

CALIFORNIA COASTAL COMMISSION

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

Tu13a

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Staff: CP-LB
Staff Report: 7/27/2005
Hearing Date: August 9, 2005
Commission Action:



**STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE & DE NOVO PERMIT**

APPEAL NUMBER: A5-VEN-05-206 **RECORD PACKET COPY**

APPLICANT: John Garacochea, Pioneer Bakery

AGENTS: Dave Wald, Jim Reis, Craig Lawson, Susan McCabe & Fred Gaines

APPELLANT: Coastal Commission Executive Director Peter Douglas

PROJECT LOCATION: 512 Rose Avenue, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Demolition of an existing bakery facility, and construction of a 37-foot high mixed-use project with seventy residential condominium units (including seven very-low income units), five live/work commercial units, one ground floor bakery/restaurant unit, and a 247-stall subterranean garage on a 61,980 square foot project site (Vesting Tentative Tract No. 060403).

Lot Area	61,980 square feet
Building Coverage	61,980 square feet (subterranean parking)
Landscape Coverage	12,800 square feet (approx.)
Parking Spaces	247
Zoning	C4-1 Commercial
Plan Designation	Community Commercial
Building Height	49 37 feet above fronting street

LOCAL APPROVALS: City of Los Angeles Local Coastal Development Permit No. 2003-9340 & Vesting Tentative Tract No. 060403 (See list on Page Three).

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 projects' conformance with the Chapter 3 policies of the Coastal Act because of the precedential nature of the proposed development in regards to building height, bonus density for affordable housing, and the mix of residential and commercial uses on the portion of the site that is designated for community commercial land uses by the certified Venice Land Use Plan (LUP). **See Page Five for the motion** to make the substantial issue determination.

For the De Novo portion of the appeal, the applicant has made three significant changes to the proposed project from the version approved by the City: 1) affirmed that the seven proposed very low income affordable housing units would remain affordable units for the life of the project, instead of for only thirty years; 2) affirmed that the five ground floor units facing Rose Avenue, approved by the City as live/work residential units, would be leased for commercial uses, and 3) reduced the project's height from forty to 37 feet. With these changes, staff recommends that the Commission, after public hearing, **APPROVE WITH CONDITIONS** a coastal development permit for the proposed development. **See Page Ten for the motion** to approve the de novo permit. The recommended special conditions,

which begin on **Page Eleven**, would: a) memorialize the applicant's proposal to include in the project the seven proposed very low income residential units that would remain affordable for the life of the project (instead of for thirty years); b) make the approval of the proposed project contingent upon the provision of the proposed mix of ground floor commercial, affordable housing, residential and parking uses; c) limit the total building height to 37 feet above the Rose Avenue elevation; d) require that the project's public street frontages be designed and landscaped in a manner that reduces the project's visual impact; e) limit signage; and f) protect water quality. As conditioned, the revised project serves as a good precedent for the development in Venice of large commercially designated sites with the appropriate mix of commercial, residential and affordable housing units.

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. 2003-9340.
4. City of Los Angeles Vesting Tentative Tract No. 060403.
5. City of Los Angeles Mitigated Negative Declaration No. ENV-2003-7998-MND.

I. APPELLANT'S CONTENTIONS

The City of Los Angeles Planning Commission's action to approve Local Coastal Development Permit No. 2003-9340 for the proposed project located at 512 Rose Avenue in the Oakwood area of Venice has been appealed by the Executive Director of the Coastal Commission. 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 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 75 residential units (five of which are live/work units where commercial activities *may* occur) and only one commercial unit (bakery/restaurant) 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 25-to-30-foot height limit for the Oakwood area of Venice where the proposed project is located, and the local coastal development permit approves a 40-foot high project. 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) **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 1.7-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.]

- 4) Density. The proposed 75 residential units exceed the residential density limit for the project site set forth by the certified Venice LUP. Although bonus density may be granted for the provision of affordable housing units (seven very low income units are proposed), this is an issue that merits closer scrutiny by the Commission in order to determine whether the impacts of the project's proposed density can be adequately mitigated and whether the units can actually be considered long-term affordable units.
- 5) As written, it is unclear whether the local coastal development permit approval included the subdivision approved by Vesting Tentative Tract No. 60403. 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 December 10, 2003, 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: construction of a mixed-use project that includes 75 residential condominium units and approximately 5,100 square feet of commercial space. The application was assigned Case No. 2003-9340. The proposed development required the City's approval through the following discretionary actions:

1. Local Coastal Development Permit (Case No. APCW-2003-9340)
2. Mitigated Negative Declaration No. ENV-2003-7998-MND
3. Vesting Tentative Tract No. 060403.
4. Venice Specific Plan Project Permit Compliance
5. Site Plan Review
6. Conditional Use Permit (bakery operation hours)
7. Specific Plan Exceptions (height, lot combining and FAR/density calculations)
8. Zone Variance (shared parking)
9. Zoning Administrator's Adjustment (yards)
10. Mello Act Compliance Determination

The City's records state that on October 6, 2004, 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 the Planning Commission (for the Local Coastal Development Permit and the other required discretionary permits). Approximately 25 people attended the hearing (in addition to City staff).

On November 2, 2004, the Advisory Agency of the City Planning Department approved Vesting Tentative Tract No. 060403 for the proposed 75 residential condominium units (including five joint live/work units) and 5,179 square feet of commercial space. The Advisory Agency's decision on the subdivision became final on November 13, 2004.

After a public hearing at its meeting on December 9, 2004, the Los Angeles City Planning Commission approved with conditions the requested Coastal Development Permit, Specific

Plan Exceptions, Variance, Zoning Administrator's Adjustment, Conditional Use Permit, Project Permit, Site Plan Review and Mello Act Compliance. The Planning Commission also adopted Mitigated Negative Declaration No. ENV-2003-7998-MND for the proposed development. The Planning Commission's action (approval with conditions) is attached to this report as Exhibit #7. The Planning Commission's decision was issued on January 18, 2005. Although the Planning Commission's action was appealable to the City Council, no appeal was filed.

On April 27, 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. 2003-9340 and established the twenty-working day appeal period. The appeal by the Executive Director of the Commission was filed on the last day of the appeal period: May 25, 2005. No other appeals were filed. On May 26, 2005, Commission staff notified the City Planning Department of the appeal. On June 13, 2005, Commission staff received from the City a copy of its local coastal development permit file. On June 22, 2005, Commission staff received from the applicant's agent (Jim Reis) a 49-day waiver so the appeal hearing could occur during the Commission's August 9-12, 2005 meeting.

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 appellants' 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 development is not located within the *Dual Permit Jurisdiction*.

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-05-206 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-05-206

The Commission hereby finds that Appeal No. **A-5-VEN-05-206** 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 and Area Description

The project approved by Local Coastal Development Permit No. 2003-9340 is the demolition of an existing bakery facility, and construction of a forty-foot high mixed-use project with seventy residential condominium units (including seven units that would be designated as very-low income for thirty years), five live/work commercial units, one 5,179 square foot ground floor bakery/restaurant unit, and a 247-stall subterranean garage on a 61,980 square foot project site. The project site, which fronts an entire block of Rose Avenue, is on the northern edge of the Oakwood area in Venice (Exhibit #2).

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 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 use approved by Local Coastal Development Permit No. 2003-9340. The local coastal development permit approves a primarily residential project (75 residential units¹ and one commercial 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 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 75 residential units and only one commercial unit (bakery/restaurant) 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.

¹ Five of the 75 City-approved condominium units were approved as live/work residences where limited commercial uses are permitted, but not required.

The height of the development approved by Local Coastal Development Permit No. 2003-9340 also raises a substantial issue in regards to Chapter 3. The Oakwood neighborhood, where the project is located, is comprised of a variety of one-to-three-story buildings situated on single lots or double-wide lots. The certified Venice LUP sets forth a 25-to-thirty-foot height limit for the Oakwood area of Venice. Flat-roofed projects are limited to 25 feet in height and projects with varied rooflines are limited to thirty feet in height. The local coastal development permit approves a forty-foot high project with a varied roofline. The size of the approved development may have an adverse affect on community character. The project height merits closer scrutiny by the Commission in order to determine whether a forty-foot high building on the project site is appropriate for the neighborhood. Therefore, the local government's approval of a forty-foot high project 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 Floor Area Ratio (FAR) approved by Local Coastal Development Permit No. 2003-9340. The FAR limit controls the maximum amount of floor area in the project, and thus, the size of the approved development. The Oakwood area is comprised primarily of small single-family homes, although many large buildings do exist along Rose Avenue. The certified LUP sets an FAR limit of 1.5:1 (Floor Area/Site Area) for development in all commercial land use designations in Venice. The local coastal development permit approves an FAR of 1.7:1. A building with a 1.7:1 FAR would have more floor area (and would be larger) than a building built under the FAR limit of 1.5:1 set by the LUP. The large size of the approved development may have an adverse affect on community character, and the local government's approval of a 1.7:1 FAR sets 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.

A substantial issue also exists in regards to the density approved by Local Coastal Development Permit No. 2003-9340. The 75 residential units approved by the City exceed the residential density limit set forth by the certified Venice LUP. The residential density limit for

mixed-use projects on sites designated for commercial uses, as set forth by the certified Venice LUP, is one unit per 800-1200 square feet of lot area (LUP Policy I.B.2). The certified LUP designates the six lots that front Rose Avenue for commercial uses (Exhibit #3). The two lots on the project site that do not front Rose Avenue are designated by the LUP as multi-family residential lots. The certified Venice LUP limits density on these multi-family residential lots to four units per lot (LUP Policy I.A.7.d: one unit per 1500-2000 square feet of lot area). Together, the LUP density limit for the eight lots that comprise the project site would be 67 units, 59 in the mixed-use development on the portion of the site designated for commercial uses, and eight units on the two lots designated for multi-family residential.²

Although the certified LUP has a policy (LUP Policy I.A.13) that allows bonus density to be granted for the provision of affordable housing units (seven very low income units are proposed), this is an issue that merits closer scrutiny by the Commission in order to determine whether the impacts of the project's proposed density can be adequately mitigated and whether the units can actually be considered long-term affordable units. Therefore, the local government's approval of bonus density 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. 60403. 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. 60403) 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. 2003-9340 are found on Pages 29 through 32 of Exhibit #7 of this report. 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, 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 61,980 square foot project site with 75 condominium units, which 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.

² The City included in its density calculations the formerly vacated alley and portions of the project site to be dedicated as public rights-of-way.

The third factor is the significance of the coastal resources affected by the decision. The character of the Oakwood neighborhood is the main resource affected by the proposed project, along with the availability of visitor-serving commercial/recreational uses. Other Venice neighborhoods may be affected indirectly by the precedential nature of the City's action approving a density bonus, 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 density bonus, 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.

VII. STAFF RECOMMENDATION FOR THE DE NOVO PERMIT

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit A5-VEN-05-206 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the de novo permit with special conditions, and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of Commissioners present.

Resolution: Approval with Conditions of Permit A5-VEN-05-206

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

measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

VIII. STANDARD CONDITIONS FOR THE DE NOVO PERMIT

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

IX. SPECIAL CONDITIONS FOR THE DE NOVO PERMIT

1. **Permitted Uses**
 - A. This coastal development permit authorizes Vesting Tentative Tract No. 060403 and the construction of a 37-foot high mixed-use structure with seventy residential condominium units (including seven very-low income units), one 5,179 square foot (3,969 interior & 1,210 exterior) ground floor bakery/restaurant unit, 6,290 square feet of commercial uses within five ground floor commercial units facing Rose Avenue, and a 247-stall subterranean garage on a 61,980 square foot project site. Any proposed change in use, change in commercial floor area, change in number of residential units, change in number of parking stalls, use of the parking to satisfy the parking requirements of new development or future commercial intensification, or any other deviation from the approved development, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until a permit amendment is approved by the Commission and issued by the Executive Director.

- B. The five ground floor commercial units facing Rose Avenue, which have a combined total of 6,290 square feet of internal floor area, shall be used for visitor-serving or neighborhood-serving commercial uses or services. Five years subsequent to the issuance of the Certificate of Occupancy for these units, if the permittee has made good faith efforts to obtain commercial tenants and is unable to successfully lease the units, the permittee may apply for a permit amendment to change the use of one or more of the five commercial units to joint live/work residential units (or other uses as approved by the City). The permittee must provide sufficient evidence with any permit amendment application in order to demonstrate that a good faith effort has been made to lease the units for commercial uses and has been unable to do so. No changes to the approved project shall be made until a permit amendment is approved by the Commission and issued by the Executive Director.

2. Design Requirements

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised project plans, consistent with the development described in Special Condition One, for the review and approval of the Executive Director. The revised plans shall comply with the following requirements:

- (a) Building Design. In order to enhance visual quality and community character, the three sides of the project facing the public streets (Rennie Avenue, Rose Avenue and 5th Avenue) shall be designed and constructed as proposed with a varied and articulated façade that provides visual interest to pedestrians. Frequent windows and the primary ground floor entrances for the residential units shall face the streets. Porches, bays and balconies are encouraged, consistent with the City's setback requirements.
- (b) Building Height. The flat roof elevation of the development shall not exceed a height of 33 feet above the elevation of the centerline of the fronting (Rose Avenue) right-of-way. Sloped eaves, parapet walls, rooftop equipment screens and roof access structures (enclosed stairways with footprints not exceeding one hundred square feet) are limited to a maximum height of 37 feet above the elevation of the centerline of the fronting (Rose Avenue) right-of-way. One clock tower may extend up to fifty feet in height. No habitable space is permitted above the 33-foot elevation.
- (c) Landscaping. In order to enhance visual quality and to preserve the water quality, the three sides of the project facing the public streets (Rennie Avenue, Rose Avenue and 5th Avenue) shall be landscaped with large canopy street trees and low water use plants, consistent with City requirements. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

The permittee shall undertake and maintain the development in conformance with the approved final plans. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. On-site Parking

A minimum of 247 parking spaces shall be provided and maintained in the proposed two-level subterranean parking garage on the site. Vehicular access to the on-site parking and loading areas shall be taken only from Rennie Avenue and 5th Avenue. No vehicular access to the site is permitted from Rose Avenue.

4. Signage

No sign shall exceed the height of the nearest roofline. No sign shall rotate or flash.

5. Protection of Water Quality – During Construction

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. The plan shall include the following requirements:

- a) No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion. All trash generated on the construction site shall be properly disposed of at the end of each construction day.
- b) Any and all debris and excess soil or sand resulting from excavation and construction activities shall be removed from the project site within 72 hours of completion of excavation or construction. Excavation and construction debris and sediment shall be removed or contained and secured from work areas each day that excavation and construction occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All excavation and construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris shall be placed in coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

- c) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean.
 - d) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from storm drain inlets and receiving waters as possible.
 - e) During excavation and construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any street or drain that discharges into the beach or ocean, unless such discharge specifically authorized by the California Regional Water Quality Control Board.
 - f) In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.
- B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:
- a) Develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
 - b) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.
 - c) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.
 - d) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales and silt fencing.

- e) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.
 - f) Implement the approved Construction Best Management Practices Plan on the project sites prior to and concurrent with the excavation and construction operations. The BMPs shall be maintained throughout the development process.
- C. The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the approved Construction Best Management Practices Plan. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Los Angeles Vesting Tentative Tract No. 060403, and Case No. 2003-9340 (Conditional Use Permit, Venice Specific Plan Project Permit, etc.). In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A5-VEN-05-206 shall prevail.

7. Affordable Housing Units

The seven affordable housing units proposed by the applicant as part of the approved development (and thereby required to be constructed on the property) shall be reserved and maintained as affordable housing units for the life of the project. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has recorded a covenant and agreement with the City of Los Angeles Housing Department, or with a non-profit housing organization approved by the Executive Director, assuring on-going compliance with this condition.

8. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and

(2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

X. FINDINGS AND DECLARATIONS FOR THE DE NOVO PERMIT

The Commission hereby finds and declares:

A. Project Description

The development project approved by Local Coastal Development Permit No. 2003-9340 is the demolition of an existing bakery facility, and construction of a three-story, forty-foot high mixed-use project with 75 residential condominium units (including seven very-low income units and five live/work residential units where commercial activities *may* occur), one 5,179 square foot (3,969 interior & 1,210 exterior) ground floor bakery/restaurant unit, and a two-level, 247-stall subterranean parking garage (Exhibit #7). New public sidewalks with street trees are proposed along the three sides of the project that front the public streets of Rennie Avenue, Rose Avenue and 5th Avenue (Exhibit #4). A fifteen-foot deep setback, is also proposed to be landscaped with large trees, is proposed along the rear portion of the project site where it abuts the existing residential neighborhood (Exhibit #4).

The 61,980 square foot project site, which fronts an entire block of Rose Avenue, is comprised of eight lots (previously tied together by the bakery operation) and a formerly vacated alley (Exhibit #3). The site is in the Oakwood area of Venice, about one-half mile inland of the beach (Exhibit #2). The surrounding area is developed primarily with single-family and multi-family residential uses, although Rose Avenue (designated by the certified Venice LUP as a secondary highway) is also home to a variety of neighborhood-serving commercial uses.

For the De Novo portion of the appeal, the applicant has made the following three significant changes to the proposed project from what the City approved: 1) the applicant has affirmed that the seven proposed very low income affordable housing units would remain affordable units for the life of the project, instead of for thirty years; 2) the applicant has affirmed that the five ground floor units facing Rose Avenue, approved by the City as live/work residential units, would be leased for commercial uses when the project opens, and 3) the applicant has reduced the project's maximum height from forty feet to 37 feet, but has also added a clock tower (approximately fifty feet high) to the project as an architectural feature.

B. Project Background

The Commission has recognized in both prior permit and appeal decisions that the Oakwood area of Venice, where the proposed project is located, is a unique coastal community. In 1980

the Commission adopted the Regional Interpretive Guidelines for Los Angeles County, which included specific building standards for the various Venice neighborhoods, including the Oakwood neighborhood. These building standards, which apply primarily to density, building height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve community character. The Regional Interpretive Guidelines for Los Angeles County set forth a recommended thirty-foot height limit for multi-family and commercial development in the Oakwood area of Venice. The Interpretive Guidelines also state that density incentives will be considered for low/moderate income housing proposals, and that small-scale community facilities (e.g., nursery schools, grocery store, etc.) should be preserved and encouraged.

On October 29, 1999, the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. As part of that effort, the City also adopted the Venice Specific Plan in 1999. On November 14, 2000, the Commission approved the City's proposed LUP for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as the Commission on November 14, 2000 approved it. The Commission officially certified the Venice LUP on June 14, 2001. The Commission has not certified the Venice Specific Plan.

The policies and building standards contained in the certified Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing unique character of each Venice neighborhood. The certified Venice LUP, however, also contains some updated and revised policies and building standards for the various Venice neighborhoods. For example, the Interpretive Guideline's height limits were modified for the Oakwood area so that new single-family residences are limited to a maximum of thirty feet (with a varied or sloped roofline), instead of 25 feet. The height limit for multi-family and commercial development in the Oakwood area of Venice remains unchanged since 1980, at thirty feet above street level. Also, a new policy adopted as part of the certified Venice LUP is the encouragement of mixed-use (commercial and residential) development on commercially designated properties throughout Venice (LUP Policy I.B.2). Another LUP policy allows incentives to be granted (e.g., reduced parking, additional height or increased density) for mixed-use development that provides affordable housing units (LUP Policy I.A.13).

The Venice Specific Plan, which the Commission has not certified, sets forth the same height limits as the certified Venice LUP. This project, because of its location on a major street (Rose Avenue) and its provision of seven affordable housing units, has been granted an exception to the thirty-foot height limit set forth by the LUP, specific plan and the 1980 guidelines. The proposed three-story project (as revised on appeal to this Commission) would not exceed a height of 37 feet over Rose Avenue, except for the approximately fifty-foot tall clock tower (Exhibit #5).

Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-certified LUP for Venice now provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. A coastal development permit is approved only if the proposed development is found to be consistent with the Coastal Act.

The City's approval of the Tentative Tract Map for the proposed condominium subdivision raises a procedural issue. The City approval for the Tentative Tract Map occurred prior to, and separately from, the City's approval of the local coastal development for the development. This raises the question of whether the Tract Map has received the necessary City approval pursuant to the requirements of the Coastal Act. This question, however, is moot as a result of the appeal of the local coastal development permit to the Commission and the Commission's finding of Substantial Issue. The Commission's finding of Substantial Issue voided the locally issued coastal development permit. By approving the de novo coastal development permit, the Commission conditionally approves both the Tentative Tract Map and the physical development being proposed by the applicant.

C. Land Use

Section 30222 of the Coastal Act requires that visitor-serving commercial uses be given priority over residential and other non-priority land uses such as residences.

Section 30222 of the Coastal Act 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.

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 applicant currently uses the entire project site as a commercial bakery (Pioneer Bakery). The bakery has for decades provided baked goods to local residents and retailers throughout the metropolitan area. It is a 24-hour industrial operation that never closes, with about 250 employees who use the local streets for parking. The applicant intends to relocate the existing bakery operation to other locations, and redevelop the site with a use that is more compatible with the surrounding residential neighborhood.

Most of the project site (six lots fronting Rose Avenue) is designated as "Community Commercial" by the certified City of Los Angeles Land Use Plan (LUP) for Venice.³ The Community Commercial land use designation calls for a mix of residential dwelling units and

³ Two of the lots that form the project site (the two lots behind the six lots that front Rose Avenue) are designated for multi-family residential uses by the certified Venice LUP (Exhibit #3).

neighborhood and visitor-serving commercial uses and services, with the commercial uses on the ground floor and the residential uses above.

Policy I.B.6 of the certified Venice LUP states:

• **Policy I. B. 6. Community Commercial Land Use.** *The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community-serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. 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. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.*

Uses/Density: *Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.*

Community Commercial Areas of Special Interest

d. Oakwood Community Commercial. *Properties located along Rose Avenue between Fourth and Seventh Avenues (LUP Exhibit 11a). Uses: Residential use, neighborhood retail and services, personal services, and small-scale businesses oriented to the local community.*

One of the grounds for the appeal is that the development approved by Local Coastal Development Permit No. 2003-9340 is a primarily residential project on a commercial site designated as "Community Commercial" by the certified Venice LUP. The Community Commercial land use designation calls for a mix of residential dwelling units and commercial uses and services, with the commercial uses on the ground floor and the residential uses above, but the City approved a project with 75 residential units (five of which are live/work units where commercial activities *may* occur, but are not required) and only one truly commercial unit (bakery/restaurant).

For the De Novo portion of the appeal, the applicant has made an important change to the proposal in order to address this substantial issue. The applicant has affirmed that the five ground floor units facing Rose Avenue (those five units approved by the City as live/work residential units) would be leased for commercial uses when the project opens. The applicant, however, is concerned that it may not be possible to find commercial tenants for these five units, and any vacant storefronts would become an eyesore. Therefore, the applicant is

requesting the option to sell these five units as residential live/work units (as approved by the City) if viable commercial tenants cannot be found within two years. The applicant intends to operate the bakery/restaurant that is proposed to occupy the ground floor portion of the project at the corner of Rose and 5th Avenues (Exhibit #18).

As revised, the proposal would result in a total of six ground floor commercial units facing Rose Avenue with a total of 11,469 square feet of commercial area (including 1,210 square feet of outdoor patio for the bakery/restaurant). The proposed 5,179 square foot bakery/restaurant would anchor the corner of the project at Rose and 5th Avenues, and a 2,015 square foot commercial unit would anchor the other corner of the project at Rose and Rennie Avenues (Exhibit #4). Four other ground floor units (each about one thousand square feet in area) and an entry court would completely fill the ground floor of the proposed project facing Rose Avenue (Exhibit #19). The remainder of the project, including all of the second and third stories, would be comprised of seventy residential condominium units (seven of which would be reserved as affordable units for very-low income families).

The Commission finds that the revised proposal project, with six ground floor commercial units facing Rose Avenue and totaling 11,469 square feet, provides an appropriate mix of commercial and residential uses as called for by the certified Venice LUP and Chapter 3. In fact, if the commercially-designated portion of the project site was developed as a commercial-only project with all of the required parking provided on an on-site surface parking lot, the site would accommodate approximately eight thousand square feet commercial uses (5,179 square foot bakery/restaurant and 2,791 square feet of retail) and 78 parking spaces. Therefore, the revised project proposal (with a total of 11,469 square feet of commercial area) would not result in the loss of any potential commercial development since it incorporates more commercial space than would be provided by a single-level commercial-only project.

The proposed project, as revised, is consistent with Policy I.B.6.d of the certified Venice LUP. Policy I.B.6.d calls for the project site to be developed with a mix of residential uses, neighborhood retail and services, personal services, and small-scale businesses oriented to the local community. Special Condition One requires that the ground floor units facing Rose Avenue be used for commercial uses as proposed, specifically stating that the proposed commercial units shall be used for visitor-serving or neighborhood-serving commercial uses or services. Since the proposed project will provide commercial uses (and on-site parking), the project will enhance public opportunities for coastal recreation. Therefore, the proposed project is consistent with Section 30222 of the Coastal Act because the commercial units, which provide for additional visitor-serving commercial uses on the site, are given priority over residential uses on the ground floor facing Rose Avenue. The proposed project is consistent with Section 30252(2) of the Coastal Act because the development will provide on-site commercial facilities that that will help minimize the use of Rose Avenue, a main coastal access route.

In order to address the applicant's concerns that commercial uses may not be viable in the five ground floor units that the City approved as live/work residences, Part B of Special Condition One would allow the applicant to return to the Commission in five years (after the issuance of the Certificate of Occupancy) with a permit amendment request. Five years subsequent to the issuance of the Certificate of Occupancy for these units, if the permittee has made good faith efforts to obtain commercial tenants and is unable to successfully lease the units, the

applicant may apply for a permit amendment to change the use of one or more of the five commercial units to joint live/work residential units (or other uses as approved by the City). Two years, as requested by the applicant, would not be a sufficient length of time to determine that the ground floor commercial uses are not viable. Five years may not be either and the permittee would be required to provide evidence (including lease rates and vacancy rates) with any permit amendment application in order to demonstrate that a good faith effort has been made to lease the units for commercial uses and has been unable to do so. Only as conditioned in the proposed development consistent with the requirements of Chapter 3 in regards to providing an appropriate mix of residential and commercial uses on this commercially-designated property.

D. Building Mass and Visual Resources

The Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected, and that special neighborhoods be protected.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

Section 30253(5) of the Coastal Act 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.

Building Height

Building height and bulk can adversely affect the scenic and visual qualities of the Venice coastal area and the unique character of its established neighborhoods. Architectural design and the provision, or lack thereof, of adequate open space and landscaping can also strongly influence community character and visual resources. The certified Venice LUP contains specific building limits and design standards that have been designed and adopted in order to preserve the unique character of the Venice neighborhoods and to carry out the requirements of Sections 30251 and 30253 of the Coastal Act.

The forty-foot height of the City-approved project is one of the grounds for the appeal. The certified Venice LUP sets forth a thirty-foot height limit for multi-family and commercial development in the Oakwood area of Venice where the proposed project is located. Since the size of a development may have an adverse affect on community character, the project's height merits close scrutiny by the Commission in order to determine whether it is compatible with the surrounding neighborhood.

For the De Novo portion of the appeal, the applicant has made an important change to the proposal in order to address this substantial issue. The applicant has reduced the project's maximum height from forty feet to 37 feet (Exhibit #5, p.1). The applicant has also added a clock tower (approximately fifty feet high) to the project as an architectural feature.

The Commission recognizes that the standard of review is the Chapter 3 policies of the Coastal Act; the LUP only provides guidance and is not the final standard for approval. Therefore, the question is whether the proposed 37-foot high project would be visually compatible with the character of surrounding area. The surrounding area is developed with one- to three-story buildings, a few of which appear to exceed the thirty-foot height limit. The applicant has provided a photographic survey of the multi-story buildings (those three-story and over) that exist along Rose Avenue and in the remainder of the Oakwood neighborhood. Many of the taller buildings were built before coastal development permits were first required in February of 1973. Also, many of the three-story buildings conform to the thirty-foot height limit. In any case, three-story buildings are not uncommon in the Oakwood neighborhood.

The proposed 37-foot high building has an actual flat roof elevation of 33 feet, with the additional four feet being necessary to provide the false eaves and equipment screens that are intended to make structure more visually appealing (Exhibit #5, p.1). One of the reasons that the roof elevation exceeds the thirty-foot limit is that the ground floor commercial units have 11.5-foot high ceilings in order to provide more shelf and air space within the publicly accessible portion of the interior of the project. The applicant states that the high ceilings will make the ground floor units more viable for commercial uses.

The Commission can approve development that exceeds the certified LUP height limit and approve the proposed project only if it finds that it is consistent with the Chapter 3 policies of the Coastal Act. In this case, the Commission finds that the proposed project, because of the reasons listed in this section, is consistent with the Chapter 3 policies of the Coastal Act. The proposed project would not negatively affect the character and scenic and visual qualities of the community, even though the proposed structure exceeds the certified LUP height limit, because, in addition to the reasons listed above: 1) the proposed three-story structure is similar in height and scale to several existing buildings in the Oakwood area (as shown in the applicant's photographic survey of the multi-story buildings), 2) no public views of coastal resources will be affected, and, 3) the proposed project occupies an entire block of Rose Avenue, a wide secondary highway with a proposed twenty-foot wide sidewalk, so that the project will not loom excessively over pedestrians or any neighboring developments. The applicant and the City also point out that the additional seven feet in building height (above the thirty-foot limit) can be granted as an incentive for providing affordable housing within the project (ten percent of the total residential units).⁴

Building Design

The architectural design of the proposed project can affect the scenic and visual qualities of the Venice coastal area and the unique character of the established Oakwood neighborhood. Therefore, it is important that the proposed project be built with an attractively designed façade, provide lush landscaping, and not include large blank walls facing public areas. In

⁴ The applicant has affirmed that the seven proposed very low income affordable housing units would remain affordable units for the life of the project, instead of for only thirty years.

order to enhance visual quality and community character, Special Condition Two requires that the sides of the project facing public streets (Rennie Avenue, Rose Avenue and 5th Avenue) shall be designed and constructed as proposed with a varied and articulated façade that provides visual interest to pedestrians (Exhibit #19). Frequent windows and the primary ground floor entrances for the residential units shall face the streets. Porches, bays and balconies are encouraged. The proposed clock tower is an architectural feature that provides the project with additional visual interest.

Policies I.D.4 and V.A.5 of the certified Venice LUP state:

- **Policy I. D. 4. Signs.** *Roof top signs and billboards are prohibited in all land use categories. Business identification signs shall comply with the height limits and development standards specified in the LUP to ensure they do not adversely affect view sheds and view corridors.*
- **Policy V. A. 5. Streetscapes.** *Streetscape improvements throughout the Venice Coastal Zone shall be maintained and enhanced to enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors.*

Special Condition Two requires the provision of landscaping, including street trees with canopies, along the Rennie Avenue, Rose Avenue and 5th Avenue frontages. The applicant has provided a landscape plan that would satisfy the landscape condition, if implemented as proposed. Special Condition Four prohibits rooftop signs and signs that flash or rotate, in order to protect visual resources from the adverse impacts of such signs.

