CALIFORNIA COASTAL COMMISSION

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





A-5-VEN-17-0029 (CHAIT)

JULY 12, 2017

EXHIBITS

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Exhibit 1 – Vicinity Map and Pictures

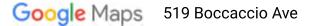
Exhibit 2 – Project Plans

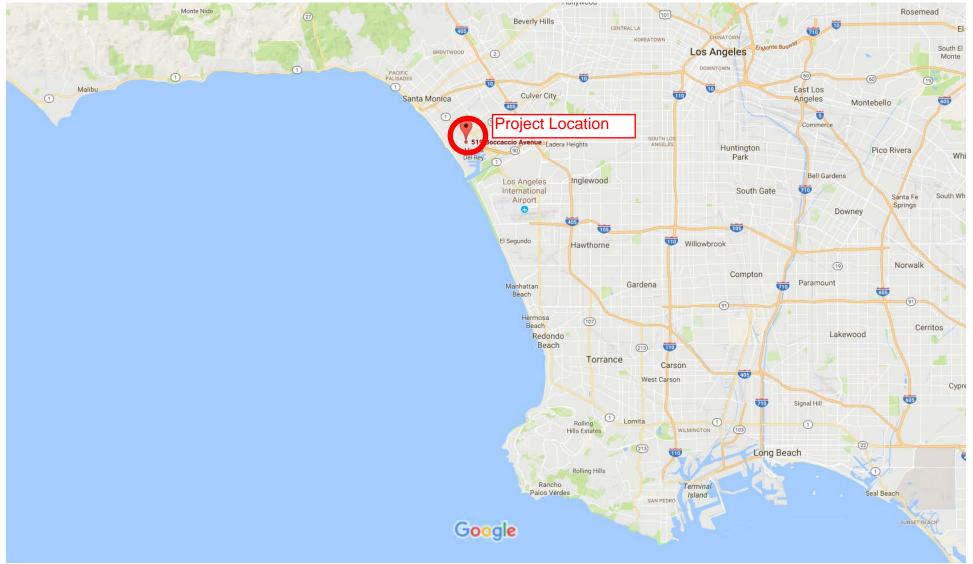
Exhibit 3 - City Coastal Development Permits

Exhibit 4 – Appeal

Exhibit 5 – Letters from Los Angeles Department of Building and Safety

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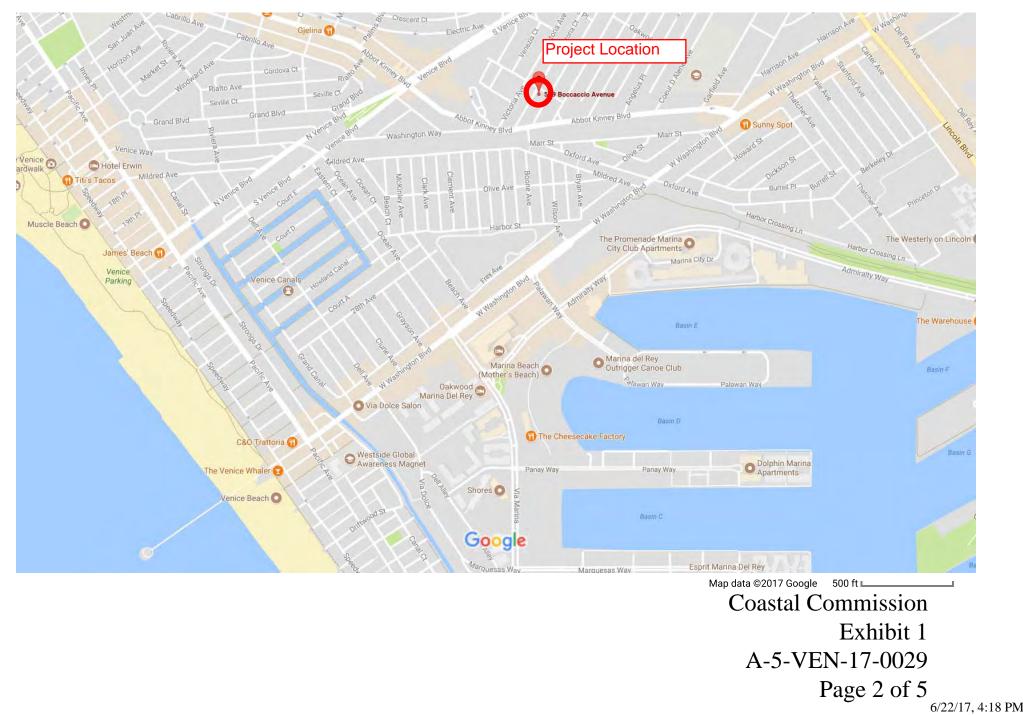


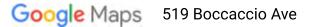


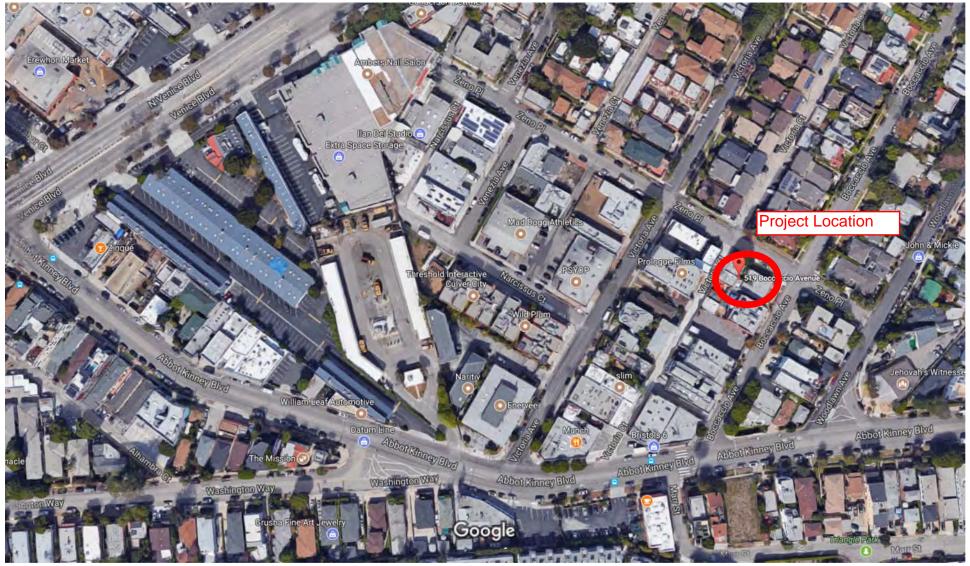
Map data ©2017 Google 2 mi Coastal Commission Exhibit 1 A-5-VEN-17-0029 Page 1 of 5

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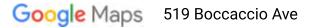


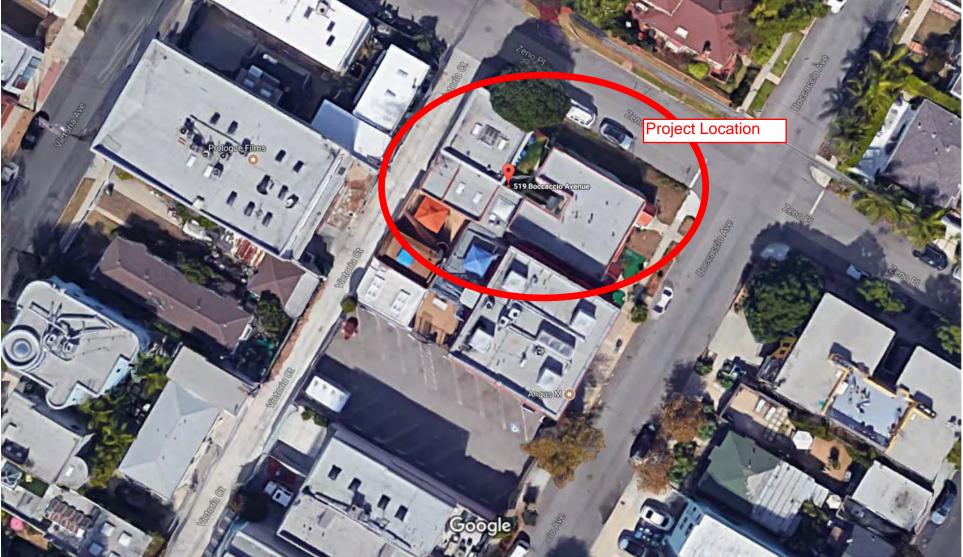


Imagery ©2017 Google, Map data ©2017 Google 100 ft

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Imagery ©2017 Google, Map data ©2017 Google 20 ft Coastal Commission Exhibit 1 A-5-VEN-17-0029 Page 4 of 5

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Google Maps 2330 Zeno Pl

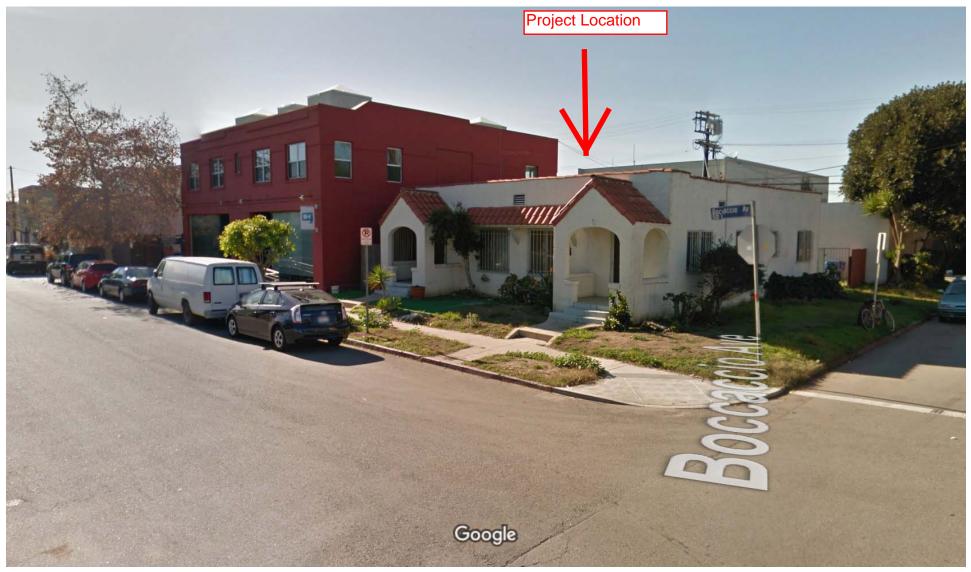


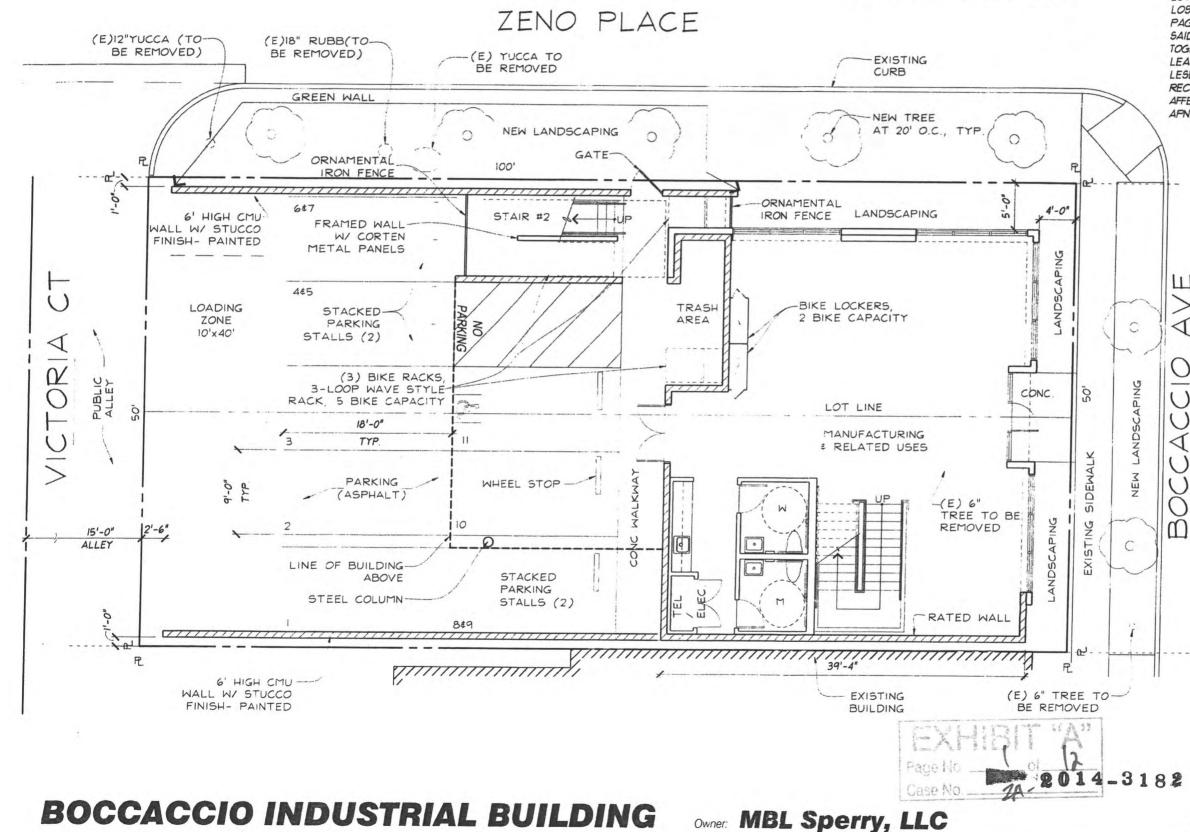
Image capture: Jan 2016 © 2017 Google Coastal Commission Exhibit 1 A-5-VEN-17-0029 Page 5 of 5

Los Angeles, California

Street View - Jan 2016

ALL LANDSCAPE MATERIALS WILL COMPLY WITH THE APPROVED LIST OF PLANTS AND TREES IN APPENDIX B OF THE VENICE COASTAL ZONE SPECIFIC PLAN.

NOTE:



519-521 BOCCACCIO AVENUE

VENICE, CALIFORNIA 90291

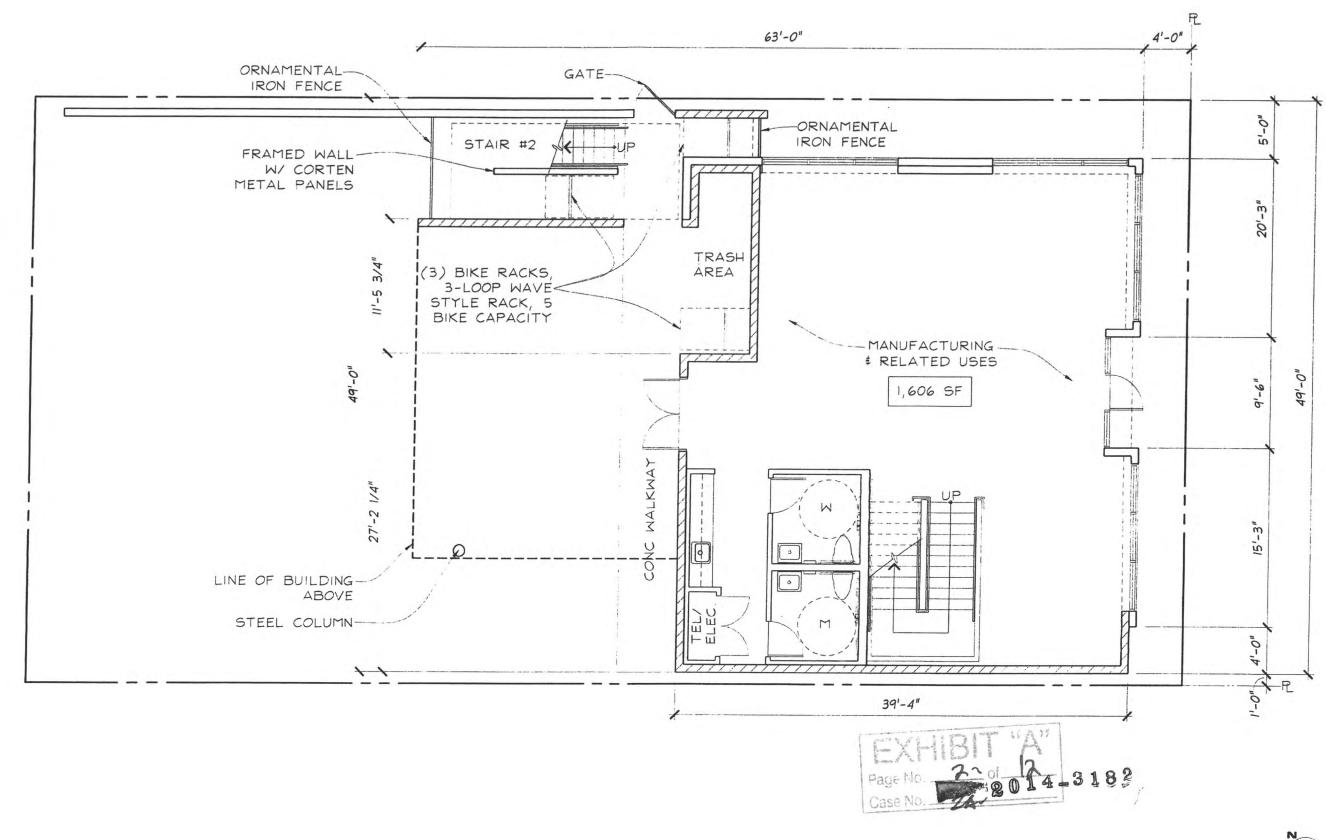
Architect: Chait Co.

