

CALIFORNIA COASTAL COMMISSION

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 49th Day: Waived
 Staff: CP-LB
 Staff Report: 11/2/2005
 Hearing Date: November 18, 2005
 Commission Action:


STAFF REPORT: APPEAL - SUBSTANTIAL ISSUE

APPEAL NUMBER: A5-VEN-05-320

LOCAL DECISION: Approval with Conditions

APPLICANT: LNR – Lennar Washington Square, LLC (c/o The Lee Group, Inc.)

AGENT: Clare Bronowski

APPELLANT: Coastal Commission Executive Director Peter Douglas

PROJECT LOCATION: 300-346 W. Washington Boulevard and 3100-3210 Grand Canal, Venice, City of Los Angeles, Los Angeles County.

RECORD PACKET COPY

PROJECT DESCRIPTION: Demolition of five commercial buildings, conversion of an existing nine-story office building into 45 live/work condominium units and one commercial/office unit, and construction of 78 new residential condominium units and a two-level semi-subterranean parking garage on a 152,499 square foot project site (Vesting Tentative Tract No. 61505).

Lot Area	152,499 square feet (3.5 acres)
Building Coverage	80,703 square feet
Pavement Coverage	39,628 square feet
Landscape Coverage	32,168 square feet
Zoning	C2-1 Commercial
Plan Designation	Community Commercial
Commercial Floor Area	6,000 square feet (on ground floor)
Plan Designation	Community Commercial
Residential Units	123
Parking Spaces	302
Building Height	30-49 feet (and one existing 117-foot building)

LOCAL APPROVALS: City of Los Angeles Local Coastal Development Permit No. 2004-4821, Specific Plan Exception, Project Permit, Site Plan Review and Mello Act Compliance (6/23/05), and Vesting Tentative Tract No. 61505 (6/9/05).

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **SUBSTANTIAL ISSUE EXISTS** with respect to the City-approved project's conformance with the Chapter 3 policies of the Coastal Act because of the precedential nature of the proposed development in regards to the setback from wetlands (Grand Canal), building height, and the mix of residential and commercial uses on a site that is designated for community commercial land uses by the certified Venice Land Use Plan (LUP). **See Page Six for the motion** to make the substantial issue determination.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. City of Los Angeles Specific Plan for Venice, Ordinance No. 172,897, 12/22/1999.
3. City of Los Angeles Local Coastal Development Permit No. 2004-4821.
4. City of Los Angeles Vesting Tentative Tract No. 61505.
5. City of Los Angeles Mitigated Negative Declaration No. ENV-2004-4822-MND.
6. Coastal Development Permit Application 5-05-319 (LNR-Lennar Washington Sq., LLC).
7. Coastal Development Permit A5-VEN-01-280/5-01-289 (Grand Canal Rehabilitation).
8. Coastal Development Permit A5-VEN-01-279/5-01-257 (Ballona Lagoon Restoration).

I. APPELLANT'S CONTENTIONS

The Executive Director of the Coastal Commission has appealed the City of Los Angeles Planning Commission's action to approve Local Coastal Development Permit No. 2004-4821 (Exhibit #8). The local coastal development permit approves 6,000 square feet of ground floor commercial uses and 123 residential condominium units on a 3.5-acre site that abuts the east bank of Grand Canal in Venice (Exhibit #3). The grounds for the appeal are as follows:

- 1) Land Use. The local coastal development permit approves a primarily residential project on a commercial site designated as "Community Commercial" by the certified Land Use Plan (LUP) for Venice. The Community Commercial land use designation calls for a mix of residential dwelling units and community-serving commercial uses and services, with the commercial uses on the ground floor and the residential uses above. The fact that the City has approved a project with 123 residential units (45 of which are live/work units) and only one commercial unit (office) is a substantial issue that merits closer scrutiny by the Commission in order to determine whether the mix of uses is appropriate for the site. [Coastal Act Section 30222.]
- 2) Building Height. The certified Venice LUP sets forth a 30-to-38-foot height limit for the Grand Canal East area of Venice where the proposed project is located, and the local coastal development permit approves a new 49-foot high condominium building. Therefore, the project's height raises a substantial issue as to conformity with the LUP standards that protect community character. [Coastal Act Sections 30251, 30252 and 30253.]
- 3) Setback from the wetland (Grand Canal). The setback from the canal provides a buffer to protect the wetland habitat from the impacts of the development. The local coastal development permit requires the development to be set back 10-to-15 feet from the property line along the east bank of Grand Canal. A 10-to-15-foot setback from the wetland (Grand Canal) is the minimum canal setback requirement (as set forth by the certified Venice LUP). This minimal setback is what is required of the typical development along Grand Canal, which is a single-family residence on a 2,700 square foot lot, where there is very little area on the site to provide a habitat buffer. In this case, the project site is 152,428 square feet in area, and can provide a wider, more protective habitat buffer between the wetland and the development.
- 4) Floor Area Ratio (FAR): The certified LUP sets an FAR limit of 1:5 to 1 (Floor Area/Site Area) for development in all commercial land use designations in Venice. The local coastal development permit approves an FAR of 1.59 to 1. Therefore, the project's mass

raises a substantial issue as to conformity with the LUP standards that protect community character. [Coastal Act Sections 30251, 30252 and 30253.]

- 5) As written, it is unclear whether the local coastal development permit approval included the subdivision approved by Vesting Tentative Tract No. 61505 VTT. The Tract Map is a division of land that falls within the Coastal Act's definition of development and therefore requires a coastal development permit.

II. LOCAL GOVERNMENT ACTION

On July 29, 2004, the applicant submitted to the City of Los Angeles Planning Department a Master Land Use Permit Application for the proposed development described in the application as:¹ convert existing nine-story (93,710 square feet) office building into 42 live/work condominium units and one commercial/office condominium unit; demolish existing two-story office building and ancillary commercial structures (82,711 square feet); and construct 81 new residential townhouse units (twelve units to be affordable). The application was assigned Case No. APCW-2004-4821. The proposed development required the City's approval through the following discretionary actions:

1. Local Coastal Development Permit No. 2004-4821.
2. Mitigated Negative Declaration No. ENV-2004-4822-MND
3. Vesting Tentative Tract No. 61505.
4. Venice Specific Plan Project Permit Compliance
5. Site Plan Review
6. Specific Plan Exceptions (height and floor area ratio exceptions)
7. Zoning Administrator's/Director's Determination (yards and open space)
8. Mello Act Compliance Determination

The City's records state that on April 20, 2005, the City held a public hearing for the proposed development at City Hall. The public hearing was a concurrent hearing with the Deputy Advisory Agency (for the Vesting Tentative Tract) and a City Hearing Officer (for the local coastal development permit and the other required discretionary items). Approximately seventeen people attended the hearing (in addition to City staff). Three persons opposed the proposed project at the public hearing. They voiced concerns about an adult day care facility that would be displaced by the proposed project. Several others spoke in support.

On June 9, 2005, the Advisory Agency of the City Planning Department approved Vesting Tentative Tract No. 61505 for the proposed 123 residential condominium units (including 45 joint live/work units and twelve affordable units) and one 6,000 square foot commercial/office condominium unit. No one appealed the Advisory Agency's decision on the subdivision, and it became final on June 20, 2005.

After its meeting on June 23, 2005, the Los Angeles City Planning Commission approved with conditions the local coastal development permit and other discretionary actions for the proposed project. The Planning Commission also adopted Mitigated Negative Declaration No. ENV-2004-4822-MND for the proposed development. The Planning Commission's action

¹ The development ultimately approved by the City includes 123 residential condominium units (45 live/work units and 78 townhouse units) and one 6,000 square foot commercial unit (See the description on Page Six).

(approval with conditions) is attached to this report as Exhibit #8. The Planning Commission issued its decision on July 6, 2005. Although the Planning Commission's action could have been appealed to the City Council, no appeal was filed.

On July 28, 2005, the Commission's South Coast District office in Long Beach received the City's Notice of Final Action for its approval of Local Coastal Development Permit No. 2004-4821 and established the twenty-working day appeal period. The appeal by the Commission's Executive Director was filed on the last day of the appeal period: August 25, 2005. No other appeals were filed. On August 25, 2005, Commission staff notified the City Planning Department of the appeal. On September 15, 2005, Commission staff received from the applicant's agent (Clare Bronowski) a 49-day waiver so the appeal hearing could be scheduled for the Commission's November 16-18, 2005 meeting in Los Angeles (instead of the October meeting in San Diego). On September 20, 2005, Commission staff received from the City a copy of the local coastal development permit file.

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 a 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 the approved project's 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 appellant's contentions raise no substantial issue as to conformity of the approved project 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 any development which receives a local coastal development permit also obtain a second (or "dual") coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required.

The proposed project is located on the east bank of Grand Canal, between the sea (canal) and the first public road (Via Dolce), and also within three hundred feet of the mean high tide line of Grand Canal (Exhibit #3). Part of the project site is also within three hundred feet of the wetland (Grand Canal). Therefore, the proposed development is located within the *Dual Permit Jurisdiction*. Pursuant to Section 30601 of the Coastal Act and Section 13307 of Title 14 of the California Code of Regulations, any development located in the Dual Permit Jurisdiction that receives a local coastal development permit from the City must also obtain a permit from the Coastal Commission (*See Coastal Development Permit Application 5-05-319*).

Section 30601 of the Coastal Act states:

Prior to certification of the Local Coastal Program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the Commission for any of the following:

- (1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Development not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Any development which constitutes a major public works project or a major energy facility.

The processing of the applicant's "dual permit" application (5-05-319) will occur concurrently with the processing of the *de novo* portion of this appeal, if the Commission makes a finding of substantial issue. Then the public hearings and actions for the de novo portion of this appeal and the necessary "dual permit" application will be combined and scheduled for concurrent action at a future Commission meeting. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to whether the local government's approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motion:

MOTION: *"I move that the Commission determine that Appeal No. A-5-VEN-05-320 raises no substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

Failure of the motion will result in a de novo hearing on the application and adoption of the following resolution and findings. A majority of the Commissioners present is required to pass the motion.

Resolution to Find Substantial Issue for Appeal A-5-VEN-05-320

The Commission hereby finds that Appeal No. **A-5-VEN-05-320** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the redevelopment of a 3.5-acre commercial property (two lots) that abuts the east bank of Grand Canal in Venice (Exhibit #5). The project site, situated three blocks inland of Venice Pier and the beach, is on the south side of Washington Boulevard, a major coastal access route (Exhibit #2). The local coastal development permit approves a total of 123 residential units and one commercial unit. An existing nine-story, 117-foot tall, 93,710 square foot office building would be converted into 45 live/work condominium units and one ground floor commercial unit (6,000 square feet). The five other buildings on the site (total of 82,711 square feet), which have been used as office, a restaurant, and an adult day care center, would be demolished.

The proposed development includes the construction of 78 new residential condominium units, including a row of three-story townhouse units (23) along the east bank of Grand Canal, a 49-foot high podium structure with 27 condominium units (twelve of which will be affordable), and 28 additional three-story townhouse units along Via Dolce (Exhibit #6). Each of the 51 proposed townhouse units is 33 feet high and has its own two-car garage. The proposed project will provide a total of 302 parking spaces: 182 stalls in a two-level semi-subterranean parking garage, 102 spaces in the 51 private townhouse garages, and eighteen surface spaces.

The City-approved Vesting Tentative Tract map for the project (Map No. 61505) approves a two-lot subdivision for condominium purposes. Lot One contains one 6,000 square foot commercial/office unit and 72 dwelling units (45 live/work units in the existing nine-story office building and 27 residential units in the proposed 49-foot high podium structure). Lot Two contains the 51 proposed three-story townhouse units.

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 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.

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

C. Substantial Issue Analysis

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that the local government action raises no substantial issue as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist in the local government's approval of the project.

A substantial issue exists in regards to the mix of commercial and residential land uses approved by Local Coastal Development Permit No. 2004-4821. The local coastal development permit approves a primarily residential project (123 residential units² and one commercial/office unit) on a commercial site designated as "Community Commercial" by the certified Land Use Plan (LUP) for Venice. Moreover, Coastal Act Section 30222 gives priority to visitor-serving commercial recreational facilities over residential and other uses.

Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The project site, on Washington Boulevard, is three blocks inland of Venice Pier and the beach. The pier and beach, at terminus of Washington Boulevard, is a popular visitor destination that draws large numbers of visitors to the coast. Several restaurants operate near the pier and the properties along Washington Boulevard are developed primarily with visitor-serving commercial uses.

The project site's proximity to this heavily visited beach and pier area is one reason that the certified Venice LUP designates the project site with a Community Commercial land use designation. The Community Commercial land use designation calls for a mix of residential dwelling units and neighborhood and visitor-serving commercial uses and services, with the commercial uses on the ground floor and the residential uses above. A commercial project or a truly mixed-use project can provide the types of visitor-serving uses that Section 30222 gives priority, whereas a residential-only project cannot.

In addition, Coastal Act Section 30252(2) states that new development should provide commercial facilities within or adjoining residential development as a way to reduce vehicular traffic.

Coastal Act Section 30252(2) states:

The location and amount of new development should maintain and enhance public access to the coast by (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

The fact that the City has approved a project with 123 residential units and only one commercial/office unit is a substantial issue that merits closer scrutiny by the Commission in order to determine whether the City-approved mix of uses is appropriate for the site.

The height of the development approved by Local Coastal Development Permit No. 2004-4821 also raises a substantial issue in regards to Chapter 3. The certified Venice LUP sets forth a 30-to-38-foot height limit for the Grand Canal East area of Venice where the proposed

² Forty-five of the 123 City-approved condominium units were approved as joint live/work residences where limited commercial uses are permitted, but not required.

project is located. The LUP limits the height of structures along Grand Canal (and other waterways) in order to protect a flyway for the birds that forage in the canal (and to preserve community character). The local coastal development permit approval includes a new 49-foot high building. A nine-story, 117-foot high office building on the site would remain in place (Exhibit #7). The project merits closer scrutiny by the Commission in order to determine whether a new 49-foot high building on the project site is appropriate for the neighborhood. Therefore, the local government's approval of a building that exceeds the height limit raises a substantial issue as to conformity with Coastal Act Sections 30251 and 30253(5), and the LUP standards that protect community character.

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Act Section 30253(5) states:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

A substantial issue also exists in regards to the City-approved setback from the wetland (Grand Canal). As approved by the City, the row of proposed townhouses along Grand Canal could encroach within fifteen feet of the canal and substantially reduce the air space and bird flyway that currently exists over and along the east bank. Although two of the existing buildings encroach within fifteen feet of the Grand Canal property line, there now exists a substantially larger setback along most of the project site's Grand Canal frontage (Exhibit #5). The setback from the canal provides a necessary buffer to protect water quality, the wetland habitat, and its wildlife from the impacts of the development, as is required by the following Coastal Act Policies. The setback area also provides space for a buffer between the private property and the public trail that runs along the canal's east bank.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The section of Grand Canal located south of Washington Boulevard is a remnant of an original tidal lagoon (Ballona Lagoon). The canals located north of Washington Boulevard were created out of marshland as part of the "Venice of America" subdivision in 1905, about the same time that the land near the banks of Grand Canal was subdivided into small parcels for beach cottages. Sidewalks were constructed along the banks of all of the Venice Canals, including Grand Canal, in the early 1900s. The Venice Canals are now a unique cultural, historic and scenic resource of Southern California, and they provide the Venice community with a sense of character and history. These waterways also provide habitat for wildlife and opportunities for public access and recreation. The Venice Canals and Ballona Lagoon support some of the last remaining pockets of coastal wetland habitat in Los Angeles County.

Grand Canal is an integral part of the larger Venice Canals/Ballona Lagoon wetlands system and the Ballona Creek watershed (Exhibit #9). Grand Canal is connected to the northern end of Ballona Lagoon (Exhibit #1). Seawater enters the wetlands system through tidal gates which control the flow from the Marina del Rey entrance channel into Ballona Lagoon. The seawater then flows through Ballona Lagoon and into Grand Canal to another set of tidal gates located beneath Washington Boulevard. Grand Canal is the only hydrologic connection between Ballona Lagoon and the canals located north of Washington Boulevard (Exhibit #1).

The certified Venice LUP designates the wetland habitat in Grand Canal as an Environmentally Sensitive Habitat Area (ESHA) subject to the above-stated Coastal Act policies. Unfortunately, the wetland habitat in Grand Canal (i.e., salt marsh, sidebanks, mudflats, and marine habitat) is negatively affected by the canal's proximity to human activity, urban runoff, abundance of invasive non-native vegetation, and the scattered isolated pocket nature of the wetlands. Despite this, Grand Canal provides habitat for a variety of benthic invertebrates, fish and shorebirds [See Grand Canal Wetland Enhancement Assessment, by Michael Josselyn, PhD, February 24, 1998.].

California hornshells are the dominant epifaunal organisms, although it is expected that polychaetes and molluscs live in the mud bottom of the canal. Seven species of fish have been documented and are known to inhabit the canals: Topsmelt is the most abundant species, followed by California killifish, bay pipefish, longjaw mudsuckers, halibut, arrow goby, and diamond turbot. Fish eating birds such as pelicans, egrets and green herons are often seen foraging at the water's edge. Willets, dowitchers and dabbling ducks also forage on the mud banks, while domesticated ducks are attracted by food and water left by nearby human residents. Grand Canal is a critical habitat area for the brown pelican and California least tern, Sterna antillarum browni. No other Federal or State listed endangered species are known to inhabit or to visit the Venice Canals.

Grand Canal is located approximately one mile north of the Venice Beach California least tern colony, one of the largest and most productive colonies of California least terns remaining in the state (Exhibit #1). The California least tern, Sterna antillarum browni, is a Federal and State listed endangered species. The least tern is migratory and generally arrives in the project area each year in early April, and departs in early autumn. Least terns capture small fish for their newly hatched chicks in the nearby ocean, wetlands, lagoons, and canals. These fish include northern anchovies, gobies, topsmelt, various surf perch, killifish, mosquitofish, and other lagoon and estuarine fish species.

The Commission generally imposes a one hundred foot buffer between ESHA and new development, unless site conditions (e.g., existing small lot subdivisions) make a one hundred foot buffer infeasible. The local coastal development permit requires the development to be set back 10-to-15 feet from the property line along the east bank of Grand Canal. The certified LUP sets forth a minimum canal setback requirement for the existing lots along Grand Canal. This minimal setback is what is required of the typical development along Grand Canal, which is a single-family residence on a 2,700 square foot lot, where there is very little area on the site to provide a habitat buffer. In this case, the project site is about 152,428 square feet in area, and can provide a wider, more protective habitat buffer between the wetland and the development. Although the City approval would put a row of townhouse condominiums within fifteen feet of the Grand Canal property line, the site has not yet been subdivided into small lots as was done along the rest of Grand Canal in the early 1900s (Exhibit #3). A 10-to-15 feet setback from the property line along the east bank of Grand Canal may not be sufficient to protect the ESHA from the impacts of the development. Therefore, the local government's approval raises a substantial issue as to conformity with Coastal Act Sections 30230, 30231 and 30240.

A substantial issue also exists in regards to the Floor Area Ratio (FAR) approved by Local Coastal Development Permit No. 2004-4821. The FAR limit controls the maximum amount of floor area in the project, and thus, the size of the approved development. The certified LUP sets an FAR limit of 1.5-to-1 (Floor Area/Site Area) for development in all commercial land use designations in Venice. The local coastal development permit approves an FAR of 1.59-to-1 (1.59:1). A project with a 1.59:1 FAR would have more floor area (and would be larger) than a project that conforms with the LUP FAR limit of 1.5:1. The large size of the approved development may have an adverse affect on community character, and the local government's approval of a 1.5.9:1 FAR would set a new precedent for lands in Venice designated for commercial uses. Therefore, the local government's approval raises a substantial issue as to

conformity with Coastal Act Sections 30251 and 30253(5), and the LUP standards that protect community character.

Finally, there is a procedural question involving the subdivision portion of the proposed project. As written, it is unclear whether the local coastal development permit approval included Coastal Act authorization for the subdivision approved by Vesting Tentative Tract No. 61505. The Tract Map is a division of land that falls within the Coastal Act's definition of development and therefore requires a coastal development permit. This procedural issue does not raise a substantial issue with regards to consistency with Chapter 3. Moreover, since the Commission concludes that the local approval presents a substantial issue for other reasons, the de novo portion of the appeal can clarify that the subdivision (Vesting Tentative Tract No. 61505) is part of the development approved by the then Commission-issued de novo coastal development permit.

Applying the five factors listed in the prior section further clarifies that the appeal raises a "substantial" issue with respect to Chapter 3. 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 findings for the City's approval of Local Coastal Development Permit No. 2004-4821 are found on Pages 18 through 20 of Exhibit #8 of this report. The City's findings erroneously state that the project site is located in the Oakwood-Milwood-Southeast Venice subarea of the certified LUP (Exhibit #8, p.18). In fact, the project site is situated entirely within the Ballona Lagoon (Grand Canal) East LUP subarea. Development in the Ballona Lagoon (Grand Canal) East subarea involves Coastal Act issues that do not exist in the Oakwood-Milwood-Southeast Venice subarea, like Grand Canal ESHA and wetland issues (e.g. setback and building height) and beach recreation. The City's findings also state that the project is not adjacent to the shoreline and would not affect ecological resources, even though the development site abuts the east bank of Grand Canal. Grand Canal is an inlet of the sea. Finally, the City's findings do not provide a sufficient explanation of how the approved project complies with and carries out the relevant policies of the Coastal Act [Coastal Act Sections 30222, 30230, 30231, 30240, 30251, 30252 and 30253] for the reasons specified above.

The second factor is the scope of the development approved by the local government. The scope of the approved development is the development of a 3.5-acre project site with 123 residential condominium units and one commercial unit. The project is a relatively large project for the Venice area. Thus, the scope of the approved development supports a finding that the appeal raises a "substantial" issue.