Therefore, the Commission finds that the revised project is consistent with Sections 30251 and 30253 of the Coastal Act because, as conditioned, the proposed project would have no adverse effect on public views and is visually compatible with the character of the surrounding neighborhood. In order to ensure that the proposed project is constructed consistent with the plan and design that is being presented and approved by the Commission, special conditions are imposed that require strict compliance with the proposal as set forth in the application, and as modified by the conditions of approval. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

Floor Area Ratio (FAR) and Density

As stated above in the height section, building bulk can adversely affect the scenic and visual qualities of the Venice coastal area and the unique character of its established neighborhoods. The FAR limit controls the maximum amount of floor area in the project, and thus, the size of the approved development. The number of units within a project (density) can also affect the size of the proposed development. The Oakwood area is comprised primarily of small single-family homes, although many large buildings do exist along Rose Avenue.

The grounds for the appeal of Local Coastal Development Permit No. 2003-9340 include the assertion that the City approved a Floor Area Ratio (FAR) and density greater than the FAR and density limits for the site set forth by the certified LUP. The certified LUP sets an FAR limit of 1.5:1 (Floor Area/Site Area) for mixed-use development in all commercial land use

designations in Venice (LUP Policy I.B.7). The local coastal development permit approved an FAR limit of 1.7:1 instead of holding the project to the LUP limit of 1.5:1 for mixed-use development in commercial land use designations (LUP Policy I.B.7). The proposed project, however, is a mixed-use project on a site comprised of both commercial (six lots) and residential lots (two lots). Commercial and residential land use designations have different FAR limits under the City's zoning code. The City's FAR limit for the two residential lots, set forth by the City's zoning ordinance as 6:1, is far greater than the FAR limits set forth by the LUP.⁵ The City blended together the allowable FAR from the six commercial and two residential lots, and came up with the project's FAR limit of 1.7:1. The applicant asserts that the proposed project is about 16,000 square feet smaller than is permitted on the site using the City's blended (or hybrid) FAR limit for this specific project site. The actual FAR for the proposed project is 1.65:1 (102,356 square feet of floor area/61,980 square feet of project area).

In regards to density, the revised project now has seventy residential units instead of 75 as approved by the City. Seventy residential units on the 61,980 square foot site is one unit per 885 square feet of the site. If the entire site (including the two residential lots, the formerly vacated alley and the required street dedications) is used in the density calculation, the revised project is consistent with the certified Venice LUP (Policy I.B.2) density standard of one unit per 800-1200 square feet of lot area for mixed-use projects.

While it can be debated whether the proposed project's density and FAR are consistent with the limits set forth by the certified Venice LUP, the scale of the revised project does not conflict with the Chapter 3 policies of the Coastal Act. The Commission finds that, as conditioned, the revised project is consistent with Sections 30251 and 30253 of the Coastal Act because the proposed project would have no adverse effect on public views and is visually compatible with the character of the surrounding neighborhood. Adequate setbacks, lush landscaping, and an attractive building design make the revised project visually compatible with the character of the surrounding area.

It must be noted that Certified LUP Policy I.A.13 allows the City to grant incentives (e.g., reduced parking, additional height or increased density) for mixed-use developments that provide affordable housing units (and do not conflict with Chapter 3 policies). The seven proposed affordable housing units represent ten percent of the total seventy proposed residential units. The applicant has affirmed that the seven proposed very low income affordable housing units would remain affordable units for the life of the project, instead of for thirty years. Therefore, it is not inappropriate for the City to grant developers incentives to build a project that can be found consistent with the Coastal Act. The Commission recognizes that the standard of review is the Chapter 3 policies of the Coastal Act; the LUP only provides guidance and is not the final standard for approval. In this case, the revised project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act.

E. Public Access - Parking

New developments must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available in Venice. Although the proposed project is located about one-half mile inland of the

⁵ The certified Venice LUP sets forth height, yard and density limits for residential sites, but no FAR limit.

beach, it must still provide adequate on-site parking as required by the certified Venice LUP and Section 30252 of the Coastal Act.

Certified LUP Policy II.A.1 states:

- **Policy II. A. 1. General.** *It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control.*

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30252 of the Coastal Act requires that new development provide (among other things) adequate parking facilities. The Commission has consistently required that new development provide adequate parking facilities to meet the demands of the new development.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. In order to conform to the requirements of the Coastal Act, the proposed project is required to provide adequate parking facilities. The amount of parking that is "adequate" is determined by calculating the parking demand of a specific project using a parking standard. The parking standard is typically part of a certified local coastal program or zoning ordinance. The Commission, on June 14, 2001, certified the Venice Land Use Plan (LUP), which contains specific policies to carry out the requirements of the Coastal Act. The certified Venice LUP requires that new development, including additions to existing structures, shall provide the necessary additional parking spaces as required by the LUP Parking Requirement Table.

Policy II.A.3 of the certified LUP states:

Policy II. A. 3. Parking Requirements. *The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized*

for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.

The certified LUP parking table, contained within LUP Policy II.A.3, sets forth the parking requirements for residential and retail as follows:⁶

Multiple Dwelling:	2 spaces per dwelling unit; plus 1 guest space per four units.
General Retail	1 space for each 225 square feet of floor area.
Restaurant	1 space for each 50 square feet of service area (including outdoor).
Shopping Center	1 space for each 200 square feet of floor area.

The proposed project generates a demand of 247 parking spaces, as follows.

70 residential units	140 spaces
Guest parking (1/4 per unit)	18 spaces
Five ground floor commercial units (6,290 square feet of retail)	30 spaces
Bakery/restaurant with 2,950 square feet of service area	59 spaces

Total Parking Demand 247 spaces

The applicant's proposed plans for the two-level garage would provide 247 on-site parking spaces. Parking for the residential uses would be reserved, while parking for the commercial uses would be shared. The applicant's proposed 247 on-site parking spaces would provide an adequate on-site parking supply consistent with the requirements of the certified Venice LUP and Section 30251 of the Coastal Act. Special Condition Three requires the applicant to provide 247 on-site parking spaces. As conditioned, the proposed project is consistent with the public access policies of the Coastal Act.

F. Public Access and Recreation

The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities be provided and that development shall not interfere with public access. The proposed development must be designed to avoid any new adverse impacts on public access to the coast or to nearby recreational facilities.

Section 30210 of the Coastal Act states:

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

⁶ The parking standards in the certified Venice LUP are identical to the parking standard contained in the Commission's Regional Interpretive Guidelines for Los Angeles County, adopted 1980.

Section 30211 of the Coastal Act states:

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

Shoreline recreation resources in the Venice area include: Venice Beach, Ballona Lagoon, the Venice Canals and the walk streets. The proposed project is located about one-half mile inland of the beach, and is not located on a walk street (Exhibit #2). The entire project, except for the associated improvements to the abutting rights-of-way, is located on private property with no existing public access or public recreation opportunities. No existing streets will be closed. No public access is proposed through the site. No existing public access will be affected by the proposed project. Therefore, as conditioned to provide adequate on-site parking, the proposed development conforms with the public access and recreation policies of the Coastal Act.

G. Marine Resources

The proposed development will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

H. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

I. Local Coastal Program

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

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned the proposed development is consistent with Chapter 3 of the Coastal Act.

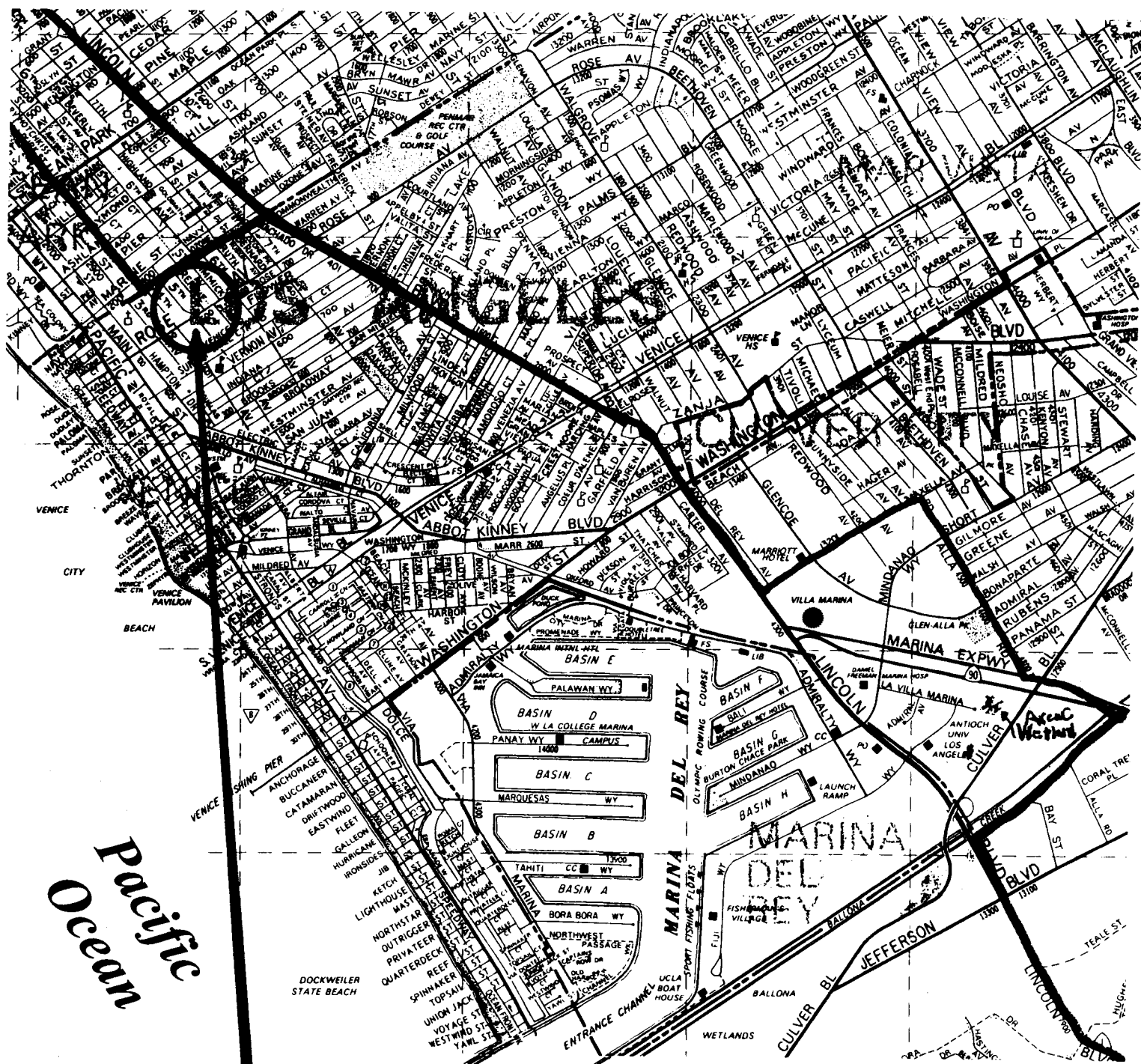
The proposed project does not conform to the thirty-foot height limit for projects in the Oakwood area as set forth in the certified Venice LUP. Nonetheless, approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act because the exception to the height limit in this case is for a specific and unique circumstance: it is a mixed-use project on a major street providing commercial uses and affordable housing, and it will not adversely affect public views or community character.

J. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE, CA



Pacific
Ocean

Project Site:
512 Rose Avenue

COASTAL COMMISSION
A5-VEN-05-206

EXHIBIT # 1
PAGE 1 OF 1

Maximum Building Height

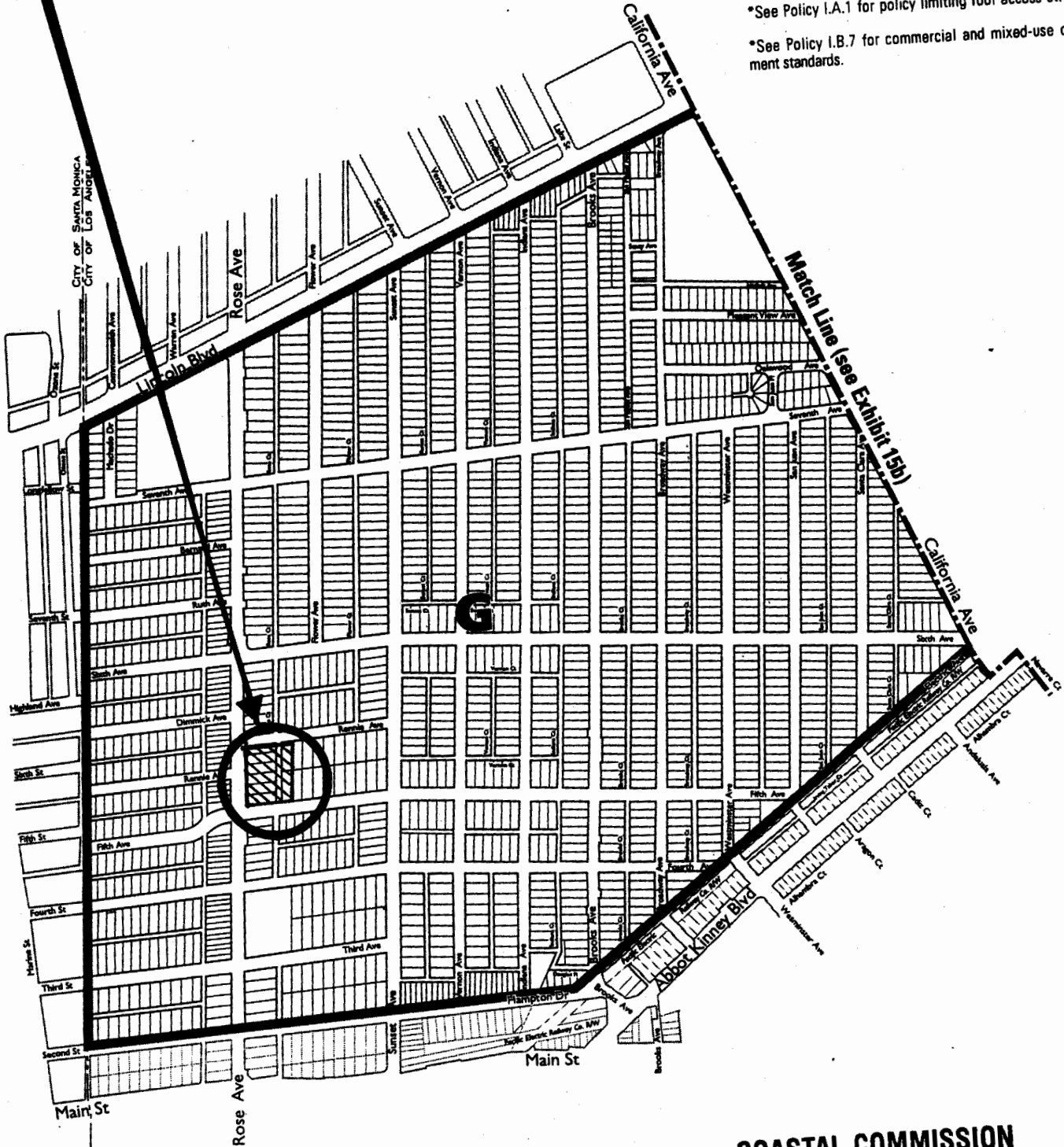
- G** 25' with a flat roof
- 30' with varied or stepped back roofline
- 28' along Walk streets

Notes:

- *All building heights shall be measured from the elevation of the fronting right-of-way.
- *Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.
- *See Policy I.A.1 for policy limiting roof access structures.
- *See Policy I.B.7 for commercial and mixed-use development standards.