THE LAND HEREINAFTER REFERRED TO IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CA, AND IS DESCRIBED AS FOLLOWS:

LOTS II AND 12 OF TRACT NO. 6002, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 63, PAGES 13 AND 80 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH ALL RIGHT, TITLE AND INTEREST IN AND TO THAT CERTAIN OIL LEASE WITH STANDARD OIL COMPANY OF CALIFORNIA, A CORPORATION, AS LESEE, UPON THE TERMS, CONDITIONS AND COVENANTS THEREIN PROVIDED RECORDED APRIL 1, 1966, BOOK D3251, PAGE 301, OFFICIAL RECORDS, AFFECTING THE PROPERTY THEREIN. APN: 4231-001-008

PROJECT :	SUMMARY	
		OCCACCIO AVENUE
SPECIFIC PLA	N: VEN	ICE COASTAL ZONE
DISTRICT	5	BOUTH EAST VENICE
ZONE		M-I
USE	MANUFACTURING	A RELATED USES
SITE AREA:		5,000 SF (.11 AC)
SITE COVERAG	E (FOOTPRINT)	1,930 SF (39.0%)
LANDSCAPE A	REA	623 SF (14.0%)
CONSTRUCTION	ITYPE:	V-B
GROUND FLOO	R	1,606 SF
SECOND FLOO	R	2,244 SF
TOTAL FLOOR	AREA	3,850 SF
F.A.R.		.77
DECK (NON FLO	OOR AREA)	Ø SF
VEHICLES		
CARS REQUIRE	D (3 CARS + 35	OSF/CAR) 14
CAR PARKING	REDUCTION FOR AM.C. SECTION I	BIKE
CREDIT (20% C	OF 14 REQ'D CAR	- 3
CARS REQUIRE	D	
CARS PROVIDE	ED ONSITE	11
		KING PER 12 BIKES
<u>?</u> '	G PROVIDED	
SHORT TERM IN PARKING CRED		SED BIKES
LONG TERM	Submitted or	24 VS BIKES
	Authorized in	1
		N
SITE P	LAN	man and the second second
	4205	0 5' 10'
No. 1404.01	10/06/14	Coastal Commission
		Exhibit 2
		A-5-VEN-17-0029
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BOCCACCIO INDUSTRIAL BUILDING OWNER: MBL Sperry, LLC GROUND

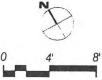
519-521 BOCCACCIO AVENUE

VENICE, CALIFORNIA 90291

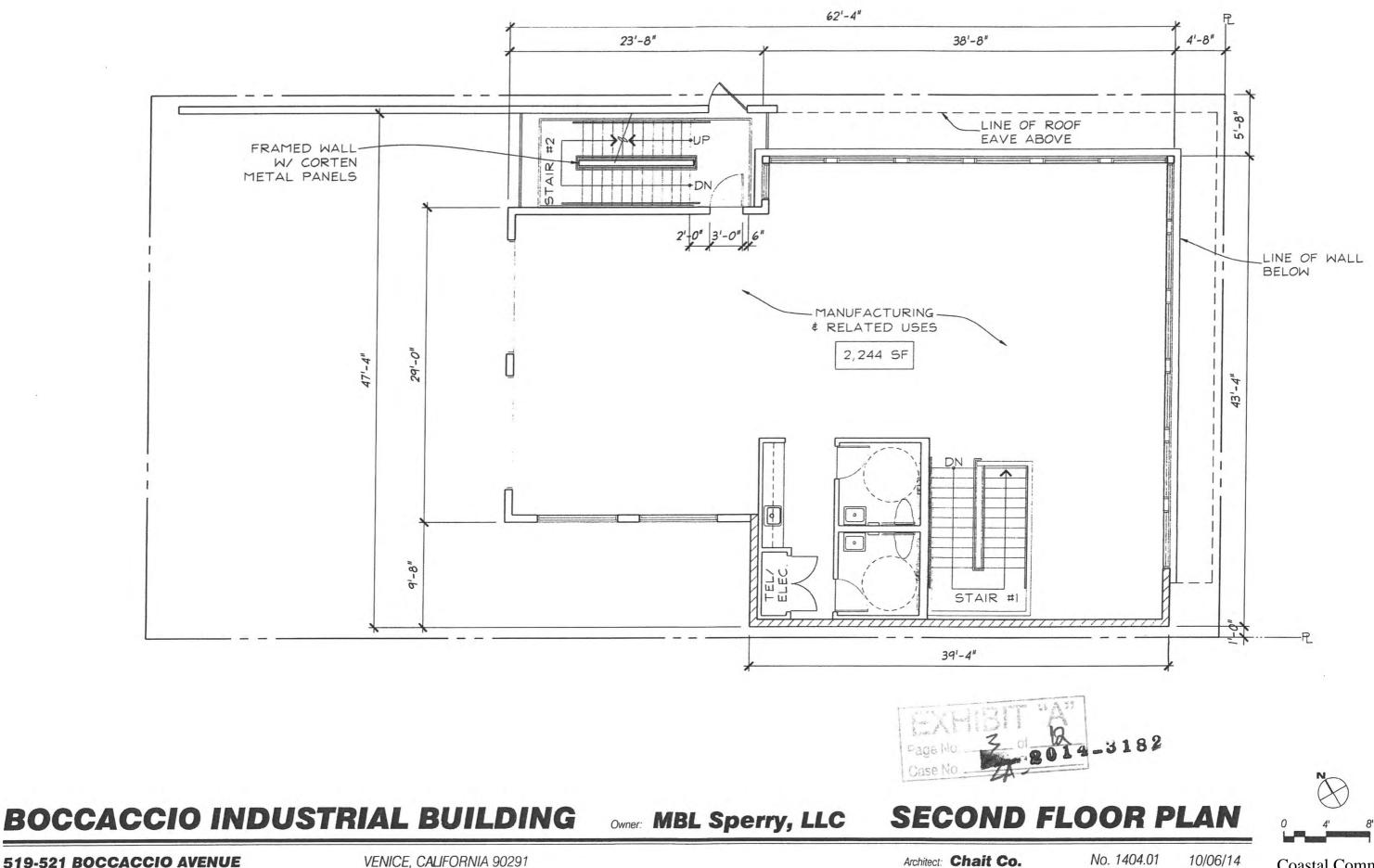
Architect: Chait Co.



No. 1404.01 10/06/14



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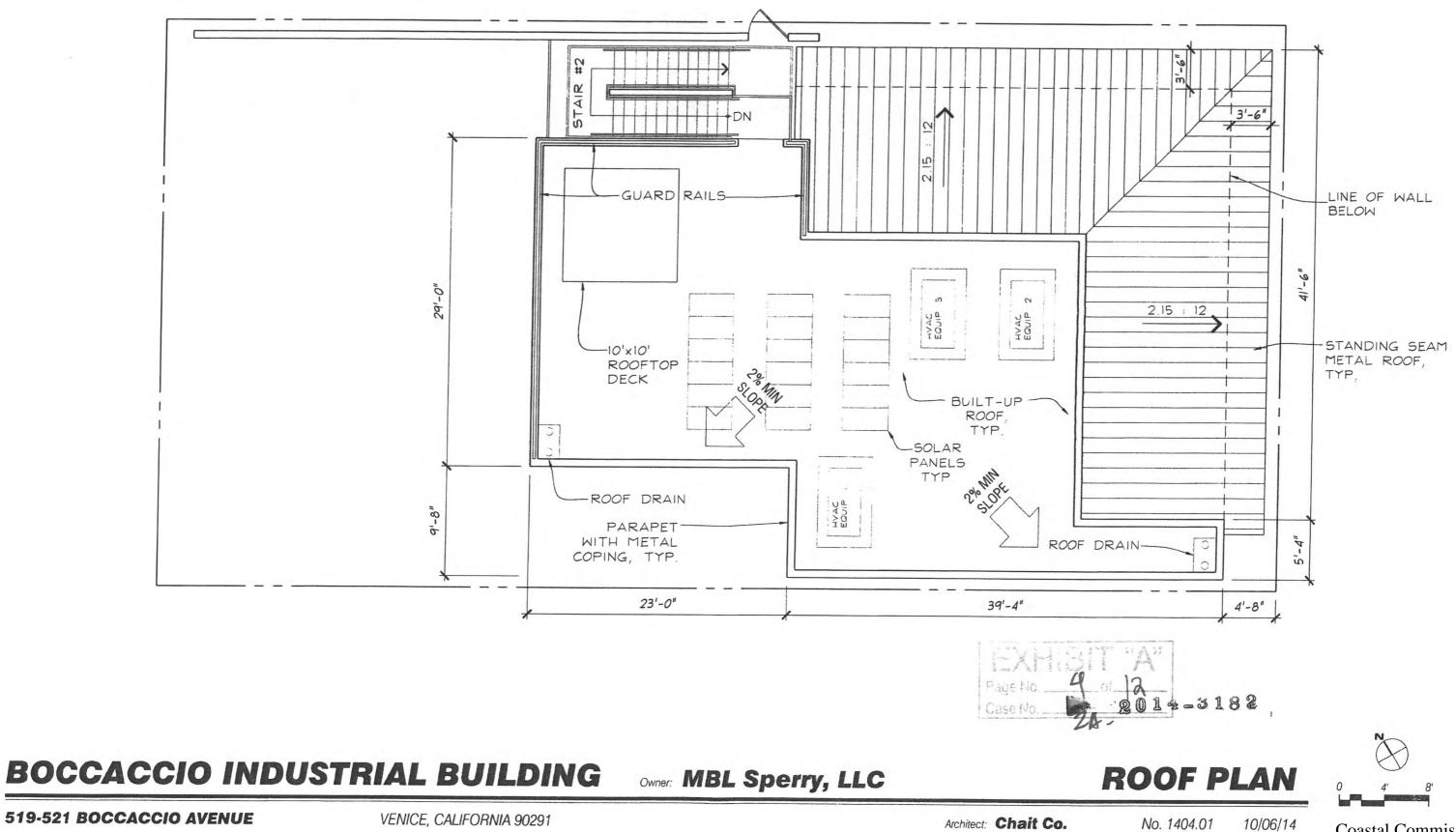


519-521 BOCCACCIO AVENUE

VENICE, CALIFORNIA 90291

Architect: Chait Co.

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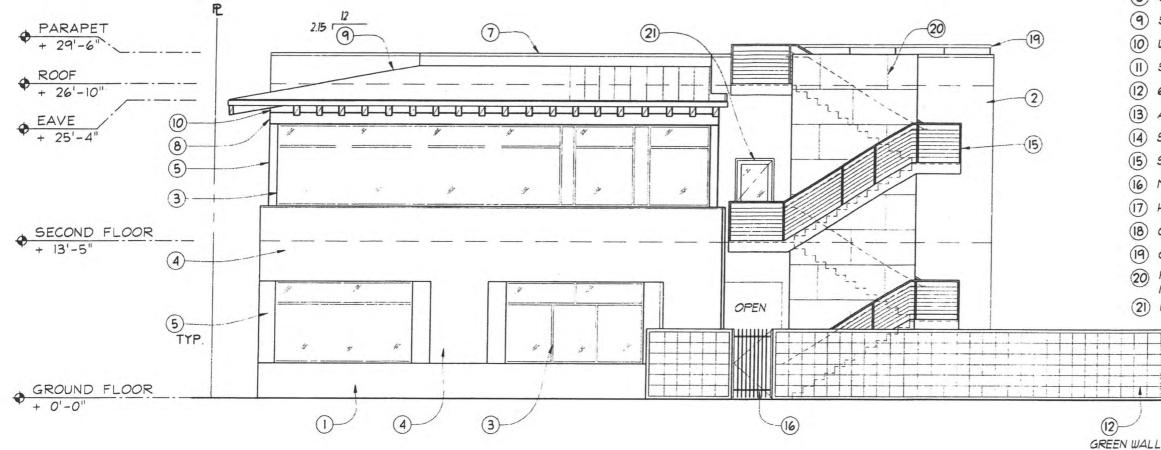


519-521 BOCCACCIO AVENUE

VENICE, CALIFORNIA 90291

Architect: Chait Co.

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Owner: MBL Sperry, LLC

519-521 BOCCACCIO AVENUE

VENICE, CALIFORNIA 90291

Architect: Chait Co.

ELEVATION KEYNOTES:

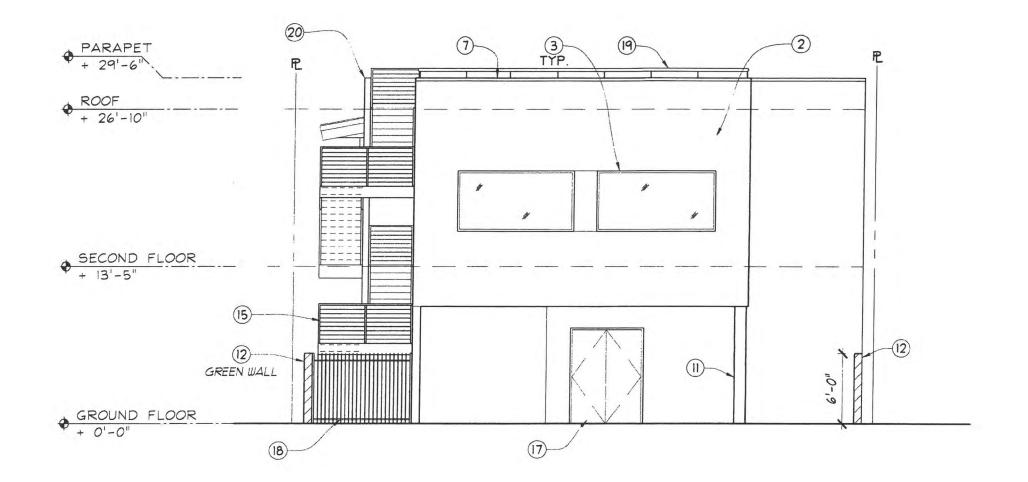
	CAST-IN-PLACE CONCRETE
23	STUCCO FINISH (SMOOTH-PAINT) ANODIZED ALUMINUM WINDOW FRAMES W/ TINTED GLASS
4	WOOD SIDING
5	ANODIZED ALUMINUM
6	WOOD DOOR
T	METAL COPING, PRE-FINISHED
8	STEEL BEAM- PAINTED
9	STANDING SEAM METAL ROOF, PRE-FINISHED
10	WOOD ROOF FRAMING
II)	STEEL COLUMN- PAINTED
12)	6'-0" CMU SITE WALL W/ STUCCO FINISH (SMOOTH-PAINT)
13)	ANODIZED ALUMINUM FRENCH DOOR
4	SECTIONAL DOOR W/ GLASS PANELS
15)	STEEL STAIRS W/ STEEL & CABLE GUARDRAILS- PAINTED
16)	METAL GATE
17)	HOLLOW METAL DOOR
18)	ORNAMENTAL IRON FENCE
19)	GUARDRAIL - PAINTED
20	FRAMED WALL W/ CORTEN METAL PANELS 2'-6"
21)	WOOD DOOR W/ GLAZING
	e,-0;



No. 1404.01 10/06/14



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Owner: MBL Sperry, LLC



519-521 BOCCACCIO AVENUE

VENICE, CALIFORNIA 90291

Architect: Chait Co.