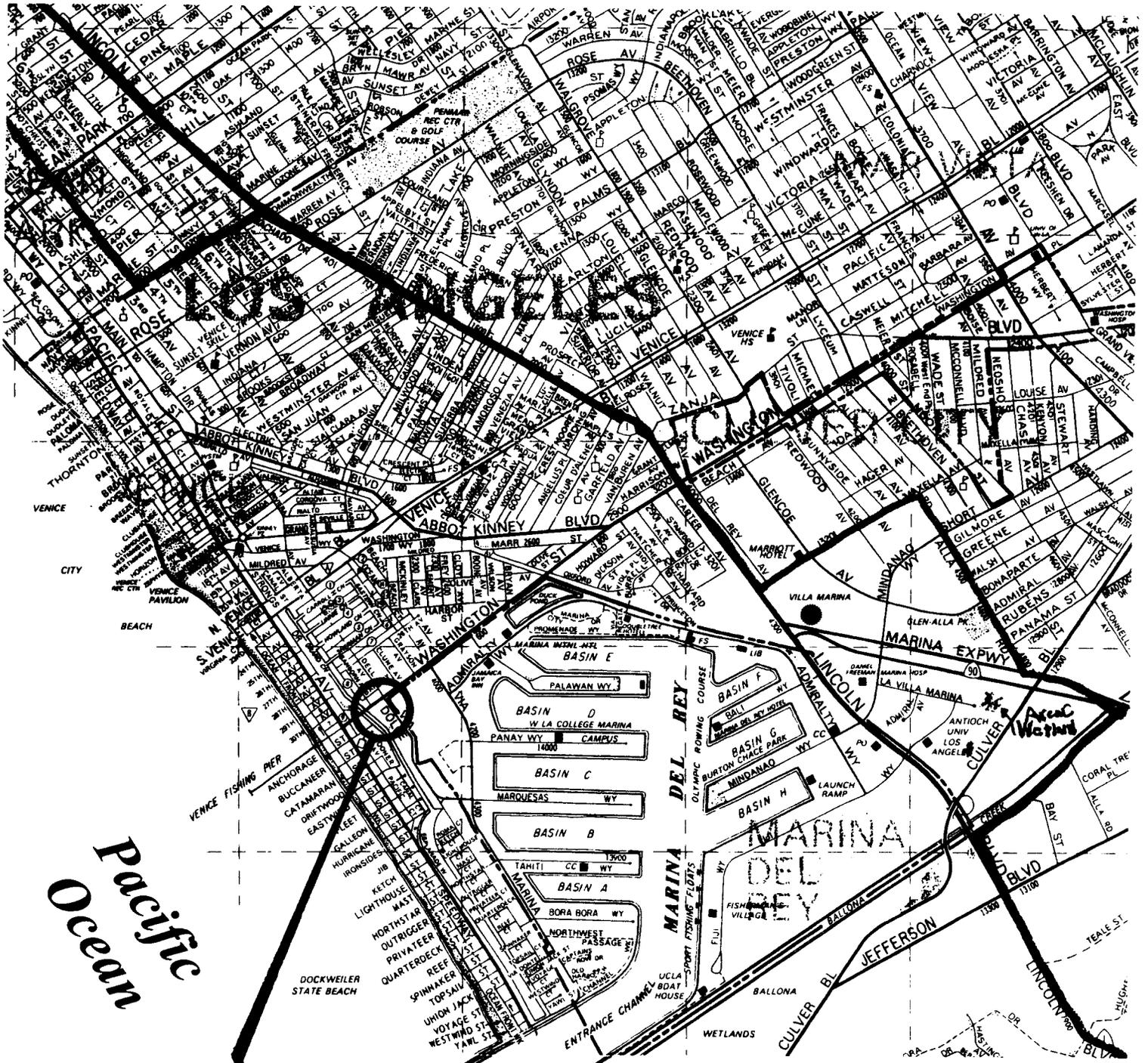
The third factor is the significance of the coastal resources affected by the decision. The ESHA in Grand Canal is the main resource affected by the proposed project, along with the availability of visitor-serving commercial/recreational uses. Other wetland-adjacent developments could be affected by the City's approval of a 10-to-15-foot setback from the Grand Canal property line. Other Venice neighborhoods may also be affected indirectly by the precedential nature of the City's action approving a height variance, and a predominately residential project on a site designated for commercial uses. Thus, the coastal resources affected are significant.

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, but it does have a certified land Use Plan (LUP) for the Venice area. As previously discussed, this appeal raises a substantial issue in regards to the City's interpretation of the policies of the certified Venice LUP. The approval of a 10-to-15-foot setback from the Grand Canal, height variance, and a predominately residential project on a site designated for commercial uses sets a precedent that merits closer scrutiny by the Commission.

The final factor is whether the appeals raise local issues, or those of regional or statewide significance. The appeal raises a primarily localized issue related to the development of Venice. However, the protection of community character in an area that is a tourist destination for people all over the state (and beyond), and the City's granting of density bonuses and other incentives (additional height) do rise to statewide significance.

VENICE, CA



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EXHIBIT # 1
PAGE 1 OF 1



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EXHIBIT # 3
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GRAND

CANAL

Site

OCEAN

County-run Public Beach Parking Lot

S-1-XL-O

D-WR 158



Scale: 1" = 100'

VIA DOLCE AVE Via Dolce

Boulevard

Washington

To Pier & Beach

No. 4 - 330 Washington Blvd

Convert to Res. OFFICE BUILDING

Demolish MULTI-LEVEL PARKING, SHOPS & OFFICES

No. 2 - 308 Washington Blvd

Demolish EXISTING BUILDING

Demolish EXISTING BUILDING

Demolish METAL GLASS & STUCCO BLDG.

Canal

Grand

No. 3(a) - 310 Washington Blvd

No. 3(b) - 310 Washington Blvd

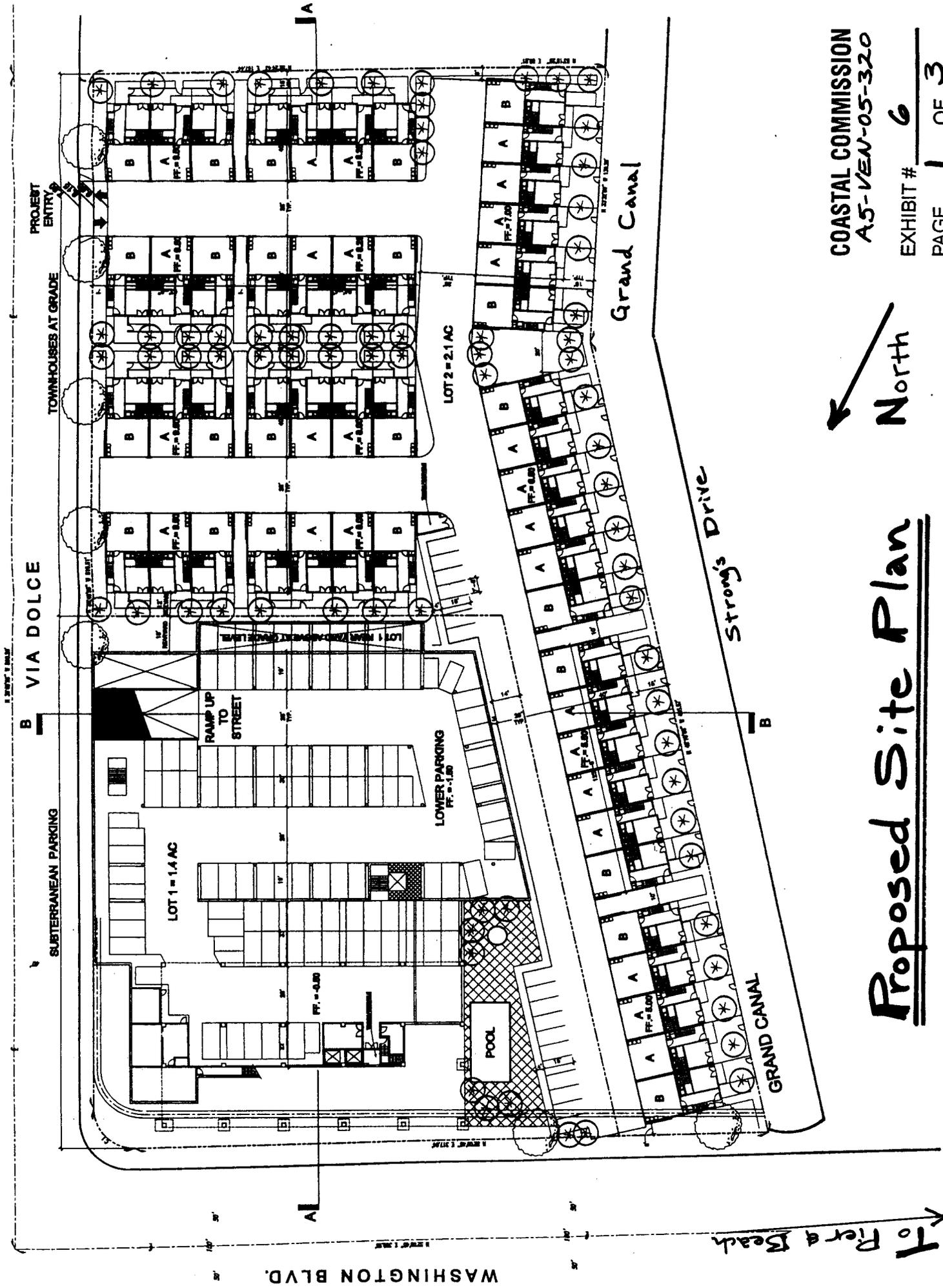
No. 1 - 300 Washington Blvd

Existing Site

North

COASTAL COMMISSION
A5-YEN-05-320

EXHIBIT # 5
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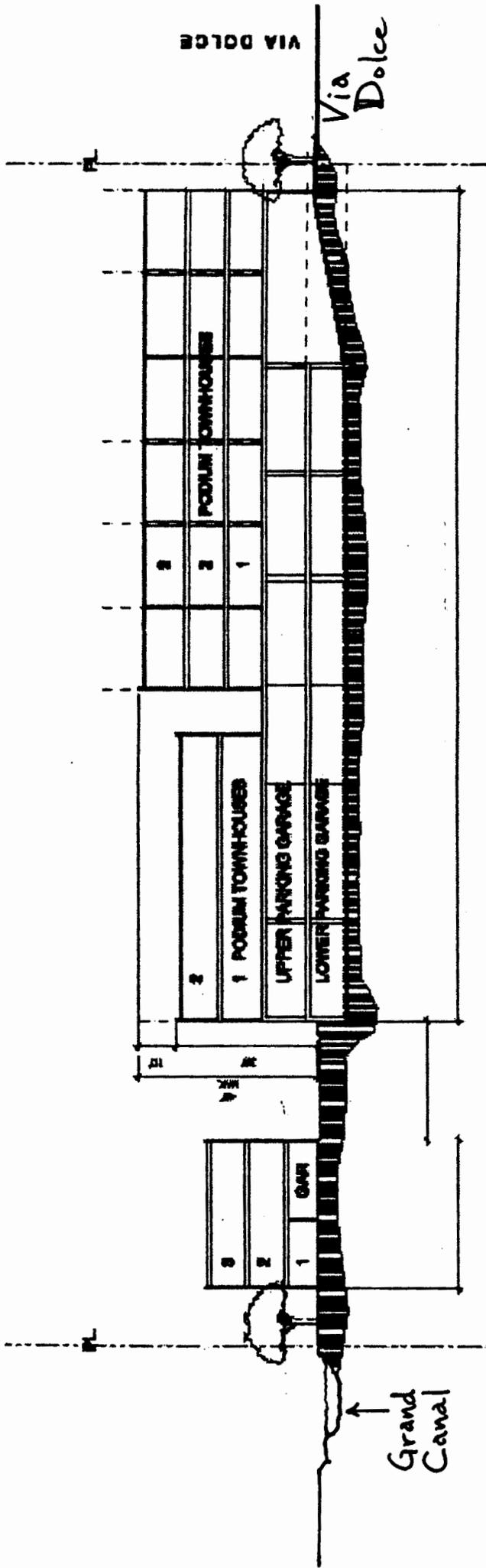


Proposed Site Plan

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 A5-VEU-05-320
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↑ to Pura Beach

WASHINGTON BLVD.

