENTILATION REQMENTS OF SECTION 91.8502.6, SHOW SIZE OF ALL WINDOWS REQD TO COMPLY. MECHANICAL VENTILATION MAY BE USED TO COMPLY W/ VENTILATION REQMENTS, BUT OPERABLE WINDOWS ARE REQUIRED TO COMPLY W/ LIGHT REQMENTS.

18. IT IS REQUIRED THAT YOU REGISTER YOURSELF W/ THE CITY CLERKS OFFICE AS AN "ARTIST" - SPECIFY TYPE OF ARTISTIC USE ON PLAN. PROVIDE COPY OF BUSINESS LICENSE OR PROOF OF ARTIST REGISTRATION. **NOTE ON PLAN - A0.2**

19. STORAGE OF FLAMMABLE LIQUIDS REQUIRES THE APPROVAL OF THE FIRE DEPARTMENT. SEE ENCLOSED CLEARANCE SUMMARY SHEET. **? What Flammable Liquids. A0.2**

20. PROVIDE EMERGENCY EGRESS FROM SLEEPING ROOMS AS REQUIRED BY SECTION 91.8502.8 AND 91.310.4. WILL NEED OPERABLE WINDOW TO COMPLY WITH THIS REQMENT. SEE CODE FOR MINIMUM SIZE WINDOW REQD TO COMPLY.

21. HEATING IS NOT REQD FOR AN "AIR", BUT IF PROVIDED, IT SHALL COMPLY W/ THE PROVISIONS OF ARTICLE 5, CHAPTER IX OF THE LA MUNICIPAL CODE. PROPERLY VENTED HEATERS MAY BE UTILIZED. SEPARATE PERMITS REQD- SUBMIT TO MECHANICAL SECTION FOR APPROVAL. **Approved.**

22. PROVIDE HARDWIRED SMOKE DETECTORS AS REQUIRED BY SECTION 91.8502.13. CLEARLY SHOW LOCATION OF ALL SMOKE DETECTORS. **Electrical Approved.**

23. PROVIDE A SIGN AS REQD BY SECTION 91.8501.3. THE SIGN SHALL BE POSTED IN A CONSPICUOUS LOCATION AT EACH ENTRANCE TO THE BLDG. **? SEE ABOVE MENTIONED SECTION FOR SPECIFICS.**

24. **PUBLIC SALES AND INSTRUCTIONAL CLASSES ARE PROHIBITED.** - **Note on Plans A0.10**

25. CLEARLY SHOW HOW ALL NEW ROOF DRAINAGE IS TAKEN TO STREET AT 2% MIN UNDER SIDEWALK **Refer Plumbing**

26. USE 50 PSF L.L. @ ALL AREAS THAT ARE NOT APPROVED AS RESIDENTIAL USE W/IN THE ARTIST IN RESIDENCE SPACE. MAY WANT TO DESIGN ALL FLOORS FOR 50 PSF IF UNCLEAR WHERE THE RESIDENTIAL IS PROPOSED.

27. DESIGN COURT YARD AND ALL OTHER EXIT WAYS FOR 100 psf LIVE LOAD AS REQUIRED BY CODE.

28. COMPLY W/ ENCLOSED INFORMATION BULLETIN FOR THE USE OF SHOTCRETE. ADD AS PART OF PLANS IN NOTES SECTION.

* 29. PROVIDE AN LA RESEARCH REPORT # FOR TJI'S. COMPLY W/ ALL CONDITIONS CONTAINED W/IN THE REPORT.

30. DESIGN/DETAIL ALL STAIRS- INTERIOR AND EXTERIOR. ARE YOU PROPOSING TO USE A STANDARD PLAN? IF SO, PROVIDE STD PLAN AS PART OF BLDG PLANS- MUST BE WET STAMPED/SIGNED BY ENGINEER OF RECORD FOR THE STD PLAN AND ENG OF RECORD FOR THE BLDG. OR FULLY DESIGN AND DETAIL ALL STAIRS- ALL MEMBERS AND ALL CONNECTIONS.

31. CLARIFY HOW NOTED ITEMS W/IN THE SLAB CALCS WILL BE ADDRESSED. I.E. PAGE 10 - *SHEAR STRESS EXCEEDED, PAGE 13- REQUIRED REINFORCING GREATER THAN PROVIDED REINFORCING. SEE CALCS.