ELEVATION KEYNOTES:

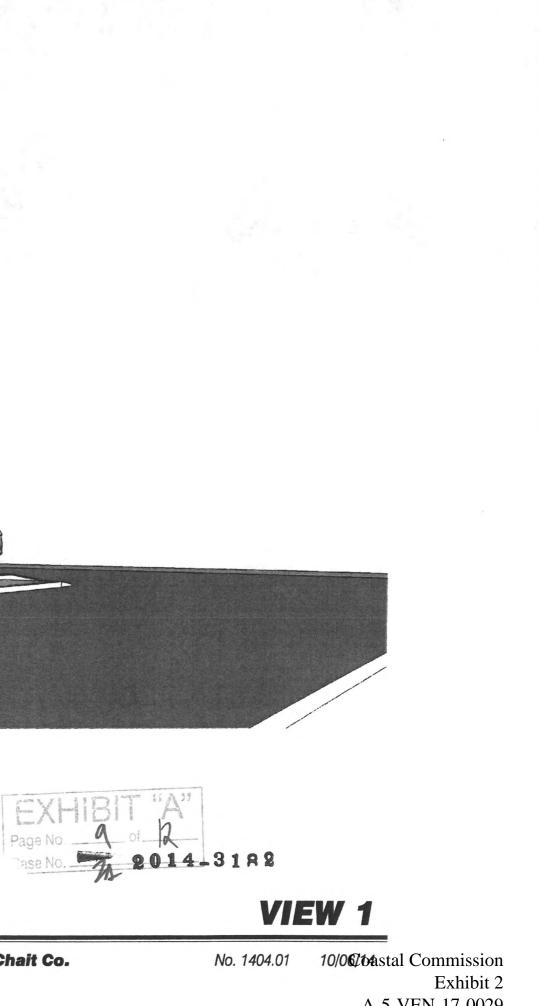
- (1) CAST-IN-PLACE CONCRETE
- 2 STUCCO FINISH (SMOOTH-PAINT)
- ANODIZED ALUMINUM WINDOW FRAMES W/ TINTED GLASS 3
- (4) WOOD SIDING
- 5 ANODIZED ALUMINUM
- 6 WOOD DOOR
- (7) METAL COPING, PRE-FINISHED
- 8 STEEL BEAM- PAINTED
- (9) STANDING SEAM METAL ROOF, PRE-FINISHED
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- (17) HOLLOW METAL DOORS
- (18) ORNAMENTAL IRON FENCE
- (19) GUARDRAIL PAINTED
- (20) FRAMED WALL W/ CORTEN METAL PANELS

No. 1404.01 10/06/14

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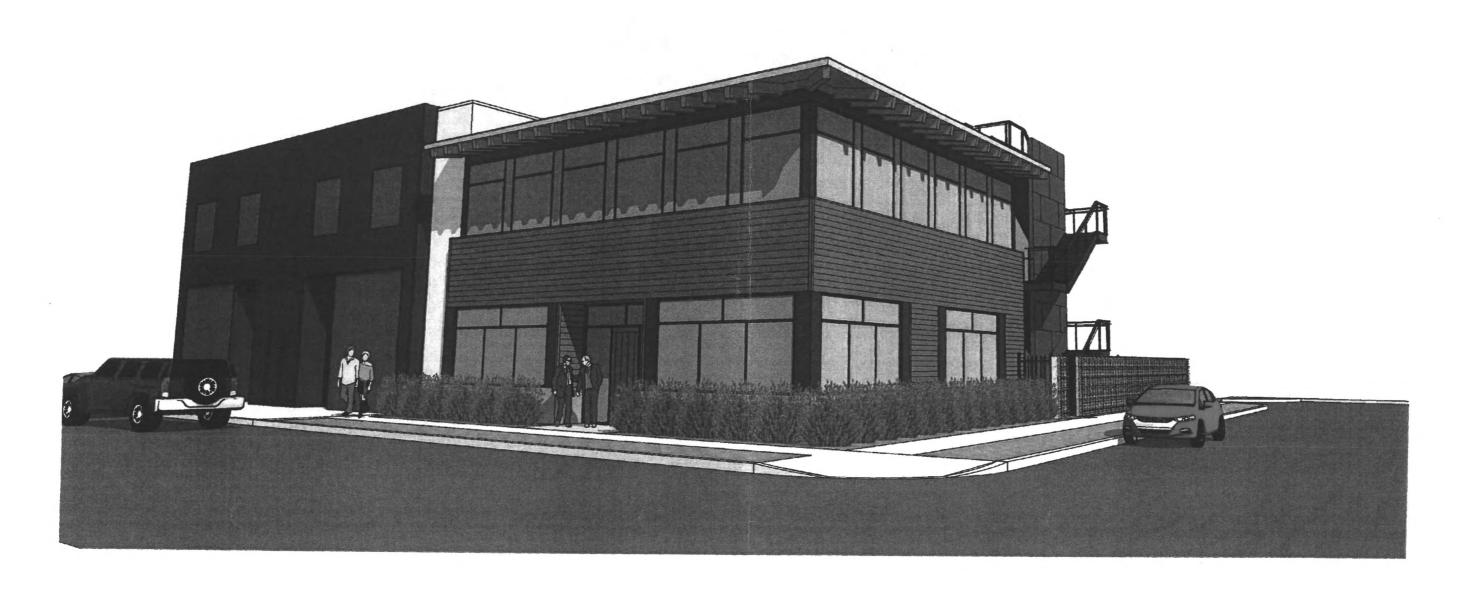
Coastal Commission Exhibit 2 A-5-VEN-17-0029 Page 6 of 10





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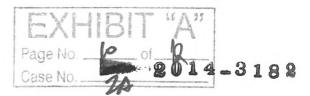


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519-521 BOCCACCIO AVENUE

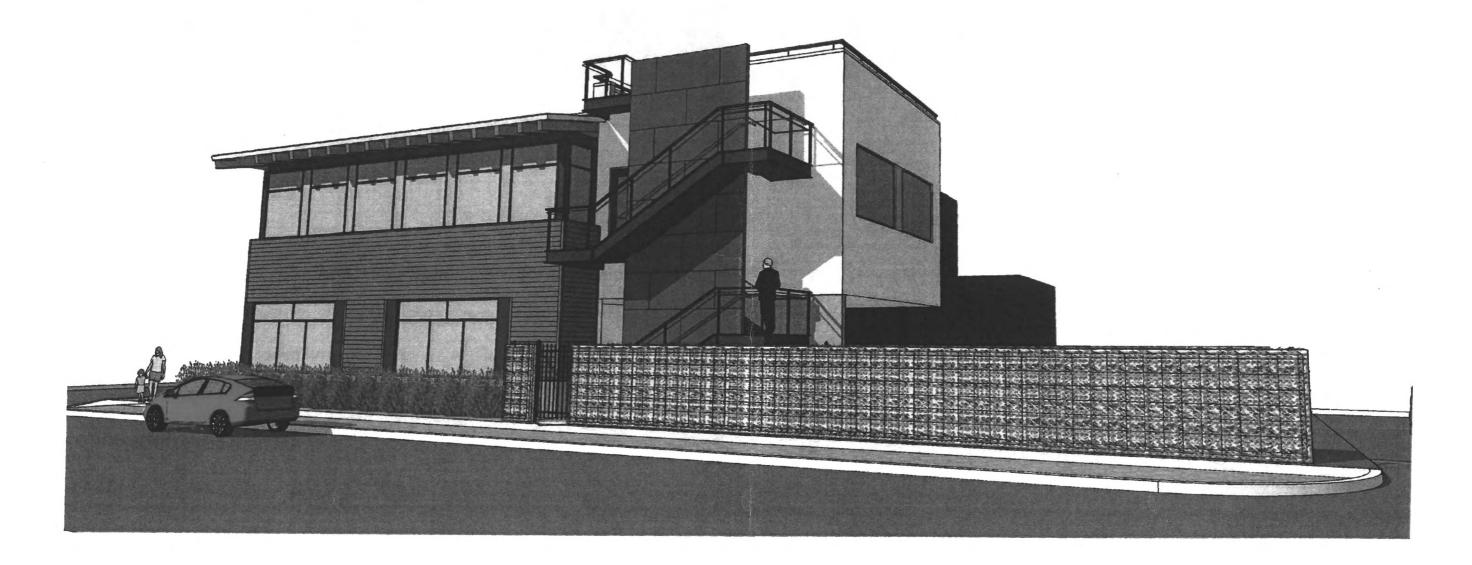
VENICE, CALIFORNIA 90291

Architect: Chait Co.



VIEW 2

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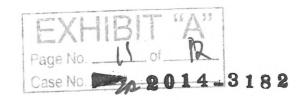


Owner: MBL Sperry, LLC

519-521 BOCCACCIO AVENUE

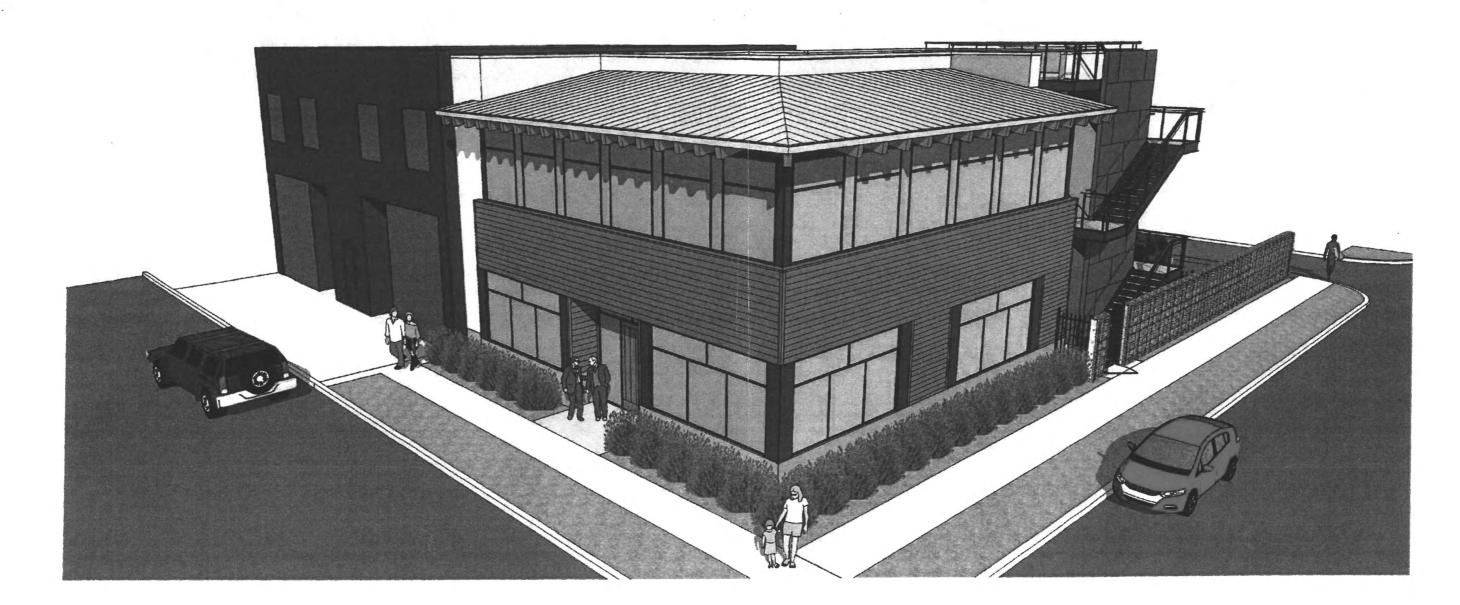
VENICE, CALIFORNIA 90291

Architect: Chait Co.



VIEW 3

No. 1404.01 10/06/64 stal Commission Exhibit 2 A-5-VEN-17-0029 Page 9 of 10



Owner: MBL Sperry, LLC

519-521 BOCCACCIO AVENUE

VENICE, CALIFORNIA 90291

Architect: Chait Co.



VIEW 4

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5. Ven. 17.0047



WEST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300 www.planning.lacity.org

RECEIVED South Coast Region

NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE 1 9 2017

Mailing Date:

CALIFORNIA COASTAL COMMISSION

California Coastal Commission South Coast District Office 200 Oceangate, Suite 1000 Long Beach, CA 90802 Case No.: ZA-2014-3182-CDP-MEL-SPP-1A CEQA: ENV-2014-3183-CE Location: 519-521 East Boccaccio Avenue Council District: 11 - Bonin Plan Area: Venice Zone: M1-1

Applicant name/address

Michael Chait Chait Company 7306 Coldwater Canyon # 12 North Hollywood, CA 91605

Representative name/address

Tom Stemnock Planning Associates Inc. 4040 Vineland Ave, Suite 108 Studio City, CA 91436

The above-referenced Coastal Development Permit was **approved**, effective **April 17, 2017**, pursuant to a public hearing conducted by the West Los Angeles Area Planning Commission on **March 15, 2017**. 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 <u>is in the dual permit jurisdiction area</u>, 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 and Mello Determination dated April 17, 2017/West Los Angeles APC Determination Letter

cc: Applicant, applicant's representative (Notice, Coastal Permit/APC Determination) Determination Letter mailing list (Notice & Coastal Permit/APC Determination)

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WEST LOS ANGELES AREA PLANNING COMMISSION



200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300 www.planning.lacity.org

LETTER OF DETERMINATION

Mailing Date: APR 1 7 2017

CASE NO.: ZA-2014-3182-CDP-MEL-SPP-1A CEQA: ENV-2014-3183-CE Plan Area: Venice Council District: 11 - Bonin

Project Site: 519 – 521 East Boccaccio Avenue

Applicant: Michael Chait, Chait Company

Representative: Tom Stemnock, Planning Associates Inc.

Appellant: Bill Przylucki, People Organized for Westside Renewal (POWER)

At its meeting of **March 15, 2017**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

The demolition of an existing duplex and the construction, use, and maintenance of a 3,850 square-foot industrial building located in the M1-1 Zone within the single permit jurisdiction of the California Coastal Zone.

- Determined, based on the whole of the administrative record, the Project is exempt from CEQA pursuant to Class 3, Category 17 of the City CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guideline, Section 15300.2 applies.
- 2. Granted the appeal in part and denied the appeal in part;
- 3. Sustained in part the Zoning Administrator's determination to approve a Coastal Development Permit for the demolition of a duplex and the construction, use, and maintenance of a new 3,850 square-foot industrial building located in the single permit jurisdiction of the California Coastal Zone, a Specific Plan Project Permit Compliance for the project located within the Venice Coastal Zone Specific Plan area, and a Mello Act Compliance Determination for the project.
- 4. Adopted the Conditions of Approval as modified by the Commission; and
- 5. Adopted the Findings.

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Case No. ZA-2014-3182-CDP-MEL-SPP-1A

This action was taken by the following vote:

Moved:	Margulies
Seconded:	Waltz Morocco
Ayes:	Newhouse
Nays:	Halper
Absent:	Merritt

Vote:

3-1

Arrivillaga

Commission Executive Assistant I

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

Effective Date/Appeals: The West Los Angeles Area Planning Commission's actions on this matter are final and effective upon the mailing date, and not further appealable.

Notwithstanding, this Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2 J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Unless an appeal is filed with the California Coastal Commission within 20 working days from the date this determination is deemed received by such Commission, the West Los Angeles Area Planning Commission's action shall be deemed final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions and Amended Findings

c: Notification List Jason Chan, City Planner Theodore Irving, Associate Zoning Administrator

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Conditions of Approval

As Modified by the West Los Angeles Area Planning Commission on March 15, 2017

- All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
- The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
- 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
- 6. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file. Prior to any sign-off of plans by the Department of City Planning, the applicant shall submit the plot plan for review and approval to the Fire Department. Said Department's approval shall be included in the form of a stamp on the plans submitted to the Department of City Planning recorded.
- Approved herein is a Coastal Development Permit authorizing the construction of a new, two-story, 3,850 square-foot industrial building with a mezzanine, loading zone, and eleven (11) tandem, mechanically-stacked, on-site parking spaces.
- 8. The height of the industrial building shall be limited to two stories featuring a maximum height of 29 feet 6 inches for a varied roof line and a maximum height of 25 feet for a flat roof.
- Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
- 10. No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with.
- 11. Unless authorized for shared parking pursuant to Section 12.24-X,20 of the Municipal Code,

the parking lot shall not be used, rented or leased for any other purpose than the parking of vehicles for the premises on the subject property.

- 12. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
- 13. No Coastal Development Permit Condition clearance or Building Permit sign-offs shall be commenced prior to the completion of the California Coastal Commission permit issuance and the subsequent permit appeal period in Dual Jurisdiction or the completion of the 20-day review period of the City's Coastal Development Permit in Single Jurisdiction.
- 14. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent properties.
- 15. The applicant shall file a parking area and driveway plan with the applicable District Offices of the Bureau of Engineering and the Department of Transportation for review and approval prior to the issuance of a building permit. The plan shall be prepared consistent with the Department of Transportation's Driveway Design Manual and applicable provisions of Section 12.21 of the Municipal Code.
- 16. Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the final development plans to the satisfaction of the Department of Building and Safety and Department of Transportation.
- 17. All signs shall be of an identifying or directional nature only and shall be arranged and located so as not to be a distraction to vehicular traffic. New pole signs, projecting signs, roof signs, electronic message boards, pennants, ribbons, streamers, spinners, balloons (or any similar attention-attracting devices) and flashing or animated signs are prohibited.
- All outside trash/recycling storage bins shall be located within a gated solid wall enclosure constructed of materials to match the finished exterior of the building, and located so as not to result in noise or odor impacts on any adjacent use.
- 19. The property owner and on-site manager(s) shall be responsible for maintaining the entire area over their control free of litter, including any parking area used by patrons.
- 20. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- A. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including <u>but not limited to</u>, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- B. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approcedant and commission

entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.

- C. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- D. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- E. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency.

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Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The <u>West Los</u> <u>Angeles Area Planning Commission's</u> determination in this matter will become effective on the Mailing Date that appears in the first page of this letter.

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

A copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled <u>before</u> the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

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COASTAL DEVELOPMENT PERMIT FINDINGS

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

1. The development is in conformity with Chapter 3 of the California Coastal Act of 1976.

Chapter 3 of the California Coastal Act provides standards by which "the permissibility of the proposed developments subject to the provision of this division are determined." The Coastal Act also provides that: "New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or, where such areas are not able to accommodate it, will not have significant adverse effects, either individually or cumulatively on coastal resources."

The subject property is zoned M1-1 designated for Limited Industrial land uses and is subject to the Venice Coastal Zone Specific Plan Area, Los Angeles Transportation Corridor Specific Plan Area, Director's Interpretation of the Venice SP for Small Lot Subdivision (ZI-2406), General Plan Footnote(s) area, Calvo Exclusion Area Coastal Zone, Coastal Zone Commission Authority, liquefaction area, and within 5.5 kilometers to the Santa Monica Fault.

Properties to the north, east, south, and west are zoned M1-1 and M1-1-O and are developed with primarily one- and two-story light industrial buildings. Immediately to the north and west of the project site is a City of Los Angeles maintenance yard facility that includes a compressed natural gas refueling station. Properties immediately located to the south and east of the Subject Properties are developed with a series of nine, two-story, live-work units.