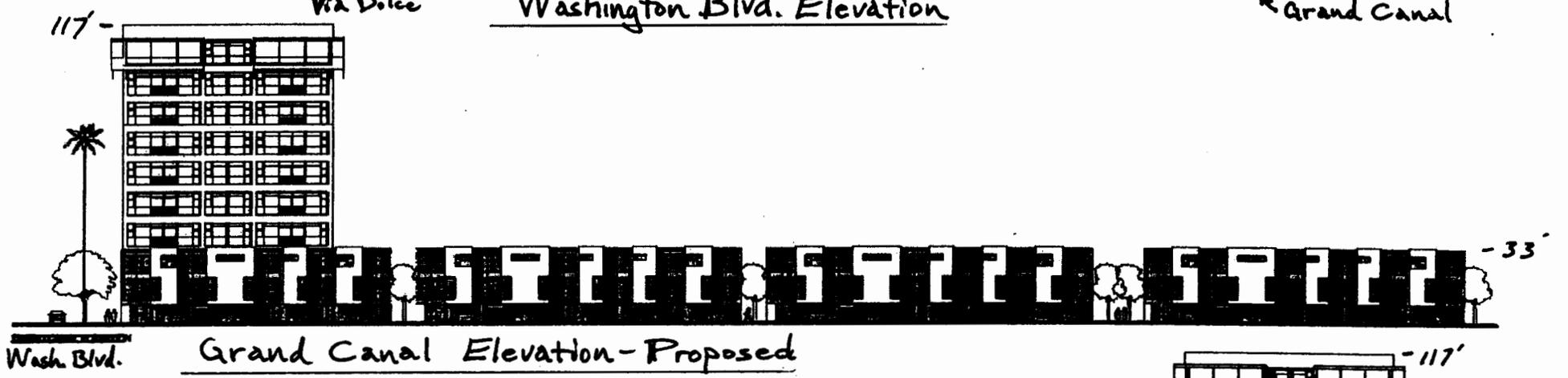
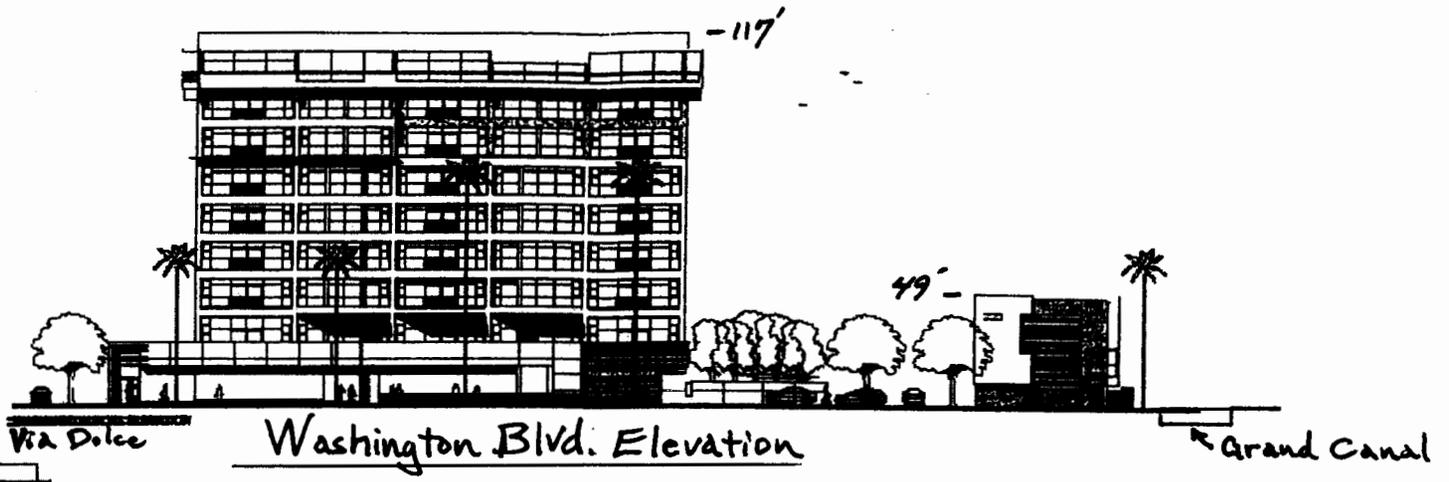


SECTION B-B

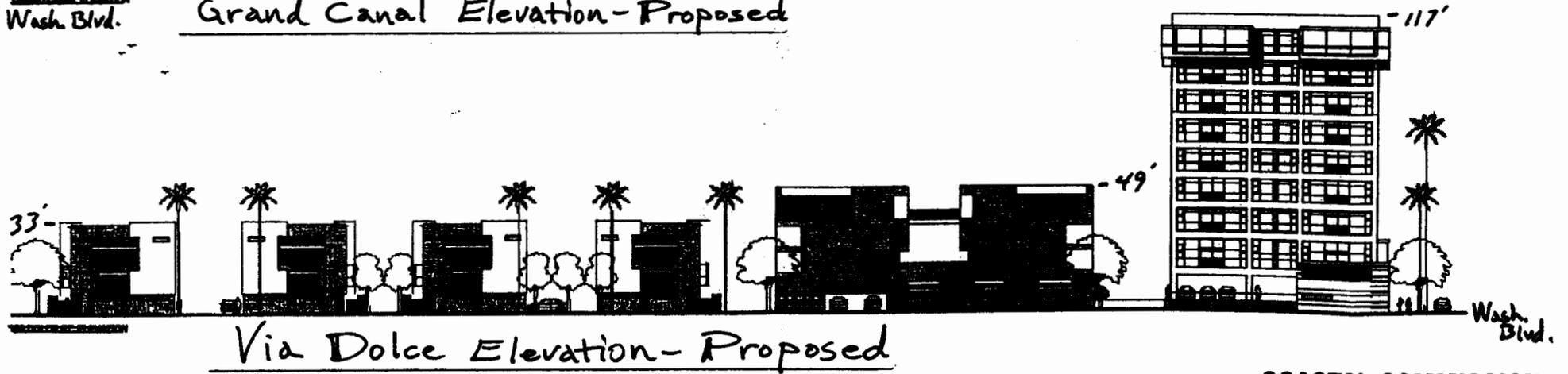
← West East →

(See Exhibit #6, p.1)

Section B-B



Wash. Blvd. Grand Canal Elevation - Proposed



Via Dolce Elevation - Proposed



Los Angeles City Planning Commission

200 North Spring Street, Room 532, City Hall, Los Angeles, CA 90012
www.cityofla.org/PLN/index.htm

Determination Mailing Date: JUL 06 2005

1039

Department of Building and Safety
201 N. Figueroa Street
Counter B, Fourth Floor

CASE NO. CPC-2004-4821-SPE-CDP-SPP-ZAD-DD-
SPR-MEL

Location: 300-346 W. Washington Blvd., 3100-3210 S.
Grand Canal

Council District: No. 11

Plan Area: Venice

Request(s): Specific Plan Exception-Coastal
Development Permit-Project Permit Compliance-
Determination-Director's Determination-Site Plan

Review Findings-Mello Act Compliance

Applicant: The Lee Group, Jeff Lee South Coast Region

RECEIVED

AUG 25 2005

CALIFORNIA
COASTAL COMMISSION

A5-VEN-05-320
5-05-319

At its meeting on June 23, 2005, the following action was taken by the City Planning Commission:

Approved the requested Specific Plan Exception, Coastal Development Permit, Project Permit Compliance, Determination, Director's Determination, Site Plan Review and Mello Act Compliance, subject to the attached Conditions of Approval; for the following proposed project, as corrected, per the applicant's request: Demolition of 5 commercial buildings, comprising approximately 82,711 square feet of floor area, including an existing 2-story office building and ancillary commercial structures; conversion of an existing 9-story, 93,710 square foot office building into 45 live/work condominium units and one commercial/office condominium unit, and construction of 78 new residential condominium units, including a 27-unit podium structure, (3 stories of units, over a 2 level parking garage) with a maximum height of 49-feet, and 51 residential townhouse units, 3 stories, ranging in height from 30-33 feet, with each townhouse unit having a private 2-car garage. The proposed project will provide a total of 12 affordable housing units on site, proposed to be located in the existing tower and the new podium structure. The proposed project will provide a total of 302 parking spaces, including a 2-level semi-subterranean parking structure to accommodate 182 spaces, including a 2-level semi-subterranean parking structure to accommodate 182 spaces, 102 spaces to be provided within the townhouse garages, and 18 surface parking spaces. The lot area is 152,428 square feet.

Adopted the attached Findings, including the Finding that the previously Adopted Environmental Clearance, ENV-2004-4822-MND, is adequate environmental clearance for the subject requests.

Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Chang
Seconded: Mindlin
Ayes: Atkinson, Burg, Cline, George
Absent: Cardenas, Mahdesian, Schiff

Vote: 6-0

G. Williams
Gabriela Williams, Commission Executive Assistant II
City Planning Commission

Effective Date / Appeals: The Commission's determination will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

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.

Attachments: Findings, Conditions

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CONDITIONS OF APPROVAL**Specific Plan Exception, Coastal Development Permit, Project Permit Compliance, Determination, Director's Determination, Site Plan Review, Mello Act Compliance**

1. **Use.** The use and development of the subject property shall comply with all provisions of the C2 Zone, pursuant to Municipal Code Section 12.14, except where conditions herein may be more restrictive.
2. **Floor Area.** The total floor area of all buildings shall be limited to no more than 1.59 times the buildable area of the total project area (FAR Lot 1 = 2.4:1; FAR Lot 2 = 1.04:1). The total floor area of ground floor commercial uses on the subject property shall be limited to 6,000 square feet, as defined by Section 12.21.1.A.5 of the Municipal Code.
3. **Density.** A maximum of 123 dwelling units, including 45 Joint Living and Work Quarters, may be constructed on the subject property, of which 12 units shall be provided in conformity with California Government Code Section 65590 (Mello Act).
4. **Height.** The height of all buildings and structures on the subject property, excluding the 117-foot Adaptive Reuse building, shall not exceed 49-feet, measured from the elevation of the Grand Canal Esplanade sidewalk, height for each building shall be measured from the projection of the midpoint of each building. (Section 9.B.3 of the Venice Coastal Zone Specific Plan)
 - a. Within 60 horizontal feet of the inland side of the Esplanade (City right-of-way), Venice Coastal Development Projects shall not exceed a maximum height of 30-feet.
 - b. Beyond 60 horizontal feet of the inland side of the Esplanade, Venice Coastal Development Projects shall not exceed a maximum height of 49-feet.
 - c. No portion of any structure (including Roof Access Structures, roof deck railings and Architectural Features) shall exceed the 30-foot height limit within 60 horizontal feet of the inland side of the Esplanade (City right-of-way).
5. **Related Tentative Tract.** The applicant shall comply with all of the requirements contained in Vesting Tentative Tract No. 61505 VTT, and including map stamp-dated June 9, 2005, being processed concurrently with this determination and any subsequent modifications thereto, to the satisfaction of the Advisory Agency of the Department of City Planning.
6. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled "Exhibit A," stamped and dated June 23, 2005 attached to the subject case file (Exhibit E-3 of the Staff Report), except as modified by this action. Prior to the issuance of any permits for the subject project, detailed development plans, including a complete landscape and irrigation plan shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions.

Minor deviations may be allowed in order to comply with all provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.

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7. **Joint Living and Working Quarters.** Forty-five (45) dwelling units identified as Joint Living and Work Quarters, as shown in the site plan labeled "Exhibit A" and stamped and dated June 23, 2005 attached to the subject case file, shall be permitted in the existing 9-story office building, provided that a maximum of 33-percent of the floor area per unit of those units are used for residential purposes.
- a. The authorized uses for Joint Living and Work Quarters shall comply with provisions of the Municipal Code as set forth in Section 12.13 A (27).
 - b. One or more signs or symbols of size and design approved by the Fire Department shall be placed by the applicant at designated locations on the exterior of each building approved as joint living and work quarters to indicate that these buildings are used for residential purposes.
8. **Parking (Non-residential)** Any non-residential use shall provide parking in compliance with Section 13 of the Venice Coastal Zone Specific Plan as determined by the Department of City Planning.
9. **Parking (Residential).** The project shall provide two spaces for each dwelling unit, plus a minimum of one guest parking space for each four or fewer units (e.g., 0.25 guest parking space per unit, any fraction shall be rounded up to require one additional guest parking space; Section 13 of the Venice Coastal Zone Specific Plan).
- a. Residential guest parking spaces shall be readily accessible, conveniently located and specifically reserved for guests.
 - b. Tandem parking may be used only for the spaces which are assigned and designated for a single residential unit.
 - c. Residential guest parking signs shall be clearly posted at building entrances. The signs shall be in large, easy to read lettering and shall indicate the general location of guest parking. Sign wording shall be to the satisfaction of the Department of City Planning and shall indicate the number of reserved guest parking spaces.
 - d. If any residential guest parking is located behind security gates, the following shall be apply:
 - 1) A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking.
 - 2) An electronic intercommunication system shall be installed. The system shall be readily accessible to the drivers of guest vehicles and to the units served by the secured guest parking.
 - 3) The security gate shall be set back at least 20-feet from the public right-of-way so as to provide a waiting area for guest vehicles and to prohibit blockage or interference with the public right-of way by waiting guest vehicles.
 - 4) Alternatives to the provisions of this condition may be approved by the

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Department of City Planning provided that the intent of readily accessible guest parking facilities and no interference with the public right-of-way is assured.

