

**CALIFORNIA COASTAL COMMISSION**

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# W23a-d

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## STAFF REPORT: REGULAR CALENDAR

**Application Nos.:** 5-14-0288, 5-14-0289, 5-14-0290, 5-14-0253

**Applicant:** Mildred 4, LLC

**Project Location:** 639, 641, 647 and 651 Mildred Ave., Venice, City of Los Angeles  
(Los Angeles County)

**Project Descriptions:** These four applications are for: demolition of an existing single family residence at 651 Mildred Ave. and construction of a new single family residence; Construction of new single family residences at 639, 641, and 647 Mildred Ave. on 3 separate lots, which combined were previously used as the "Venice Community Gardens."

5-14-0288; 639 Mildred Ave.: Construction of a 2,091 sq. ft. 3-story plus roof deck, 27 ft. high, single family residence with an attached 495 sq. ft. 3-car garage on a 2,000 sq. ft. lot previously used as a community garden.

5-14-0523; 641 Mildred Ave.: Construction of a 2,143 sq. ft. 3-story plus roof deck, 27 ft. high, single family residence with an attached 472 sq. ft. 3-car garage on a 2,000 sq. ft. lot previously used as a community garden.

5-14-0290; 647 Mildred Ave.: Construction of a 2,143 sq. ft. 3-story plus roof deck, 27 ft. high, single family residence with an attached 472 sq. ft. 3-car garage on a 2,000 sq. ft. lot previously used as a community garden.

5-14-0289; 651 Mildred Ave.: Demolition of a 1 story, 789 sq. ft. single family residence and construction of a 2,091 sq. ft. 3-story plus roof deck, 27 ft. high, single family residence with an attached 495 sq. ft. 3-car garage on a 2,000 sq. ft. lot.

**Staff Recommendation:** Approval with conditions

## SUMMARY OF STAFF RECOMMENDATION

The applicant, Mildred 4, LLC, proposes the demolition of 1 existing single family residence and construction of 4 new single family residences on 4 separate lots on Mildred Ave. in the Venice community in the City of Los Angeles. Major issues before the Commission are related to community character, public concern regarding new construction in Venice, public parking, and the former use of the vacant lot as a community garden.

The proposed projects have received approval from the City of Los Angeles Planning Department (cases #2007-2811-SPPA-SPP; #2007-2812-SPPA-SPP; #2007-2813-SPPA-SPP ) with the appropriate time extensions and is consistent with the RD1.5 zoning designation (Low-Medium II multi-family) and surrounding land uses of the Oakwood/Milwood area of Venice. The proposed projects exceed the Commission's parking requirement of 2 spaces per residential unit at 3 spaces total (3 covered) per unit.

Staff is recommending **approval** of the coastal development permits with the special condition relating to public parking. The development proposal is consistent with the resource protection policies of the Coastal Act. The applicant agrees with the staff recommendation.

### Staff Note:

Section 30600(b) of the Coastal Act allows local government to assume permit authority prior to certification of a local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. Pursuant to Section 30600(b) of the Coastal Act, in 1978, the City of Los Angeles opted to issue its own coastal development permits prior to certification of a Local Coastal Program (LCP), except for those permits eligible for issuance as administrative coastal development permits that would be issued by the Executive Director under section 30624. Such development under 30624 included: 1) improvements to any existing structure; 2) any single-family dwelling; 3) any development of four dwelling units or less within any incorporated area that does not require demolition; and 4) any other development not in excess of one hundred thousand dollars. Projects that qualified as an administrative coastal development permit, the Executive Director has the discretion to process the development as a waiver, pursuant to Section 30624.7 of the Coastal Act, if the Executive Director determined that the development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the policies of Chapter 3 of the Coastal Act. All waivers issued by the Executive Director must be reported to the Commission for approval.