The new light industrial structure will be a workspace for software production and other related products. The building will have a maximum height of 29-feet, 6-inches with a varied roofline, and approximately 623 square-feet of landscaping around the building. A total of 11 off-street tandem and mechanically-stacked automobile parking spaces, as well as 15 short-term and 2 long-term bicycle parking spaces (required and voluntary) will be provided.

The Venice Coastal Zone Specific Plan (Ordinance No. 175,693) was adopted by the City Council on December 2, 2003. The Coastal Commission certified the Land Use Plan (LUP) for the Venice Coastal Zone area on June 14, 2001.

The applicant is requesting a Coastal Development Permit authorizing the demolition of an existing duplex dwelling with light industrial machine shop and the construction, use and maintenance of a new, two-story, 3,850 square-foot light industrial building sited over two lots zoned M1-1 within the single-jurisdiction area of the California Coastal Zone. The project also requires a project permit compliance review of a new industrial structure in the Venice Coastal Zone Specific Plan and a Mello Determination.

Chapter 3 of the Coastal Act contains provisions that address the impact of development on public services, recreational opportunities, public access, scenic views, infrastructure, the environment, and significant resources. Applicable provisions are as follows:

a. Section 30220 Water-Oriented Activities: The subject site is within the singlejurisdiction area of the Coastal Zone, but is located on a light manufacturing zone within a developed area approximately 4,100-feet from the shoreline, the project

Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 8 of 41 involves the demolition of an existing duplex and construction of a lightmanufacturing building. The site is not suited for water-oriented recreational activities.

- b. Section 30222 Private Lands for Commercial Recreational Facilities. The site is zoned for light manufacturing uses, is not designated a recreation area, and not adjacent to the coastline. This privately owned-site is therefore not suitable for commercial recreational facilities for coastal recreation.
- c. Section 30230 Marine Resources. The site is within the single-jurisdiction area and is over 4,100 feet from the coastline. The site is zoned for light manufacturing uses and currently developed with a vacant duplex, and surrounded by development on all sides. The proposed project will not involve diking, filing, or dredging of open coastal waters, wetlands, estuaries, or lakes. The proposed project will result in no impact on marine resources.
- d. Section 30240 Environmentally Sensitive Habitat Areas. The project will not impact any marine resources. The site is over 4,100 feet away from the coastline, and well above the high tide line and will not have any identifiable effect on the Pacific Ocean, the Venice breakwater or on the sandy intertidal zone.
- e. Section 30244 Archeological or Paleontological Resources. The subject site is currently improved with a duplex and surrounded by development. No new archeological or paleontological resources are anticipated to be identified with the implementation of the project, as the site is currently developed.
- f. Section 30250 Existing Developed Area. The subject site is located within a developed area. The proposed project is the demolition of an existing duplex and construction of a new light manufacturing building. The existing building is sited on land zoned M1-1 and has lost its non-conforming land use rights.
- g. Section 30251 Scenic and Visual Qualities. The project's location results in no impact on scenic or visual qualities of coastal areas or prominent natural landforms. The site is not located along or near a designated scenic corridor and is located over 4,100 feet away from the coastline.
- h. Section 30252 Public Access to the Coast. The subject property and proposed project do not block any existing access to the beach and has therefore no impact on shoreline access.
- i. Section 30253 Minimization of Hazardous Impacts. The subject property is flat and not located along a bluff or cliff. No grading, excavation, draining, or dredging is proposed. The site is not within a Methane Buffer Zone, Tsunami Inundation Zone, and located within 5.5 kilometers from the Santa Monica Fault. It is located within a Liquefaction area. However, the project is required to comply with state and local building codes that would minimize structural and seismic impacts.
- j. Section 30260 Coastal-Dependent Industrial Facilities. The project will complement similar light manufacturing buildings in the nearby Venice neighborhoods. The project site is currently developed with a residential building and no industrial facilities besides a light machine shop are located on-site.

The proposed project is not expected to impede any water-oriented recreational facilities or activities. The project proposes to provide all parking requirements and satisfies all commission Exhibit 3

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requirements regarding to the building envelope. The property is presently developed with a duplex on property located with a zone classification designated for light manufacturing land uses. The existing buildings have been vacant for an extended period of time and have lost their non-conforming rights per the underlying zone. The proposed demolition of the duplex and construction of a new light manufacturing building has no impact on the location or operation of coastal dependent industrial facilities or recreational uses.

As articulated above, and as conditioned, the development is in conformity with Chapter 3 of the California Coastal Act of 1976.

The 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.

Currently, there is no adopted Local Coastal Plan (LCP) for this portion of the Coastal Zone. In the interim, the adopted Venice Land Use Plan serves as the functional equivalent. The Venice Land Use Plan Map designates for Limited Industry with a corresponding zone of M1 and Height District No. 1. The property is within the area of the Los Angles Coastal Transportation Corridor and Venice Coastal Zone Specific Plans. The subject property is zoned M1-1 and is consistent with the Land Use Plan in terms of the use and the density.

The proposed use is permitted in the M1 Zone and plan designation of the Venice Community Plan.

3. 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 this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:

California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations. The development regulations of the Venice Specific Plan have been considered and the project was found to comply with the requirements of the Oakwood-Milwood-Southeast Venice Subarea regarding parking, height, and access, and further complies with the standards for new industrial development.

4. 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, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

The proposed project is consistent with the previous decisions of the City and the California Coastal Commission that included new construction, improvements and remodels to existing residential structures.

In February 2016, the Commission approved an Administrative Permit to construct automobile lifts at 29-47 Windward Avenue.

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- In February 2015, the Commission approved an Administrative Permit to convert a duplex into a single-family home at 1774 Washington Way.
- In March 2014 the Commission an Administrative Permit to demolish a duplex and construct a new single-family home at 21 27th Avenue.

No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the Coastal Commission regarding the proposed demolition of a duplex and the new construction of an industrial building in the M-1 Zone. Therefore, the decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission.

5. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

Section 30210 of the Coastal Act states the following in regards to public access:

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, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

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.

The subject property is in the single jurisdiction zone and is not located between the nearest public road and the sea or shoreline of a body of water located within the coastal zone and the nearest public road to such geographic features. The parcel itself is not situated on a waterfront, and there are public roads and access ways between the subject property and the sea or shoreline of a body of water. There will be no dredging, filing, or diking of coastal waters or wetlands, and there are no sensitive habitat areas, or archaeological or paleontological resources identified on the site. The project is consistent with the underlying zone and building envelope requirements. Therefore, as proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

6. An appropriate environmental clearance under the California Environmental Quality Act has been granted.

On January 22, 2015, A Notice of Exemption (ENV 2014-3183-CE) was issued pursuant to from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 3, and Category 17 of the City CEQA Guidelines because the project is the demolition of an existing duplex dwelling and the construction of a new industrial building in an urbanized area have been determined not to have a significant effect on the environment.

A historical report prepared by PCR Services Corporation was submitted by the applicant on January 21, 2015 and reviewed by the Department of City Planning's Office of Historic Resources (OHR). The report found although the Duplex is associated with historic themes

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identified in the Los Angeles' Citywide Historic Context Statement, such as the Pre-Consolidation of Venice (1850-1925), and Spanish Colonial Revival style architecture (1915-1942), the duplex is an altered and typical example of a common Spanish Colonial Revival style Duplex and is not part of a distinctive grouping. The overall appearance of 519 and 521 Boccaccio Avenue that the integrity of the property has been substantially compromised in terms of design, materials, workmanship, and setting. Additionally, some of the primary exterior character-defining features including the stucco, fenestration, and doors have all been altered, replaced and/or modified from their original condition degrading the structure's historic appearance, and the building is not associated with any prominent occupants and owners or important events.. Thus, it does not appear potentially eligible, either individually or as a contributing member of a potential district, under any of the applicable federal, state or local eligibility criteria and does not reflect or exemplify the broad cultural, political, economic, or social history of the nation, state, or city. Furthermore, research regarding the past building owners uncovered four owners, none of whom are associated with historic personages or events in the main currents of national, state, or local history. Because the subject property is not a historical resource, the proposed project ("Project") has no direct impact on historic resources and no further evaluation is needed to comply with CEQA. In addition, the Project does not materially impair the setting of other historical resources in the project vicinity, and therefore, under CEQA, the Project would have no indirect impact to historical resources in the project vicinity.

MELLO FINDING

 The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 [Mello Act].

The proposed project will be for an industrial use in a designated industrial zone and will not include any residential components. On July 19, 2016 the Housing and Community Investment Department (HCID) issued a Mello Act Determination for subject site, and found that no affordable units exists on-site. Specifically, HCID studied Department of Water and Power Bills and found that minimal water and electricity was used between the years 2014-2016. Thus, it can be concluded that the dwelling unit has been vacant for a period of over 365 days. Further, the proposed project neither meets nor exceeds the threshold of 10 or more dwelling units to require an affordable housing component as mandated by California Government Code Section 65590 (Mello Act).

On February 22, 2016, the applicant submitted a feasibility study for the proposed demolition of the existing duplex and machine shop, located at the rear of the building. The study found that a residential use is no long feasible at this site due to a combination of economic, social, environmental, and technical factors. Notably, the study found that a residential use is not feasible due to the underlying M1 zone. Residential uses are not a by-right allowed use in the M1 zone; a zone variance would be required to permit a residential use. Further, the existing duplex has been vacant for an extended period of time and has been discontinued for over one year, and thus has lost its non-conforming rights allowed by Code. Only the machine shop in the rear may continue, as this use is a permitted use in the M1 zone. The non-conforming land use affects all other factors that require analysis by the feasibility study. Economic factors were weighed by the financial cost of a zone variance and uncertain outcome of a variance request. Environmental factors make the project infeasible as a land use conflict with any applicable land use plan or policy would create a potentially significant impact, per CEQA guidelines. Technical factors are supported by a letter from the Department of Building & Safety from February 11, 2016 that states the existing building can no longer have an non-conforming rights as a residential building which use is not permitted in the an M1 zone, per Section 12.23, B-9 of the Code. Further, the Interim Procedures for

Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 12 of 41 Comply with the Mello Acts states the proposed removal of residential may be argued for "if the existing underlying zone or any other applicable regulation prohibits all residential uses."

In summary, the proposed project satisfies all review and analysis per the Mello Act, as a residential use is not feasible on-site, and no affordable units are being removed.

SPECIFIC PLAN PROJECT PERMIT COMPLIANCE FINDINGS

In order for a specific plan project permit compliance to be granted all of the requisite findings maintained in Section 11.5.7-C of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same:

 That the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood;

Properties to the north and west of the Subject Property are zoned M1-1 and are developed with a mix of light industrial uses and residential uses ranging from one and two-stories. Properties to the east and south of the Subject Property are zoned R3-1 and are developed with primarily one- and two-story multi-family and single-family dwellings.

The subject property consists of two adjacent, level, rectangular-shaped lots totaling approximately 5,000 square-feet located at the southwest corner of the intersection of Boccaccio Avenue and Zeno Place. The subject property has a 50 foot frontage along the northern side of Boccaccio Avenue, a depth of 100-feet along the southerly side of Zeno Place, and a width of 50 feet along the easterly side of an unnamed alleyway. The subject property is currently developed with a one-story, 1,474 square-foot duplex residential structure with an attached industrial workshop in the rear which was built it 1923 (which is to be demolished).

The new light industrial structure will be a workspace for software production and other related products. The building will have a maximum height of 29-feet, 5-inches with a varied roofline, and approximately 623 square-feet of landscaping around the building. A total of 11 off-street tandem and mechanically-stacked automobile parking spaces, as well as 15 short-term and 2 long-term bicycle parking spaces (required and voluntary) will be provided.

In light of the above, it can be found that the project, as conditioned, substantially complies with the applicable regulations, standards and provisions of the Specific Plan

The Venice Coastal Development Project is in conformity with the certified Venice Local Coastal Program.

The property is located within the Oakwood-Milwood-Southeast Venice subarea of the Venice Coastal Zone Specific Plan. It is designated for Limited Industrial land uses on the Venice Land Use Plan, a component of the Venice Local Coastal Program that was certified by the California Coastal Commission on June 14, 2001. The property is zoned M1-1.

The applicable provisions of the Specific Plan to this project are contained in Sections 9 (General Land Use and Development Regulations), 10.G (Land Use Regulations for the Oakwood-Milwood-Southeast Venice Subarea), 11 (Commercial and Industrial Design Standards), and 13 (Parking). The proposed project has been designed and conditioned to meet the applicable land use, design and parking standards:

Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 13 of 41 <u>Parking</u> – According to the Venice Coastal Zone Specific Plan, the applicant is required to provide 14 automobile parking spaces as well as provide 2 short-term and 2 long-term bicycle spaces on site. Pursuant to Section 12.21 A(4) of the Los Angeles Municipal Code, up to 20% of new or existing automobile parking spaces for all uses may be replaced with bicycle parking spaces at a ratio of four bicycle parking spaces to every automobile parking space. 12 bicycle parking spaces will be installed to satisfy the automobile parking requirements in lieu of the three automobile spaces that are not provided. In total, the project proposes 11 off-street tandem and mechanically-stacked automobile parking spaces, as well as 15 short-term and 2 long-term bicycle parking spaces.

<u>Height</u> - The proposed new construction will include a two-story, light industrial building totaling 3,850 square-feet with a maximum height of 29 –feet, 5-inches with a varied roofline. The maximum height limit for Subarea G restricts building heights to a) 25-feet for flat roofs b) 30 feet for varied or stepped back roofline and c) 28-feet for Walk streets. The project has a varied roof line and is not located on a Walk Street, therefore the proposed structure complies with the height requirements of the Specific Plan.

<u>Roof Structures</u> – The project is conditioned to comply with the applicable roof structure limitation of Section 9.C.1.a.

<u>Ground Floor Industrial Development</u> - Industrial projects are required to incorporate entrances, eye-level displays, a contrast in wall treatment, an offset wall, or other decorative features in the ground floor of the project (at least 65 percent) facing the street. As shown in Exhibit A, the frontage on Boccaccio Avenue is composed of natural material including wood, anodized aluminum, steel, glass, and iron. The materials are integrated throughout the facade, create a recessed, transparent entry, and provide interesting architectural details at the ground floor. The main pedestrian entrance is enhanced by a high level of transparency and highlighted through the use of landscaping. Therefore, the project complies with Section 11.C of the Specific Plan.

In light of the above, it can be found that the project, as conditioned, substantially complies with the applicable regulations, standards and provisions of the Specific Plan.

 That 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;

The proposed project will be for an industrial use and will not include any residential components. There are currently no affordable dwelling housing units on the project site. As such, the project will not be removing affordable housing in the area. The proposed project will be a change from a non-conforming residential use to one that is consistent with the current M1-1 (light industrial) zoning and General Plan land use designation for this site.

11. 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 will be for an industrial use and will not include any residential components. There are currently no affordable dwelling housing units on the project site. As such, the project will not be removing affordable housing in the area. The proposed project

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neither meets nor exceeds the threshold of 10 or more dwelling units to require an affordable housing component as mandated by California Government Code Section 65590 (Mello Act).

ADDITIONAL MANDATORY FINDINGS

- 12. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
- On January 22, 2015, the project was issued a <u>Notice of Exemption</u>, log reference ENV 2014-3183-CE, for a Categorical Exemption, Class 3, Category 17, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

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Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 15 of 41 TO: Nicky & Sonia

April 21, 2017

FROM: C.POSNER

PLEASE ESTABLISH THE COMMISSION'S 20 WORKING DAY APPEAL PERIOD FOR THE ATTACHED LOCAL CDP ACTION:

LOCAL COASTAL DEVELOPMENT PERMIT:

City of Los Angeles Local Coastal Development Permit Case No. 2014-3182 for demolition of a duplex, and construction of a two-story, 3,850 sq. ft. industrial building with 11 mechanically-stacked on-site parking stalls at 519-521 Boccaccio Avenue, Venice, City of Los Angeles, Los Angeles County.