- e. No fees may be charged for guest parking for residential tenants.
10. **Open Space.** Approximately 1,755 square feet of courtyard area, comprising less than 9 percent of the project's total provided open space and located under a 6-foot wide overhead walkway, may be permitted to be counted as common open space and not be completely clear and open to the sky.
11. **Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning and the Department of Transportation.
12. **Facade.** Except for the Adaptive Reuse portion of the project, the facade of the building shall be designed with visual breaks or Architectural Features, including balconies or terraces, with a change in material or break in plane every 20-feet in horizontal length and every 15 vertical feet, as shown in the elevations labeled "Exhibit A," stamped and dated June 23, 2005, 2004 attached to the subject case file.
13. **Screening of Roof Structures.** Any structure on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any existing adjacent single-family properties, as seen from grade.
14. **Setback/Yards.**
- a. Set back shall be an average of 15-feet, but not less than 10-feet from the lot line which separates the lot from the east bank of the Grand Canal.
- b. An open, Permeable yard with an area of at least 15 times the lot width and a minimum of 450 square feet shall be maintained between the property line which faces the water and the front of any structure. No building extensions, including stairs and balconies, shall be allowed in the required Permeable yard area, except for ground level Permeable decks.
- c. The combined height of any decks, railings, garden walls and fences situated within the required Permeable yard shall not exceed six feet above the elevation of the adjacent public walkway.
- d. The side yard for all new construction shall not be less than 3 ½ -feet.
15. **Fill.** No Fill shall be permitted in Grand Canal.
16. **Drainage.** Prior to issuance of a building permit for a new Venice Coastal Development Project or an expansion of the existing building footprint by more than 10 percent, the applicant shall submit drainage plans to the Department of Building and Safety for its approval. All drainage for new construction shall be directed away from Ballona Lagoon. The applicant and all successors in interest shall maintain the approved Venice Coastal

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Development Project consistent with the drainage plans approved by the Department of Building and Safety.

17. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared consistent with the landscape provisions of 12.40 through 12.43 of the Municipal Code, by a licensed landscape architect to the satisfaction of the Department of City Planning.
18. **Wall.** A solid decorative masonry wall, a minimum of 6-feet in height, shall be constructed along any common property line between the subject property and any adjoining property containing a residential use, if no such wall already exists along said property line. There shall be no openings, except for a lockable gate provided for landscape maintenance work or as may be required by the Municipal Code. The wall shall be measured from the subject property at the lowest grade adjacent to the wall.
19. **Wall (Trash and Storage).** Solid masonry block walls, a minimum of 6-feet in height, shall enclose trash and other storage areas. There shall be no openings except for gates. The areas shall be buffered so as not to result in noise, odor or debris impacts on any adjacent uses. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. Trash pick up shall take place only between 7:00 AM and 8:00 PM Monday through Friday, and 10:00 AM to 4:00 PM on Saturday. There shall be no pick up on Sunday or legal holidays.
20. **Noise (Receiving, Trash, Storage Areas).** Any activities associated with areas devoted to trash compacting, loading and unloading, receiving, and the "tote and bale" enclosure, shall be limited as follows: Monday through Friday, 7:00 AM to 8:00 PM; Saturday, 10:00 AM to 4:00 PM; no receiving, trash, or storage area use shall be allowed on Sunday or legal holidays.
21. **Maintenance.** The subject property including associated parking facilities, sidewalks, and landscaped planters adjacent to the exterior walls along the all property lines shall be maintained in an attractive condition and shall be kept free of trash and debris. Trash receptacles shall be located throughout the site.
22. **Construction Related Parking.** Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owners base of operations.
23. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 7:00 AM and ending at 6:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period. A circulation plan shall specifically address the routing of delivery and exiting vehicles from the project site during all phases of construction to minimize any potential impacts to adjacent residential areas resulting from development of the proposed project. If warranted, any truck

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haul routes and staging areas shall be subject to approval by the Department of Building and Safety and Department of Transportation.

- 24. **Community Relations.** A 24-hour "hot-line" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors and the local neighborhood association, if any. The applicant shall be required to respond within 24 hours of any complaint received on this hotline.

Mello Act Compliance

- 25. **Reserved Affordable Units** shall be included in the total number of dwelling units to be constructed on the subject property (a maximum 123 dwelling units).

- a. Inclusionary Residential Units shall be located on-site and either:
 - 1) Reserve 20-percent of the total new dwelling units for very-low and low income affordable housing; or
 - 2) Reserve 10-percent of the total new dwelling units for very-low income affordable housing.
- b. Prior to issuance of any building permit, the applicant shall provide the Department of City Planning proof of recordation of a Covenant and Agreement, satisfactory to the Housing Department, assuring compliance with the Mello Act inclusionary housing requirements including: relevant performance standards and criteria; and tenant affordability, eligibility and monitoring requirements. The dwelling units to be constructed on the subject property shall be reserved for at least 30 years from issuance of a Certificate of Occupancy, as "Affordable Units."
- c. The mix and size of the restricted affordable dwelling units shall be in proportion to the mix and size of the market rate dwelling units provided in the subject project, and suitable for occupancy by family households, as determined by the Housing Department.
- d. Prior to the issuance of a Certificate of Occupancy, the applicant shall obtain final clearance from the Housing Department that all the conditions of the covenant and agreement per paragraph (b) above have been met. A copy of the final clearance shall be provided to the Department of City Planning for attachment to the subject Case file.

Other Conditions

- 26. **Coastal Transportation Corridor Specific Plan (CTCSP).** Prior to issuance of demolition/building permits, the Project shall comply with applicable requirements of the Coastal Transportation Corridor Specific Plan, Ordinance No. 168,999, to the satisfaction of the Department of Transportation. Pursuant to section 5.B of the CTCSP, the legal owner(s) of the property must sign and record a Covenant and Agreement, prior to issuance of any building permit, acknowledging the contents and limitations of the Specific Plan in a form designed to run with the land.

- 27. **Public Improvements.** Dedication(s) and Improvements. Prior to the issuance of any

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building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property (as required in Vesting Tract Map 61505) shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, State and Federal government agencies, as may be necessary).

a. Responsibilities/Guarantees.

- 1) As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- 2) Prior to issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. **The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.**

b. Transportation Dedications and Improvements. The applicant shall consult with the Bureau of Engineering and the Department of Transportation (DOT) for any dedications or street widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, department of Public Works. They must be constructed and completed prior to issuance of any Certificate of Occupancy to the satisfaction of DOT and the Bureau of Engineering.

c. Parking/Driveway Plan. Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation, Construction Services Counter (Station 23 at 201 North Figueroa Street, third floor), prior to the issuance of a building permit. A parking area and driveway plan may be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Ave., Los Angeles, 90045.

d. Street Lighting. To the satisfaction of the Bureau of Street Lighting, if new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the Certificate of Occupancy.

e. Street Trees. If determined necessary, construct tree wells and plant street trees satisfactory to the City Engineer and the Street Tree Division (213) 847-0833 of the Bureau of Street Services.

f. Sewers. If determined necessary, construct sewers to the satisfaction of the City

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Engineer.

- g. Recreation and Parks Dedication/Fee. Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings. (MM)
- h. Schools. The payment of school fees shall be made to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
- i. Cable Television. The applicant shall make necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05 N, to the satisfaction of the Department of Telecommunications.
- j. Prior to issuance of a clearance letter, all engineering fees pertaining to Ordinance 171,502 adopted by the City Council must be paid in full.

Notice. If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

Notice. Certificates of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

Administrative Conditions

- 28. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
- 29. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
- 30. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 31. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 32. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the

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agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

- 33. Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
- 34. Utilization of Entitlement.** The applicant/owner shall have a period of two years from the effective date of the subject grant for the Specific Plan Exception, Variance, Adjustment, Coastal Development Permit and Specific Plan Project Permit Compliance to effectuate the terms of this entitlement by either securing a building permit or a certificate of occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the grant, the applicant files a written request, and is granted an extension to the termination period for up to one additional year pursuant to Section 11.5.7 C 4(e), 12.24 J and 11.5.7 F 5 of the Municipal Code.

Thereafter, the entitlements shall be deemed terminated and the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.

- 35. Corrective Conditions.** 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 City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, including discontinuance and revocation, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

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FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the Venice Community Plan, adopted by the City Council on April 28, 1980 (Case No. CPC 14311). A Community Plan Update was adopted by the City Council September 29, 2000 (Case No. CPC 97-0047 CPU). The Plan map designates the subject property Community Commercial, with corresponding zones of CR, C1.5, C2, C4, P and PB. The subject site is zoned C2-1 and therefore is consistent with the Community Commercial land use designation.
2. **General Plan Text.** The Venice Community Plan text includes the following relevant land use objectives, policies and programs:

Residential Land Use

- a. Objective 1-1: To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.
 - 1) Policy 1-1.1: Designate specific lands to provide for adequate multi-family residential.
 - 2) Policy 1-1.2: Protect the quality of the residential environment and the appearance of communities with attention to site and building design.
- b. Objective 1-2: To reduce vehicular trips and congestion by developing housing in proximity to services and facilities.
 - 1) Policy 1-2.1: Locate higher densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.
 - 2) Policy 1-2.2: Encourage multiple-family residential development in commercial zones.
- c. Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Policy 1-3: Seek a higher degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing neighborhoods.

Commercial Land Use

- a. Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.5: Require that commercial projects be designed and developed to

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achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.

b. Objective 2-2: To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.

- 1) Policy 2-2.1: Encourage pedestrian-oriented uses and mixed-use in designated areas.

Program: The Plan Map identifies specific areas for mixed-use and pedestrian activity. The implementation of this plan will ensure the creation of pedestrian friendly commercial areas in conjunction with mixed-use development.

- 2) Policy 2-2.2: New development in designated areas should focus on pedestrian street activity.

Program: The Plan includes an urban design component which proposes design standards for pedestrian-oriented commercial development.

- 3) Policy 2-2.3: Require that mixed-use projects and development in pedestrian oriented areas are developed according to specific design guidelines to achieve a distinctive character and compatibility with surrounding uses.

c. Objective 2-3: To enhance the appearance of commercial districts.

- 1) Policy 2-3.1: Require that new development be designed to enhance and be compatible with adjacent development.

- 2) Policy 2-3.2: Preserve community character, scale and architectural diversity.

3. **The Transportation Element** of the General Plan will be affected by the recommended action herein. However, any necessary dedication and/or improvement of Washington Boulevard to Plan designated Major Highway Class II Highway standards and Via Dolce to Secondary Highway standards will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.
4. **The Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
5. **Street Lights**. Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the streets which adjoin the subject property.
6. **Venice Coastal Zone Specific Plan**. The Specific Plan (Ordinance No. 175,693) was adopted by the City Council on December 2, 2003, effective January 19, 2004.

A Purpose of the Specific Plan is to regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be compatible in character with the

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existing community and provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas.

The project will provide inclusionary residential units located on-site.

The project is located in the Ballona Lagoon (Grand Canal) East subarea of the Specific Plan and is permitted a maximum 38-feet in height beyond 60 horizontal feet of the mean high tide line of Grand Canal. The project is requesting an exception to permit a 49-foot high building for the central portion of the podium condominium structure, designed to include a portion of the affordable housing units.

The second requested exception would increase the Floor Area Ratio (FAR) from a maximum of 1.5:1 to 1.59:1 for the overall project (proposed Lot No. 1 will have a 2.40:1 FAR and Lot No. 2 will have a 1.04:1 FAR).

The Specific Plan provides no guidelines for the provision of inclusionary residential units that are to be located on-site and either reserve 20-percent of the total new dwelling units for very-low and low income affordable housing; or 10-percent of the total new dwelling units for very-low income affordable housing.

7. **Coastal Transportation Corridor Specific Plan.** The Coastal Transportation Corridor Specific Plan became effective September 22, 1993 (Ordinance No. 168,999). The Specific Plan has established a mechanism and fee structure for new construction to fund the necessary transportation improvements in the area.
8. **Venice Local Coastal Program - Land Use Plan (LUP).** The Los Angeles City Council adopted the Venice Local Coastal Program - LUP on March 28, 2001. The Plan was subsequently certified by the California Coastal Commission on June 14, 2001. The project site is designated as Community Commercial in the LUP (see LUP Exhibit 9). The proposed project is consistent with this designation. The proposed project will allow C2 zone (commercial) uses on the first floor, fronting on Washington Boulevard, and will provide 45 joint live-work units, in addition to providing 78 new dwelling units which will include affordable dwelling units.