* 32. SHOW HOW THE FOUNDATION HAS BEEN DESIGNED FOR ANTICIPATED SEISMICALLY INDUCED SETTLEMENT AS REQUIRED ON PAGE 7 OF SOIL REPORT.

D/B * 33. DETAIL TEMPORARY EXCAVATIONS PER SOIL REPORT AND APPROVAL LETTER. SHORING DESIGN REQUIRED. SUBMIT SHORING DESIGN AND DETAILS FOR REVIEW ONCE READY.

34. LA RESEARCH REPORT # REQUIRED FOR SIMPSON STRONG WALLS. COMPLY W/ ALL REQUIREMENTS CONTAINED W/IN THE REPORT AND W/IN ENCLOSED INFORMATION BULLETIN RELATING TO MANUFACTURED NARROW SHEAR PANELS.

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35. CLEARLY SHOW HOW BASE SHEAR WAS CALCULATED. SHOW ALL SEISMIC COEFFICIENTS THAT ARE USE. USE THE SMALLEST "R" IN EACH DIRECTION IF MIXING TYPES OF SHEAR RESISTING ELEMENTS IN SAME DIRECTION. CLARIFY ALL LATERAL CALCS. PROVIDE COMPLETE CALCS TO SHOW DISTRIBUTION OF BASE SHEAR TO ENTIRE HT OF BLDG AND THEN CALCS/ DIAGRAMS TO SHOW HOW LOADS ARE TRANSFERRED TO EACH SHEAR LINE BASED ON TRIBUTARY AREAS. COMPLETE SHEAR WALL CALCS REQD ALONG W/ COMPLETE OVER TURNING CALCS. TO BE CHECKED ONCE PROVIDED.

36. DETAIL ALL HOLES AND NOTCHES IN SHEAR WALL PLATES.

37. CLARIFY DESIGN OF STEEL ORDINARY MOMENT FRAME - IF USING FEMA 350- NEED TO USE A "PRE-QUALIFIED" CONNECTION FROM FEMA 350. OR

PROVIDE TEST DATA FOR CONNECTIONS SHOWN PER AISC SEISMIC PROVISIONS. SEE CORRECTION SHEET FOR STEEL MOMENT FRAMES. SEE TABLE 16N (ORDINARY STEEL MOMENT RESISTING FRAMES) R=4.0 AND SEE LIMITATIONS TO HEIGHT AND WEIGHT. FOOTNOTE 6.2 STATES "WHERE THE NEAR SOURCE FACTOR N_a IS GREATER THAN ONE, STRUCTURES ARE PERMITTED TO A HEIGHT OF 35' WHERE THE DEAD WEIGHT OF FLOORS, WALLS AND ROOF DO NOT EXCEED 15 PSF"--- N_a FOR THIS PROJECT IS 1.3 AND THE WEIGHT LIMIT IS ALSO EXCEEDED. CLARIFY DESIGN OF FRAMES. CLEARLY SHOW W/IN COMPUTER PROGRAM WHERE ALL ITEMS W/IN THE STEEL FRAME CORRECTION SHEET ARE CHECKED.

* 38. COMPLY W/ ALL CORRECTIONS W/IN PLANS, CALCS AND CORRECTION SHEETS THEN CALL FOR VERIFICATION APPOINTMENT. ONE HOUR MAX PER APPOINTMENT

JOHN VASQUEZ

~~213-977-6221~~

(213) 482-0448

COASTAL COMMISSION

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GEO SYSTEMS

ENVIRONMENTAL
LAND SURVEYING
ENGINEERING-GEOLOGY
GEOTECHNICAL

RECEIVED
South Coast Region

NOV 12 2003

**PRELIMINARY SOILS ENGINEERING
INVESTIGATION FOR PROPOSED
THREE-STORY MIXED USE BUILDING
OVER SEMI-SUBTERRANEAN GARAGE
1119-1123 ABBOT KINNEY BOULEVARD
LOS ANGELES, CALIFORNIA**