Local Public Hearing: 04/17/2017 Date of Local Approval: 03/15/2017 Local Appeal Period end: not further appealable

H:cpforms

Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 16 of 41 CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 200 OCEANGATE, 10TH FLOOR LONG BEACH, CALIFORNIA 90802-4410 (562) 590-5071 FAX (562) 590-5084

WWW COASTAL CA.GOV



COMMISSION NOTIFICATION OF APPEAL

May 19, 2017

To:

West Los Angeles Area Planning Commission 200 North Spring Street, Room 532 Los Angeles, CA 90012

From: Charles Posner

Re: Commission Appeal No. A-5-VEN-17-0029

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

LOCAL PERMIT #:	ZA 2014-3182
APPLICANT(S):	Chait Company, Attn: Michael Chait
DESCRIPTION:	Demolition of a duplex, and construction of a two-story, 3,850 sq.ft. industrial building with 11 mechanically stacked on-site parking stalls
LOCATION:	519-521 Boccaccio Ave 2, Venice, Ca 90291 (APN(s): 4237007008)
LOCAL DECISION:	Approval With Special Conditions
APPELLANT(S):	Robin Rudisill, People Organized for Westside Renewal (POWER), Jill Howe-Vercos, Janet Lally, Judy Esposito, Celia Williams, Edward Levey, Jed Pauker, Noel Gould, Lydia Ponce, Michael Vercos, David Ewing, Gabriel Ruspini

DATE APPEAL FILED: 05/17/2017

The Commission appeal number assigned to this appeal is A-5-VEN-17-0029. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Los Angeles's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony. Coastal Commission

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COMMISSION NOTIFICATION OF APPEAL

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Charles Posner at the South Coast District Office.

cc: Chait Company, Attn: Michael Chait Attn: Robin Rudisill Planning Associates Inc., Attn: Tom Stemnock People Organized for Westside Renewal (POWER), Attn: Bill Przylucki Attn: Jill Howe-Vercos Attn: Janet Lally Attn: Judy Esposito Attn: Celia Williams Attn: Celia Williams Attn: Edward Levey Attn: Jed Pauker Attn: Noel Gould Attn: Lydia Ponce Attn: Michael Vercos Attn: David Ewing Attn: Gabriel Ruspini

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CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 200 OCEANGATE, INTH FLOOR LONG BEACH, CALIFORNIA 90802-4410 (562) 590-5071 FAX (562) 590-5084

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NOTIFICATION OF APPEAL PERIOD

April 24, 2017

To:

West Los Angeles Area Planning Commission 200 North Spring Street, Room 532 Los Angeles, CA 90012

From: Charles Posner

Re: Application No. 5-VEN-17-0047

Please be advised that on April 19, 2017, our office received notice of local action on the coastal development permit described below:

Local Permit #:	ZA 2014-3182
Applicant(s):	Chait Company, Attn: Michael Chait
Description:	Demolition of a duplex, and construction of a two-story, 3,850 sq.ft. industrial building with 11 mechanically-stacked on-site parking stalls
Location:	519-521 East Boccaccio Ave, Venice

Unless an appeal is filed with the Coastal Commission, the action will become final at the end of the Commission appeal period. The appeal period will end at 5:00 PM on May 17, 2017.

Our office will notify you if an appeal is filed.

If you have any questions, please contact me at the address and telephone number shown above.

cc: Planning Associates Inc., Attn: Tom Stemnock

Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 19 of 41 LINN K. WYATT CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG HENRY CHU LOURDES GREEN ALETA D. JAMES CHARLES J. RAUSCH, JR. FERNANDO TOVAR DAVID S. WEINTRAUB MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES

CALIFORNIA

RECEIVED South Coast Region OCT 1 0 2016



CALIFORNIA COASTAL COMMISSION MAYOR DEPARTMENT OF CITY PLANNING

VINCENT P. BERTONI, AICP DIRECTOR

OFFICE OF ZONING ADMINISTRATION 200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA 90012 (213) 978-1318 FAX: (213) 978-1334 www.planning.lacity.org

September 28, 2016

Michael Chait (A) Chait Company 7306 Coldwater Canyon #12 North Hollywood, CA 91605

MBL Sperry, LLC (O) C/O MBL Properties Inc. 2550 South Overland Avenue Los Angeles, CA 90064

Tom Stemnock (R) Planning Associates Inc. 4040 Vineland Avenue, Suite 108 Studio City, CA 91604 CASE NO. ZA 2014-3182(CDP)(SPP)(MEL) COASTAL DEVELOPMENT PERMIT/ SPECIFIC PLAN PROJECT PERMIT COMPLIANCE 519-521 West Boccaccio Avenue Venice Planning Area Zone : M1-1 D. M. : 108B149 C. D. : 11 CEQA : ENV 2014-3183-CE Legal Description: Lot 12, Tract 6002

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit authorizing the demolition of an existing duplex and the construction, use and maintenance of a new 3,850 square foot industrial building located within the single permit jurisdiction of the California Coastal Zone, and

Pursuant to Los Angeles Municipal Code Section 11.5.7, I hereby APPROVE

a Specific Plan Project Permit Compliance for a 3,850 square foot industrial building which is located within the Venice Coastal Zone Specific Plan area,

Pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, I hereby <u>APPROVE</u>:

a Mello Act Compliance Review for the demolition of an existing duplex in the Coastal Zone.

upon the following additional terms and conditions:

 All other use, height and area regulations of the Municipal Code and all other Coastal Commission Exhibit 3

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applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

- The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
- 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
- Prior to the issuance of any permits relative to this matter, a covenant 6. acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file. Prior to any sign-off of plans by the Department of City Planning, the applicant shall submit the plot plan for review and approval to the Fire Department. Said Department's approval shall be included in the form of a stamp on the plans submitted to the Department of City Planning Public Counter at the Development Services Center.
- 7. Approved herein is a Coastal Development Permit authorizing the construction of a new, two-story, 3,850 square-foot industrial building with a mezzanine, loading zone, and eleven (11) tandem, mechanically-stacked, on-site parking spaces.
- The height of the industrial building shall be limited to two stories with a varied roofline and a maximum height of 29.5 feet.
- 9. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.

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- No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with.
- 11. Unless authorized for shared parking pursuant to Section 12.24-X,20 of the Municipal Code, the parking lot shall not be used, rented or leased for any other purpose than the parking of vehicles for the premises on the subject property.
- 12. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
- 13. No Coastal Development Permit Condition clearance or Building Permit sign-offs shall be commenced prior to the completion of the California Coastal Commission permit issuance and the subsequent permit appeal period in Dual Jurisdiction or the completion of the 20-day review period of the City's Coastal Development Permit in Single Jurisdiction.
- Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent properties.
- 15. The applicant shall file a parking area and driveway plan with the applicable District Offices of the Bureau of Engineering and the Department of Transportation for review and approval prior to the issuance of a building permit. The plan shall be prepared consistent with the Department of Transportation's Driveway Design Manual and applicable provisions of Section 12.21 of the Municipal Code.
- 16. Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the final development plans to the satisfaction of the Department of Building and Safety and Department of Transportation.
- 17. All signs shall be of an identifying or directional nature only and shall be arranged and located so as not to be a distraction to vehicular traffic. New pole signs, projecting signs, roof signs, electronic message boards, pennants, ribbons, streamers, spinners, balloons (or any similar attention-attracting devices) and flashing or animated signs are prohibited.
- 18. All outside trash/recycling storage bins shall be located within a gated solid wall enclosure constructed of materials to match the finished exterior of the building, and located so as not to result in noise or odor impacts on any adjacent use.
- 19. The property owner and on-site manager(s) shall be responsible for maintaining the entire area over their control free of litter, including any parking areaused Øommission

patrons.

20. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including <u>but not limited to</u>, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation at its own expense in the defense of any action, but such participation relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled <u>before</u> the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor arcoased Commission

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punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after <u>October 13, 2016</u>, unless an appeal therefrom is filed with the <u>City</u> <u>Planning Department</u>. It is strongly advised that appeals be filed <u>early</u> during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning <u>on or before</u> the above date or the appeal will not be accepted. Forms are available on-line at http://cityplanning.lacity.org. Public offices are located at:

Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 (213) 482-7077 Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 (818) 374-5050

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **<u>BY APPOINTMENT ONLY</u>**, in order to assure that you receive service with a minimum amount of waiting. You should advise any **Consult** Commission

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representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on May 19, 2016, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a Coastal Development Permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is zoned M1-1 designated for Limited Industrial land uses and is subject to the Venice Coastal Zone Specific Plan Area, Los Angeles Transportation Corridor Specific Plan Area, Director's Interpretation of the Venice SP for Small Lot Subdivision (ZI-2406), General Plan Footnote(s) area, Calvo Exclusion Area Coastal Zone, Coastal Zone Commission Authority, liquefaction area, and within 5.5 kilometers to the Santa Monica Fault.

Properties to the north and west of the Subject Property are zoned M1-1 and are developed with a mix of light industrial uses and residential uses ranging from one and two-stories.

Properties to the east and south of the Subject Property are zoned R3-1 and are developed with primarily one- and two-story multi-family and single-family dwellings.

<u>Boccaccio Avenue</u>- adjoining the Subject Property to the south, is a Local Street-Standard, dedicated to a Right-of-Way Width of 60 feet and a Roadway Width of 36-feet and is improved with sidewalk, asphalt, curb, and gutter.

<u>Zeno Place</u>- adjoining the Subject Property to the east, is a Local Street-Standard, dedicated to a Right-of-Way Width of 60 feet and a Roadway Width of 36-feet and is improved with sidewalk, asphalt, curb, and gutter.

<u>Unnamed alleyway</u>- adjoining the Subject Property to the north is a dedicated to a width of 15 feet and is improved with asphalt.

A historical report was prepared and reviewed by the Department of City Planning's Office of Historic Resources (OHR) and found that although the Duplex is associated with Venice historic themes, the duplex is an altered structure and is not part of a distinctive grouping, and does not qualify as a historical resource under CEQA. Detailed historic findings can be found under Finding No. 6.

The new light industrial structure will be a workspace for software production and other related products. The building will have a maximum height of 29-feet, 6-inches with a varied roofline, and approximately 623 square-feet of landscaping around the building. A total of 11 off-street tandem and mechanically-stacked automobile parking spaces, as well as 15 short-term and 2 long-term bicycle parking spaces (required and volumetary) will mmission

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be provided.

The subject property consists of two adjacent, level, rectangular-shaped lots totaling approximately 5,000 square-feet located at the southwest corner of the intersection of Boccaccio Avenue and Zeno Place. The subject property has a 50 foot frontage along the northern side of Boccaccio Avenue, a depth of 100-feet along the southerly side of Zeno Place, and a width of 50 feet along the easterly side of an unnamed alleyway. The Subject Property is currently developed with a one-story, 1,474 square-foot duplex residential structure with an attached industrial workshop located in the rear. The duplex structure was built it 1923 and is proposed to be demolished.

The applicant is requesting a Coastal Development Permit authorizing the demolition of an existing duplex and the construction, use and maintenance of a new, two-story, 3,850 square-foot light industrial building sited over two lots zoned M1-1 within the singlejurisdiction area of the California Coastal Zone. The project also requires a project permit compliance review of a new industrial structure in the Venice Coastal Zone Specific Plan and a Mello Determination.

Previous zoning related actions on the site/in the area include:

Subject Site:

<u>Case No. DIR-2014-2824(DI)</u> - On August 14,2014, the Director of Planning approved a Director of Planning Specific Plan Interpretation that clarifies the relationship between Section 12.22.C.27 of the LAMC, established by the Small Lot Subdivision Ordinance (No.176,354), and the Venice Coastal Zone Specific Plan. The revised Director's Interpretation is intended to: (1) prevent small lot projects from exceeding densities otherwise allowed in the Specific Plan on individual lots; (2) highlight where conflicts between the LAMC and the Venice Coastal Zone Specific Plan exist and uphold the Specific Plan regulations where applicable; and (3) outline a review process for new small lot projects in the Venice Coastal Zone Specific Plan Area which takes into account the density, parking, and setback regulations of the Specific Plan

<u>Case No. CPC 2005-8252(CA)</u> – On January 11, 2007, the City Planning Commission approved a code amendment affecting areas within the Venice Community Plan and an ordinance establishing permanent regulations implementing the Mello Act in the Coastal Zone.

Case No. CPC 2000-4046(CA) – On May 23, 2001, the City Planning Commission approved a code amendment affecting areas within the Venice Community Plan.

<u>Case No. CPC 98-0119(LCP)</u> – On August 1, 2003, the City Planning Commission approved amendments to the Venice Local Coastal Program Specific Plan.

<u>Case No. CPC 87-0648(ICO)</u> – On April 18, 1998, the City Planning Commission approved an Interim Control Ordinance for the entire Venice Coastal Zone which will temporarily permit only building development which is in conformance with regulations substantially based on the California Coastal Compariso Commission

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Surrounding Properties:

<u>Case No. ZA 2014-3186(CDP) (MEL) (SPP)</u> - On August 27, 2014, a Case was filed requesting a Coastal Development Permit, a Mello Determination, and Project Permit Compliance from the Venice Coastal Zone Specific Plan to allow the demolition of an existing single-family dwelling and the construction, use and maintenance of a new two-story, industrial building having 4,330 square-feet with a height of 29.5 feet. The project will have 300 square-feet of open roofed patio on the second flow, and a loading zone. With the provision of 15 bicycle space, the number of automobile parking spaces provided will be 6 located at 519 West Boccaccio Avenue. A Public Hearing is scheduled for May 19, 2016.

<u>Case No: ZA 2014-2141(CDP)</u> - On January 23, 2015, the Zoning Administrator approved a Coastal Development Permit to allow the construction, use, and maintenance of a single-family dwelling within the single permit jurisdiction of the California Coastal Zone located at 627 West Oxford Avenue.

<u>Case No. ZA 2014-2137 (CDP)</u>- On January 23, 2015, the Zoning Administrator approved a Coastal Development Permit to allow the construction, use and maintenance of a single-family dwelling within the single permit jurisdiction area of the California Coastal Zone located at 625 West Oxford Avenue.

<u>Case No. ZA 2010-206(CDP)(CUB)(CU)(SPP)</u>- On January 28, 2011, the Zoning Administrator approved a Coastal Development Permit to allow the conversion, use and maintenance of retail/office space to restaurant space in the single jurisdiction of the California Coastal Zone, a Conditional Use permit to allow the sale and dispensing of beer and wine for on-site consumption within the proposed restaurant, a deviation from operating hours and tandem parking restrictions, and a Specific Plan Project Permit Compliance Review to ensure compliance with the provisions of the Venice Coastal Zone Specific Plan located at 6000 and 604 Venice Boulevard.

<u>Case No. ZA 2009-3190(CDP)</u>- On August 3, 2010, the Zoning Administrator approved a Coastal Development Permit to allow a change of use of an existing warehouse distributor to a manufacturing office located within the single jurisdiction of the California Coastal Zone located at 534 Victoria Avenue.

<u>Case No. ZA 2008-1150(CDP)(SPP)(MEL)</u>- On January 23, 2009, the Zoning Administrator approved a Coastal Development Permit authorizing the demolition of an existing single-family dwelling, conversion of an existing 1,287 square-foot light manufacturing/print shop brick building for use as retail art gallery, and construction of a new one-story building containing 1,000 square-feet of floor area also for use as a retail art gallery and 841 square-feet of floor area for administrative office use, within the single permit jurisdiction of the California Coastal Zone and a Specific Plan Project Permit Compliance for the proposed project which is located within the Venice Coastal Zone Specific Plan area located at 660 South Venice Boulevard. Coastal Con

Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 28 of 41 <u>Case No. ZA 2007-3804(CDP)(CU)</u> – On January 11, 2008, the applicant withdrew an application to the Office of Zoning Administration for a Coastal Development Permit, and a Conditional Use Permit to allow the installation and maintenance of an unmanned wireless telecommunications facility consisting of 12 panel antennas (three sectors of four antennas) screened and mounted on the rooftop of an existing single-story storage warehouse, and four equipment cabinets mounted inside the building that is located within the single jurisdiction of the California Coastal Zone located at 658-664 East Venice Boulevard (Trillium Consulting for T-Mobile).

<u>Case No. ZA 2007-3515(CDP)(CUB)(SPP)</u>- On September 19, 2008, the Zoning Administrator approved a Coastal Development Permit to allow the change of use of a 2,167 square-foot market/deli to market/deli and café on a 14,483 square-foot lot located within the single jurisdiction of the California Coastal Zone, a Conditional Use to permit the sale and dispensing of beer and wine only for onsite consumption in conjunction with the market/deli and café, and a Specific Plan Project Permit Compliance for the proposed change of use from a market/deli to market/deli and café located at 2321 Abbot Kinney Boulevard.

<u>Case No. ZA 2006-6646(CDP)(CUB)(CU)(SPP)</u> – On April 19, 2007, the Zoning Administrator approved a conditional use to allow the upgrading of an alcohol license from beer and wine to a full line of alcoholic beverages with hours of operation from 11 a.m. to midnight on Sunday through Wednesday and 11 a.m. to 2 a.m. on Thursday through Saturday, an existing restaurant accommodating approximately 49 patrons, in the Venice Coastal Zone; a Coastal Development Permit for the expansion of the existing restaurant with the addition of the outside patio area accommodating 10 patrons for a total of 49 patrons; and a Project Permit Compliance Review under the Venice Specific Plan, for the subject upgrade of alcohol license and the addition of the patio dining area to the existing restaurant located at 636-654 East Venice Boulevard.

<u>Case No. ZA 2005-4195(ZAA)</u> – On November 9, 2005, the Zoning Administrator approved a Zoning Administrator's Adjustment to allow a 1,305.5 square-foot addition to the rear of an existing single-family dwelling, observing a reduced 6-foot rear yard setback in lieu of the required 15 feet; and an adjustment to allow the proposed rear addition to observe a reduced west side yard setback of 4.49 feet in lieu of the required 6 feet located at 1670 South Electric Avenue.

<u>Case No. ZA 2002-0421(CDP)(PP)(ZAD)(MEL)</u> – On November 25, 2002, the Zoning Administrator approved a request to construct two new buildings and renovate an existing manufacturing building into artist-in-residences located at 2100 South Abbott Kinney Boulevard.

<u>Case No. ZA 2000-5253(ZAD)</u> – On May 3, 2001, the Zoning Administrator approved a request to build a block wall, 6 feet tall, in the front yard located at 692-698 West Venice Boulevard.

Case No. ZA 2000-3664(ZAD)(CDP)(SPP) – On February 5, 2001, the active commission Exhibit 3 A-5-VEN-17-0029 Page 29 of 41 Administrator approved a request for nine artist-in-residence units located at 2110 South Narcissus Court and 513 East Victoria Avenue.

<u>Case No. ZA 2000-3629(CDP)(SPP)</u> – On February 15, 2001, the Zoning Administrator approved a request for a commercial laundry located at 2100 South Abbott Kinney Boulevard.