Project Site:

512 Rose Avenue



LUP
Exhibit 15a
Height
Subarea: Oakwood

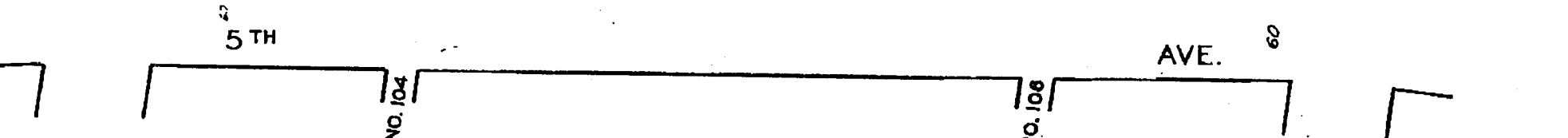
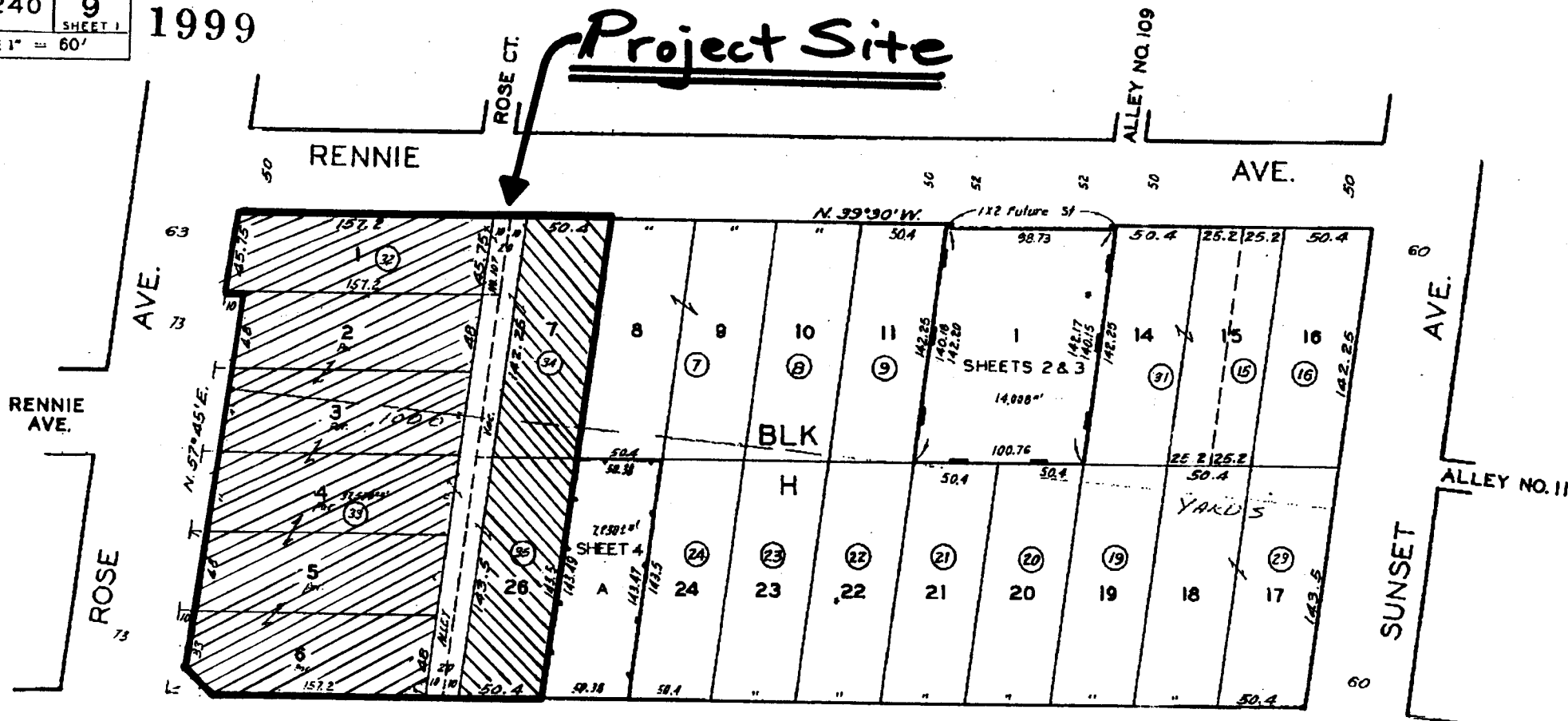
COASTAL COMMISSION
A5-VEN-05-206
EXHIBIT # 2
PAGE 1 OF 1



4240 9 SHEET 1
SCALE 1" = 60'

1999

Project Site



CODE 67

OCEAN TRACT
M. R. 23-93-94

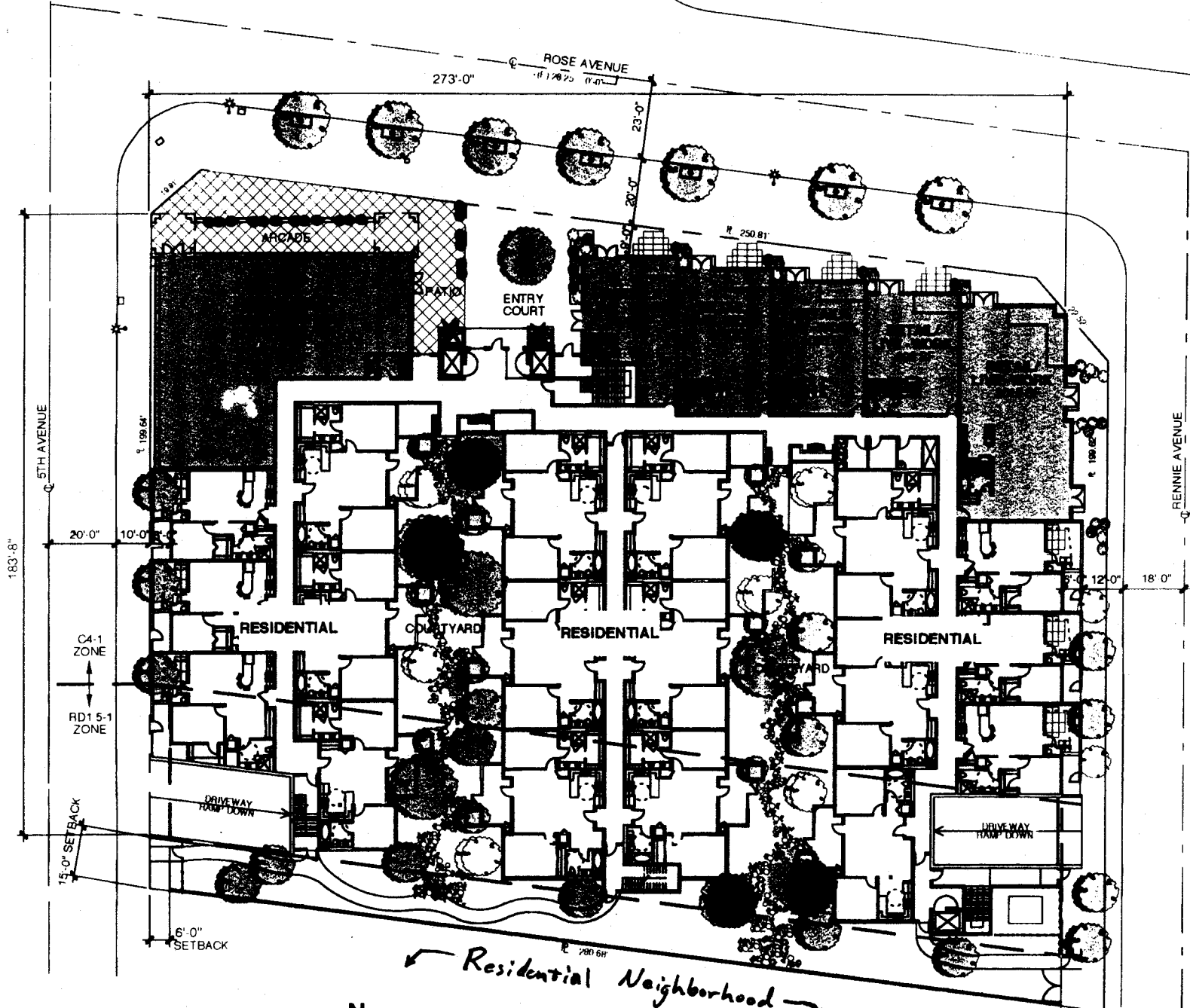
Certified LUP Land Use Designation:

Lot Nos. 1-6: Community Commercial
Lot Nos. 7 & 26: Multi-Family Residential - Low Medium II

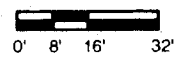
COASTAL COMMISSION
A5-VEN-05-206

EXHIBIT # 3
PAGE 1 OF 1

FOR PREV. ASSMT. SEE: 570 - 24



Residential Neighborhood

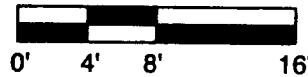
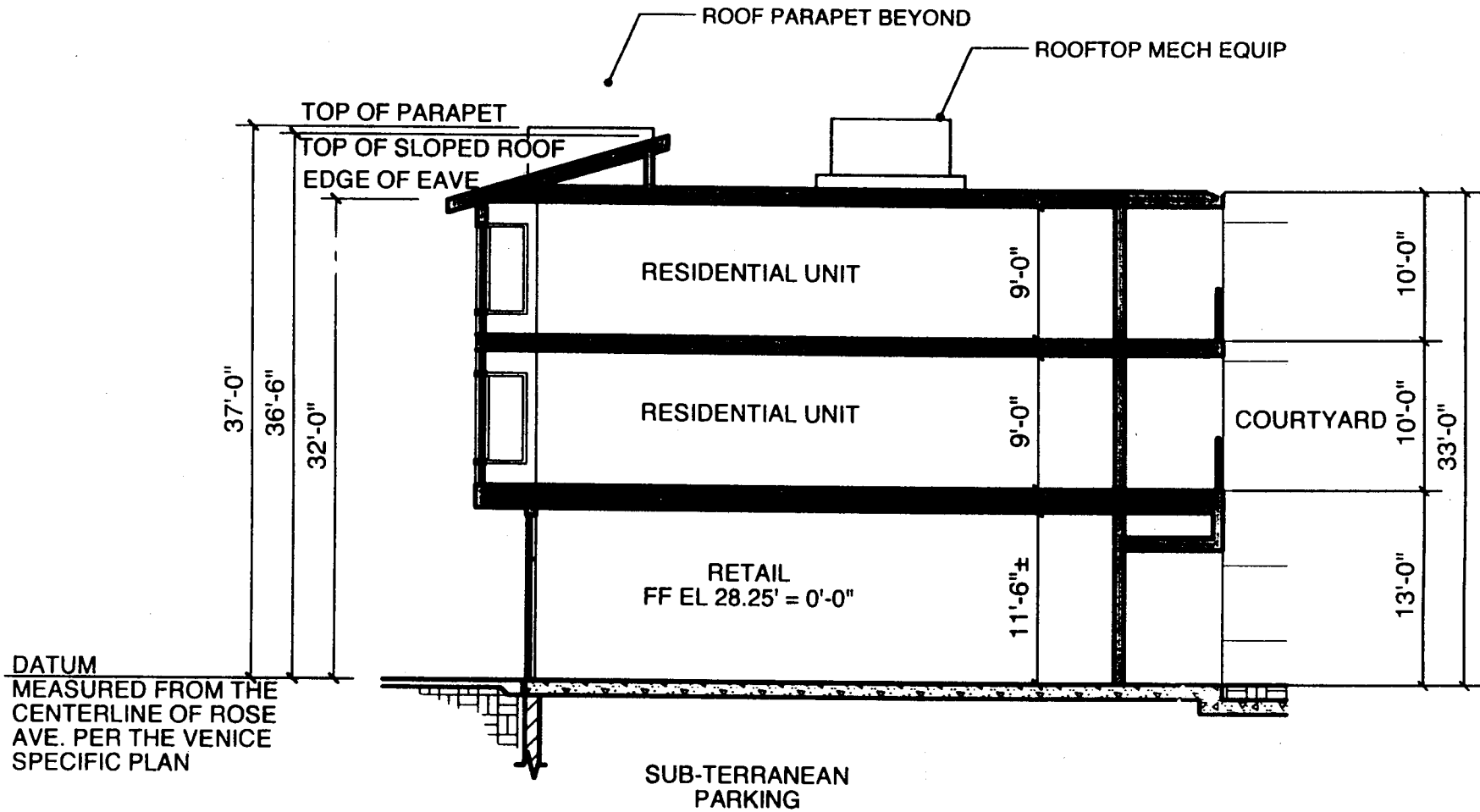