CALIFORNIA
COASTAL COMMISSION

FEBRUARY 21, 2001

GS00-1213

FOR

**SANT ARCHITECTS, INC.
1601 ABBOT KINNEY BLVD.,
VENICE, CA 90291**

ATTN: MR. TODD FLOURNOY

**COASTAL COMMISSION
AS-VEN-03-466**

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GEO SYSTEMS

ENVIRONMENTAL
LAND SURVEYING
ENGINEERING-GEOLOGY
GEOTECHNICAL

**PRELIMINARY SOILS ENGINEERING
INVESTIGATION FOR PROPOSED
THREE-STORY MIXED USE BUILDING
OVER SEMI-SUBTERRANEAN GARAGE
1119-1123 ABBOT KINNEY BOULEVARD
LOS ANGELES, CALIFORNIA**

INTRODUCTION

This report presents the results of our preliminary soils engineering investigation performed at the site located at the northwest corner of San Juan Avenue and Abbot Kinney Boulevard in the Venice area of the city of Los Angeles, California. The report includes a description and an evaluation of the subsurface materials, discusses the soil conditions, and provides soils engineering recommendations for the proposed three-story mixed use building over semi-subterranean garage at the subject site.

This report is intended for submittal to the appropriate governmental authorities that control the issuance of necessary permits and provides recommendations for the proposed building at the subject site.

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Objective

The primary objective of this investigation was to provide our best estimate of the geotechnical factors that pertain to the gross stability of the site and to evaluate alternatives for a foundation system.

The scope of our investigation involved the completion of the following:

1. Review of available regional geotechnical and groundwater data and previous reports for the adjacent property.
2. Excavation and detailed logging of (3) three borings, utilizing a hollow-stem auger, to a maximum depth of 50-feet below the existing grade.
3. Preparation of a formal report addressing site stability and liquefaction potential with recommendations for site grading, foundation design, temporary excavation, on-grade slabs, retaining wall design, and drainage.

Location

The property is located at the northwest corner of San Juan Avenue and Abbot Kinney Boulevard in the Venice area of the city of Los Angeles, California.

PROPOSED DEVELOPMENT

Information concerning the proposed development was provided by the client. The proposed development consists of construction of a three-story mixed use building over semi-subterranean garage. Retaining walls will be required to support the vertical excavations for the proposed semi-subterranean garage and are expected to be approximately 5-feet in vertical height.

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GEO SYSTEMS



The proposed building layout is depicted in the attached Plot Plan. Structural loads are expected to be a maximum of 300 kips and 5 kips/ft for independent and continuous footings, respectively.

SITE CONDITIONS

The subject consist of a rectangular shaped lot which measure approximately 120-feet long (along Abbot Kinney Boulevard) and 86-feet wide (along San Juan Avenue). The site is essentially level and is currently vacant. Drainage is by uncontrolled sheet flow to the adjacent street and infiltration to the subsurface soils.

A multi-story condominium building over semi-subterranean garage is under construction to the north of the site. A residence with detached garages is located to the west of the site.

FIELD INVESTIGATION

The site was explored on January 9, 2001 by drilling three borings to a maximum depth of 50-feet utilizing a hollow-stem auger to evaluate the subsurface conditions.

The "Standard Penetration Test" was conducted by driving a 2-inch O.D. split spoon into the soil using blows from a 140-pound hammer dropped 30-inches. The number of blows required to advance the split spoon the final 12-inches of a 18-inch drive is defined as the "Standard Penetration Resistance," N-value, and is shown on the attached Boring Logs. The N-value can generally be correlated with some significant physical properties of the soil encountered especially for coarse-grained material.

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Soil samples were obtained for laboratory testing. The earth materials were logged in detail and are presented in the Log of Borings (Plates B-1 through B-3). The approximate boring locations are shown on Plate 1.

EARTH MATERIALS

The earth material encountered at the site consists of alluvium typical of the area.

Alluvium (Qal)

The alluvium encountered at the site consists of clayey gravelly sands, silty sands, gravelly sands, sands and sandy silts. The sands are very dense and slightly moist to wet. In general the alluvium becomes denser with depth.

Groundwater

Groundwater was encountered at 13- and 16-feet below ground surface in our exploratory borings drilled at the subject site. However, it must be noted that local fluctuations in groundwater level may occur due to seasonal variations in rainfall, irrigation and water line leaks.

FAULTING AND SEISMICITY

No known faults with potential for surface rupture underlie the site. Nor is the site located within any Alquist Priolo Special Studies Zone.