PUBLIC HEARING

A public hearing was conducted on May 19, 2016 at the West Los Angeles Municipal Building, with Jason Chan acting as Hearing Officer.

Alan Concepion, Project Representative

- Project proposes demolition of a duplex; land is zoned for industrial
- · Parking requirements are satisfied
- · Proposed building height is less than adjacent buildings
- Pitched roof is intended to match existing residential buildings on block
- Project has been reviewed by Venice Neighborhood Council Land Use & Planning Committee & President's Row Association
- Duplex has been vacant for two years, and has lost its non-conforming rights. Housing cannot be placed back.
- Duplex found to be not historic
- 5-foot dedication on both streets and a 2-foot dedication along the alley is requested by Engineering
- Subject case was filed in August 2014, soon after purchase of property
- · Building records show the use was a duplex, with an auto repair shop in the rear
- Live-work units not a realistic use, as a variance would be required in the M1 zone
- The property owner is a responsible individual, and would select a responsible tenant
- Site has enough work for staging for materials and parking for construction workers

Maggie Lally, Community Member

- Duplex purchased by owner 2 years ago and deliberately left vacant in order to allow project
- Site became industrial in the 1970's
- Concerns about lack of street parking
- Petitions with 32 signatures opposing project
- Proposed project will introduce noise and traffic impacts from employees and visitors
- Tenant is unknown and creates an unsettling experience for neighbors
- · Numerous families reside in the area

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Janet Lally, Community Member

- Unaware of project until recently
- Request confirmation that employees will park on-site only
- · Concerned about proposed tenant and parking requirements for that specific use
- Project will introduce traffic and noise impacts
- Size and scale of building are acceptable

Harris Levy, President's Row Association

- Concerns about construction impacts to street parking
- Request a shuttle service for construction workers to protect supply of street parking for residents

Robin Rudisill, Venice Neighborhood Council

- Require employees to park on-site only, and not on the street
- A Whole Foods Market acts as a precedent, as that case had a penalty for employees parking on local streets
- Worried that propose car lifts may not be used, due to extra time required. Therefore, a parking attendant should be required to operate the lifts.
- Concern about the two projects undergoing construction at the same time
- · Request condition for construction workers to be shuttled in
- Project reviewed by Land Use & Planning Committee on May 2, 2016; however a second review is needed to clarify project
- Request for file to be kept open, as vote by full Neighborhood Council expected in June 2016

At the end of the hearing, the case was taken under advisement, and no official action was taken.

Written Correspondence

On August 16, 2016 the Venice Neighborhood Council voted to deny the proposed project.

On July 28, 2016 a letter was submitted by People Organized for Westside Renewal (POWER) stating that, per Mello Act guidelines, the applicant has been unable to prove that a residential use is not feasible at the project site, regardless of the existing conditions, underlying zone, or existence of non-conforming uses.

On May 15, 2016 an e-mail was submitted by Catherine Bull expressing concern regarding the project, citing the additional noise, traffic, and street parking that will be occupied by future employees of the proposed building.

MANDATED FINDINGS

Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 31 of 41 In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

The development is in conformity with Chapter 3 of the California Coastal Act of 1976.

Chapter 3 of the California Coastal Act provides standards by which "the permissibility of the proposed developments subject to the provision of this division are determined." The Coastal Act also provides that: "New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or, where such areas are not able to accommodate it, will not have significant adverse effects, either individually or cumulatively on coastal resources."

The subject property is zoned M1-1 designated for Limited Industrial land uses and is subject to the Venice Coastal Zone Specific Plan Area, Los Angeles Transportation Corridor Specific Plan Area, Director's Interpretation of the Venice SP for Small Lot Subdivision (ZI-2406), General Plan Footnote(s) area, Calvo Exclusion Area Coastal Zone, Coastal Zone Commission Authority, liquefaction area, and within 5.5 kilometers to the Santa Monica Fault.

Properties to the north, east, south, and west are zoned M1-1 and M1-1-O and are developed with primarily one- and two-story light industrial buildings. Immediately to the north and west of the project site is a City of Los Angeles maintenance yard facility that includes a compressed natural gas refueling station. Properties immediately located to the south and east of the Subject Properties are developed with a series of nine, two-story, live-work units.

The new light industrial structure will be a workspace for software production and other related products. The building will have a maximum height of 29-feet, 6-inches with a varied roofline, and approximately 623 square-feet of landscaping around the building. A total of 11 off-street tandem and mechanically-stacked automobile parking spaces, as well as 15 short-term and 2 long-term bicycle parking spaces (required and voluntary) will be provided.

The Venice Coastal Zone Specific Plan (Ordinance No. 175,693) was adopted by the City Council on December 2, 2003. The Coastal Commission certified the Land Use Plan (LUP) for the Venice Coastal Zone area on June 14, 2001.

The applicant is requesting a Coastal Development Permit authorizing the demolition of an existing duplex dwelling with light industrial machine shop and the construction, use and maintenance of a new, two-story, 3,850 square-foot light industrial building sited over two lots zoned M1-1 within the single-jurisdiction area of the California Coastal Zone. The project also requires a project permit compliance review of a new industrial structure in the Venice Coastal Zone Specific Plan and a Mello Determination. Coastal Con

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Chapter 3 of the Coastal Act contains provisions that address the impact of development on public services, recreational opportunities, public access, scenic views, infrastructure, the environment, and significant resources. Applicable provisions are as follows:

- a. Section 30220 Water-Oriented Activities: The subject site is within the single-jurisdiction area of the Coastal Zone, but is located on a light manufacturing zone within a developed area approximately 4,100-feet from the shoreline, the project involves the demolition of an existing duplex and construction of a light-manufacturing building. The site is not suited for water-oriented recreational activities.
- b. Section 30222 Private Lands for Commercial Recreational Facilities. The site is zoned for light manufacturing uses, is not designated a recreation area, and not adjacent to the coastline. This privately owned-site is therefore not suitable for commercial recreational facilities for coastal recreation.
- c. Section 30230 Marine Resources. The site is within the single-jurisdiction area and is over 4,100 feet from the coastline. The site is zoned for light manufacturing uses and currently developed with a vacant duplex, and surrounded by development on all sides. The proposed project will not involve diking, filing, or dredging of open coastal waters, wetlands, estuaries, or lakes. The proposed project will result in no impact on marine resources.
- d. Section 30240 Environmentally Sensitive Habitat Areas. The project will not impact any marine resources. The site is over 4,100 feet away from the coastline, and well above the high tide line and will not have any identifiable effect on the Pacific Ocean, the Venice breakwater or on the sandy intertidal zone.
- e. Section 30244 Archeological or Paleontological Resources. The subject site is currently improved with a duplex and surrounded by development. No new archeological or paleontological resources are anticipated to be identified with the implementation of the project, as the site is currently developed.
- f. Section 30250 Existing Developed Area. The subject site is located within a developed area. The proposed project is the demolition of an existing duplex and construction of a new light manufacturing building. The existing building is sited on land zoned M1-1 and has lost its non-conforming land use rights.
- g. Section 30251 Scenic and Visual Qualities. The project's location results in no impact on scenic or visual qualities of coastal areas or prominent natural landforms. The site is not located along or near a designated scenic corridor and is located over 4,100 feet away from the coastline.

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- h. Section 30252 Public Access to the Coast. The subject property and proposed project do not block any existing access to the beach and has therefore no impact on shoreline access.
- i. Section 30253 Minimization of Hazardous Impacts. The subject property is flat and not located along a bluff or cliff. No grading, excavation, draining, or dredging is proposed. The site is not within a Methane Buffer Zone, Tsunami Inundation Zone, and located within 5.5 kilometers from the Santa Monica Fault. It is located within a Liquefaction area. However, the project is required to comply with state and local building codes that would minimize structural and seismic impacts.
- j. Section 30260 Coastal-Dependent Industrial Facilities. The project will complement similar light manufacturing buildings in the nearby Venice neighborhoods. The project site is currently developed with a residential building and no industrial facilities besides a light machine shop are located on-site.

The proposed project is not expected to impede any water-oriented recreational facilities or activities. The project proposes to provide all parking requirements and satisfies all requirements regarding to the building envelope. The property is presently developed with a duplex on property located with a zone classification designated for light manufacturing land uses. The existing buildings have been vacant for an extended period of time and have lost their non-conforming rights per the underlying zone. The proposed demolition of the duplex and construction of a new light manufacturing building has no impact on the location or operation of coastal dependent industrial facilities or recreational uses.

As articulated above, and as conditioned, the development is in conformity with Chapter 3 of the California Coastal Act of 1976.

 The 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.

Currently, there is no adopted Local Coastal Plan (LCP) for this portion of the Coastal Zone. In the interim, the adopted Venice Community Plan serves as the functional equivalent. The Venice Community Plan Map designates for Limited Manufacturing with a corresponding zone of M1 and Height District No. 1. The property is within the area of the Los Angles Coastal Transportation Corridor and Venice Coastal Zone Specific Plans. The subject property is zoned M1-1 and is consistent with the community plan in terms of the use and the density.

The proposed use is permitted in the M1 Zone and plan designation of the Venice Community Plan.

3. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any Coastal Commission

Exhibit 3 A-5-VEN-17-0029 Page 34 of 41 subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:

California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations. The development regulations of the Venice Specific Plan have been considered and the project was found to comply with the requirements of the Oakwood-Milwood-Southeast Venice Subarea regarding parking, height, and access, and further complies with the standards for new industrial development.

4. 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, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

The proposed project is consistent with the previous decisions of the City and the California Coastal Commission that included new construction, improvements and remodels to existing residential structures.

- In February 2016, the Commission approved an Administrative Permit to construct automobile lifts at 29-47 Windward Avenue.
- In February 2015, the Commission approved an Administrative Permit to convert a duplex into a single-family home at 1774 Washington Way.
- In March 2014 the Commission an Administrative Permit to demolish a duplex and construct a new single-family home at 21 27th Avenue.

No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the Coastal Commission regarding the proposed demolition of a duplex and the new construction of an industrial building in the M-1 Zone. Therefore, the decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission.

5. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

> Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 35 of 41

Section 30210 of the Coastal Act states the following in regards to public access:

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, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

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.

The subject property is in the single jurisdiction zone and is not located between the nearest public road and the sea or shoreline of a body of water located within the coastal zone and the nearest public road to such geographic features. The parcel itself is not situated on a waterfront, and there are public roads and access ways between the subject property and the sea or shoreline of a body of water. There will be no dredging, filing, or diking of coastal waters or wetlands, and there are no sensitive habitat areas, or archaeological or paleontological resources identified on the site. The project is consistent with the underlying zone and building envelope requirements. Therefore, as proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

An appropriate environmental clearance under the California Environmental Quality Act has been granted.

On January 22, 2015, A Notice of Exemption (ENV 2014-3183-CE) was issued pursuant to from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 3, and Category 17 of the City CEQA Guidelines because the project is the demolition of an existing duplex dwelling and the construction of a new industrial building in an urbanized area have been determined not to have a significant effect on the environment.

A historical report prepared by PCR Services Corporation was submitted by the applicant on January 21, 2015 and reviewed by the Department of City Planning's Office of Historic Resources (OHR). The report found although the Duplex is associated with historic themes identified in the Los Angeles' Citywide Historic Context Statement, such as the Pre-Consolidation of Venice (1850-1925), and Spanish Colonial Revival style architecture (1915-1942), the duplex is an altered and typical example of a common Spanish Colonial Revival style Duplex and is not part of a distinctive grouping. The overall appearance of 519 and 521 Boccaccio Avenue that the integrity of the property has been substantially compromised in terms of design, materials, workmanship, and setting. Additionally, some of the primary exterior character-defining features including the stucco, fenestration, and doors have all been altered, replaced and/or modified from their original Conditionmission.

Evhibit 3 A-5-VEN-17-0029 Page 36 of 41 degrading the structure's historic appearance, and the building is not associated with any prominent occupants and owners or important events.. Thus, it does not appear potentially eligible, either individually or as a contributing member of a potential district, under any of the applicable federal, state or local eligibility criteria and does not reflect or exemplify the broad cultural, political, economic, or social history of the nation, state, or city. Furthermore, research regarding the past building owners uncovered four owners, none of whom are associated with historic personages or events in the main currents of national, state, or local history. Because the subject property is not a historical resource, the proposed project ("Project") has no direct impact on historic resources and no further evaluation is needed to comply with CEQA. In addition, the Project does not materially impair the setting of other historical resources in the project vicinity, and therefore, under CEQA, the Project would have no indirect impact to historical resources in the project vicinity.

MELLO FINDING

7. The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 [Mello Act].

The proposed project will be for an industrial use in a designated industrial zone and will not include any residential components. On July 19, 2016 the Housing and Community Investment Department (HCID) issued a Mello Act Determination for subject site, and found that no affordable units exists on-site. Specifically, HCID studied Department of Water and Power Bills and found that minimal water and electricity was used between the years 2014-2016. Thus, it can be concluded that the dwelling unit has been vacant for a period of over 365 days. Further, the proposed project neither meets nor exceeds the threshold of 10 or more dwelling units to require an affordable housing component as mandated by California Government Code Section 65590 (Mello Act).

On February 22, 2016, the applicant submitted a feasibility study for the proposed demolition of the existing duplex and machine shop, located at the rear of the building. The study found that a residential use is no long feasible at this site due to a combination of economic, social, environmental, and technical factors. Notably, the study found that a residential use is not feasible due to the underlying M1 zone. Residential uses are not a by-right allowed use in the M1 zone; a zone variance would be required to permit a residential use. Further, the existing duplex has been vacant for an extended period of time and has been discontinued for over one year, and thus has lost its non-conforming rights allowed by Code. Only the machine shop in the rear may continue, as this use is a permitted use in the M1 zone. The non-conforming land use affects all other factors that require analysis by the feasibility study. Economic factors were weighed by the financial cost of a zone variance and uncertain outcome of a variance request. Environmental factors make the project infeasible as a land use conflict with any applicable land use plan or policy would create a potentially significant impact, per CEQA guidelines. Technical factors are supported by a letter from the Department of Building & Safety from February 11, 2016 that states the existing building accommission

Exhibit 3 A-5-VEN-17-0029 Page 37 of 41 no longer have an non-conforming rights as a residential building which use is not permitted in the an M1 zone, per Section 12.23,B-9 of the Code. Further, the Interim Procedures for Comply with the Mello Acts states the proposed removal of residential may be argued for "if the existing underlying zone or any other applicable regulation prohibits all residential uses."

In summary, the proposed project satisfies all review and analysis per the Mello Act, as a residential use is not feasible on-site, and no affordable units are being removed.

SPECIFIC PLAN PROJECT PERMIT COMPLIANCE FINDINGS

In order for a specific plan project permit compliance to be granted all of the requisite findings maintained in Section 11.5.7-C of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same:

 That the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood;

Properties to the north and west of the Subject Property are zoned M1-1 and are developed with a mix of light industrial uses and residential uses ranging from one and two-stories. Properties to the east and south of the Subject Property are zoned R3-1 and are developed with primarily one- and two-story multi-family and single-family dwellings.

The subject property consists of two adjacent, level, rectangular-shaped lots totaling approximately 5,000 square-feet located at the southwest corner of the intersection of Boccaccio Avenue and Zeno Place. The subject property has a 50 foot frontage along the northern side of Boccaccio Avenue, a depth of 100-feet along the southerly side of Zeno Place, and a width of 50 feet along the easterly side of an unnamed alleyway. The subject property is currently developed with a one-story, 1,474 square-foot duplex residential structure with an attached industrial workshop in the rear which was built it 1923 (which is to be demolished).

The new light industrial structure will be a workspace for software production and other related products. The building will have a maximum height of 29-feet, 5-inches with a varied roofline, and approximately 623 square-feet of landscaping around the building. A total of 11 off-street tandem and mechanically-stacked automobile parking spaces, as well as 15 short-term and 2 long-term bicycle parking spaces (required and voluntary) will be provided.

In light of the above, it can be found that the project, as conditioned, substantially complies with the applicable regulations, standards and provisions of the Specific Plan

9. The Venice Coastal Development Project is in conformity with the castal edition

Exhibit 3 A-5-VEN-17-0029 Page 38 of 41

Venice Local Coastal Program.

The property is located within the Oakwood-Milwood-Southeast Venice subarea of the Venice Coastal Zone Specific Plan. It is designated for Limited Industrial land uses on the Venice Land Use Plan, a component of the Venice Local Coastal Program that was certified by the California Coastal Commission on June 14, 2001. The property is zoned M1-1.

The applicable provisions of the Specific Plan to this project are contained in Sections 9 (General Land Use and Development Regulations), 10.G (Land Use Regulations for the Oakwood-Milwood-Southeast Venice Subarea), 11 (Commercial and Industrial Design Standards), and 13 (Parking). The proposed project has been designed and conditioned to meet the applicable land use, design and parking standards:

Parking – According to the Venice Coastal Zone Specific Plan, the applicant is required to provide 14 automobile parking spaces as well as provide 2 short-term and 2 long-term bicycle spaces on site. Pursuant to Section 12.21 A(4) of the Los Angeles Municipal Code, up to 20% of new or existing automobile parking spaces for all uses may be replaced with bicycle parking spaces at a ratio of four bicycle parking spaces to every automobile parking space. 12 bicycle parking spaces will be installed to satisfy the automobile parking requirements in lieu of the three automobile spaces that are not provided. In total, the project proposes 11 off-street tandem and mechanically-stacked automobile parking spaces, as well as 15 short-term and 2 long-term bicycle parking spaces.