SITE PLAN

6'-0" SETBACK 5'-0" DEDICATION

COASTAL COMMISSION
AS-VENT-05-206

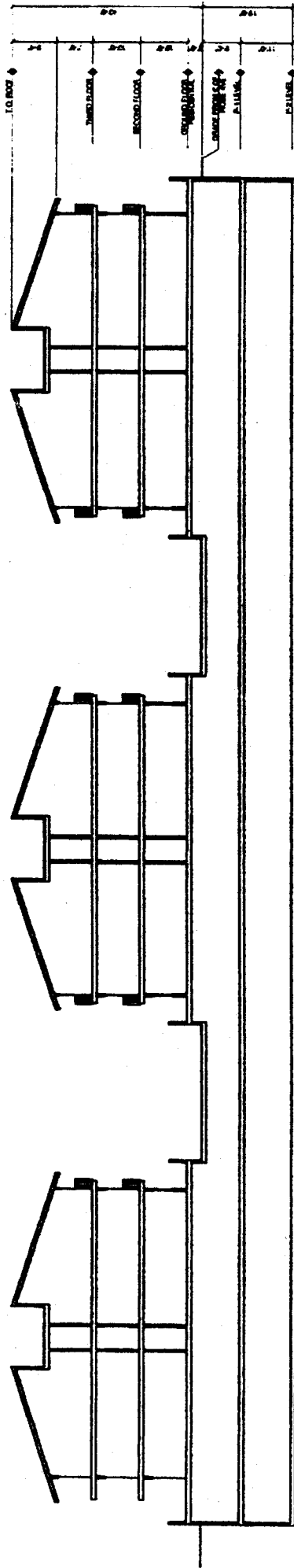
EXHIBIT # 4
 PAGE 1 OF 1



SECTION THROUGH RETAIL

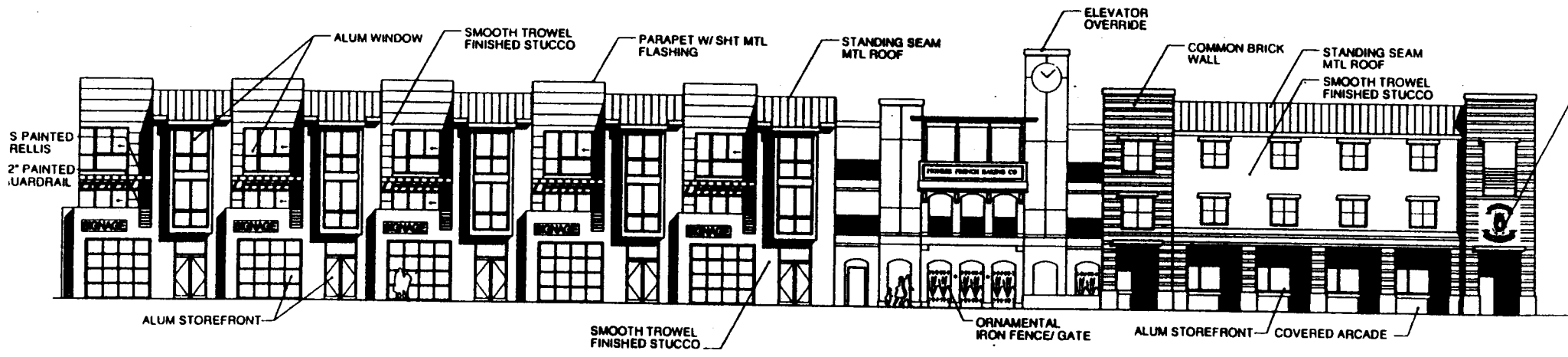
COASTAL COMMISSION
 A5-VEN-05-206

EXHIBIT # 5
 PAGE 1 OF 2

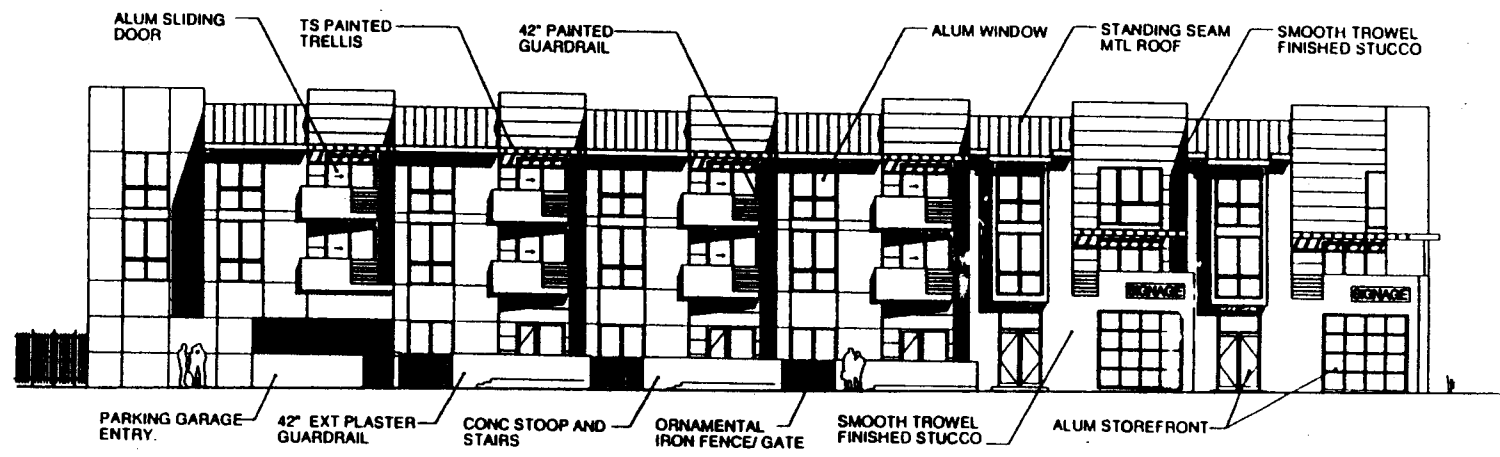


COASTAL COMMISSION
 AS-VEN-05-206

EXHIBIT # 5
 PAGE 2 OF 2



ELEVATION AT ROSE AVENUE

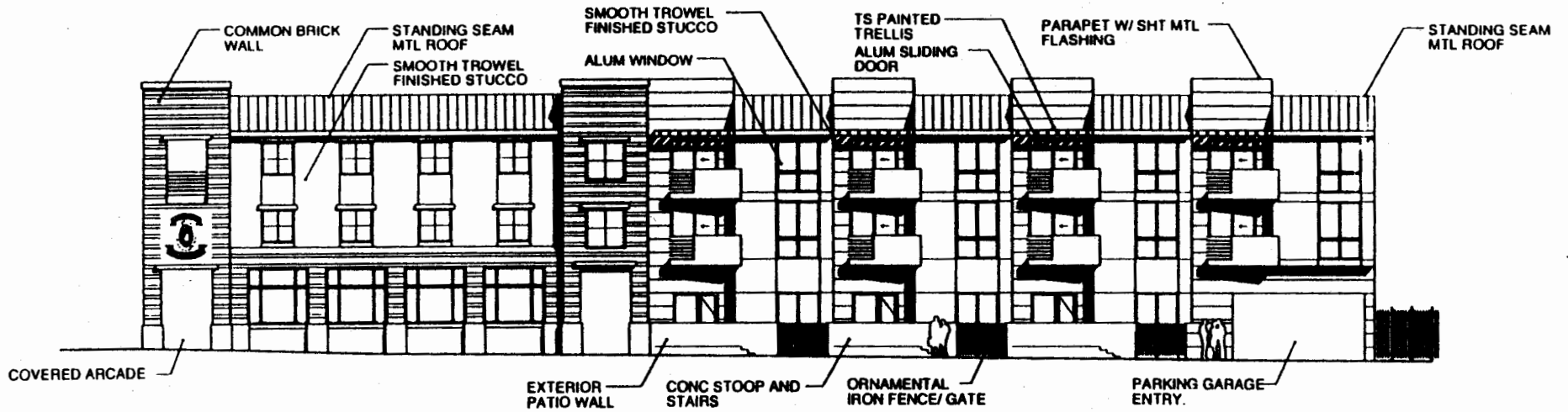


ELEVATION AT RENNIE AVENUE

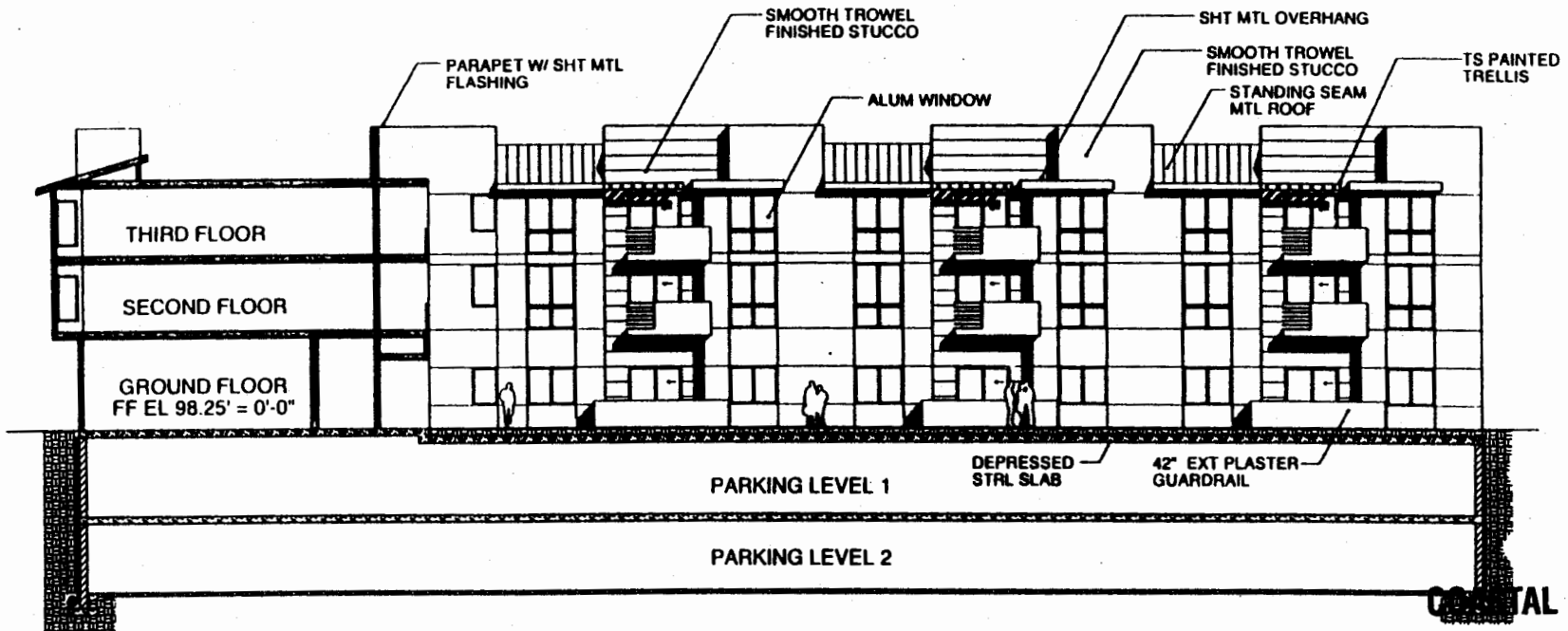
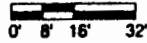
COASTAL COMMISSION

AS-VEN-05-206

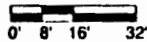
EXHIBIT # 6
PAGE 1 OF 2



ELEVATION AT 5th AVENUE



ELEVATION/ SECTION AT INTERIOR COURTYARD



CITY PLANNING COMMISSION

EXHIBIT # 6
PAGE 2 OF 2



City Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300
Website: <http://www.lacity.org/pln/index.htm>

TO: California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach, CA 90802

Mailing Date: **APR 25 2005**

CP Case No. CPC 2003-9340-SPE-CDP-
CU-ZV-ZAA-SPR-SPP-MEI
Address: 512 Rose Avenue
Plan Area: Venice
Council District: 11

RECEIVED
South Coast Region

APR 27 2005

FROM: City Planning Commission of Los Angeles

**CALIFORNIA
COASTAL COMMISSION**

NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE

Applicant name/address

John Garacochea, Pioneer Bakery
512 Rose Avenue
Venice, CA 90291

Applicant Representative name/address

James Ries
8758 Venice Blvd.
Los Angeles, CA 90034

The above-referenced Coastal Development Permit was **granted** effective **January 18, 2005**, pursuant to a public hearing conducted by the City Planning Commission on December 9, 2004. An appeal was not filed with the City Council during the mandatory appeal period or no appeal to City Council was permitted from the Commission's action; whichever is indicated in the Commission's Determination Report.

Appeals must be filed within a 20 working-day appeal period, to be determined by the South Coast District Office of the Coastal Commission in accordance with said Commission's procedures.

() The proposed development **is in the dual permit jurisdiction area**, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20-working-day appeal period.

~~(X)~~ The proposed development **is in the single permit jurisdiction area**, and if the application is not appealed within the 20-working-day period the applicant may proceed with the subject project.

Attachments: Coastal Development Permit / Commission Determination Report
Zoning Administrator Determination
Miscellaneous relevant documents

COASTAL COMMISSION

cc: Applicant and Applicant's Representative (Notice, Coastal Permit/APC Determination)
APC Determination Report mailing list (Notice & Coastal Permit/APC Determination)

EXHIBIT # 7
PAGE 1 OF 34



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: JAN 18 2005

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

Applicant: John Garacochea, Pioneer French Baking Co., Inc.

CASE NO. CPC 2003-9340-SPE-CDP-CU-ZV-ZAA-SPR-SPP-MEL

Location: 512 Rose Avenue

Council District: No. 11

Plan Area: Venice

Request(s): Specific Plan Exception-Coastal Development Permit-Conditional Use-Zone Variance-Zoning Administrator's Adjustment-Project Permit Compliance-Mello Act Compliance

At its meeting on December 9, 2004, the following action was taken by the City Planning Commission:

Approved the requested Specific Plan Exception, Variance, Zoning Administrator's Adjustment, Conditional Use, Project Permit Compliance and Site Plan Review, subject to the attached Conditions of Approval; and Approved the requested Coastal Development Permit, for the proposed demolition of an existing bakery facility and the proposed construction, use and maintenance of a mixed use development having a floor area ratio (FAR) of 1.7:1 and composed of 75 residential condominium units and ground floor bakery/restaurant space with two subterranean garage levels on a 61,980 square foot lot.

Adopted the Mitigated Negative Declaration No. ENV-2003-7998-MND.

Adopted the attached Findings.

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

Vote: 6-0

Gabriele 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

COASTAL COMMISSION

EXHIBIT # 7
PAGE 2 OF 34

CONDITIONS OF APPROVAL**Specific Plan Exception Conditions**

1. **Use.** The use and development of the subject property shall comply with all provisions of the C4 Zone, pursuant to Municipal Code Section 12.16, except where conditions herein may be more restrictive.

Notwithstanding Section 9.1 of the Venice Coastal Zone Specific Plan to the contrary, development over 8 contiguous lots shall be permitted.
2. **Floor Area.** The floor area of all buildings shall be limited to no more than 1.7 times the buildable area of the lot. The total floor area of non-residential uses on the subject property shall be limited to 5,179 square feet, as defined by Section 12.21.1.A.5 of the Municipal Code.
3. **Density.** A maximum of 75 dwelling units may be constructed on the subject property, of which 7 units shall be provided in conformity with California Government Code Section 65590 (Mello Act). Five (5) of the units shall be Live/Work units.
 - a. The project is permitted to calculate for density purposes the previously recorded 3-foot future street dedication equal to 786 square feet of lot area along Rose Avenue.
 - b. The project is permitted to calculate for density purposes a future street dedication equal to 1,713 square feet of lot area along both Rose Avenue and Rennie Avenue.
4. **Height.** The height of all buildings and structures on the subject property shall not exceed 40-feet, measured from the centerline of the street or alley or walk adjacent to the front lot line (Rose Avenue, as determined by the Advisory Agency Vesting Tentative Tract No. AA 60403 VTT, Condition 14.c) measured from the projection of the midpoint of the frontage, except where more than one building is being constructed on that lot, height for each building shall be measured from the projection of the midpoint of each building. For through lots, height shall be measured from centerline of whichever adjacent street is the lowest in elevation. (Section 9.B.3 of the Venice Coastal Zone Specific Plan)
5. **Related Tentative Tract.** The applicant shall comply with all of the requirements contained in Vesting Tentative Tract No. AA 60403 VTT being processed concurrently with this determination and any subsequent modifications thereto, to the satisfaction of the Advisory Agency of the Department of City Planning.

Specific Plan Project Permit Compliance, Variance and Site Plan Review Conditions

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 December 9, 2004 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.

COASTAL COMMISSIONEXHIBIT # 7
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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.

7. **Joint Living and Working Quarters.** Five dwelling units identified as Joint Living and Work Quarters, as shown in the site plan and elevation labeled "Exhibit A" and stamped and dated December 9, 2004 attached to the subject case file, may be allowed on the ground floor frontage of the property on Rose Avenue, provided that a minimum of 33-percent of the floor area on the ground floor of those units are used for residential purposes. Retail only uses may be developed for any or all of the Joint Living and Work Quarters units.
- a. The units shall have their primary ground floor pedestrian entrance from Rose Avenue, even if other pedestrian entrances are provided.
 - b. At least 60 percent of the frontage at ground floor level shall consist of doors and display windows or windows affording views into the unit. Nonreflective glass shall be used to allow maximum visibility from sidewalk areas into the interior of buildings.
 - c. The authorized use shall be of no force and effect unless and until satisfactory evidence is presented to the Department of City Planning for review and attachment to the subject case file that a business tax registration certificate has been issued to the tenant by the Office of Finance pursuant to Los Angeles Administrative Code Section 21.03 permitting those persons to engage in business.
 - d. 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.** A minimum of 247 on-site parking spaces shall be provided on-site.
9. **Parking (Non-residential)** The restaurant/bakery shall provide one space for each 50 square feet of Service Floor area, as defined as all areas where the customer can be served, except the restroom, including the indoor and outdoor dining area, bar, waiting room and tavern (Section 5 and 13 of the Venice Coastal Zone Specific Plan). Any other non-residential use shall provide parking in compliance with the Venice Coastal Zone Specific Plan as determined by the Department of City Planning.
10. **Parking (Residential).** The project shall provide two spaces for each dwelling unit, including live/work units; 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.

COASTAL COMMISSION

EXHIBIT # 7
PAGE 4 OF 34

- 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 are 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 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.

For the 7 very-low income units, the project shall provide a minimum of one parking space per unit, for a total of 7 parking spaces.

11. **Parking (Access).** The parking access for the residential and commercial uses to be located in the C4-1 zone may be permitted from the RD1.5 zoned portion of the project site.
12. **Loading.** No loading and unloading activities shall occur on Rose Avenue from 7:00 AM to 6:00 PM. Public sidewalks and alleys 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.
13. **Facade.** The facade of the building shall be articulated/varied so that the facade is a not a flat surface, with a change of material or with a break in plane for every 20-feet in horizontal length and for every 15 vertical feet, as shown in the elevations labeled "Exhibit A," stamped and dated December 9, 2004 attached to the subject case file.
14. **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.
15. **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.

16. **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.
17. **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.