The site appears to lie within a Zone of Required Investigation, potential seismically-induced liquefaction, as defined by the State of California per the Seismic Hazards Mapping of 1990. A complete liquefaction analysis was conducted and is presented in the Liquefaction Potential section below.

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Groundshaking

It is our opinion that future structures should be designed in accordance with the current seismic building code as determined by the structural engineer. The subject site is located within Seismic Zone 4 and Soil Profile Type S_D as outlined in the 1997 Uniform Building Code. The parameters presented on the following table may be utilized for the seismic design:

Fault Type	Fault Name	Seismic Coefficient (C_a)	Seismic Coefficient (C_v)	Near-Source Factor (N_a)	Near-Source Factor (N_v)
A	Cucamonga	0.44	0.64	1.0	1.0
B	Santa Monica	0.44	0.75	1.0	1.2

Ground shaking resulting from a moderate to major earthquake (Magnitude 6.0 or greater) can be expected during the life span of the proposed structure. Property owners and the general public should be aware that any structure or slope in the southern California region could be subject to significant damage as a result of a moderate or major earthquake. The potential exists throughout southern California for strong ground motion similar to that which struck the Los Angeles region during the January 17, 1994, Northridge Earthquake. Several such destructive earthquakes have struck southern California during the span of recorded history.

Present building codes and construction practices, and the recommendations presented in this report are intended to minimize structural damage to buildings and loss of life as a result of a moderate or a major earthquake. They are not intended to totally prevent damage to structures, graded slopes and natural hillsides due to moderate or major earthquakes. While it may

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GEO SYSTEMS



be possible to design structures and graded slopes to withstand strong ground motion, the construction costs associated with such designs are usually prohibitive, and the design restrictions may be severely limiting. Earthquake insurance is often the only economically feasible form of protection for your property against major earthquake damage. Damage to sidewalks, steps, decks, patios and similar exterior improvements can be expected as these are not normally controlled by the building code.

At your request, this firm could conduct a site specific strong motion study to provide ground response data for use by a structural engineer to design structures to withstand a major earthquake. Such a study is not required by present building codes, and is beyond the scope of this investigation.

Major foundation problems are not anticipated as a result of earthquake induced liquefaction, fault ground rupture or displacement, and differential settlement of natural earth materials, provided the foundation system is constructed as herein recommended, within the limitations presented above.

Structural and cosmetic problems to sidewalks, steps, curbs, decks, and other such appurtenances, may be anticipated as these structures are not normally controlled by the building code.

Liquefaction Potential

The evaluation of liquefaction potential of the soils at the subject site is based on the following factors: material type, water level, relative density, gradation and intensity and duration of ground shaking.

Soil liquefaction is the sudden decrease of the shearing resistance of a loose state, saturated cohesionless soil under seismic condition. Typically fine sands and silts are potentially subject to liquefaction under these conditions.

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The natural soils below the water table consist of clayey gravelly sands, silty sands, gravelly sands, sands and sandy silts. The maximum credible ground acceleration, based on the attached fault research and local seismicity study is 0.598g, which is utilized in our liquefaction analysis.

Liquefaction potential analysis was conducted based on the following site conditions:

1) water level at depth of 10-feet below the grade, 2) maximum ground surface acceleration of 0.598g, 3) designed earthquake magnitude of 7.5, 4) in-situ standard penetration test, and 5) soil type. The result of a liquefaction analysis utilizing Seeds and others' 1985, and 1997 NCEER methods is attached. The results indicate that the soil layers from 30- to 40-feet below the existing grade exhibit a factor of safety less than 1.00 (see Plates LQ-1 through LQ-4). The project structural engineer should design foundation systems for the anticipated seismically-induced settlement (see Plate IS-1).

LABORATORY TESTING

Laboratory tests were conducted on representative samples to determine certain physical properties of the earth materials, sieve analysis, consolidation and shear strength characteristics were determined from these tests.