During the March 2014 Commission hearing, public comments made regarding the issuance of De Minimis Waivers for demolition and construction of single family homes in the City of Los Angeles, particularly in Venice, lead to the Commission's decision to remove four De Minimis Waivers from the agenda and place them on the Regular Calendar agenda in near-future hearings. Public concerns from Venice residents expressed during the March hearing included: (1) the lack of policies to ensure consistent community character, (2) the preservation of historic homes, (3) the preservation of low-cost housing, and (4) the lack of local public participation during the approval process for projects issued De Minimis Waivers by the Commission. Most of

these issues can and should be addressed through the establishment of a Local Coastal Program (LCP) for the City of Los Angeles. The public comments also alleged that some applicants do not wait for the Coastal Commission's issuance of Waiver Effectiveness or Permits before beginning demolition of the existing structures.

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- Exhibit 6 – Lease agreement

## **I. MOTIONS AND RESOLUTIONS**

### **Motion 1:**

*I move that the Commission **approve** Coastal Development Permit No.5-14-0288 pursuant to the staff recommendation.*

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

### **Resolution:**

*The Commission hereby approves Coastal Development Permit 5-14-0288 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.*

### **Motion 2:**

*I move that the Commission **approve** Coastal Development Permit No.5-14-0289 pursuant to the staff recommendation.*

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

### **Resolution:**

*The Commission hereby approves Coastal Development Permit 5-14-0289 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.*

**Motion 3:**

*I move that the Commission **approve** Coastal Development Permit No.5-14-0290 pursuant to the staff recommendation.*

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

**Resolution:**

*The Commission hereby approves Coastal Development Permit 5-14-0290 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.*

**Motion 4:**

*I move that the Commission **approve** Coastal Development Permit No.5-14-0523 pursuant to the staff recommendation.*

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

**Resolution:**

*The Commission hereby approves Coastal Development Permit 5-14-0523 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.*

**II. STANDARD CONDITIONS**

This permit is granted subject to the following standard conditions:

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

### **III. SPECIAL CONDITIONS**

#### **1. PUBLIC PARKING**

APPLIES TO CDP Nos. 5-14-0288; 5-14-0289; 5-14-0290; 5-14-0523

The curb cut for each proposed driveway shall be no less than 9 feet wide, based on the City of Los Angeles zoning minimum driveway widths, and no more than 16 feet wide to minimize the loss of public parking on the street. The space in-between the 4 proposed curb cuts shall be designed to maximize public street parking, allowing at least one public parking space at a minimum 20 feet in length, consistent with parking space dimensions for public on-street.

### **IV. FINDINGS AND DECLARATIONS:**

#### **A. PROJECT DESCRIPTION, LOCATION, AND BACKGROUND**

The applicant proposes to demolish a 789 sq. ft. existing single family home on 1 of the 4 contiguous lots and construct, on each of the 4 lot, 4 new single family residences. 3 of the 4 contiguous level lots were previously used as a community garden by local residents, with permission from the previous property owner in the form of a lease agreement that expired in January 2014 (**Exhibit 6**). The 4 contiguous lots are located at 639, 641, 647, and 651 Mildred Ave. in Venice in the City of Los Angeles and the proposed development on each lot is as follows:

639 Mildred Ave.: Construction of a 2,091 sq. ft. 3-story plus roof deck, 27 ft. high, single family residence with an attached 495 sq. ft. 3-car garage on a 2,000 sq. ft. lot previously used as a community garden.

641 Mildred Ave.: Construction of a 2,143 sq. ft. 3-story plus roof deck, 27 ft. high, single family residence with an attached 472 sq. ft. 3-car garage on a 2,000 sq. ft. lot previously used as a community garden.

647 Mildred Ave.: Construction of a 2,143 sq. ft. 3-story plus roof deck, 27 ft. high, single family residence with an attached 472 sq. ft. 3-car garage on a 2,000 sq. ft. lot previously used as a community garden.