Zoning Administrator's Adjustment Conditions

18. **Yards.** Reduced yard setbacks shall be permitted as shown on the Site Plan labeled "Exhibit A" and stamped and dated December 9, 2004 attached to the subject case file and as follows:
- a. For the RD1.5-1 zoned portion of the project site:
- 1) A 6-foot setback shall be permitted along the easterly and westerly property lines fronting Rennie Avenue and 5th Avenue.
 - 2) A 0-foot setback shall be permitted along the northerly property line (abutting the C4-1 zoned portion) of the project site.
 - 3) A 0-foot setback shall be permitted along the common rear lot line of the two existing RD1.5 zoned lots.
 - 4) There shall be a minimum 15-foot setback along the southerly property line abutting the adjoining RD1.5 zoned properties.
- b. For the C4-1 zoned portion of the project site:
- 1) A 0-foot setback shall be permitted along the northerly property line fronting Rose Avenue
 - 2) A 0-foot setback shall be permitted along the easterly and westerly property lines fronting Rennie Avenue and 5th Avenue.
 - 3) A 0-foot setback shall be permitted along the southerly property line (abutting the RD1.5-1 zoned portion) of the project site.

Conditional Use Conditions

COASTAL COMMISSION

EXHIBIT # 7
PAGE 6 OF 34

19. **Hours of Operation.** For the ground floor restaurant/bakery, the hours of operation of the subject facility shall be permitted from 6:00 AM to 11:00 PM.

Mello Act Compliance

20. Reserved Affordable Units shall be included in the total number of dwelling units to be constructed on the subject property (a maximum 75 dwelling units, see Condition 3 above).
- 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

21. **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.
22. **Public Improvements.** Dedication(s) and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property 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.

The dedications and improvements shall include, but not be limited to, the following:

- 1) The project shall dedicate 5-feet along the project's frontage on Rennie Avenue and improve the existing roadway to complete an 18-foot half roadway within a 30-foot half right-of-way.
- 2) Restripe the southbound approach of Lincoln Boulevard at Rose Avenue to provide for an exclusive right-turn lane, two through lanes and one left-turn lane. Modify and relocate traffic signals equipment, striping, detectors, signs, catch basins, utilities, etc. as necessary.
- 3) The project shall contribute a fair-share contribution of \$312,000 in the form of a Letter of Credit, to guarantee for the planning and implementation of Lincoln Corridor enhancements rapid bus transit system. The Letter of Credit shall be in effect for a period of 5-years from the date of the first Certificate of Occupancy. This payment shall be made to the City of Los Angeles Department of Transportation prior to the issuance of any building permit.

In the event that neither of the prescribed mitigation measures (2 and 3) can be implemented prior to the issuance of a permanent Certificate of Occupancy, the applicant shall be required to substitute an appropriate mitigation measure to the satisfaction of DOT.

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- 4) The applicant shall contact the Bureau of Engineering, Department of Public Works, to determine dedication and widening requirements for Rose Avenue and 5th Avenue.
- 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 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.
- 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.
- k. Any City required art fees (one percent for art) shall be spent on-site at this location, if feasible, to the satisfaction of the Cultural Affairs Department (Volunteered)

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

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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.

23. **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.
24. **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.
25. **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 to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday. 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 haul routes and staging areas shall be subject to approval by the Department of Building and Safety and Department of Transportation.
26. **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.

Environmental Conditions

27. **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 Sections 12.40 through 12.43 of the Municipal Code, by a licensed landscape architect to the satisfaction of the Department of City Planning.
28. **Graffiti.** The owners shall maintain the subject property clean and free of debris and rubbish and promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8104 and 91.8104.15. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs.
29. **Lighting.** Outdoor lighting shall be designed and installed with shielding, so that the light

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source cannot be seen from adjacent residential properties.

30. **Glare.** The exterior of the proposed building shall be constructed of materials, such as, high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces.
31. **Air Pollution (Stationary).** The applicant shall install an air filtration system to reduce the diminished air quality effects on occupants of the project.
32. **Seismic.** The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
33. **Construction (Air Quality).**
- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
 - b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
 - e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
34. **Construction (Noise).** The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- a. Construction shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.
 - b. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
 - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.

35. General Construction.

- a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

36. Liquefaction. A geotechnical report shall be prepared by a registered civil engineer or certified engineering geologist in compliance with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that consider building design. Building design mitigation measures should consider, but not be limited to: ground stabilization, foundation type and depths, and structural systems to accommodate anticipated displacements.

37. Asbestos Containing Materials. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no asbestos containing materials are present in the building. If asbestos containing materials are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

38. Stormwater and Urban Runoff Pollution Control. The project shall comply with the following:

- a. Ordinance Nos. 172,176 and 173,494 (Stormwater and Urban Runoff Pollution Control), which require the application of Best Management Practices (BMPs).
- b. Chapter IX, Division 70 of the Municipal Code, which addresses grading, excavations, and fills.

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- c. The Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board (A copy of the SUSMP can be downloaded at <http://www.swrcb.ca.gov/rwqcb4/>).
- d. Applicable requirements associated with the National Pollutant Discharge Elimination System Permit regulations. The developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to the issuance of any building or grading permits. A General Permit for Stormwater Discharge shall be obtained from the Southern California Regional Water Quality Board, in accordance with NOI instructions.
- e. Stormwater BMPs shall be incorporated to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the *Development Best Management Practices Handbook Part B Planning Activities*. A signed certificate shall be required from a California licensed civil engineer or licensed architect that the proposed BMPs comply with this numerical threshold standard.
- f. A Stormwater Pollution Prevention Plan shall be prepared by a California licensed civil engineer or licensed architect, to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation, that shall include the following:
- 1) Identifies the sources of sediments and other pollutants that affect the quality of storm water discharge;
 - 2) A monitoring program and reporting plan for the construction period.
- The Stormwater Pollution Prevention Plan shall be retained at the construction site.
- g. Appropriate erosion control and drainage devices shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code.
- h. Any connection to the sanitary sewer shall be required to receive authorization by the Bureau of Sanitation.
- i. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- j. The owner shall record a covenant and agreement satisfactory to the Department of City Planning binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.
- k. Design an efficient irrigation system to minimize runoff including: (1) drip irrigation for shrubs to limit excessive spray; (2) shutoff devices to prevent irrigation after significant precipitation; and (3) flow reducers.

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39. **Food Service Industry (Restaurants, Bakeries, Food Processors)** Environmental impacts may result from the release of toxins into the stormwater drainage channels during the routine operation of restaurants, bakeries, and food producers. However, the potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).
- a. Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
 - b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
 - c. Maximize trees and other vegetation at each site by planning additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
 - d. Promote natural vegetation by using parking lot islands and other landscaped areas.
 - e. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing rock outlet protection. Rock outlet protection is physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair, and maintain the outlet protection after each significant rain.
 - f. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
 - g. Cleaning of oily vents and equipment to be performed within designated covered area, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis to remove any solids; and the oil absorbent pads must be replaced regularly according to manufacturer's specifications.
 - h. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.

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- i. Reduce and recycle wastes, including oil and grease.
 - j. Store liquid storage tanks (drums and dumpsters) in designated paved areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, curbs, or dikes. Use drip pans or absorbent materials whenever grease containers are emptied.
 - k. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
 - l. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
 - m. Legibility of stencils and signs must be maintained.
 - n. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
 - o. The storage area must be paved and sufficiently impervious to contain leaks and spills.
 - p. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
 - q. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
 - r. Prescriptive methods detailing BMPs specific to the "Restaurant" project category are available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the City's website at www.lastormwater.org.
40. **Landscaped Buffer.** A minimum 15-foot wide landscape buffer shall be planted adjacent to the southerly property line that abuts residential uses in the RD1.5 zone. A landscape plan prepared by a licensed Landscape Architect shall be submitted to and approved by the Department of City Planning prior to issuance of any building permit.
41. **Noise (Retail Markets, Bars, Entertainment).** A 6-foot in height solid decorative masonry wall shall be constructed along any property line containing a residential use, adjacent to the residential properties, if no such wall currently exists.
42. **Fire.** The requirements of the Fire Department relative to fire safety shall be incorporated into

the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:

- a. Fire lanes, where required, shall be a minimum of 20 feet in width;
- b. All structures shall be within 300 feet of an approved fire hydrant;
- c. Entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

43. **Police.** The building plans shall incorporate design guidelines relative to security, semi-public and private spaces (which may include but not be limited to access control to building), secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities and building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Refer to *Design out Crime Guidelines: Crime Prevention Through Environmental Design* published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, Phone: 213-485-3134). These measures shall be approved by the Police Department prior to the issuance of building permits.
44. **Solid Waste.** The developer shall institute a recycling program to the satisfaction of the Department of City Planning to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.

Administrative Conditions

45. **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.
46. **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.
47. **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.
48. **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.

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49. **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 agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
50. **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.
51. **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, Zoning Administrator's Adjustment, Conditional Use, 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. The applicant/owner shall have a period of three years from the effective date of the subject grant for the Site Plan Review to effectuate the terms of this entitlement by either securing a building permit or a certificate of occupancy for the authorized use.

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.

52. **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; and Low Medium II density Residential, with corresponding zones of RW1, RW2, RD2 and RD1.5. The portion of the subject site designated Community Commercial is zoned C4-1 and is consistent with the Plan designation. The portion of the subject site designated Low Medium II density Residential is zoned RD1.5-1 and is consistent with the Plan 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.

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Policy 2-1.5: Require that commercial projects be designed and developed to 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 Rose Avenue to Plan designated Collector Street 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 existing community and provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas.

The requested exception will increase density by 25 percent. The Specific Plan however provides no guidelines for the provision of affordable dwelling units which permitted pursuant to Municipal Code Section 12.22 A.25 and California Government Code Section 65915(b). The project will utilize the density bonus as a matter of right and provide 10 percent of the base dwelling units permitted, 7 dwelling units.

The project is located on a property which contains numerous lots but has functioned as one lot, containing the Pioneer Bakery manufacturing facilities, for a number of years. The proposed project has been designed to comply with many of the design standards of the Specific Plan and is seeking exception from those provisions that cannot be complied with due to the provision of 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. The Transit Agencies are planning to implement a rapid bus system on the Lincoln Corridor that would improve transit service. The project will contribute a fair-share contribution of \$312,000 via a Letter of Credit for planning and implementation of this enhancement.
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 and Low Medium II density Residential in the LUP. The proposed project is consistent with these designations.
9. **Conditional Use Findings.** Pursuant to Section 12.24 E of the Municipal Code:
- a. *The proposed location will be desirable to the public convenience or welfare.*

Rose Avenue, between Lincoln Boulevard and 4th Avenue, is identified in the Community Plan as an area for development of mixed-use. The Community Plan encourages this type of project in this location. The project will eliminate a currently existing "by-right" non-conforming manufacturing use. The proposed mixed-use project will eliminate the existing bakery's 18-wheel supply trucks from the area.

The project is designed to comply with all requirements for Commercial Corner Developments except for the hours of operation. The previous existing manufacturing bakery operated 24-hours in this location. The proposed new use, a retail restaurant bakery will open at 6:00 AM to service neighbors before they leave for work. These hours will be a reduction in hours of operation at this site.

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

Rose Avenue, between Lincoln Boulevard and 4th Avenue, is identified in the

Community Plan as an area for development of mixed-use. The Community Plan encourages this type of project in this location. The project will eliminate a currently existing "by-right" non-conforming manufacturing use. The commercial component of the project along with the live work units are oriented to Rose Avenue and away from the Low Medium II density Residential area. The ground floor residential units in the Low Medium II density Residential area are oriented to the street with street front entrances rather than turning a blank wall to the community.

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

Rose Avenue, between Lincoln Boulevard and 4th Avenue, is identified in the Community Plan as an area for development of mixed-use. The Community Plan encourages this type of project in this location. The project will eliminate a currently existing "by-right" non-conforming manufacturing use. The commercial component of the project along with the live work units are oriented to Rose Avenue and away from the Low Medium II density Residential area. The ground floor residential units in the Low Medium II density Residential area are oriented to the street with street front entrances rather than turning a blank wall to the community.

The project as designed and with the requested height will not be detrimental to the character of the neighborhood. The project will not create a 40-foot high wall along the street. The project design includes a pitched roof, and due to a change in grade over the entire site, the project will appear to be approximately 30-feet to 33-feet in height along Rose Avenue, with the pitched roof rising to a height of approximately 39-feet.

A 15-foot landscaped buffer will be provided between the project and abutting adjacent residential development, allowing light and air to reach the surrounding properties.

- d. *The proposed location will be in harmony with the various elements and objects of 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).

- e. *The Commercial Corner Development is consistent with the public welfare and safety.*

The project will eliminate a permitted "by-right" non-conforming manufacturing use. The existing bakery has expanded over time into the adjacent residential neighborhood. The bakery's manufacturing use predates the neighboring uses and is no longer consistent with the area zoning designations. The proposed mixed-use project will eliminate the existing bakery's 18-wheel supply trucks from the area.

- f. *Access, ingress, and egress to the Commercial Corner Development will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, based on data provided by the Department of Transportation or by a licenced traffic Engineer.*

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The C4 portion of the site could be developed with approximately 44,845 square feet of retail/office space or 21,636 square feet of retail space. A mixed-use project at this site not only limits the commercial intensification of the area, it also generates substantially less traffic. According to the traffic study approved by DOT an office/retail project with a 50/50 split of uses would generate 2,957 daily trips, 269 PM peak trips. A retail only project would generate 2,547 daily trips, 208 PM peak trips. The proposed mixed use project will generate 1,321 daily trips, 99 PM peak trips.

Ingress and egress have been placed on Rennie Avenue and 5th Avenue in order to encourage the pedestrian movement on Rose Avenue.

- g. *There is not a detrimental concentration of Commercial Corner Developments in the vicinity of the proposed Commercial Corner Development.*

The commercial development along Rose Avenue primarily consists of small, one story retail shops on small lots approximately 40-feet by 100-feet. The street also contains a number of dwelling units located behind stores and stand alone residential development. The project will not create a detrimental concentration on Commercial Corner Development.

- h. *The Commercial Corner Development is not located in an identified pedestrian oriented, commercial artcraft, community design overlay, historic preservation overlay, or transit-oriented district, area or zone, or if the lot or lots are located in the identified district, area, or zone, that the Commercial Corner Development would be consistent with the district, area or zone.*

Rose Avenue, between Lincoln Boulevard and 4th Avenue, is identified in the Community Plan as an area for development of mixed-use. Ingress and egress have been placed on Rennie Avenue and 5th Avenue in order to encourage the pedestrian movement on Rose Avenue.

The Community Plan encourages this type of project in this location. The proposed project is consistent with an Objective of the Community Plan is to reduce vehicular trips and congestion by developing housing in proximity to services and facilities. The project implements a Policy to locate higher densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development and encourage multiple-family residential development in commercial zones.

10. **Variance Findings.** Pursuant to Section 12.27 D of the Municipal Code:

- a. *The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.*

The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships. The Municipal Code section does not take into account properties with two different zone designations. The lots dual zoning, C4-1 and RD1.5-1 are a commercial zone and a residential zone. Practical

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difficulties and unnecessary hardships will be created if the project is required to achieve all provisions of both zones.

Parking for the units to be located in the C4 zone portion of the project must be located on the C4 portion of the property. All project parking will be provided in a subterranean parking structure under the subject property in both the C4 and RD1.5 zones. Once a car enters the subterranean structure it will no longer be visible to the general public. Since the parking is subterranean, and this is one unified building project, it will not be an apparent visible impact if a car parks in the C4-1 or RD1.5-1 zone. Any potential impact to the surrounding community is eliminated.

- b. *There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.*

The project site is one of the larger properties in the area and the bakery use has existed in this location for a number of years. In addition, due to the size of the property, it extends onto lots that are zoned RD1.5. This is a special circumstance as there are no other large properties such as this spread over two zone classifications in the vicinity.

The size of the site is approximately 61,980 square feet. According to the Local Coastal Land Use Plan, lots range in size from less than 3,000 square feet near the beach to 5,000 square feet near Lincoln Boulevard. The size of each lot and the fact that they have been combined as part of an integrated site for so long is a special circumstance applicable to the subject property.