The proposed project will support Policies contained in the LUP an implementing tool of the General Plan. LUP Chapter II Land Use Policies, Policy Group I and California Coastal Act Section 30344 states, "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Officer, reasonable mitigation measures shall be required." The project was required to mitigate such impacts as part of the related Vesting Tentative Tract No. 61505 VTT. Section 30250 states, "New residential, commercial, or industrial 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, 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, land divisions, 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."

The proposed project is located on a portion of Washington Boulevard identified in the Venice

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Community Plan as "the Washington Boulevard Mixed-Use Boulevard, bounded by Ocean Front Walk and Beach Avenue" and is developed as a pedestrian corridor, with a mix of retail and residential units.

Also, LUP Chapter II Land Use Policies, Policy Group I and California Coastal Act Section 30252 call for:

- "providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads,"
- providing non-automobile circulation within the development,"
- providing adequate parking facilities or providing substitute means of servicing the development with public transportation."

A mixed-use project as proposed, and a project including joint live-work units will provide the potential for providing employment opportunities and living opportunities on the same site reducing trips on coastal access roads. Providing residential on this already developed pedestrian street will also provide the potential to eliminate trips.

LUP Chapter II Land Use Policies, Policy Group I and California Coastal Act Section 30253 states that new development shall, "Minimize energy consumption and vehicle miles traveled," and "protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."

LUP Policies and Implementation Strategies for Commercial Land Use and Development Standards states under 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. 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.

The project site is suited for mixed-use development. The commercial uses on the site will be replaced with a mixed-use community where residents may take advantage of the pedestrian friendly area and amenities on Washington Boulevard. Traffic will be substantially reduced by introducing residential use to the site near existing and proposed commercial uses.

Policy I.B.6 Community Commercial Land Use states that the existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping.

The addition of residential uses to the site will enhance the multi-use function of Washington Boulevard. The addition of ground floor commercial uses where the existing building has none along the Washington Boulevard. frontage will enliven the street and enhance the pedestrian-friendly nature of the area.

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LUP Policies and Implementation Strategies for Commercial Land Use and Development Standards states under Policy IV.B.7. Grand Canal Rehabilitation: The Grand Canal between Hurricane Street and Washington Boulevard shall be restored and maintained in order to improve water quality, aquatic habitat and pedestrian access while maintaining the privacy of adjoining residents.

The project proposes to promote pedestrian access along the Grand Canal by providing ample landscaped setbacks and a landscaped entry from Washington Boulevard to the Grand Canal esplanade. Each of the townhouse units fronting the Grand Canal will have direct access to the canal walkway via a garden gate. The project will comply with all water quality measures required to protect the Grand Canal both during construction and upon completion.

9. Specific Plan Exception Findings. Pursuant to Section 11.5.7 F of the Municipal Code:

- a. *The strict application of the policies, standards and regulations of the Specific Plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.*

Height:

The additional height allows the project to provide a variety of housing opportunities while preserving and adaptively re-using the office building tower and preserving open space along the Canal. Practical difficulties are presented in complying with the height limitations of the Specific Plan, retaining the existing tower improvements, preserving open space and adding a variety of housing types to the site.

The Specific Plan provides that all development within 60-feet of the Grand Canal at this location be limited to 30-feet in height. After that, one foot is permitted for each additional foot of lot depth, to a maximum height of 38 feet.

All of the new construction proposed for the project within 60-feet of the Grand Canal will be limited to 30-feet high in keeping with the Specific Plan restriction. A relatively small portion of the new construction (approximately 12,500 square feet or 8% of the total site area) will exceed the 38-foot height limit applicable to the remainder of the property by 11-feet. The requested 49-foot maximum height building will occur near the middle of the site where some of the proposed affordable housing units are to built above two levels of parking.

The project will observe the 38-foot height limit for all portions of new construction within 145-feet of the Grand Canal. The additional height in the center of the project near Via Dolce will be consistent with adjoining and existing structures and will have no impact on the Grand Canal.

The 38-foot height limitation on the property is a result of its proximity to the Grand Canal. The subject property is, on average more than 300-feet deep from Via Dolce to the Grand Canal. It is arguable that the intent of the Specific Plan was not to limit height at such a great distance from the Grand Canal.

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The project will have a variety of elevations, with the highest structure being the existing nine-story office building, 117-feet in height, which will remain and be converted into residential condominiums. The project is designed with staggered elevations to be compatible with surrounding development. The 49-foot tall portion of the project is close to Via Dolce, at least 145-feet away from the Grand Canal, and directly behind the footprint of the existing 117-foot existing building. The additional height will have no visual impact on the overall appearance and views of the site.

Floor Area Ratio (FAR):

The adopted Specific Plan limits the project site to an allowed floor area ratio of 1 to 1.5 and residential density to R3 standards. The maximum permitted residential density on the site would be 190 dwelling units. The proposed density of the project at 123 dwelling units is substantially below the permitted maximum. However, because of the existing 9 story tower which is being adaptively re-used, Lot 1, with the addition of 30 housing units including 12 affordable units, will exceed the allowed floor area.

The proposed Lot 1 will have an FAR of 2.40:1, while, the proposed Lot 2 of the development will have an FAR of only 1.04:1, for an average FAR between the two lots of 1.59:1. Overall, the project exceeds the allowable FAR of 228,642 square feet by only 13,667 square feet. Lot 1 includes the existing 9-story office tower which will be adaptively reused to 8 floors of joint live/work condominium units over ground floor commercial.

The massing of the project site will include a variety of buildings, including low-rise townhouses and the existing tower office building to be converted to residential use. Therefore, the site will appear to have an open feeling with at grade walkways and substantial landscaped areas, especially on the adjoining low scale Lot 2 developed at an FAR of 1.04:1. The intent of the Specific Plan to limit massing is achieved in this unique project design.

FAR limitations are, in part, a response to traffic problems associated with development beyond the capacity of the existing transportation infrastructure, especially in the coastal area. The traffic impact study prepared for the project concludes that the project will have no significant impact on any nearby intersections. In fact, the proposed project will result in significantly less vehicular trips than any commercial project allowed by right on the subject property, including full commercial use of the existing improvements on the site. In addition, due to the mixed use nature of the project and the location along a transportation corridor, many residents and employees of the development can be expected to take advantage of the conveniently located public transit system and pedestrian nature of the area.

- b. *There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the Specific Plan area.*

Height:

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The project site is between 338-feet and 258-feet deep as measured from Via Dolce to the Grand Canal. The project site is significantly deeper than any other lots in the Ballona Lagoon (Grand Canal) East subarea of the Specific Plan to which the 38-foot height limit applies. While the height limit may be appropriate for narrower properties including the single-family lots to the south, the exceptional circumstances of the depth of this property make application of the 38-foot height limit along the Via Dolce portion of the site unreasonable.

No other property within this subarea would be required to limit height to 38-feet over 300-feet from the canal. This project will limit height to 38-feet and below for the first 145-feet from the canal at the location of the podium units; and over 300-feet from the canal at the location of the townhouse units.

In addition, the project involves the adaptive re-use and retention of an existing 117-foot tall office building. The unique design of the overall site plan preserves this building, adds substantial open space and at grade patios and walkways and creates a new mixed-use environment in this busy pedestrian area close to the beach. The unique circumstance of the existing high-rise building allow for the additional height in the center of the property behind the existing tower without any new visual or massing impacts.

Public streets and a public water way bound the property on three sides. An eight-story senior citizen apartment building is located directly to the south. There are no adjoining single-family uses. The project will be stepped back from the Canal so that there are no height impacts on the canal. The 49-foot element of the project will be well below the existing tower height and the height of the adjoining senior citizen building. Therefore the height impact of the additional 11-feet for one element of the project will be negligible to surrounding properties.

Floor Area Ratio (FAR):

The project will exceed the allowable overall FAR by 13,667 square feet in order to provide on-site affordable housing and to maintain the variety of housing opportunities within the project.

The project also involves the adaptive re-use and retention of an existing 117-foot high, underutilized office tower. The unique design of the overall site plan preserves this building, adds substantial open space and at-grade patios and walkways and creates a new mixed-use environment in this busy pedestrian area close to the beach. The unique circumstance of the existing 9-story building allows the project to provide additional new construction over the 1.5 FAR without any new visual or noticeable massing impacts.

Public streets and a public water way bound the property on three sides. An eight-story senior citizen apartment building is located directly to the south. Single-family uses are substantially removed from the subject site. Furthermore there are community serving commercial, retail and service uses within walking distance of the subject property. These factors also make the utilization of a unique design with added FAR appropriate at this location.

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- c. *The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically Specific Plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The project seeks the same right to provide a variety of housing opportunities at a height and floor area above the Specific Plan requirements as the adjoining and nearby multi-family properties. The exceptions sought for the project are : 11-feet in height increase for 8% of the project site; and less than 13,667 square feet of additional development.

There are many existing developments along Washington Boulevard and Via Dolce with greater height and floor area than proposed for the subject property. Immediately to the south of the project site, within the same subarea of the Specific Plan, is an existing senior citizen apartment complex built at an FAR and height far in excess of the Specific Plan. This adjoining building is 8 stories tall and enjoys a right to higher and more dense development which is denied the subject site. Across Via Dolce, outside of the Specific Plan in the County jurisdiction are several high-rise residential buildings, including one at 15 stories. Along Washington Blvd., within the Specific Plan, there are also high-rise residential buildings.

- d. *The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

The proposed adaptive reuse, mixed-use project is situated on the site in such a way that the surrounding properties are buffered from any potential impacts associated with the increased height or floor area. The community will benefit from this project that will provide affordable housing. Ground level pedestrian commercial uses accessible from Washington Boulevard will be provided as well. The proposed project will generate less traffic than a fully commercial use which would be permitted by right on the site.

The project will upgrade and enhance the improvements on the site, will add, will add substantial landscaping and at-grade walkways and will provide a wide range of new housing opportunities for area residents.

By locating the increased height towards the center of the project site, there are no adjacent properties that are adversely impacted by the increased height in this area. The project will have a variety of elevations, with the highest structure being the existing nine-story office building (117-feet high), and the lowest elements being the 30-foot townhouses along the canal. The proposed staggered elevations will make it compatible with surrounding development.

The project will enhance access to the Grand Canal with a landscaped entry off Washington Blvd. and a walkway from Via Dolce.

The design of the building complies with the Venice Coastal Zone Specific Plan's parking requirements, which are more restrictive than the Municipal Code requirements.

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- e. *The granting of the exception is consistent with the principles, intent and goals of the Specific Plan.*

The development is within the Ballona Lagoon (Grand Canal) East Bank subarea of the Venice Coastal Zone Specific Plan. The Specific Plan imposes five development limitations in this subarea beyond what is permitted under the Municipal Code. The restrictions are in the areas of density, height, setback, fill and drainage, in addition to the other provisions of the Specific Plan, including parking. The proposed development complies with all provisions of the Specific Plan except for those sections (Height and FAR) from which exceptions have been sought and for which findings and justifications have been made.

The project at 123 dwelling units is well below the maximum permitted R3 density which would permit 190 dwelling units on the site. The new construction will comply with the height restrictions within 60-feet of the canal and exceed the limit on approximately only 8% of the site. The project complies with the parking requirements of the Specific Plan, providing 2.25 spaces per unit and 4 spaces per 1,000 Square feet of commercial floor area. To protect the habitat quality of the Grand Canal, the project will comply with all drainage, fill and setback requirements of the Specific Plan.

10. Coastal Development Permit Findings. Pursuant to Section 12.20.2 G 1 of the Municipal Code:

- a. *The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).*

The project site is located in the Oakwood-Milwood-Southeast Venice subarea of the Venice Coastal Zone Specific Plan and the Local Coastal Program - Land Use Plan (LUP). The proposed mixed-use project is a use permitted for this location in these plans. The project will be set back from adjacent residential uses located to the south. The property is not adjacent to the shoreline, will not affect visual, scenic, or ecological coastal resources, nor archeological or paleontological resources.