651 Mildred Ave.: Demolition of a 1 story, 789 sq. ft. single family residence and construction of a 2,091 sq. ft. 3-story plus roof deck, 27 ft. high, single family residence with an attached 495 sq. ft. 3-car garage on a 2,000 sq. ft. lot.

The project site is in a residentially developed area in the Milwood area of Venice, approximately 1/2 mile from the beach (see **Exhibit 1**). The subject site is not located near the Venice Canals and is not between the first public road (Pacific Ave.) and the sea.

The development conforms with the City's RD 1.5 zoning, which allows 1 dwelling unit per 1,500 sq. ft. of lot area, and the height limit has been approved for structures in the Oakwood/Milwood area of Venice (25 feet high for a flat roof and 30 feet high for a varied roofline). The garages will be accessed from the frontage of the street. The driveways would be a distance of approximately 8 feet from the curb to the garage and would require a minimum 16 foot wide curb cut for cars to navigate into the 3 parking spots. The garage is the width of a 2 car garage, with a third spot in tandem. Each proposed 16 foot curb cut will remove approximately 1 public parking space along the street. Collectively, four 16 foot wide curb cuts will remove a total of 4 public parking spaces from the street. The curb cuts are necessary as there is no alley access at the rear of the property (see **Exhibit 2**).

The proposed project incorporates best management practices (BMPs) during construction to address water quality, and post-construction by filtering water onsite using downspouts and filtration planter boxes and by minimizing impervious surfaces on the project site.

## **B. DEVELOPMENT AND COMMUNITY CHARACTER**

Due to Venice's unique blend of style and scale of residential buildings, historical character, walk streets, diverse population, as well as its expansive recreation area, such as the boardwalk and canals, Venice is not only a popular destination for Southern California area residents, but also for national and international tourists. Accordingly, Venice has engendered a status as one of the more unique coastal communities in the State, and therefore, a coastal resource to be protected. As a primarily residential community, the residential development is a significant factor in determining Venice's community character. The continued change in the residential character of the Venice Community has been a cause of public concern over the years.

The Coastal Act requires that special communities be protected from negative impacts such as excessive building heights and bulks. In particular, Sections 30250(a), 30253(e) and 30251 of the Act state, respectively:

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

*New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

*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 on 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.*

The City of Los Angeles has the ability to issue Coastal Development Permits (CDP) in the coastal zone, however they cannot issue waivers of permits for development. Through the local CDP process, the City of Los Angeles is able to thoroughly address the public participation component of development projects, such as this one, by issuing public notices, holding public hearings and public comment periods for all such development projects in the City of Los Angeles. The Commission also has the ability to issue CDPs for development in Venice and pursuant to section 30624.7, the Executive Director has the authority to issues waivers of CDPs.

Historically, Commission staff has processed applications for CDPs in Venice and the Commission has approved De Minimis Waivers for many projects on the basis that such residential demolition, remodel, addition, or new construction proposals were, in part, consistent with Venice's diverse community character. Recommendations for approval were based on the applicable sections of both the Coastal Act and the Venice Land Use Plan (LUP). However, these policies have not been clearly defined in an implementation plan and certified by the Commission in the form of an LCP.

The following sections of the Venice LUP address historical preservation and character preservation (Appendix A):

Policy I. A. 2. Preserve Stable Single Family Residential Neighborhoods

*Ensure that the character and scale of existing single family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character and scale of the existing development.*

E. Preservation of Venice as a Special Coastal Community

Policy I. E. 1. General.

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

Policy I. E. 2. Scale.

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

Policy I. E. 3. Architecture.

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

Policy I. E. 4. Redevelopment.

*Projects involving large-scale land acquisition and clearance shall be discouraged in favor of rehabilitation, restoration, and conservation projects, especially those involving single family dwellings.*

Policy I. F. 2. Reuse and Renovation of Historic Structures.