- c. *The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in questions.*

As described above, special circumstances exist on the project site. The property has two zoning classifications over two different portions of the site. Other property in the vicinity have a single zone and are much smaller in size. It is impractical to have the subterranean parking for a single mixed-use building function separately based on underlying zone.

- d. *The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

The variance request is to permit the parking for residential and commercial uses to be located in the C4-1 zone and access to that parking from the RD1.5 zone, which is otherwise not permitted from a more restrictive to a less restrictive zone. The variance will allow for a project designed to blend into the surrounding community. The commercial component of the project along with the live work units are oriented to Rose Avenue and away from the Low Medium II density Residential area. The ground floor residential units in the Low Medium II density Residential area are oriented to the street with street front entrances rather than turning a blank wall to the community.

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Granting the requested variance will permit a well-designed, integrated mixed-use development situated on a site in a manner where the surrounding community will be unaware of how the subterranean parking is divided. A mixed-use project will generate less traffic than an all commercial project and the design, with ingress and egress from Rennie Avenue and 5th Avenue, will disperse traffic flow. All circulation will be underground, eliminating any detrimental impacts.

- e. *The granting of the variance will not adversely affect any element of 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).

11. Zoning Administrator's Adjustment Findings. Pursuant to Section 12.28 C 4 of the Municipal Code:

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

The project is located on a site that contains two zoning designations and eight lots. Due to the configuration of the lots and the dual zoning on the subject property, the subject site has been determined to have three front yards located along the RD1.5 portions of Rennie Avenue and 5th Avenue and along Rose Avenue. The project design includes one front yard, two side yards and one rear yard, with the Rose Avenue frontage being the front.

The applicant is requesting approval to construct a building with a 0-foot front yard, typical of commercial developments fronting on Rose Avenue. The applicant is also requesting a 0-foot side yard along the Rennie Avenue and 5th Avenue street frontage in the C4 zone and a 6-foot side yard in the RD1.5 zone and a 15-foot rear yard abutting the projects southerly neighbors.

The Municipal Code also requires setbacks for zone boundary lines which generate a hardship since the project is proposed for a site that has accommodated a single been use for a number years. The project is proposed as a uniformed development over the entire site.

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

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

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

The spirit and intent of the Code is to ensure adequate light and air is available to residents of abutting dwelling units. The project has been designed to break up the mass of the structure by creating two courtyards and has been set back 15-feet from abutting adjoining residential properties. The project though requesting reduced

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yards will be consistent with surrounding commercial building setbacks along Rose Avenue.

The project will include a 6-foot landscaped setback adjacent to public streets dedicated to a minimum width of 50-feet, creating a minimum 56-foot buffer from the proposed building to the closest property line, and even further from the closest building.

- 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 18 below)

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

The configuration of the site, the individual lots on the site and the two different zone classifications over the site make strict adherence to zoning regulations impractical or infeasible. If the project met the requirements for each zone and lost based on the current configuration it would require building separations on both sides of the zone boundary. This would impact the number of dwelling units on the site and the number of affordable dwelling units constructed.

12. 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 Venice Coastal Zone Specific Plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.*

The applicant proposes to develop a mixed-use project that crosses over an existing zone boundary creating an integrated project on the subject site. Previous cases on the subject site show that the site has historically been as one parcel. A subterranean parking structure will be built from property line to property line and act as the base for the proposed mixed-use project.

The Venice Coastal Zone Specific Plan's regulations discourage lot consolidations, however the subject site has functioned as one lot in its current configuration for many years.

The Venice Coastal Zone Specific Plan regulates permitted density and floor area for all of the zones in the Specific Plan area. However, the Specific Plan does not take into account sites that are located with two separate underlying zones. A portion of the subject site along Rose Avenue has a Plan designation of Community Commercial and a zone of C4-1. Another portion of the site which fronts both Rennie Avenue and 5th Avenue has a Plan designation of Low Medium II density Residential and a zone of RD1.5. The requested exception is to allow for a single project on the property to be built in both zone classifications. The request will not exceed the overall density or floor area permitted for the project site, only to reallocate it evenly over the entire site.

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The Specific Plan regulations would locate a majority of the units, more than 90 percent, on the C4 zoned portion of the site. This would result in smaller units for this portion of the project, large units on the RD1.5 portion of the project site and less functional and integrated project.

The project will be three stories and will provide 7 very low income dwelling units. In the Oakwood subarea, the Specific Plan limits buildings to 25-feet in height and, with a pitched roof, to 30-feet. However, a special circumstance is created with mixed-use in that the commercial space requires a higher floor-to-ceiling height than the residential located on top. The Specific Plan promotes the mixed-use concept, but does not provide the development regulation to promote it without a substantial reduction in the number of dwelling units may be developed. A typical commercial floor-to-ceiling height is 13-feet to 15-feet. Residential floor-to-ceiling height is generally 9-feet to 10-feet. The subject project will provide 13-foot commercial floor-to-ceiling heights and residential ceiling heights ranging from 8-feet to 10-feet. An additional 7-feet to 9-feet is proposed for a sloped roof and for other architectural features.

- 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 Venice Coastal Zone Specific Plan area.*

The size of the site is approximately 61,980 square feet. According to the Local Coastal Land Use Plan, lots range in size from less than 3,000 square feet near the beach to 5,000 square feet near Lincoln Boulevard. The size of each lot and the fact that they have been combined as part of an integrated site for so long is an exceptional circumstance applicable to the subject property.

The Specific Plan regulations would locate a majority of the units, more than 90 percent, on the C4 zoned portion of the site. This would result in smaller units for this portion of the project, large units on the RD1.5 portion of the project site and less functional and integrated project.

Height limits are designed to protect abutting properties from impacts associated with height. Due to the size of this site and its location, a 15-foot buffer is proposed along the southerly property line abutting adjacent residentially zoned properties. Since these properties are to the south of the proposed project, shade/shadow impacts would be minimal. Also, the buffer provided is much greater than the 6-feet that would be required if the lots were developed with smaller stand-alone residential developments built to a height of 30-feet. Rennie Avenue, 5th Avenue and Rose Avenue are dedicated to widths ranging from 50-feet to 73-feet. This reduces further any shade/shadow impact on those properties located across the street.

- 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.*

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As described above, special circumstances exist on the project site. The property has two zoning classifications over two different portions of the site. Other property in the vicinity have a single zone and are much smaller in size.

- 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 Venice Coastal Zone Specific Plan's regulations discourage lot consolidations, however the subject site has functioned as one lot in its current configuration for many years.

The size of the site is approximately 61,980 square feet. According to the Local Coastal Land Use Plan, lots range in size from less than 3,000 square feet near the beach to 5,000 square feet near Lincoln Boulevard. The size of each lot and the fact that they have been combined as part of an integrated site for so long is a special circumstances applicable to the subject property.

Spreading the density evenly over the entire site will allow for the project to be better integrated into the community, provide units more equal in size, provide affordable, low and very-low income dwelling units, and spread traffic ingress and egress between Rennie Avenue and 5th Avenue.

Height limits are designed to protect abutting properties from impacts associated with height. Due to the size of this site and its location, a 15-foot buffer is proposed along the southerly property line abutting adjacent residentially zoned properties. Since these properties are to the south of the project, shade/shadow impacts would be minimal. Also, the buffer provided is much greater than the 6-feet that would be required if the lots were developed with smaller stand-alone residential developments built to a height of 30-feet. Rennie Avenue, 5th Avenue and Rose Avenue are dedicated to widths ranging from 50-feet to 73-feet. This reduces further any shade/shadow impact on those properties located across the street. In addition to the project design including a pitched roof, due to a change in grade over the entire site, the project will appear to be approximately 30-feet to 33-feet in height along Rose Avenue, with the pitched roof rising to a height of approximately 39-feet.

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

The proposed project will eliminate a non-conforming use at the site with a use that is encouraged by the Venice Community Plan and its implementing tool the Venice Coastal Zone Specific Plan.

Section 9.A.1.e.(4) allows lot consolidation of more than two lots for mixed-use and multi-family residential projects, provided the project conforms to the existing scale and characteristics of the surrounding community, the required parking is on-site and the project conforms with development standards in Section 9.A.2. Due to a change in grade from Rose Avenue toward the abutting adjacent properties located southerly, the parking structure will not be fully below natural grade, a requirement of 9.A.2.

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The request will not exceed the overall density or floor area permitted for the project site, only to reallocate it evenly over the entire site.

The increased height request will allow the project to provide the required low-income units while still allowing light and air to surrounding properties.

13. 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 Venice 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 is in compliance with the specific plan standards contained in the Venice Coastal Zone Specific Plan for the Oakwood-Milwood-Southeast Venice subarea. The project will provide an articulated facade, parking and guest parking, landscaping, loading areas, 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 structure will be 3-stories in height where it is adjacent to single-family residences and multi-family projects may be developed to that height. The project's parking is located underground, out of sight from surrounding properties. The ingress and egress of vehicles will occur on Rennie Avenue and 5th Avenue to encourage pedestrian movement along Rose Avenue. The project will observe a minimum 15-foot landscaped setback along its southerly edge, thus providing additional buffer from the residential uses located to the south. The project provides parking in compliance with the Specific Plan requirements, which exceeds Municipal Code parking requirements. The project will provide 247 total parking spaces. Two parking spaces per unit plus 1/4 guest parking for residential spaces and 66

restaurant spaces. The project will incorporate appropriate lighting 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.

For the project with a base density of 60-units combined with the State 25% density bonus, for a total of 75-units, the applicant shall provide 14-units for very-low and low income households or 7-units for very low income households, and the units must be provided on-site as required by the conditions of approval herein. 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.

14. 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. 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 2003-7998 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.

- 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.

- 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 appear to 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 Oakwood-Milwood-Southeast Venice 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 Rose Avenue. The property is not adjacent to the shoreline, will not affect visual, scenic, or ecological coastal resources, nor archeological or paleontological resources.

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Environmental impacts found due to the proposed project are identified in the attached environmental clearance, ENV 2003-7998 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.

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.

- 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 not 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.

15. 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 lot consolidation, FAR, height requirements 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 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.*

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

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- 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 a corner commercial use, live/work units which open to Rose Avenue, in a loft style design, street setbacks, and individual residential access to Rennie Avenue and 5th Avenue for those units located on the ground floor. The height of the project includes a pitched roof to step back in height and provide a residential look. The rear of the building, southerly abutting adjacent residential uses is broken-up into three wings to reduce the building mass, and has been set back 15-feet. This will reduce the overall bulk of the building and increase light and air to surrounding properties.

- 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 18 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 is designed with an increased 15-foot yard setback and interior courtyards provide common open space area for the project. The individual units have been designed with individual balconies.

As a mixed-use building, the bakery will provide an amenity for residents of the project and the neighborhood while potentially reducing trips. The 5 live/work units also provide the potential for additional retail amenities.

16. 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.

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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:

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.

17. The approval of the requested Specific Plan Exception, Variance, Zoning Administrator's Adjustment, Conditional Use, Coastal Development Permit, and Specific Plan Project Permit Compliance and Site Plan Review 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.
18. **Environmental.** For the reasons set forth in Proposed Mitigated Negative Declaration No. EN/ 2003-7998 MND, the project will not have a significant effect on the environment.
19. **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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CINDY MISCIKOWSKI

City of Los Angeles
Councilwoman, Eleventh District
President Pro Tempore

June 2, 2005

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Committees
Chair, Public Safety

Vice-Chair, Budget & Finance

Member, Commerce, Energy &
Natural Resources

RECEIVED
South Coast Region

JUN 13 2005

CALIFORNIA
COASTAL COMMISSION

**Re: 512 Rose Ave. (Pioneer Bakery): Appeal A-5-VEN-05-206
CPC-2003-9340-SPE-CDP-CU-ZV-ZAA-SPR-SPP-MEL and Tentative Tract 60403**

Honorable Commissioners:

I am writing to express my strong support for the City of Los Angeles approval through the action of the City Planning Commission of the proposal at 512 Rose Avenue, Pioneer Bakery. This approval was not appealed to the City Council, a testament to the project's sensitive design, refinements, and efforts to provide a design which fit into the fabric of the existing community. Originally proposed for 65 feet in height and 110 units, the project was reduced to 40 feet in height and 75 units during the extensive community outreach process. My support for the reasonable height exception of ten feet largely hinged on the project's full, on-site compliance with the City's Mello Act procedures, which require reservation of 10% of its units for Very Low Income residents. This modest height allowance was necessary to accommodate the on-site affordable units and density bonus units.

On this question of density, the City Planning Commission permitted 1.7 FAR because this project is located on lots zoned both for commercial use and residential use. While the commercial lots allow a 1.5:1 FAR, the residential lots allow a 3:1 FAR. As a whole, the project meets the average density allowed by both zones, and distributes this allowed density over the entire site. The project fully meets parking requirements, and provides required dedications and other mitigations associated with increased density and traffic.

In the Venice Community Plan, Rose Avenue is identified as a an area suitable for mixed-use projects. The General Plan and its designation of "Community Commercial" encourages pedestrian-oriented districts and higher density mixed-use along corridors like Rose Avenue. In addition, the project would replace an existing non-conforming manufacturing use, and is designed to encourage pedestrian activity by placing ingress and egress on side streets. In sum, the well-designed project before you is a distinctive and valuable addition to Rose Avenue, and is consistent with all of the goals of the Local Coastal Plan.

I urge the Commission's support for this project, and denial of the Coastal Commission staff-initiated appeal.

Very truly yours,

cc: Peter Douglas

Westchester Office
7166 W. Manchester Boulevard
Westchester, CA 90045
(310) 568-8772
(310) 410-3946 Fax

City Hall
200 N. Spring Street, Room 415
Los Angeles, CA 90012
(213) 485-3811
(213) 473-6926 Fax

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A5-VEN-05-206

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CITY HALL
LOS ANGELES, CALIFORNIA 90012

JAMES K. HAHN
MAYOR

November 22, 2004

Honorable Mabel Chang
President
City Planning Commission
Los Angeles City Hall
200 North Spring Street, Room 525
Los Angeles, CA 90012

APCW 2003-9340-SPE-CDP-CU-ZAA-SPR-SPP-MEL
Vesting Tentative Tract No. 60403-C
Pioneer Bakery Building Project, 512 Rose Avenue
Hearing Date December 9

Dear Commissioner Chang:

After careful consideration, I am writing to express my full support of the proposed Pioneer Bakery Building at 512 Rose Avenue in Venice. As you know, our City is in dire need of housing options, especially on the west side. This new attractive building will provide housing for 75 families, including opportunities for very low income families, will greatly improve the quality of life for the neighborhood, and will provide sufficient parking for residents and visitors.

The owners of the bakery, the Garacochea family, have been in the community for almost 100 years. I appreciate their efforts to renovate their property, while finding a way to stay in the community. I respectfully urge you to approve the plans to redevelop the Pioneer Bakery Building.

Very truly yours

RS:dk

RENATA SIMRIL

Deputy Mayor Economic Development and Housing

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Dec 3 2003 9:55

Fax: 213-978-0780

ROYAL S. OFFICE

COASTAL COMMISSION

EXHIBIT # 9

PAGE 1 OF 1



PO Box 202 . Venice . California 90294 . Telephone: 310.822.5425 . Fax: 310.314.7641 . Web Site: <http://www.venicechamber.net>

September 30, 2004

Los Angeles City Planning Department
Community Planning Bureau
Los Angeles City Hall
200 North Spring Street, Room 621
Los Angeles, California 90012

RE: APCW 2003-9340-SPE-CDP-CU-ZAA-SPR-SPP-MEL
Vesting Tentative Tract No. 60403-C
Pioneer Bakery Building Project, 512 Rose Avenue

Dear Mr. Howe:

The Venice Chamber of Commerce strongly urges the City to approve the Pioneer Bakery Building Project.