<u>Height</u> - The proposed new construction will include a two-story, light industrial building totaling 3,850 square-feet with a maximum height of 29 – feet, 5-inches with a varied roofline. The maximum height limit for Subarea G restricts building heights to a) 25-feet for flat roofs b) 30 feet for varied or stepped back roofline and c) 28-feet for Walk streets. The project has a varied roof line and is not located on a Walk Street, therefore the proposed structure complies with the height requirements of the Specific Plan.

<u>Roof Structures</u> – The project is conditioned to comply with the applicable roof structure limitation of Section 9.C.1.a.

<u>Ground Floor Industrial Development</u> - Industrial projects are required to incorporate entrances, eye-level displays, a contrast in wall treatment, an offset wall, or other decorative features in the ground floor of the project (at least 65 percent) facing the street. As shown in Exhibit A, the frontage on Boccaccio Avenue is composed of natural material including wood, anodized aluminum, steel, glass, and iron. The materials are integrated throughout the facade, create a recessed, transparent entry, and provide interesting architectural details at the ground floor. The main pedestrian entrance is enhanced by a high level of transparency and highlighted through the use of landscaping. Therefore, the project complies with Section 11.C of the Specific Plan. Coastal Com

Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 39 of 41 In light of the above, it can be found that the project, as conditioned, substantially complies with the applicable regulations, standards and provisions of the Specific Plan.

10. That 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;

The proposed project will be for an industrial use and will not include any residential components. There are currently no affordable dwelling housing units on the project site. As such, the project will not be removing affordable housing in the area. The proposed project will be a change from a non-conforming residential use to one that is consistent with the current M1-1 (light industrial) zoning and General Plan land use designation for this site.

11. 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 will be for an industrial use and will not include any residential components. There are currently no affordable dwelling housing units on the project site. As such, the project will not be removing affordable housing in the area. The proposed project neither meets nor exceeds the threshold of 10 or more dwelling units to require an affordable housing component as mandated by California Government Code Section 65590 (Mello Act).

Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 40 of 41

ADDITIONAL MANDATORY FINDINGS

- 12. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
- On January 22, 2015, the project was issued a <u>Notice of Exemption</u>, log reference ENV 2014-3183-CE, for a Categorical Exemption, Class 3, Category 17, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter shall be directed to Jason Chan, Hearing Officer for the Department of City Planning at (213) 978-1310.

THEODORE L. IRVING, AICP Associate Zoning Administrator

TL:jc

cc: Councilmember Mike Bonin Eleventh District Adjoining Property Owners

> Coastal Commission Exhibit 3 A-5-VEN-17-0029 Page 41 of 41

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 200 OCEANGATE, 10"" FLOOR LONG BEACH, CA 90802-4416 VOICE (562) 590-5071 FAX (562) 590-5084

CALIFORNIA

RECEIVED South Coast Region

MAY 1 7 2017

EDMUND G. BROWN JR., Governor

COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Robin Rudisill, Lydia Ponce, POWER/Bill Przylucki, Jill Howe-Vercos, Edward Levey, Janet Lally, Michael Vercos, Name David Ewing, Gabriel Ruspini, led Panker, ludy Esnosito, Celia Williams, Noel Gould 3003 Ocean Front Walk Mailing Address:

City Venice Zip Code: 90291

Phone: 310-721-2343

SECTION II. Decision Being Appealed

- Name of local/port government: Los Angeles 1.
- Brief description of development being appealed: 2.

Demolition of a duplex, and construction of a two-story, 3,850 sq ft. industrial building with 11 mechanicallystacked on-site parking stalls.

Development's location (street address, assessor's parcel no., cross street, etc.): 3.

519-521 Boccaccio Ave, APN: 4237007008, @ Zeno PI

Description of decision being appealed (check one.): 4.

- Approval; no special conditions xП
- Approval with special conditions: \square
- Denial
 - For jurisdictions with a total LCP, denial decisions by a local government cannot be Note: appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BI	E COMPLETED BY COMMISSION:
APPEAL NO:	A.S.VEN. 17.0029
DATE FILED:	5.17.17
DISTRICT:	South Coast

Coastal Commission Exhibit 4 A-5-VEN-17-0029 Page 1 of 19



519 Boccaccio Ave CDP Appeal APPELLANTS May 17, 2017

Robin Rudisill 3003 Ocean Front Walk, Venice, CA 90291

Lydia Ponce 837 ½ Milwood Ave, Venice, CA 90291

Celia Williams 678 San Juan Ave, Venice, CA 90291

Bill Przylucki People Organized for Westside Renewal (POWER) 235 Hill St., Santa Monica, CA 90405

Jill Howe-Vercos 616 Victoria Ave, Venice, CA 90291

Janet Lally 617 Boccaccio Ave, Venice, CA 90291

Michael Vercos 616 Victoria Ave, Venice, CA 90291

Edward Levey 617 Boccaccio Ave, Venice, CA 90291

David Ewing 134 Preston Way, Venice, CA 90291

Gabriel Ruspini PO Box 54, Venice, CA 90291

Jed Pauker 824 Amoroso Place, Venice, CA 90291

Judy Esposito 2341 Boone Ave, Venice, CA 90291

Noel Gould 3003 Ocean Front Walk, Venice, CA 90291

> Coastal Commission Exhibit 4 A-5-VEN-17-0029

> > Page 2 of 19

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

- 5. Decision being appealed was made by (check one):
- x Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- □ Other
- 6. Date of local government's decision: April 17, 2017
- Local government's file number (if any): ZA-2014-3182-CDP-SPP-MEL-1A

SECTION III. Identification of Other Interested Persons

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

- a. Name and mailing address of permit applicant:
- b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.
- (1) Michael Chait, Chait Company. 7306 Coldwater Canyon #12. North Hollywood, CA 91605
- (2) MBL Sperry, LLC, C/O MBL Properties Inc., 2550 South Overland Ave, L.A., CA 90064
- (3) Tom Stemnock, Planning Associates Inc., 4040 Vineland Ave, Suite 108, Studio City, CA 91604

(2)

(3)

(4)

Coastal Commission Exhibit 4 A-5-VEN-17-0029 Page 3 of 19 SECTION IV ZA-2014-3182-CDP-SPP-MEL MAY 17, 2017

519-521 Boccaccio Ave:

1. The WLAAPC did not uphold the citizen appeal as they operated under the assumption that they had to accept the LADBS decision to revoke non-conforming rights. The related LADBS documents containing the details of the LADBS decision should have been provided to the Commissioners (copy is attached). Given that this was the deciding factor in the case, we believe that WLAAPC should have addressed the LADBS revocation of non-conforming rights. We only became aware of the LADBS decision through the Department of City Planning process. See further details at Exhibit A.

- Other miscellaneous reasons for reconsideration include:
- The City asserted that the 519-521 Boccaccio case was supported by the Venice Neighborhood Council (VNC) when in fact the VNC recommended denial of the project (copy of Minutes attached);
- The CDP Findings incorrectly used non-certified documents to make the Findings and thus those Findings are invalid and the CDP determination is not valid;
- There was a Brown Act violation for the 519-521 Boccaccio case, as the Commissioners had the most recent plans, given to them separately, and those plans were not available to the Public online, in the current or prior Staff Report;
- The decision made by the Commission DOES prejudice the ability of the City to prepare a Local Coastal Program (LCP), as the LCP (which becomes part of the General Plan) is the document where the case could be made for residential uses to be by right uses in industrially zoned areas, which IS something that is under consideration. As the Finding is incorrect and cannot be made in the affirmative, the CDP determination is invalid. By ignoring this erroneous Finding, denying the appeal and allowing this conversion, the result is that this Venice Coastal Zone precedent will likely result in the loss of all of the residential uses in industrial zones before the community even has the chance to make this change in its LCP/ the General Plan. In addition, this practice of allowing an Applicant to cause/allow his own property to be unsafe and also declare it as unsafe, as well as the Applicant causing/allowing the loss of nonconforming rights for the residential use, could also impact other land use decisions where residential properties are located in zones other than industrial;
- In closing statements the Applicant stated that the neighborhood was in favor of the 519-521 Boccaccio Ave project, when in fact there were many in attendance at the local and City hearings who were in opposition, and the CDP determination also reflects comments at the City's Public Hearing that there was a petition against the project signed by 35 of the neighbors.

Coastal Commission Exhibit 4 A-5-VEN-17-0029

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3. This is a situation that must not become a precedent in the Coastal Zone. Under the Coastal Act, existing and new visitor-serving commercial uses and existing residential uses are priority uses in the Coastal Zone. A project to demolish three residential units in the Coastal Zone for the purposes of building tech offices must not be allowed. This is a direct result of the Silicon Beach expansion eating up the existing footprint of Venice Coastal Zone and the resulting loss of existing uses, both commercial and residential. This conversion impacts Coastal Access for lower income residents, mainly people of color, and is also an Environmental Justice issue. These residents are being displaced from the Venice Coastal Zone.

See Exhibit B for more information on Environmental Justice.

In addition, parking is an issue as the parking requirement includes lifts, tandem parking, and bike parking. There is already a huge impact of surrounding offices parking in the neighborhoods. It is general practice for office workers to avoid using lifts and tandem parking and there appears to be no good way to assure that they do so. Thus, additional cars parking in these neighborhoods will result in a material access issue and a material detriment in quality of life to the adjoining lots and the immediate neighborhood, as there will be little or no street parking available for those residents.

The real use for this property has been a residential use for decades. DBS is forcing a change to offices with a meaningless decision that was completely in the control of the applicant, in order to perhaps make more money in selling offices than residential units due to the great Silicon Beach office demand.

The Venice Coastal Zone balance of uses must not be impacted just because tech workers like working near the beach. Residential uses must not be decreased for purposes of more office space. The cumulative impact by allowing such a decision by LADBS will have a very material adverse impact on the residential housing stock of the Venice Coastal Zone.

The more footprint that Silicon Beach eats up for offices, the less is available in order to maintain visitor-serving commercial and residential uses.

Coastal Act, Section 30001 (d) Legislative Findings and Declarations: That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

> Coastal Commission Exhibit 4 A-5-VEN-17-0029

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

Section VI. Agent Authorization

- I/We hereby
- authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal WE Signature of Appellant(s) May 17, 2017 Date:

Coastal Commission Exhibit 4 A-5-VEN-17-0029

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BOARD OF BUILDING AND SAFETY COMMISSIONERS

VAN AMBATIELOS

E, FELICIA BRANNON JOSELYN GEAGA-ROSENTHAL GEORGE HOVAGUIMIAN JAVIER NUNEZ

February 11, 2016

MBL Sperry, LLC Attn: Louis Wolf 2550 Overland Avenue, Suite 2000 Los Angeles, CA 90064

RE: 519 - 521 W. Boccaccio Avenue

APN: 4237-007-008

In response to your request o January 22, 2016, regarding zoning information on the above referenced property, please be advised of the following:

The property, known as Tract: 6002, Block: none, Lot: 11, is shown on the Zoning Map to be located in the M1-1 Zone. See the attached print out of the Parcel Profile Report for all zoning related information pertaining to this property.

On October 7, 2015, you requested a determination for whether a single family in the M1 zone that has been vacated and discontinued as a residential use for more than a year still has nonconforming rights per LAMC Section 12.23 B.9. A letter was sent on October 24, 2015 in respond to your request stating that it was difficult to make the determination that the site lost its non-conforming rights. On January 22, 2016, a request was made to reconsider the determination and additional information have been provided to establish that the residential use has been discounted for more than one year.

Based on the information provided (Attachment "A") and the letter provided by the owner declaring the unsafe conditions and hardship of obtaining a renter, it has been determined that the building has not been in used since July 2014, over one year ago.

Therefore, pursuant of section 12.23 B9, LAMC, the building can no longer have any nonconforming rights as a residential building which use is not permitted in an M1 Zone.

Should you need any further assistance pertaining to this matter, please contact Catherine Nuezca Gaba at (213) 482-0435.

Catherine Nuezca Gaba Building Civil Engineer

Attachments Cc: Office File

LADUS G-5 (Rev 00/30/2014)

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Coastal Commission Exhibit 4 A-5-VEN-17-0029

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CITY OF LOS ANGELES



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

RAYMOND S. CHAN, C.E., S.E. GENERAL MANAGER

FRANK BUSH

FXECUTIVE OFFICER

ATTACHMENT "A" 519-521 BOCCACCIO AVENUE

REQUEST: We would like a Zoning Determination issued to determine if the existing residential building, which is in the Industrial zone, no longer has it's nonconforming rights, considering the length of discontinued use, per Section 12.23.B.9 of the Code (attached).

CURRENTLY EXISTING: Non-conforming duplex house, vacant for more than one year. There is also a back part of the building that is used for industrial machine shop purposes (still operational), which is conforming with the Industrial zone. This back part has no access to the duplex house portion of the building (see attached Certificate of Occupancy and Building Permit that permitted the machine shop many years ago).

BACKGROUND ON VACANCY: The current property owner, MBL Sperry, LLC, purchased the property on July 1, 2014 (see grant deed attached). The duplex has been vacant since purchase of the property, for at least one year and three months. The machine shop in the back portion of the building, while still operational, does not and has not had use or access to the duplex portion of the building.

PROOF OF VACANCY:

Utility bills from LADWP show that the existing residential building has been vacant since the current owner purchased it more than one year ago in July 2014.

Billing period from 7/31/4 - 1/20/15 - shows that electric and water charges are very low, and do not reflect a building that is being occupied or lived in by anyone. The small amount of usage that is being billed would account for minor operations of the machine shop in the back portion of the building (which is billed together with the vacant duplex), as well as minor ongoing maintenance of the building, grounds, and landscaping.

Billing period from 1/20/15 - 7/18/15 - LADWP did not bill on time so all electric bills for six months were consolidated into one bill. The cost of the electric bill for the six month period between January and July was ONLY \$65.64. This small amount of usage accounts for use of electricity by the machine shop in the back, and in maintaining the vacant portion of the building.

Billing period from 7/18/15 - 9/16/15 (most recent bill) - shows the electric and water bills are again consistently low and indicative that the non-conforming residential uses have been discontinued, with only minor use of electricity and water by the conforming and operational machine shop in the back, as well as for maintaining the building and grounds.

NOTE: LENCOURAGE YOU TO VISIT THE BUILDING AND SITE AND SEE FOR YOURSELF THAT THE RESIDENCE HAS CLEARLY BEEN LONG VACANT.

Coastal Commission Exhibit 4 A-5-VEN-17-0029

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BUILDING AND SAFETY COMMISSIONERS

> VAN AMBATIELOS PRESIDENT

E. FELICIA BRANNON VICE-PRESIDENT

JOSELYN CEAGA-ROSENTHAL GEORGE MOVAGUIMIAN JAVIER NUNEZ CITY OF LOS ANGELES



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

RAYMOND S CHAN, C.E., S E GENERAL MANAGER

> FRANK BUSH EXECUTIVE OFFICER

October 24, 2015

MBL Sperry, LLC Attn: Louis Wolff 2550 Overland Avenue, Suite 200 Los Angeles, CA 90064

RE: 519 TO 521 W. BOCCACCIO AVENUE

APN: 4237-007-008

In response to your request of October 7, 2015 regarding zoning information on the above referenced property, please be advised of the following:

The property, known as Tract: TR 6002, Block: None, Lot: 11, is shown on the Zoning Map to be located in the M1-1 Zone. See the attached print out of the Parcel Profile Report for all zoning related information pertaining to this property.

You requested a determination for whether a duplex in the M1 zone that has been vacant and discontinued as a residential use for more than a year still has nonconforming rights as per LAMC Section 12.23 B.9. You also included a statement indicating that some utility bills were not paid. Please see the following:

The application of LAMC Section 12.23 B.9 is more practical when applied to industrial or commercial uses because one of the requirements of running a particular husiness is that you must obtain a business license for it. If a location does not have a business license which is valid for operation of the business within a specified time period, then there could not have been any logal operation of such business during that specified time period. This is one of applying

However, residential uses are more complicated since the use is based on whether anyone is in fact residing within the building. The code does not require obtaining a similar license to occupy a house or an apartment building. It would be somewhat premature to make this determination without first visiting the site.

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

519-521Boccaccio.nt.use_10-24-2015

Page 3 of 2

Coastal Commission Exhibit 4 A-5-VEN-17-0029

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Therefore, it has been determined that the final determination should be done by a city inspector (building or housing) who has been granted authority to visit the site and ultimately enforce whether this code section is valid in this case.

If the approved use of the building contains more than one dwelling unit and you believe that there has been a violation of this code section, you may report the violation on the Housing & Community Investment Department's website. If the approved use of the building is a single family dwelling and you believe that it has violated this code section, then you may report the violation on our website.

This information is provided as of October 24, 2015 and the zone is as shown on the Zoning Map. Should you need any further assistance pertaining to this matter, please contact Dakarai Smith at your convenience at (213) 202-5415.