Direct Shear

Direct shear tests were conducted on representative samples to determine their shear strength characteristics. The samples were saturated under normal load before testing. Shear loads were applied at a rate of 0.05-inch per minute in accordance with the undrained shear test

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procedure. Ultimate shear strength values for the sample tested is shown on Plates DS-1 through DS-2 and Table I:

TABLE I

Sample Location	Depth (ft)	Soil Type	Unit Weight (pcf)	Moisture Content (pcf)	Cohesion (psf)	Friction Angle (degrees)
B-3	2	Qal	109.9	4.1	100	31
B-3	5	Qal	118.6	9.1	100	37

Consolidation

Consolidation tests were performed on in-situ moisture and saturated specimens of the native soil. The consolidometer, like the direct shear machine, is designed to receive the specimens in the field condition. Porous stones placed at the top and bottom of the specimens permits free flow of water into and from the specimens during the test. Successive load increments are applied to the top of the specimens and progressive and final settlements under each load increment are recorded to an accuracy of 0.001-inch. The consolidation curves of the results are shown in the Appendix (Plates C-1 through C-7).

Sieve Analysis

A sieve analysis was performed on a representative material to verify field classification and aid in evaluation of the shear strength parameters and liquefaction potential of the soils.

The test results are attached in the appendix.

COASTAL COMMISSION

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RECOMMENDATIONS

Based on the findings of our investigation, the site is considered to be suitable from a soils engineering standpoint for the proposed three-story mixed use building over semi-subterranean garage provided the recommendations included herein are followed and integrated into the foundation and grading plan.

Site Preparation

Based on our field observations there is approximately the upper 6-feet of artificial fill present at the northeast portion of the site. These materials are not suitable for foundation and slab support at the current condition and will require mitigation. The majority of the artificial fill is expected to be removed in the area of the proposed semi-subterranean garage. *The remaining artificial fill should be either be removed and recompacted or the semi-subterranean garage final grade should be lowered to competent alluvium (6-feet below existing grade).* On-site materials are considered suitable for compaction provided that all deleterious materials are removed prior to compaction. These materials should be removed and recompacted to a minimum of 90 percent of maximum compaction at about 2 percent above optimum moisture content for slab support.

The bottom of the exposed competent soil should be inspected and approved by Soils Engineer prior to compaction work. Please refer to the attached grading guideline.

COASTAL COMMISSION

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Site Clearance

Demolition debris and other unsuitable materials should be stripped and removed from the site. Water lines or other old utility lines or installations to be abandoned should be removed or crushed in place. Old septic tanks and cesspools, if any should be backfilled in accordance with regulations of the controlling agencies. Holes resulting from removal of buried obstructions which extend below finished site grades should be backfilled with compacted soils.

Foundations

Conventional spread footings are adequate for foundation support. Footings should be supported entirely on competent alluvium, penetrating certified compacted fill. Continuous footings may be designed using a bearing pressure of 1500 psf and should be a minimum of 15-inches in width and 12-inches (subterranean foundation) or 24-inches (three-story foundation on-grade) in depth into the recommended bearing materials.

Independent footings may be designed using a bearing pressure of 2000 psf and should be a minimum of 2-feet square and 2-feet in depth into the recommended bearing materials. Footings should be reinforced with a minimum of 2 #4 bar of steel near the base of the footing and 2 #4 bar of steel near the top of the foundation wall. A 20 percent increase is allowable for each additional foot of excavation depth and 10 percent increase for each additional foot of excavation width up to a maximum value of 3000 psf.

Footings should be located below a line measured at a 45 degree angle from the bottom of any utility trench, unless reviewed and approved by the Soils Engineer.

[Report Continued...]
See File No. AS-VEN-03-466.
LD

COASTAL COMMISSION

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GEO SYSTEMS

Chuck Posner

From: McCrink, Tim [tmccrink@consv.ca.gov]
Sent: Monday, November 17, 2003 2:33 PM
To: cposner@coastal.ca.gov
Cc: michael@santarchitects.com; Real, Chuck; McMillan, Jack; Hill, Candace
Subject: 1119-1123 Abbot Kinney Blvd, Los Angeles

Mr. Charles R. Posner
Coastal Program Analyst
California Coastal Commission

Dear Mr. Posner,

I have been contacted by Mr. Michael Sant, of Sant Architects, concerning a proposed project at 1119-1123 Abbot Kinney Blvd in Los Angeles. In particular, Mr. Sant asked whether we at the Seismic Hazards Mapping Program had received a geotechnical report for the project from the City of Los Angeles as required by the Seismic Hazards Mapping Act. I have reviewed our records and found that we received the geotechnical report in question on October 4, 2002. If you have any questions, feel free to call me.