*Wherever possible, the adaptive reuse and renovation of existing historic structures shall be encouraged so as to preserve the harmony and integrity of historic buildings identified in this LUP. This means:*

- a. Renovating building façades to reflect their historic character as closely as possible and discouraging alterations to create an appearance inconsistent with the actual character of the buildings.*
- b. Protecting rather than demolishing historic or culturally significant properties by finding compatible uses which may be housed in them that require a minimum alteration to the historic character of the structure and its environment.*
- c. Rehabilitation shall not destroy the distinguishing feature or character of the property and its environment and removal or alteration of historical architectural features shall be minimized.*

*d. The existing character of building/house spaces and setbacks shall be maintained.*

*e. The existing height, bulk and massing which serves as an important characteristic of the resource shall be retained.*

These policies encourage “architectural diversity” in Venice and encourage the preservation of historic structures; however, individual homes not defined as “historic” and labeled as such in the LUP are not protected from demolition and new development. The above policies have not been defined in an implementation plan and certified by the Commission in the form of an LCP nor has the City defined a specific desired architectural style for the various neighborhoods of Venice. The determination that the character of a proposed project is in conformance with the above policies is subjective.

Ultimately, the extent to which the history of such demolition/rebuild/remodel has altered the community character of Venice remains difficult to determine. In order for such a determination to be made, a comprehensive cumulative assessment would likely be required. And, while there is little doubt that a significant amount of redevelopment has occurred within the coastal zone of Venice, it will be difficult to ensure that Venice’s character is protected until Venice’s community character has been defined. Such a definition, as well as a means to adequately protect such character consistent with the Act, is best determined through first a community effort, and subsequently through a Coastal Commission review process as part of the certified LCP. The City of Los Angeles was recently awarded a grant to assist in developing a LCP; however, a date for deliverables has yet to be determined.

The neighborhood of Mildred Ave. in Venice is comprised of a variety of old and new multi-unit residential structures and single-family residences that vary in height between twenty and fifty feet and vary in size and architectural style (see **Exhibit 4**). The majority of homes in the vicinity are 1 and 2 stories, with some 3 story structures. Other than the height and scale of the structure, it is difficult to define the style of the community. Architectural features of existing nearby homes include a mix of Craftsman bungalows on one side of Mildred Ave. and large Modern and Contemporary style homes on the other side of the street. The proposed development is also consistent with the community character in size and scale of existing development in that it is a 3 story, contemporary structure. Past projects similar to the proposed development, or in excess of current proposals, in the general vicinity of the project sites approved by the Commission include:

CDP No. 5-01-164, 665 Mildred Ave., Venice

Construction of a two-story over basement, 30-foot high, 2,487 square foot single family home with an attached 585 square foot three-car garage, on a vacant 2,000 square foot lot.

CDP No. 5-04-0176-W, 2345 Beach Ave., Venice

Demolition of a one-story, 565 square foot single-family residence, and construction of a two-story, 28-foot high, 1,736 square foot single-family residence on a 2,700 square foot lot also occupied by a detached two-car garage

with a second floor recreation room.

CDP No. 5-01-0360, 2338 McKinley Ave., Venice

Demolition of 850 square foot single family residence and garage, and construction of a three-story, 30-foot high (above fronting road), 2,424 square foot single family residence and a detached two-car garage with second floor workshop on a 3,600 square foot lot.

CDP No. 5-10-096-W, 2424 Clement Ave., Venice

Demolition of a one-story, 941 square-foot single-family residence on a 3,603 square foot lot, and construction of a two-story, 25-foot high, 2,175 square-foot single-family residence with a 225 square foot garage and a two-stall carport.

CDP No. 5-06-274-W, 2425 Clement Ave., Venice

Demolition of a one-story, 1,002 square foot single-family residence, and construction of a two-story, 25-foot high (with one 32-foot high roof access structure), 2,900 square foot single-family residence with an attached two-car garage.