The project is subject to numerous regulations established by the Venice Coastal Zone Specific Plan. The Specific Plan has been adopted in conjunction with the City's implementation of the Coastal Act requirements and to insure that new development is compatible in scale and character with the existing neighborhood. The Specific Plan regulates heights, landscaping, setbacks, facade treatments, parking and similar elements of new construction, in addition to those requirements set forth in the Municipal Code.

The project has been designed to comply with many of the numerous development standards applicable to the site and would not be materially detrimental to adjoining lots or the immediate neighborhood.

Environmental impacts found due to the proposed project are identified in the attached environmental clearance, ENV 2004-4822 MND. The Mitigated Negative Declaration also identifies mitigation measures to reduce those impacts to a level of insignificance. Those mitigation measures are included as conditions of approval in Case No. Vesting Tentative Tract VTT 61505.

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

The Land Use Plan portion of the Venice Local Coastal Program (LCP) was certified by the California Coastal Commission on June 14, 2001, pursuant to the California Coastal Act of 1976. The proposed project, as conditioned with regard to parking, access, facade, screening, landscaping, lighting, and a wall or fence will be in conformance development standards contained in the LUP, and will not have any significant effect on the approval of the LCP. In the interim, the Coastal Commission's certified coastal Land Use Plan and the Venice Specific Plan serve as the functional equivalent.

The proposed project, as conditioned, complies with LUP Policy 1.B.6. Community Commercial areas which encourages local shopping, visitor-serving commercial uses, mixed-use residential/commercial uses. The addition of residential uses to the site will enhance the multi-use function of Washington Boulevard. The addition of ground floor commercial uses where the existing building has none along the Washington Boulevard frontage will enliven the street and enhance the pedestrian-friendly nature of the area.

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

The project is located within the Venice Community, as noted in the Coastal Commission Regional Interpretive Guidelines. However, the Regional Interpretive Guidelines for the Venice Community primarily address development which is located in immediate adjacency to the shoreline or harbor waters, and as such, do not include specific guidance for the subject property. The guidelines address adequate public access and appropriate recreational activities in these areas.

The subject property is located in the Ballona Lagoon (Grand Canal) East subarea of the Venice Specific Plan and Local Coastal Program Land Use Plan. The proposed mixed-use project will be similar in setback as adjoining commercial properties that front Washington Boulevard since the existing office building will be retained. The property is not adjacent to the shoreline, will not affect visual, scenic, or ecological coastal resources, nor archeological or paleontological resources.

Environmental impacts found due to the proposed project are identified in the attached environmental clearance, ENV 2004-4822 MND. The Mitigated Negative Declaration also identifies mitigation measures to reduce those impacts to a level of insignificance. Those mitigation measures are included as conditions of approval for the Vesting Tentative Tract approved by the Advisory Agency June 9, 2005 (Case No. VTT 61505).

The project complies with the Venice Coastal Land Use Plan, a portion of the Venice Local Coastal Program (Venice LCP). The Land Use Plan was adopted by the City Council and certified by the California Coastal Commission in 2001. The subject project is consistent with the intent of the land use, design and other development regulations contained in the Venice LUP.

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

The proposed project is located within the dual coastal permit jurisdiction area. This action would not preclude the Coastal Commission from further addressing any concerns it may have during an appeal review process.

- e. *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 subject property is not located between the sea shoreline of a body of water within the coastal zone and the nearest public road to such geographical features.

11. Specific Plan Project Permit Compliance Review Findings. Pursuant to Section 11.5.7 C of the Municipal Code:

- a. *The project substantially complies with the applicable regulations, standards and provisions of the Specific Plan.*

The project is located within the Venice Coastal Zone Specific Plan, which requires issuance of a Project Permit Compliance. The Specific Plan establishes additional regulations beyond those set forth in the zoning code. The additional regulations address such issues as density, heights, parking, development of contiguous lots, building materials, colors and facade treatments.

The proposed project has been conditioned and designed to incorporate all Specific Plan regulations, except where an Exception is sought, and therefore will be in compliance with the standards contained in the Venice Coastal Zone Specific Plan for the Ballona Lagoon (Grand Canal) East Bank subarea. The project will provide an articulated facade, parking and guest parking, landscaping, walls, and trash storage in compliance with the Venice Coastal Zone Specific Plan and Municipal Code.

- b. *The project incorporates mitigation measures, monitoring measures when necessary, or alternative identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.*

An environmental review of the project has been conducted, in full compliance with the California Environmental Quality Act. Accordingly, a mitigated negative declaration has been prepared for the project, incorporating those mitigation measures which are required in order to reduce any potentially significant environmental effects to a level less than significant. The project will comply with all such mitigation measures.

- c. *The Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.*

The proposed new structures will range from 30-feet to 49-feet. An existing 117-foot office building will be an Adaptive Reuse and provide ground floor retail along

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Washington Boulevard and Joint Live/Work units above. The majority of the project's parking is located in parking garages, out of sight from surrounding properties. The ingress and egress of vehicles will occur from Via Dolce. The project provides parking in compliance with the Specific Plan requirements, which exceeds Municipal Code parking requirements. The project will provide 2 parking spaces per unit plus 1/4 guest parking with a total of 277 residential spaces and 24 commercial spaces and 1 additional space. The project will incorporate appropriate lighting (VTT 61505) and screening which provides proper aesthetics for the project, but also serves for security purposes and is sensitive to nearby residential properties.

- d. *The applicant has guaranteed to keep the rent levels of any replacement Affordable Unit at an affordable level for the life of the proposed Venice Coastal Development Project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.*

Since the proposed project does not involve the demolition or conversion of whole dwelling units, a Los Angeles Housing Department report is not required. However, the project will consist of a new housing development of ten or more units, therefore, the applicant/owner/developer is required to provide replacement affordable dwelling units on-site or within the Coastal Zone. As proposed by the applicant, and conditioned, the units will be provided on site.

- e. *The Venice Coastal Development 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).*

As conditioned, the project is required to provide Inclusionary Residential Units on-site. The Interim Administrative Procedures require that a project applicant constructing 10 or more units shall provide inclusionary units.

No increase in density or density bonus is requested for the proposed project. The applicant is proposing 123 dwelling units and providing twelve (12) of those units for very-low income households, which must be provided on-site as required by the conditions of approval herein.

The project request will actually reduce potential density. The maximum permitted residential density on the site would be 190 dwelling units. The proposed density of the project at 123 dwelling units is substantially below the permitted maximum. The Municipal Code defines Low and Very-Low as annual income of a household that does not exceed the area median for either income category as specified in California Health and Safety Code Sections 50079.5 and 50105, as determined by the City's Housing department.

12. Determination Findings. Pursuant to Section 12.24 X of the Municipal Code:

- a. *The proposed location will be desirable to the public convenience or welfare.*

The proposed Project reflects the citywide trend to recycle underutilized commercial properties with medium density housing projects along major commercial corridors. The development will create much need new housing, which will be in a variety of

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designs and range of prices. The project is located in an area, which is serviced by public transportation and has a wide range of existing commercial and social services.

The project will be proposing to provide 12 very low income dwelling units. The proposed project has been conditioned and designed to incorporate all Venice Coastal Zone Specific Plan regulations, except where an Exception is sought, and therefore is in compliance with the Specific Plan standards contained in plan.

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

The subject property is planned Community Commercial, and is zoned and developed for commercial uses. The project will therefore not displace residential or industrial uses.

There are many existing developments along Washington Boulevard and Via Dolce with greater height and floor area than proposed for the subject property. Immediately to the south of the project site is an existing 8 stories tall senior citizen apartment complex. Across Via Dolce, outside of the Specific Plan in the County jurisdiction are several high-rise residential buildings, including one at 15 stories. Along Washington Blvd., within the Specific Plan, there are also high-rise residential buildings.

- c. *The proposed location will not be materially detrimental to the character of development in the immediate neighborhood.*

The uses of the property surround the proposed location of the project will not be detrimental to the safety and welfare of the prospective residents. The surrounding properties are developed with a mixture of commercial uses (restaurants, neighborhood market and retail sales) and residential developments. The proposed project will not be an isolated residential development, but rather one of many in the immediate area. The proposed location of the project will have no detrimental impact on the safety or welfare of the prospective residents.

- d. *The proposed location will be in harmony with the various elements and objectives of the General Plan.*

The proposed Project meets the objectives and policies of the Venice Community Plan, which is part of the Land Use Element of the General Plan. As previously stated the project complies with the following Land Use Policies:

Policy No. 1-2.1 Locate higher residential densities near commercial centers and major bus routes where public services facilities and infrastructure will support the development.

The proposed development is located on Washington Boulevard which is designated a Major Highway and is serviced by several bus routes. Furthermore the site is located in a commercial area, which has numerous public services.

Policy No. 1-2.2 Encourage multiple-family residential development in commercial zones.

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The subject site is zoned C2-1 and planned for Community Commercial development. The site has been previously developed with exclusively commercial uses. The proposed project will add multi-family housing development to the site and retain ground floor commercial uses along Washington Blvd.

Policy No. 1-4.1 Promote greater individual choice in type, quality, price and location of housing.

The proposed development will provide a variety of housing choices townhouse development with ample outdoor patios, condominium units within the existing 9-story building, and affordable flats. A large number of the units will be three-story townhouse-style units with individual patios and attached garages, many located along the Grand Canal.

Policy No. 1-4.2 Ensure that new housing opportunities minimize displacement of residents.

The proposed development will recycle a 33-year old commercial office complex and not displace any residents. The project will provide 123 new dwelling units to the community.

Additional Determination Finding for Adaptive Reuse. Pursuant to Municipal Code Section 12.24.X.1(b)(3) the following additional finding has been made for the proposed project:

- e. *That the Adaptive Reuse Project complies with the standards for dwelling units, joint living and work quarters, and guest rooms set forth in Section 12.22.A.26(i).*

Section 12.22.A.26(i) requires that new residential units have a minimum square footage of 450 square feet, and that the average of all units be at least 750 square feet.

The new residential units will vary in size from a minimum of approximately 1,529 Square feet to a maximum of approximately 3,206 square feet which far exceed the minimum 450 square foot and average 750 square foot standards established in the code. The proposed development will not contain any Guest Rooms and therefore the requirement of toilet and bathing facilities is not applicable.

13. Director's Determination Findings. Pursuant to Section 12.21 G of the Municipal Code:

- a. *The granting of an adjustment will result in development compatible and consistent with the surrounding area.*

The project request is to permit an open courtyard area (approximately 1,755 square feet in size) to be counted as common open space although there is an overhead walkway 6-feet wide approximately 20-feet above, which services the third floor units.

The proposed development will have 14,744 square feet of common open space, 3,750 square feet of private open space and a 2,000 square feet gym/recreation room for a total 20,494 square feet of open space. The project will have additional open areas

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totaling over 9,000 square feet, however this area technically will not qualify under the code as open space.

- b. *The granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.*

The proposed Project requested Director's Determination to permit approximately 1,755 square feet of courtyard area, comprising less than 9 percent of the project's total provided open space and located under a 6-foot wide overhead walkway, to be counted as common open space, in lieu of the requirement that all common open space be completely clear and open to the sky meets the objectives and policies of the Venice Community Plan, which is part of the Land Use Element of the General Plan.

The proposed development will recycle an underutilized 33-year old commercial office complex and not displace any residents. The project will provide 123 new dwelling units to the community. The project will provide all required inclusionary dwelling units on-site.

The proposed development will provide a variety of housing choices townhouse development with ample outdoor patios, condominium units within the existing 9-story tower, and flats. A large number of the units will be three-story townhouse-style units with individual patios and located along the Grand Canal.

- c. *The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.*

The project request is to permit approximately 1,755 square feet of courtyard area, comprising less than 9 percent of the project's total provided open space and located under a 6-foot wide overhead walkway, to be counted as common open space, in lieu of the requirement that all common open space be completely clear and open to the sky. The proposed development project could resolve this design issue by requesting a 10% reduction in the amount of required open space, however it is the developers stated desire to provide more not less open space.