Timothy McCrink
Senior Engineering Geologist
Seismic Hazards Mapping Program
California Geological Survey
(916) 324-2549

CALIFORNIA COASTAL COMMISSION

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



November 7, 2003

John Davis
P.O. Box 10152
Marina del Rey, CA 90295

VIA CERTIFIED MAIL

Lydia Ponce
515 San Juan Avenue
Venice, CA 90291

James Smith
P.O. Box 644
Venice, CA 90294

Re: Coastal Development Permit Appeal File No. A-5-VEN-03-466 (1119-1123 Abbot Kinney Blvd., Venice, City of Los Angeles).

Dear Mr. Davis, Ms. Ponce & Mr. Smith:

On November 3, 2003, the Commission's South Coast District office in Long Beach received your appeal of the City of Los Angeles approval of Local Coastal Development Permit No. ZA-2002-1848 for:

Vesting Tentative Tract 53750 and the construction of a 35-foot high mixed-use building with seven live-work residential condominium units, two commercial condominium units with a total of 3,080 square feet, and a 31-stall garage on three contiguous vacant lots (C2-1-0-CA Zone) located at 1119-1123 Abbot Kinney Boulevard in Venice, City of Los Angeles.

In the appeal form submitted on November 3, 2003, you set forth the following reasons for filing the appeal:

1. The City failed to comply with PRC Section 26507, which states: "Geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth.
2. The City failed to comply with Title 14, Article 10 (California Seismic Hazards Mapping) of the California Code of Regulations.
3. The City is in violation of CEQA (California Environmental Quality Act) as the Mitigated Negative Declaration (MND) was only transmitted to the State after hearing and is in violation of PRC Section 26507.

We have reviewed your appeal, the proposed project, and the City's action; and the Executive Director has determined, pursuant to Section 30620(d) of the Coastal Act, that the appeal is patently frivolous.

Section 30620(d) of the Coastal Act states:

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With respect to any appeal of an action taken by a local government pursuant to Section 30602 or 30603, the executive director shall, within five working days of receipt of an appeal from any person other than members of the commission or any public agency, determine whether the appeal is patently frivolous. If the executive director determines that an appeal

John Davis (A5-VEN-03-466)

November 7, 2003

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is patently frivolous, the appeal shall not be filed unless a filing fee in the amount of three hundred dollars (\$300) is deposited with the commission within five working days of the receipt of the executive director's determination. If the commission subsequently finds that the appeal raises a substantial issue, the filing fee shall be refunded.

The Executive Director has determined that the appeal is patently frivolous for the following reasons:

1. The appeal raises no issues that could justify a decision by the Commission to hear the appeal. Coastal Act (Public Resources Code) Section 30625(b)(1) states that the Commission shall hear an appeal of an action taken by a local government on a coastal development permit application prior to the certification of the local government's local coastal program unless it determines "that no substantial issue exists as to conformity with Chapter 3 [of the Coastal Act (Sections 30200-265.5)]." Thus, the Commission's role as an appellate body at this stage of this matter is limited to assessing whether the appeal raises a substantial issue with respect to the conformity of the local government's action with PRC Sections 30200-30265.5. Your appeal does not include any claim that the local government action is inconsistent with any of these sections.
2. The appeal does not include a statement of facts on which the appeal is based, as is required by Sections 13318 and 13111(a)(8) of Title 14 of the California Code of Regulations. In addition, the appeal does not state how or why the local action failed to comply with PRC Section 26507; Title 14, Division 2, Chapter 8, Subchapter 1, Article 10 (Seismic Hazards Mapping) of the California Code of Regulations; or CEQA requirements

Therefore, as required by Section 30620(d), the appeal will not be filed unless the appellants submit to the Commission's South Coastal District office in Long Beach a filing fee in the amount of three hundred dollars (\$300) within five working days of your receipt of this letter communicating the Executive Director's determination. If the filing fee is paid within five working days of your receipt of this letter, the appeal will be accepted and filed, and the Commission will hold a substantial issue hearing on the appeal. If the Commission finds that the appeal raises a substantial issue, the filing fee shall be refunded. If you have any questions concerning this matter, please call me at (562) 590-5071.