The City of Los Angeles has consistently limited new development in the project area to a height of 25 feet (flat roof) or 30 feet (varied roofline) or 28 feet (along walk streets) measured above the fronting right-of-way. All 4 proposed projects were granted a height variance from the City of Los Angeles based on the small size of the lots (2,000 sq. ft. each), allowing the semi-flat roofs to be 27 feet high, instead of 25 feet high for a flat roof. Both the City and the Commission permit roof accessory structures (i.e. chimneys and open roof deck railings) to exceed the height limit by no more than 5 feet if the scenic and visual qualities of the area are not negatively impacted, and by no more than 10 feet for roof access structures. The proposed development includes open railing for the roof deck that will be no more than 4 feet high.

The proposed projects are similar in height and scale to the other existing homes on Mildred Ave., most of which are thirty feet in height and vary in size between 2,000 and 3,000 square feet. Therefore, the homes will be consistent with community character and will have no negative effect on visual resources. The proposed homes can generally be described as contemporary and would be consistent with the style of past construction in the area (see **Exhibit 5**).

The preservation of low-cost housing in the coastal zone was included in early versions of the Coastal Act, however, this criteria was removed from the Coastal Act by the California State Legislature. Accordingly, the Commission no longer reviews the impact of proposed development projects on low-cost housing in the coastal zone. As stated in Policy I. A. 9. of the Venice LUP (see Appendix A, page 2-27) pursuant to Section 65590 of the State Government Code, otherwise known as the “Mello Act,” “the conversion or demolition of existing residential units occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community . . .” Because 3 of the 4 proposals are for

construction on undeveloped lots, and the existing single family residence on the 4<sup>th</sup> lot was previously owner occupied, the projects are not subject to the Mello Act.

The existing single family home at 651 Mildred Ave. is not designated as a historic structure (see **Exhibit 3**). The 4 lots are within an area of diverse architectural style and are located approximately 1/2 mile away from the beach. As proposed, these projects will have no adverse impact on public coastal views, coastal resources, nor coastal access. Therefore, the Commission finds that the development, as proposed conforms with Sections 30250(a), 30253(e) and 30251 of the Coastal Act.

### **C. PUBLIC ACCESS**

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.*

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.*

Section 30252(4) of the Coastal Act states:

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

The proposed development is approximately ½ mile away from the beach and because of its proximity to the beach and demand for beach parking, Mildred Ave. is commonly used as public parking space for beach access. The majority of homes on Mildred Ave. have shared driveways and narrow curb cuts with garages and parking in the rear of the lot. The applicant has proposed a new driveway (with no shared driveways), a new street-front garage, and a new 16 foot wide curb cut for each of the 4 lots. There were previously no curb cuts existing on 3 of the 4 lots and there was one 10 foot wide existing curb cut on 1 lot. The cumulative effect of these 4 new larger curb cuts could negatively impact public parking and potentially, without proper alignment, eliminate all public parking along the 160 foot length of these 4 contiguous parcels on Mildred Ave.

Because there is no alley access to these 4 lots, the curb cuts are necessary; however, the loss of public street parking should be minimized. Therefore, the 4 projects at 639, 641, 647, and 651 Mildred Ave. shall be conditioned to limit the curb cuts to no more than 16 feet wide (**Special Condition No. 1**) and be designed to allow for the maximum number of on-street public parking

spaces by ensuring that the curb cuts are the minimum size necessary to provide adequate and safe access to on-site parking. Alternatively, the 4 projects could be designed to collectively share 2 driveways, as is common in other development on Mildred Ave. However, that was not proposed and the space between the 4 curb cuts shall allow for the maximum number of public parking spaces along the street (at least one space at a minimum of 20 feet in length in between each cut) which will preserve approximately 4 on-street spaces. Therefore, the amount of public parking lost on the street due to the curb cuts (64 total feet of length along the street front) will be no more than 4 spaces total.

As conditioned, the development will not have any new adverse impacts on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210, 30211 and 30252(4) of the Coastal Act.