The requested Determination is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

The courtyard area is in the interior of the complex and is not visible to the general public. The area in question will have an open space feel to the residents of the project, will be attractively landscaped and will be open to the sky except for the narrow maximum 6-foot walkway overhead. The request Determination will have no adverse impact on the surrounding community.

- d. *There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.*

As set forth in the accompanying Mitigated Negative Declaration, and as required by CEQA, the project shall incorporate all feasible mitigation and monitoring measures in order to lessen any potential environmental effects to a less than significant level. (See Finding 17 below)

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- e. *The site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.*

The overhead walkway is an architectural solution to access the twelve units, which are located on the third floor of the podium townhouse structure. The open courtyard area, which is approximately 20-feet below the walkway, would be allowable open space if the walkway were eliminated. The proposed architectural design and building configuration makes strict adherence to the open space regulations infeasible.

The project will create as much open space as possible for the proposed development. While the applicant could resolve this design issue by requesting a 10% reduction in the amount of required open space, the project will provide more not less open space. The courtyard area, which is subject to the requested exemption, represents less than 9% of the required open space and only 6% of the total open area provided. The requested adjustment is truly in conformance with the spirit and intent of the Open Space provisions of the Municipal Code.

- f. *The open space provided conforms with the objectives of the Open Space provisions of the Municipal Code.*

As previously stated, the courtyard area, which is subject to the requested exemption, represents less than 9% of the required open space and only 6% of the total open area provided. The requested adjustment is truly in conformance with the spirit and intent of the Open Space provisions of the Municipal Code.

- g. *The proposed project complies with the total usable open space requirements.*

The proposed project is required to provide 20,425 square feet of open space. The project will provide 20,494 square feet of open space, which will comply with the open space requirements.

14. Site Plan Review Findings. Pursuant to Section 16.05 F of the Municipal Code:

- a. *The project complies with all applicable provisions of this Code and any applicable Specific Plan.*

With the exception of height requirements and FAR contained within the Venice Coastal Zone Specific Plan, the project will comply with all other development standards contained in the Plan, the Coastal Transportation Corridor Specific Plan and the Municipal Code. Conditions of approval imposed on the project with regard to use, yards, parking requirements, development standards (facade articulation, trash storage and recycling facilities, landscaping), and maintenance will ensure that the project substantially complies with all Municipal Code and Specific Plan regulations.

- b. *The project is consistent with the General Plan.*

As set forth in the above Findings, the project is fully consistent with the General Plan. (See Findings 1 and 2 above).

- c. *The project is consistent with any applicable adopted redevelopment plan.*

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The proposed project is not located within an adopted redevelopment plan.

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

The project has been designed to fit into the commercial and residential context of the surrounding neighborhood. The building features commercial use at ground level along Washington Boulevard, 45 live/work units in the adaptive reuse office structure and construction of 78 new residential condominium units, including a 27-unit podium structure (with 12 dedicated inclusionary housing units), 3 stories, over a 2 level parking garage, with a maximum height of 49-feet, and 51 residential townhouse units, 3 stories, 33-feet in height.

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

As set forth in the accompanying Mitigated Negative Declaration, and as required by CEQA, the project shall incorporate all feasible mitigation and monitoring measures in order to lessen any potential environmental effects to a less than significant level. (See Finding 17 below)

- f. *Any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.*

The project will provide numerous recreational amenities including a pool, spa and recreation room/gym, in addition to the code required open space areas. The project will provide for a pedestrian oriented location on Washington Boulevard and its proximity to the Grand Canal and public beaches.

26. Mello Act Compliance.

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).

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Maps. The proposed project involves the conversion, demolition, or development of one or more residential units. Therefore, the proposed project is subject to the Mello Act, as set forth in California Government Code Sections 65590 and 65590.1.

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

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There are no affordable dwelling units on the project site. The project does meet or exceed the threshold of ten or more new whole dwelling units to require the inclusion of affordable dwelling units. The project is not exempt from Mello Act requirements to provide replacement or inclusionary housing because the project is not an OWNER-OCCUPIED SINGLE-FAMILY RESIDENCE, an EXISTING RESIDENTIAL STRUCTURE(S) TO BE DEMOLISHED HAVING BEEN DECLARED A PUBLIC NUISANCE, or a SMALL NEW HOUSING DEVELOPMENT exemption from the Mello Act.

As conditioned, the project is required to provide for very-low and low or very-low income housing units.

16. The approval of the requested Specific Plan Exception, Coastal Development Permit for condominium purposes, Project Permit Compliance, Determination, Director's Determination, Site Plan Review and Mello Act Compliance has been made contingent upon compliance with the conditions of approval imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
17. **Environmental.** A Mitigated Negative Declaration No. ENV 2004-4822 MND was prepared to analyze the potential environmental effects that could result from the construction and operation of the project. The MND identified mitigation measures, monitoring measures when necessary, alternatives which would mitigate the negative environmental effects of the project. The mitigation measures are incorporated in the conditions of approval for the Vesting Tentative Tract approved by the Advisory Agency June 9, 2005 (Case No. VTT 61505). The Specific Plan Exception, Coastal Development Permit for condominium purposes, Project Permit Compliance, Determination, Director's Determination, Site Plan Review and Mello Act Compliance does not involve a change in the scope of the Project, nor have any environmental conditions of prior approval changed.

There are no substantial changes in the proposed project or the circumstances under which the project is undertaken which will cause any significant environmental effects or require any revisions in the previous Mitigated Negative Declaration. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was adopted, that shows significant effects either not discussed in the Mitigated Negative Declaration, or which will be substantially more severe than shown in the prior Mitigated Negative Declaration. For the reasons set forth in Mitigated Negative Declaration No. ENV 2004-4822 MND, the project will not have a significant effect on the environment.

18. **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. The project qualifies for the De Minimus Exemption from Fish and Game Fees (AB3158).

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4. Vacant/Undeveloped Lands

As noted above, historical practices in ranching, farming and landscaping have introduced a wide array of nonnative and invasive species in the Watershed. As a result, most undeveloped or vacant land supports both native and nonnative species representative of two plant communities: ruderal and annual grasslands. The ruderal plant community is also known as a weedy plant community. It is characterized by periodic or constant disturbances such as weed control, heavy vehicle use, disking, controlled or uncontrolled burning, and similar disruptive activities. Ruderal plant communities are generally found in flat open areas, with the plant species dominated by native and introduced weed species highly adapted to disturbance. The annual grassland plant community occurs primarily on heavy soils and generally flat topography. Because annual grasslands include species introduced long ago, it is considered an invasive plant community that has replaced the perennial grasslands formerly found in California. As an invasive plant community, it is tolerant of disturbance, and is generally found in areas that are similar to ruderal habitats but that are undergoing fewer disturbances.

Undeveloped areas on the coastal plain provide foraging habitat for various birds, including raptors such as hawks or owls (especially in areas close to the hills) various reptiles and small mammals. However, most wildlife species found in these areas are tolerant of human activity and may also occur in landscaped areas such as parks and in backyards.



Ballona Lagoon

5. Ballona Wetlands / Lagoon Complex

Historically, Ballona Creek met the Pacific Ocean in a mosaic of marine tidal channels and lagoons, coastal dunes, brackish pools, perennial riparian habitat, freshwater marshes, and dry upland areas. This complex covered more than 3,000 acres, of which about 1,000 acres were lagoons that were heavily influenced by tidal regimes and flood flows. This diverse and productive range of habitats would have supported a wide array of aquatic and terrestrial plants and animals.

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EXISTING CONDITIONS

Human impacts on the wetlands/lagoon complex began in the late 1800s, with the development of several hunting lodges, resorts, and a railroad. In the early 1900s, the Pacific Electric Railroad (the "red cars") was extended to Playa del Rey and road development began in the area. Real estate developments in Venice and Playa del Rey began to encroach upon the wetlands. The channelization of Ballona Creek in 1935 restricted water flow, and the wetlands and lagoons began to dry up. From the 1930s into the 1950s, oil derricks were constructed throughout the area and large portions of the wetlands were diked, drained, or developed into artificial ponds. The development of Marina del Rey in the late 1950s removed a large portion of the remaining wetlands. As a result, the wetlands shrank to less than 200 acres, about 10 percent of the original area.

The State-listed endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) breeds in the Ballona wetlands. The Federal and State listed endangered California least tern (*Sterna antillarum browni*) breeds on nearby Venice Beach (within a fenced reserve area) and forages in the lagoons and channels of the Ballona wetlands. Other listed species that do not breed in the area but forage in the Ballona wetlands include the Federal listed threatened western snowy plover (*Charadrius alexandrinus nivosus*), the State listed endangered American peregrine falcon (*Falco peregrinus anatum*), and the California brown pelican (*Pelecanus occidentalis californicus*).

The precise current extent of the Ballona Wetlands is complicated. Until recently, only one parcel of undeveloped land (Area B, south of Ballona Creek and north of Culver Boulevard) was usually identified as the Ballona Wetlands. Tidal flushing was recently restored to the central portion of this area. In 2001, the State of California chose to retain Area C (north of Ballona Creek and east of Lincoln Boulevard) as part of a tax settlement. Fill material was deposited in Area C during construction of the flood control channel in the 1930s and again during construction of Marina del Rey. In 2003, a

freshwater marsh was completed (south of Jefferson Boulevard and west of Lincoln Boulevard), into which stormwater runoff from Playa Vista and the Jefferson Drain is discharged. The State of California recently purchased 483 acres, which could further expand the area of former wetlands available for restoration. A map showing the recent land acquisition in the Ballona Wetlands is provided in Figure 2-8.

The bluffs above the Ballona Wetlands historically supported coastal prairie habitat, which has been mostly eliminated in coastal Los Angeles. The slopes (also known as the Ballona Escarpment) support degraded stands of coastal sage scrub, although invasive species and ornamentals introduced to control erosion have greatly limited the extent of native vegetation.

Historic development in the area has also greatly reduced the extensive network of tidal lagoons, leaving only Ballona Lagoon (which provides a water connection to the Venice Canals) and Del Rey Lagoon, south of the Ballona Creek channel. Tidal flushing to both lagoons is constrained to reduce high water during flood events. Del Rey Lagoon is located within Del Rey Lagoon Park, and is mostly surrounded by lawn areas, although a proposed project would remove invasive plants and replant native vegetation on the east and west banks of the lagoon.

Ballona Lagoon and the Venice Canals are generally lined by residential development. Vegetative restoration work along the east bank of Ballona Lagoon has replaced nonnative vegetation; however, restoration work remains to be completed along the western bank. Other recent improvements in the lagoon have expanded the area of mudflats and limited public access. The City of Los Angeles has also proposed improvements to the Grand Canal (the connection between Ballona Lagoon and the Venice Canals), including new storm drains, planting of native vegetation and improved walkways.

Along the northern edge of Marina del Rey, Oxford Lagoon (also known as the Oxford Flood Control Basin) was designed as a stormwater detention basin with a tidal gate to restrict tidal interchange. The lack of tidal flushing results in poor water quality and high bacteria levels, which then impacts water quality in the adjacent Basin E in Marina del Rey. The Oxford Lagoon is fenced to limit public access and is generally surrounded by nonnative trees and shrubs. The lack of public access and presence of year-round water attracts a wide range of bird species.

Marina del Rey, the adjacent lagoons, the central portion of Area B of the Ballona Wetlands (where partial tidal flushing was recently restored) and Ballona Creek provide a variety of salt-water, estuarine, and mudflat habitats, which support shore birds and migratory waterfowl (some of which were noted above) and a variety of fish and invertebrates. However, the lack of tidal flushing in the lagoons and associated water bodies, and poor water quality in Marina del Rey and Ballona Creek, limits the number and diversity of fish, birds, and other creatures supported by these aquatic habitats.



Oxford Flood Control Basin

The discharge of stormwater and urban runoff from Ballona Creek into Santa Monica Bay reduces water quality and clarity within the nearshore areas of the bay and results in the deposition of sediment (with varying toxicity) at the mouth of the creek. Stormwater and urban runoff may also be toxic to some forms of aquatic life in Santa Monica Bay, due to the presence of metals, such as zinc, and other urban contaminants.