We believe that this project is important for our community and will:

- be a catalyst for the community's efforts to revitalize Rose Avenue
- provide needed new home ownership opportunities
- ensure that Pioneer Bakery will continue to bake their delicious breads and pastries in Venice

In order to make the project architecturally appealing with a varied roofline and to make the units marketable, the project is requesting an exception from the Venice Specific Plan (VSP) to allow for a 40-foot high building. The Chamber supports this request since this project is surrounded by public streets and sidewalks on three sides, will have a broad 20-foot wide sidewalk on Rose Avenue, and will have a 15-foot setback at the rear of the project (more than double the required setback). Because these features allow for a generous setback from the surrounding properties, the Chamber Board felt that this exception would allow this important project to be successful.

Pioneer Bakery has been an active part of the Venice community for nearly 100 years. We appreciate the Garacochea Family's efforts to develop a good project that is attractive and maintains their presence in our community.

Please do not hesitate to contact me at 310-664-7920 if need additional information. Thank you for your time and attention to this important matter.

Sincerely,

Mary Ballou Richert

Mary Ballou Richert, President

COASTAL COMMISSION

EXHIBIT # 10

PAGE 1 OF 1

Dan and Nancy Valenzuela

746 Milwood Avenue
Address Line 2
Venice, CA 90291
USA
Home Phone 310-821-2828
Email dooziedan@msn.com

October 19, 2004

Los Angeles City Planning Department
Community Planning Bureau
Los Angeles City Hall

RE: APCW 2003-9340-SPE-CDP-CU-ZAA-SPR-SPP-MEL
Vesting Tentative Tract No. 60403-C
Pioneer Bakery Building Project, 512 Rose Avenue

Dear Mr. Howe:

We are writing this letter to support the proposed Pioneer Bakery Building project at 512 Rose Avenue in Venice, and encourage you to approve the plans for redeveloping the property.

We are 40 year residents of Venice, and as neighbors and friends of the bakery, we appreciate their efforts to design a beautiful project which will benefit the entire neighborhood. We also applaud their willingness to listen to the community's concerns.

Pioneer Bakery has always been a good neighbor and we appreciate their commitment to remain a viable member of the business community in Venice.

We urge you to consider a favorable response to this project.

Sincerely,

Dan Valenzuela
Nancy Valenzuela

Dan and Nancy Valenzuela

COASTAL COMMISSION

EXHIBIT # 11
PAGE 1 OF 1

Los Angeles City Planning Department
Community Planning Bureau
Los Angeles City Hall

November 4, 2004

RE: APCW 2003-9340-SPE-CDP-CU-ZAA-SPR-SPP-MEL
Vesting Tentative Tract No. 60403-C
Pioneer Bakery Building Project, 512 Rose Ave.

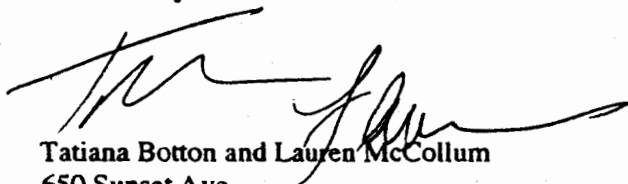
Dear Mr. Howe,

We are writing to register our support of the Pioneer Bakery Project at 512 Rose Ave. in Venice. As owners and longtime residents in that neighborhood, we are pleased that there is an opportunity for the bakery, improved in concert with the community's concerns, to remain a landmark on Rose. The redesigned building is a wonderful improvement to the existing structure while maintaining the spirit of the bakery itself.

We are well aware of how difficult a project of this size is to get underway and of the responsibility the project coordinators have to the community at large. We are pleased and grateful that the design team has made the effort to create a dialogue with the community and incorporate it's suggestions into the project (particularly the parking and building height issues). We hope that this sets the tone for future developments.

We urge you to approve the project to benefit the ongoing enhancement of the Rose Avenue community.

Thanks for your consideration,



Tatiana Botton and Lauren McCollum
650 Sunset Ave.
Venice, CA 90402

COASTAL COMMISSION

EXHIBIT # 12
PAGE 1 OF 1

Los Angeles City Planning Department
Community Planning Bureau
Los Angeles City Hall

November 13, 2004

RE: APCW 2003-9340-SPE-CDP-CU-ZAA-SPR-SPP-MEL
Vesting Tentative Tract No. 60403-C
Pioneer Bakery Building Project, 512 Rose Avenue

Dear Mr. Howe:

I am writing you to show my support of the proposed Pioneer Bakery Building at 512 Rose Avenue in Venice. I am a homeowner who lives only one block from the site, and I rent out another property near by. For over twenty year I have enjoyed shopping at this community business. As a loyal customer I don't want to lose access to the bakery. The proposed plans will not only keep the bakery here, but will beautify the area and serve as a needed improvement to Rose Avenue. I have also watched the neiborhood change in many ways including lack of affordable houseing, limmited parking, and expanding traffic problems. I was very pleased to discover that while developing this project all of thoesse issues were taken into account. This building is a important improvment to and to the whole community. For all of these reasons I strongly support this project and urge you to approve their plans.

Thank you for your consideration.

Regards,

Leesa Wood
Leesa Wood

COASTAL COMMISSION

EXHIBIT # 13
PAGE 1 OF 1

-----Original Message-----

From: Donn Hoffman [mailto:dante@publicinterest.tv]
Sent: Thursday, September 09, 2004 6:36 AM
To: jim@craiglawson.com
Subject: Pioneer Bakery development

Jim--

Thanks so much for your forthright answers to my questions about the Pioneer Bakery development. After speaking with you and the other folks last night I feel much better about the project.

Please let me know about the public hearings. I am:

Donn Hoffman
8383 Wilshire Blvd., #632
Beverly Hills, CA 90211

dante@publicinterest.tv

Thanks,
-- Donn H.

COASTAL COMMISSION

EXHIBIT # 14
PAGE 1 OF 1

Pioneer Bakery Project
Consensus Planning Study
626 Washburn Suite # 1000
LA 690017

To Whom It May Concern:

We own and live at
~~the~~ property which is
adjacent to the Pioneer
Bakery. Our property is
located at 250 4th Ave,
Venice, Ca 90291

We are in full
support of the proposed
project and would like
to see the positive impact
we believe it will have
on our neighborhood and
the community.

Thank you

Katrine Botelho

Viola Barcus

Donald Barcus

Nicholas Botelho

Phone (818) 6536808

(W) (323) 8493301

COASTAL COMMISSION

EXHIBIT # 15

PAGE 1 OF 1

October 2, 2004

Property Advisory Agency
Los Angeles City Hall
200 North Spring St.
Room 102
Los Angeles, CA.

Re Case APCW 2003-9340-SPE-CDP-CU-ZAA-
SPR-SPP-MEL

Dear Agency:

Since 1975 I've lived one block from the Pioneer French Bakery (buying this property in 1977) and always found them to be a good neighbor.

That has not changed with their proposal to shift their property from manufacturing to mixed use. In August I received, as I assume everyone in the area did, a notice from the bakery about their plans for site development.

I'm writing to support them in their proposal.

They have shown an interest in working with the community and a concern for the future of the area.

I'm delighted that they plan to include a retail bakery cafe, so they will continue to have a presence here.

Their courtesy and accessibility is such a contrast to others who plan and hope for changes in our immediate vicinity. It is refreshing and appreciated.

I can be reached by mail or phone if you require further comment.

Sincerely,

Gerda A. Range
208-5th Ave.
Venice, CA 90291
1-310-396-8311
gamy@verizon.net

COASTAL COMMISSION

EXHIBIT # 16

PAGE 1 OF 1

November 4, 2004

Los Angeles City Planning Department
Community Housing Bureau
Los Angeles City Hall

Re: APCU 2003-9390-SPE-CDP-CU-2AA-SPR-SPP-MEL

Verteig Tentative Tract No. 60403-C
Pioneer Bakery Building Project, 512 Rose Avenue

Dear Mr. Howe

I am writing in support of the proposed Pioneer Bakery Building at 512 Rose Avenue, in Venice. This is an important project for our community - It will upgrade the entire neighborhood, by providing needed parking, on the project site; and alleviate the trucks that now go in and out of the facility parking lot - It will upgrade the entire neighborhood.

Pioneer Bakery has always been a good neighbor and their commitment to stay and work with us is a great asset to all.

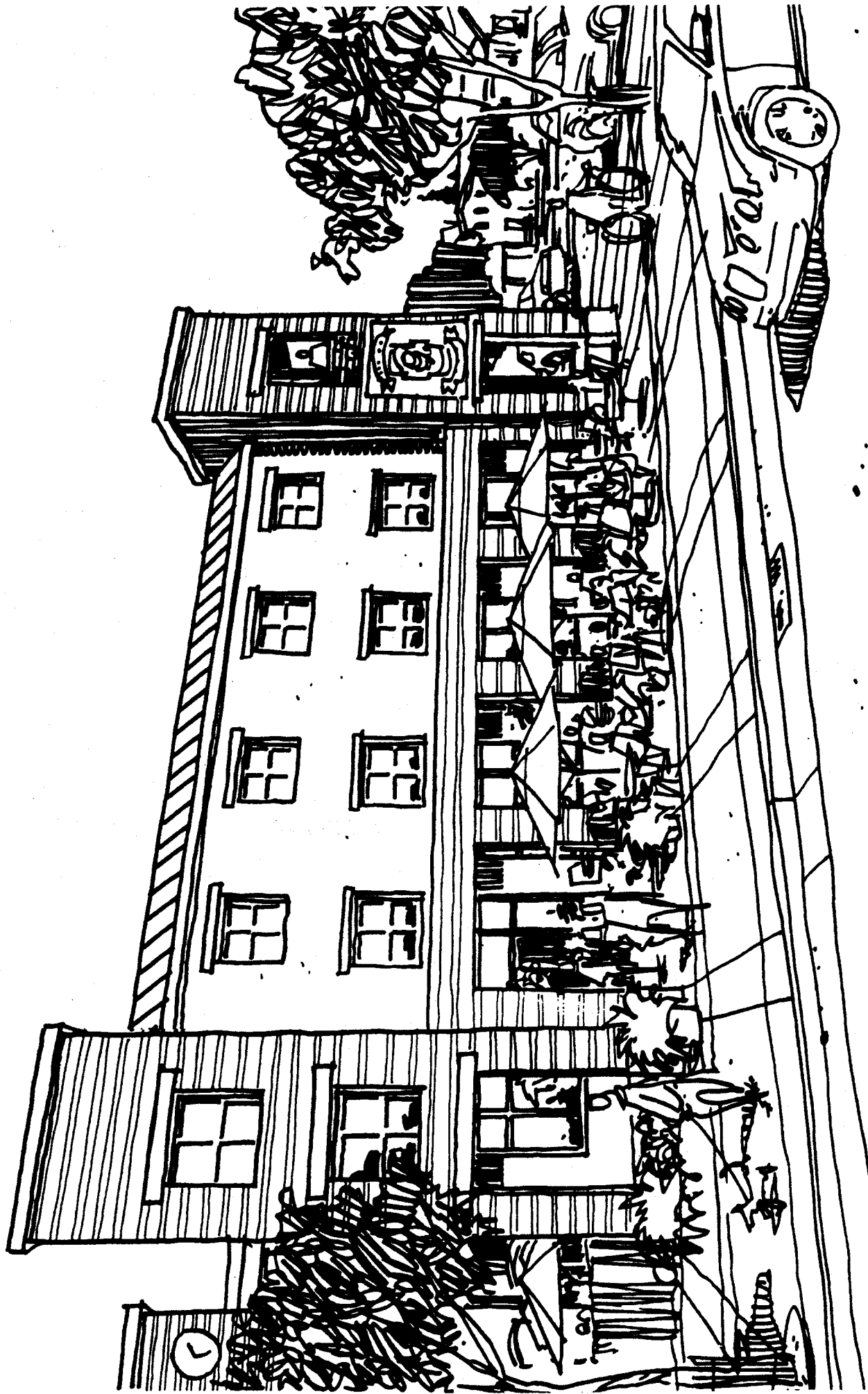
I urge you to approve them -
Thank you

owner: 405/405 1/2 Rose Ave
409 Rose Ave
411 Rose Ave.

COASTAL COMMISSION

Regards,
Dustin Grubis (bx: 21411 Cythera
mission Viejo, Ca 92692) (970)

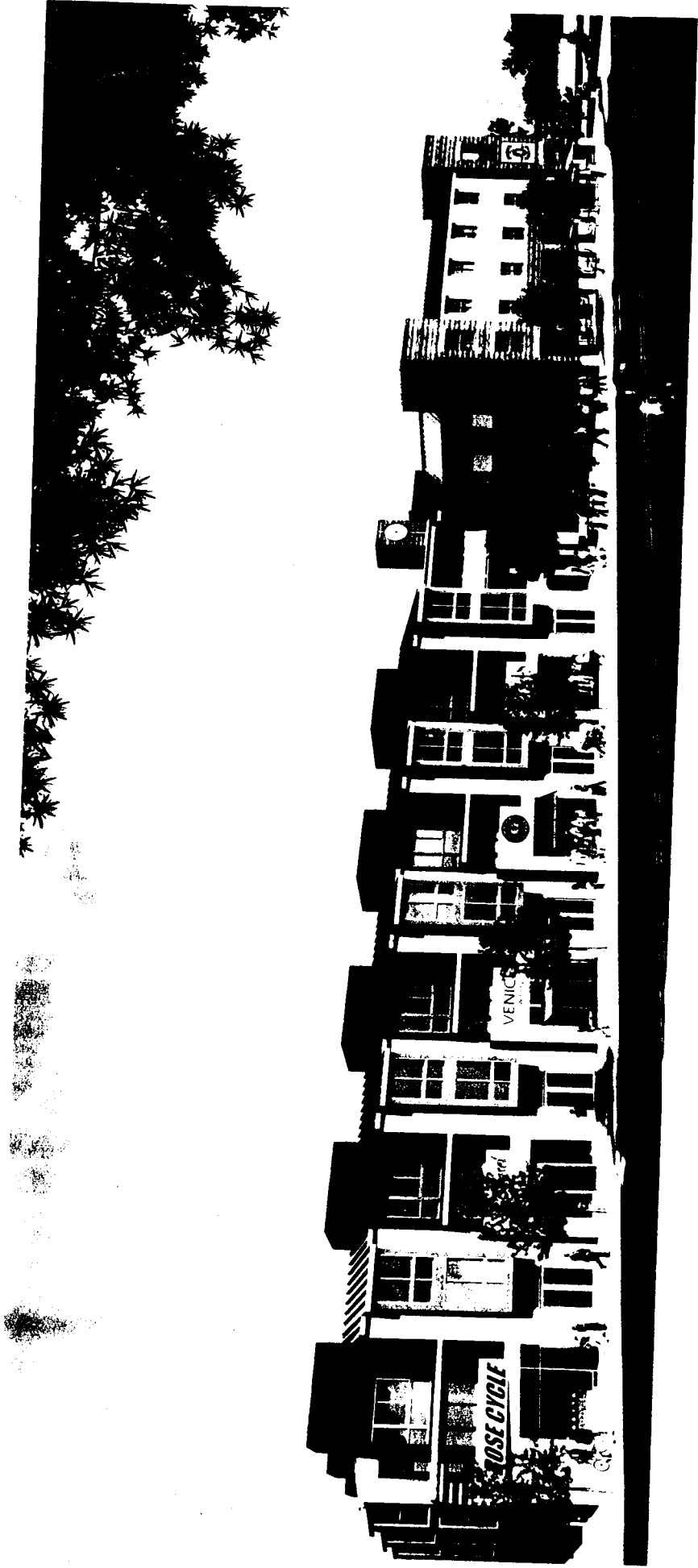
EXHIBIT # 17
PAGE 3 of 1 OF 1



COASTAL COMMISSION
A5-VEN-05-206

EXHIBIT # 18
PAGE 1 OF 1

VIEW OF RESTAURANT FROM ROSE AVE.



VIEW OF ROSE AVE./ RENNIE AVE. CORNER

COASTAL COMMISSION
A5-VEN-05-206

EXHIBIT # 19

PAGE 1 OF 1