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

Section 30231 of the Coastal Act states:

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

The proposed development has been designed to capture a percentage of storm water and direct water through gutters and downspouts to infiltration areas on site, specifically planter boxes. As proposed, the Commission finds that the proposed development conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

#### **E. 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 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 Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (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 it was approved by the Commission on November 14, 2000. The Venice LUP was officially certified by the Commission on June 14, 2001.

The proposed projects conform with the certified Venice LUP and are consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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

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

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**APPENDIX A**

**Substantive Files:**

1. Venice Land Use Plan (Commission Approved November 14, 2000)

639, 641, 647, 651 Mildred Ave.  
Project Site



**Exhibit 1**



California Coastal  
Commission

639, 641, 647, 651 Mildred Ave.  
SITE PLAN



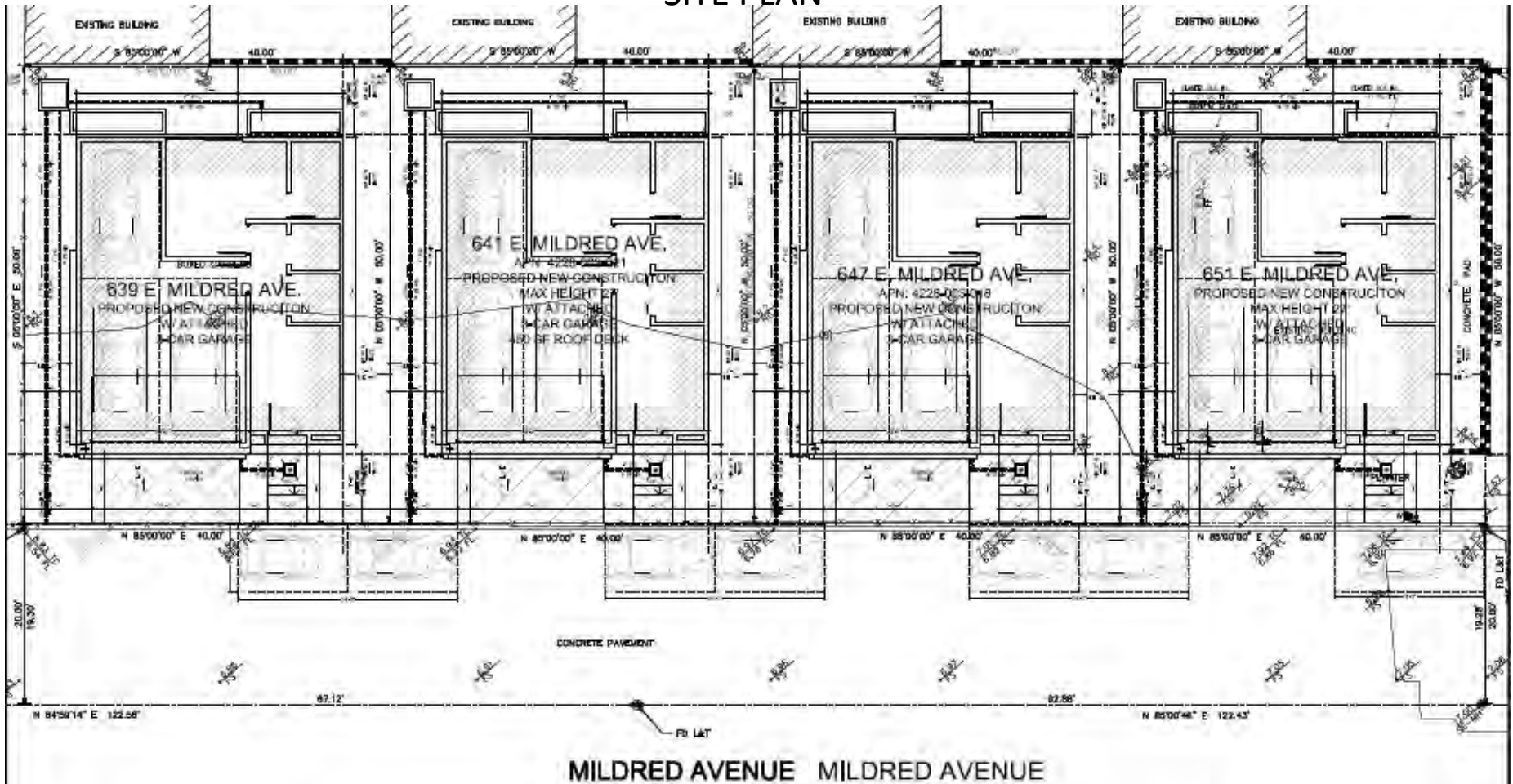
Exhibit 2



California Coastal  
Commission

639, 641, 647, 651 Mildred Ave.

## SITE PLAN



SITE PLAN

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



Exhibit 2



California Coastal  
Commission

651 Mildred Ave.  
EXISTING HOME



03/21/2014 10:27

Exhibit 3



California Coastal  
Commission

639, 641, 647 Mildred Ave.  
Community Garden Lots



03/21/201

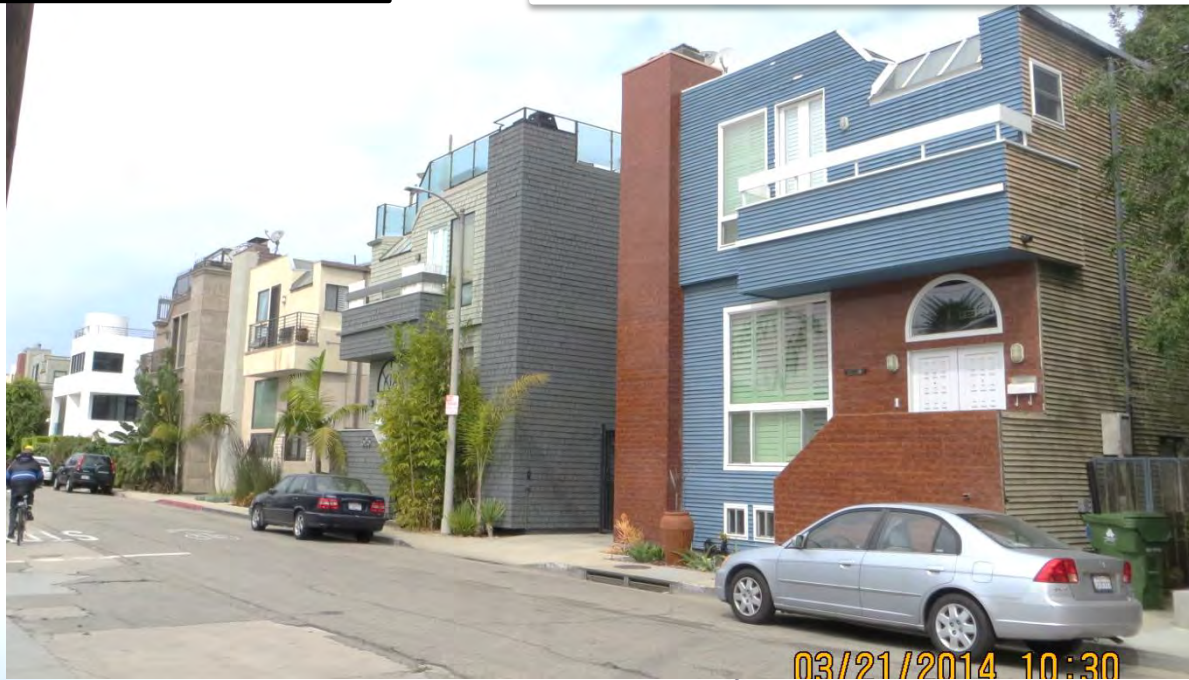
Exhibit 3



California Coastal  
Commission

Community Character Northside of Mildred Ave.