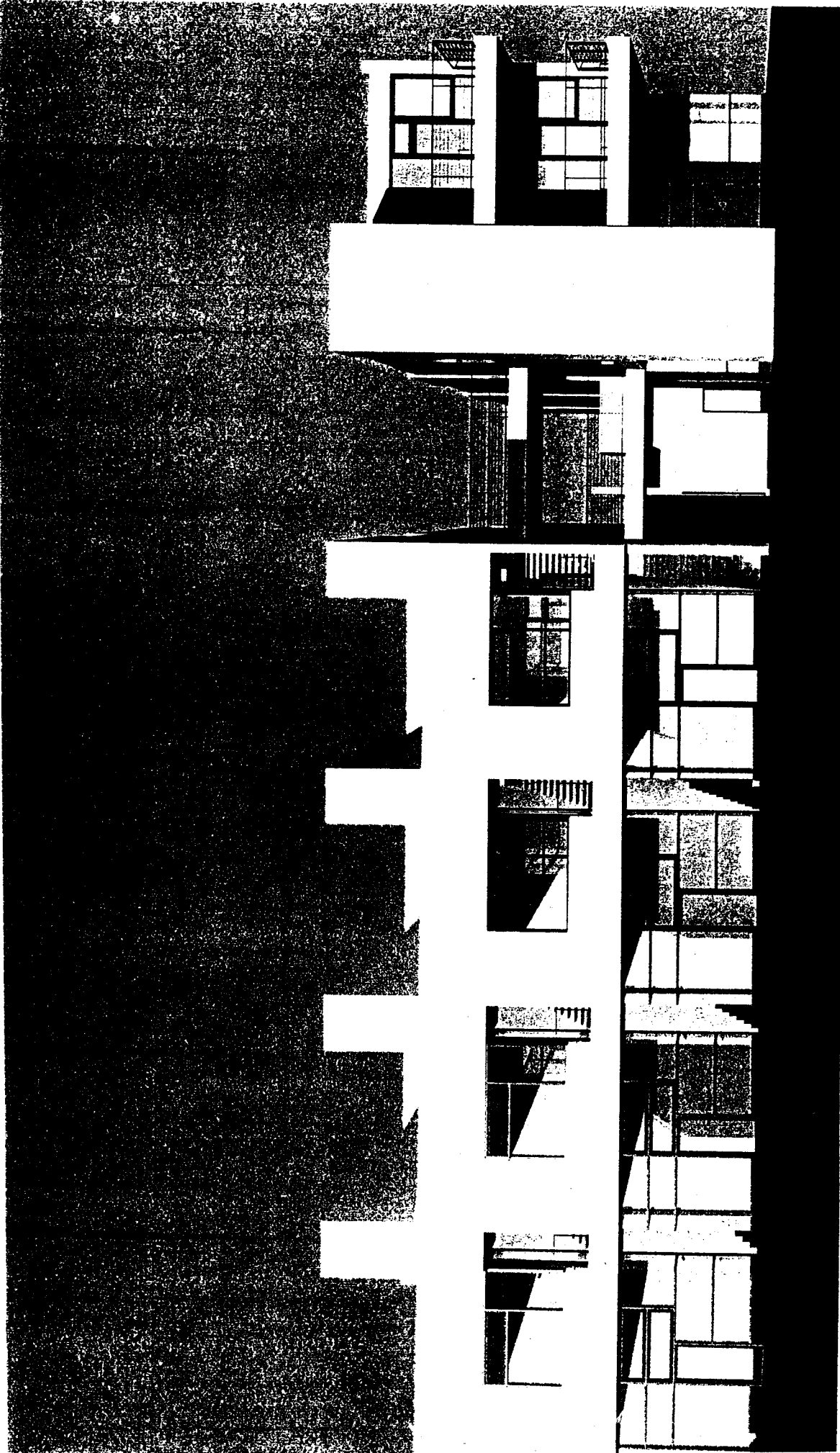
Sincerely,


Charles R. Posner
Coastal Program Analyst

cc: City of L.A. Planning Dept.
Michael Sant, Applicant
Commissioners/File

COASTAL COMMISSION

EXHIBIT # 7
PAGE 2 OF 2



AK LIVE/WORK PROJECT 1119-1123 Abbot Kinney Blvd. Elevation

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AS-VEN-03-466

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