West of project site



East of project site

Exhibit 4



California Coastal  
Commission

Community Character Southside of Mildred Ave.

West of project site



Home across the street from project site



Exhibit 4

California Coastal  
Commission

East of project site

## Proposed Plans



639, 641 Mildred Ave.

647, 651 Mildred Ave.



RENDERING

Exhibit 5



California Coastal  
Commission

# Lease Agreement

DocuSign Envelope ID: AC6C58C7-0429-490A-8181-D988BAC58B67



## NOTICE OF TERMINATION OF TENANCY (C.A.R. Form NTT, Revised 11/12)

To: Elliot Wood (Kip) ("Tenant")  
and any other occupant(s) in possession of the premises located at: (Street Address) Mildred garden lots  
(Unit/Apartment #) \_\_\_\_\_  
(City) Venice (State) CA (Zip Code) 90291 ("Premises").

### CHECK THE BOX THAT APPLIES. CHECK ONE BOX ONLY.

1. ☒ The tenancy, if any, in the Premises is terminated **60 days** from service of this Notice, or on January 15, 2014 (whichever is later).
- OR 2. ☐ You have, or another tenant or resident has, resided in the Premises for less than one year. Your tenancy, if any, in the Premises is terminated **30 days** from service of this Notice, or on \_\_\_\_\_ (whichever is later).
- OR 3. ☐ All of the following apply. Your tenancy, if any, in the Premises is terminated **30 days** from service of this Notice, or on \_\_\_\_\_ (whichever is later).
- A. Landlord has entered into a contract to sell the Premises to a natural person(s);
- AND B. Purchaser intends to reside in the Premises for at least one year following the termination of the tenancy in the Premises;
- AND C. Landlord has established an escrow with an escrow company licensed by the Department of Corporations, Department of Insurance or a licensed Real Estate Broker;
- AND D. Escrow was opened 120 or fewer days prior to the delivery of this Notice;
- AND E. Title to the Premises is separately alienable from any other dwelling unit (i.e., it is a single-family unit or condominium);
- AND F. Tenant has not previously been given a notice of termination of tenancy.
- OR 4. ☐ Tenant is a beneficiary of, and the tenancy is subject to, a government agency rental housing assistant program. The tenancy, if any, in the premises is terminated 90 days from service of this notice or on \_\_\_\_\_ (whichever is later).

If you fail to give up possession by the specified date, a legal action will be filed seeking possession and damages that could result in a judgment being awarded against you.

DocuSign Envelope ID: AC6C58C7-0429-490A-8181-D988BAC58B67

Mildred garden lots  
Property Address: Venice, CA 90291

Date: August 21, 2013

Note to Landlord: If the property is subject to rent control, local law may require a minimum notice period that exceeds the time specified above.

State law permits former tenants to reclaim abandoned personal property left at the former address of the tenant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact your former landlord after being notified that property belonging to you was left behind after you moved out.

Landlord (Owner or Agent) Don Novack Date 08/21/2013  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

### DELIVERY OF NOTICE/PROOF OF SERVICE:

This Notice was served by \_\_\_\_\_, on \_\_\_\_\_ (date)  
In the following manner: (if mailed, a copy was mailed at \_\_\_\_\_ (Location))

- A. ☐ **Personal service.** A copy of the Notice was personally delivered to the above named Tenant.
- B. ☐ **Substituted service.** A copy of the Notice was left with a person of suitable age and discretion at the Tenant's residence or usual place of business and a copy was mailed to the Tenant at the Premises.
- C. ☐ **Post and mail.** A copy of the Notice was affixed to a conspicuous place on the Premises and a copy was mailed to the Tenant at the Premises.
- D. ☐ **Certified/Registered mail.** A copy of the Notice was mailed to the Tenant at the Premises by Certified or Registered mail.

(Signature of person serving Notice)

(Date)

(Print Name)

(Keep a copy for your records.)

## Exhibit 6



California Coastal  
Commission