Dakarai Smith Office Engineering Technician

Ara Sargsyan Zoning Engineer Department of Building Safety

Attachments

AS:DS:ds

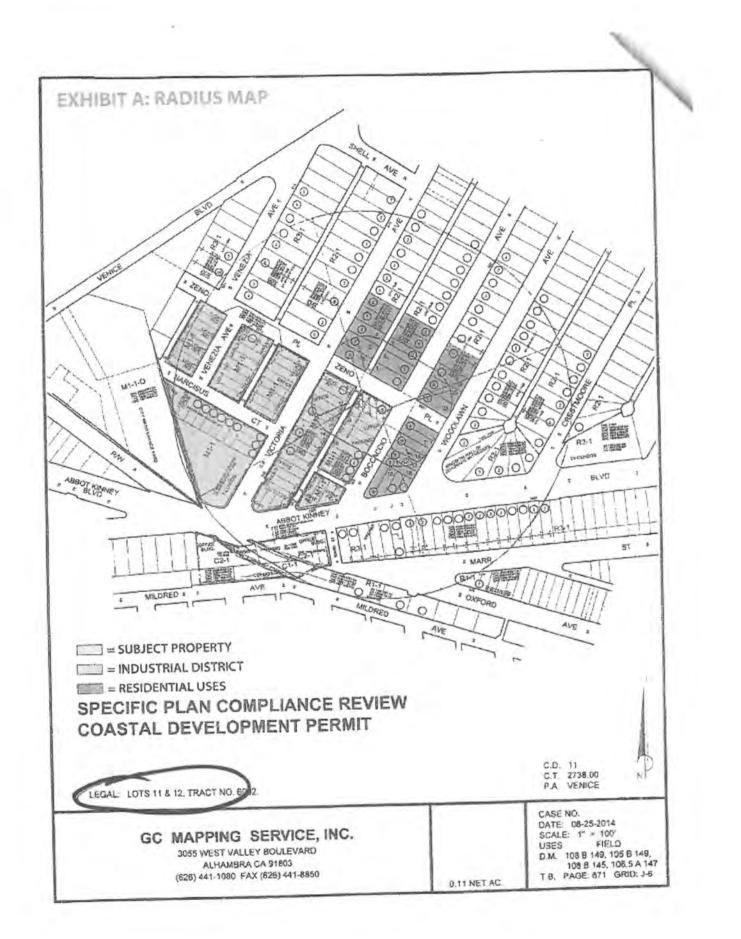
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PROPERTY ADDRESSES 2316 S ZENO PL 521 W BOCCACCIO AVE

ZIP CODES 90291

BECENT ACTIVITY DIR-2008-4703-DI

CASE NUMBERS

CPC-2005-8252-CA CPC-2000-4046-CA CPC-1998-119-LCP CPC-1987-548-ICO CPC-1984-226-SP CPC-17632 ORD-175694 ORD-175693 ORD-172897 ORD-172019 ORD-168999 ORD-130338 DIR-2014-2824-DI ZA-2014-3182-CDP-52P ENV-2014-3183-CE ENV-2005-8253-NO ENV-2004-2691-CE ENV-2002-6836-SF ENV-2001-846-ND

Address/Legal Information PIN Number Lot/Parcel Area (Calculated) Thomas Brothers Grid Assessor Parcel No. (APN) Tract Map Reference Block Lot Arb (Lot Cut Reference) Mao Sneet Jurisdictional Information Community Plan Area Area Planning Commission Neighborhood Council Council District Census Tract # LADES District Office Planning and Zoning Information Special Notes Zoning Zoning Information (ZI) General Plan Land Use General Plan Footnote(s) Hillside Area (Zoning Code)

Hinside Area (Zoning Gode) Baseline Hillside Ordinance Baseline Mansionization Ordinance Spacific Plan Area

Special Land Use / Zoning **Design Review Board** Historic Preservation Review Historic Preservation Overtay Zone Other Historic Designations Other Historic Survey Information Mills Act Contract POD - Pedestrian Oriented Districts CDO - Community Design Overlay NSO - Neighborhood Stabilization Overlay Streetscape Sign District Adaptive Hause Incentive Area CRA - Community Redevelopment Agency Central City Parking Downtown Parking Building Line 500 Ft School Zone

City of Los Angeles Department of City Planning

10/25/2015 PARCEL PROFILE REPORT

1088149 1522

2738.00 West Los Angeles

None

M1-1 Z1-2406 Director's Interpretation of the Venice SP for Small Lot Subdivisio Limited Manufacturing Yes No No No Los Angeles Coastal Transportation Comidor Venice Coastal Zone None No No None None None None None None No No No None None

This report is subject to the terms and conditions as set form on the website. For more details, please rater to the terms and conditions at zimes.lacky.org (*) - APN Area is provided "as is" from the Los Angelas County's Public Works, Flood Control, Benefit Assessment.

No

No

No

None

zimas.lacity.org | cityplanning.lacity.org

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500 Ft Park Zone 240 Assessor Information 4237007008 Assessor Parcel No. (APN) Ownership (Assessor) MBL SPERRY LLC Owner1 2550 OVERLAND AVE UNIT 200 Address LOS ANGELES CA 90064 Ownership (City Clerk) FRANKLIN, LELAND J. III (SUCC TR) (ET AL) C/O LEE FRANKLIN Owner 1963 RITING COURT S.E. Address SALEM OR 97302 APN Area (Co. Public Works)* 0.115 (ac) 0200 - 2 units (4 stories or less) Use Code \$1,122,000 Assessed Land Val. \$459,000 Assessed Improvement Val. 07/01/14 Last Owner Change \$1,550,015 Last Sale Amount 67 Tax Rate Area 935137 Deed Rel No. (City Clerk) 84861-52 749566,67 749563 7.79 7-307 1829232 1285731 Building 1 1923 Year Built D55 **Building Class** 2 Number of Units 2 Number of Bedrooms 2 Number of Bathrooms 1,474.0 (sq 11) Building Square Footage No data for building 2 Building 2 No data for building 3 **Building 3** No data for building 4 Building 4 No data for building 5 Building 5 Additional Information None Airport Hazard Calvo Exclusion Area Coastal Zone Coastal Zone Commission Authority Area Not Mapped Farmland No Very High Fire Hazard Severity Zone No Fire District No. 1 None Flood Zcoe No Watercourse Hazardous Waste / Border Zone Properties No None Methane Hazard Site No. High Wind Velocity Areas Special Grading Area (BOE Basic Grid Map A-No 13372) None Oil Wells Seismic Hazards Active Fault Near-Source Zone 5.5129176 Nearest Fault (Distance in km) Santa Monica Fault Nearost Fault (Name) This report is subject to the terms and conditions as set form on the website. For more details, please refer to the terms and conditions at zimes lacity org (*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flord Control, Bevelit Assessment. zimas.lacity.org I cityplanning.lacity.org

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Draft Board of Officers Meeting Agenda Westminster Elementary School (Auditorium) 1010 Abbot Kinney Blvd, Venice, 90291 Tuesday, August 16, 2016 at 6:30 PM

BOARD MEETINGS: The Venice Neighborhood Council holds its regular meetings on the third Tuesday of the month and may also call any additional required special moetings in accordance with its Bylaws and the Brown Act. All are welcome to attend.

TRANSLATION Services: Si requiere servicios de traducción, tavor de notificar a la oficina 3 días de trabajo (72 horas) antes del evento. Si necesita asistencia con esta notificación, por favor llame a nuestra oficina 213.473.5391. POSTING: In compliance with Government Code section 54957.5 the agenda and non-exempt writings that are distributed to a majority or all of the board members in advance of regular and special meetings may be viewed at Beyond Baroque (681 Venice Bivd), the Venice Library (501 S. Venice Bivd), and the VNC website (<u>http://www.vanicenc.org</u>), or at the scheduled meeting. For a copy of any record related to an item on the agenda, please contact communications@venicenc.org.

PUBLIC COMMENT: The public is requested to fill out a "Speaker Card" to address the Board on any Old or New Business item on the agenda and the Treasurer's Report. Comments from the public on these agenda items will be heard only when that item is being considered. Comments from the public on other agenda matters or on matters not appearing on the agenda but within the Board's subject matter jurisdiction will be beard during the Public Comment period. Public comment is limited to one (1) minute per speaker, unless modified by the presiding officer of the Board. No new speaker cards will be accepted once Public Comment has begun.

COMMUNITY IMPACT STATEMENTS: Any action taken by the Board may result in the filing of a related CIS DISABILITY POLICY: See last page.

ALL AGENDA TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE ON THE NIGHT OF THE MEETING.

1. Call to Order and Roll Call (6:30PM - 1 minute)

Thank you to Wabi, Erewhon Market, Whole Foods Venice, Abbot's Habit and Darryl Barnett for the food and refreshments. We would like to take a moment of silence in memory of Marvin Ponce.

https://www.gofundme.com/2bdkptz7/donate

PRESENT: (14) Ira Koskov, George Francisco, Hugh Hamison, Matt Kline, Matthew Royce, Even White, Sunny Baik, William Hawkins, Stephen Livigni, Michelle Mespos, Jamin Muraz, John Read, Collaen Saro, Matt Shaw

ABSENT: (6) Mellison Dirier, Linuti Burres, Erin Daning, Dayley Lambur, Jianti Mercel, Rollert -Thibodeau

2. Pledge Of Allegiance (6:31PM - 1 minute)

Approval of Outstanding Board minutes (6:32PM – 1 minute)

http://www.venicenc.org/wp-content/uploads/2012/12/160517BoardMinutes.pdf

MOTION

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required spaces) with 8 bicycle parking spaces, as permitted. The project will thus provide 11 on-site, tandem, mechanically-stacked automobile parking spaces. The project will require the demolition of an existing one- story residential building currently vacant on the project site.

MOTION: If the Area Planning Commission approves the Mello feasibility study, then the VNC Board recommends approval of the project with the following conditions:

1. Free parking for employees while working will be provided onsite.

2. Prominent signage installed for use of parking lifts and owner must provide an attendant to operate lifts.

Recommended by LUPC 8-0-0 RA/BS (MR Recused)

MATT ROYCE RECUSED (12, 2, 2)

9

George Francisca, Mélissa Diner

FAVOR: George Finincison, Hugh Harrison, Melines Diver, Mall Kime, Even White, Skowy Bell, William Howkins, Stephon Liviery, Michelle Meepoy, James Munet, John Rond, Matt Shriw DPPOSED: Entr Darling, College Sate. ABSTAIN: IS KONIDW



1. 519-521 Bocaccio

Case: ZA-2014-3182-CDP-MEL-SPP Applicant: Michael Chait, Chait Co. Representative: Allen Concepcion, Planning Associates, Inc. LUPC Staff: Mehmoosh Mojallali Description: CDP AND SPP - THE REQUEST IS FOR A CDP AND SPP FOR A NEW 2-STY INDUSTRIAL BUILDING, HAVING 3,850 SF, AND A HEIGHT OF 29.5FT. THE

PROPERTY IS ZONED M1-1, AND IS LOCATED IN THE VENICE COASTAL ZONE SP. A LOADING ZONE. WITH THE PROVISION OF 17 BICYCLE PARKING SPACES, THE NUMBER OF AUTO SPACES PROVIDED WILL BE 11. THE EXISTING SFD AND MACHINE SHOP WILL BOTH BE DEMOLISHED.

MOTION: If the Area Planning Commission approves the Mello feasibility study, then the VNC Board recommends approval with the following conditions:

1. Free parking for employees while working will be provided onsite.

2. Prominent signage installed for use of parking lifts and owner must provide an attendant to operate lifts.

Recommended by LUPC 8-0-0 RA/BS (MR Recused)

Mall Royas Recussi INDTION FAILED Mail Kime, Even White (4, 8, 2)

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FAVOR: George Francisco, Melissa Dinar, Michelle Meepos, James Murec-OPPOSED; Hugh Harrison, Mett Kline, Evan White, Sunny Bak, Erin Darling, Wilsam newtons, Stephen Livigni, Colleen Saro, Matt Shaw . ABSTAIN: Ira Koslow, John Read

MOTION: The VNC recommends denial of the project as presented.

Matt Kline, Erin Darling (S. 5, 1) FAVOR: Hugh Harrison, Math Kime, Evan White, Sunny Bak, Enn Daning, Withom Hawkins, Stephen Livight, Colleen Spro. Matt Shaw . OPPOSED: George Francisco, Melissa Diner, Michella Meepon, James Murez, John Feed. ABSTAIN: Ira Koslow

COLLEEN SARO LEFT FOR DURATION OF MEETING

14. New Business (10:17PM - 90 minutes)

[For discussion and possible action] All Exhibits can be found here: http://www.venicenc.org/board/

A. Contract for New Website with The Web Corner inc (15 minutes)

(Evan White communications@venicenc.org)

MOTION: The Venice Neighborhood Council recommends that the VNC enter into a contract with The Web Corner, Inc. for no more than \$3,500 for the remainder of the 2016-2017 fiscal year, and no more than \$1,800 for each additional fiscal year to follow. This will cover the VNC for a build out of a new website, complete with the transfer of our existing data, contact forms, email collection, admin tools, calendars, updates, and 2 hours a month of support.

MOTION: Evan While, Matt Shew (14, 0, 1) FAVOR: George Francisco, Hugh Harrison, Mellisa Diner, Mett Kline, Melthew Royce. Evan White, Sonny Sak, Erin Darling, William Healtins, Stephen Ligger, Michelle Meuglos, James Murez, John Role, Man Shew OPPOSED: ABSTAIN: In Kitslow

B. Opposition To Use of Westminster Senior Center for Homeless Storage (30 minutes) (Will Hawkins on behalf of the Homeless Committee.)

MOTION:Whereas a Motion (CF 15-1138 S-8) has been introduced to the Los Angeles City Council to convert the Westminster Senior Center at 1234 Pacific Avenue for use as storage for the possessions of persons who are homeless and;

> **Coastal Commission** Exhibit 4 A-5-VEN-17-0029

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PROTECT VENICE ORIGINAL HOMES!!

519 & 521 Boccaccio Ave.



PETITION TO STOP INDUSTRIAL CONSTRUCTION IN OUR NEIGHBORHOOD

Business after business is moving into our residential area, tearing down original Venice homes constructed in the early 1900's to build large industrial buildings. With these businesses come an onslaught of employees that bring in traffic, clog up parking on our streets and take away middle class residential homes that would otherwise be available to our community

Our Concerns:

-Reduction in alfordable housing

-Loss of parking that is already crowded due to present businesses

-Lack of preservation of first homes built in Venice

-Increase in traffic in residential area

In addition to these concerns, the companies who buy these buildings with demolition in mind, leave them vacant for a very long time which leaves our neighborhood vulnerable to squatting encampments, dumping and general disregard for the neighborhood quality. 519 & 521 were purchased in July 2014 and have been neglected for almost two years! Now the company claims that because the homes have been unoccupied for over a year, they are in such disrepair, they are no longer habitable.

Tell Matthew Quan and the Zoning Administration:

We, the residents of Southeast Venice Subarea OPPOSE the demolition of 519-521 Boccaccio Ave. We OPPOSE the replacement of original Venice homes to become industrial buildings. We REQUEST the city's protection of our Venice homes and our residential neighborhood!

Name (print)

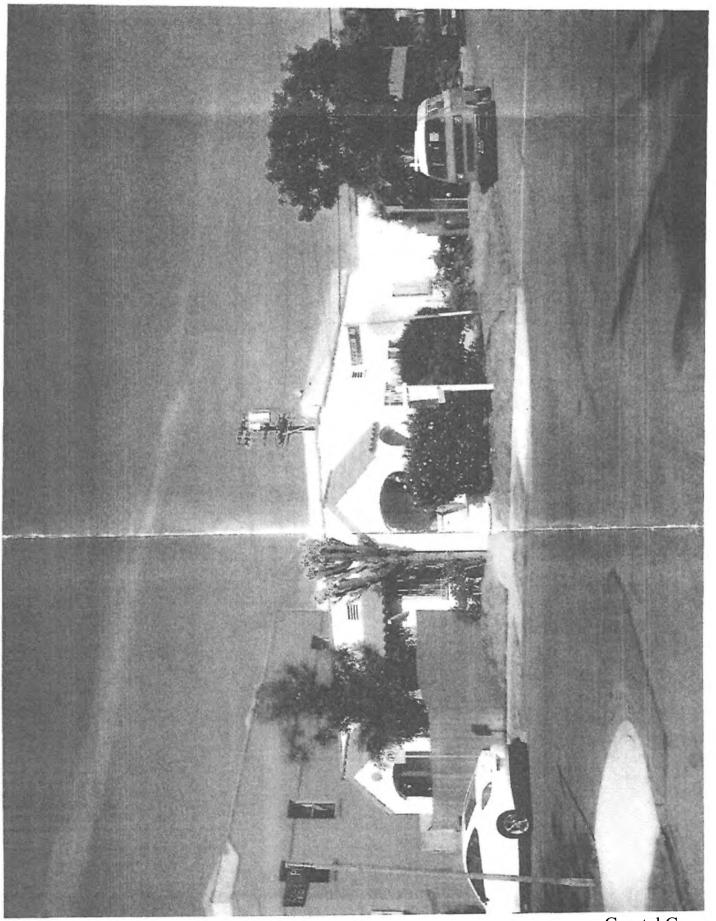
Signature

Mailing Address

Please come to the scheduled Public Hearing with the Department of City Planning: Thursday, May 19th, 2016, 10:00 am. West L.A. Municipal Bldg, 2nd floor Hearing Room, 1645 Corinth Ave If you are unable to attend and would like your voice to be heard, please sign & return to: 617 Boccaccio Ave. For more info on 519 & 521 Boccaccio, visit: http://www.venicenc.org/519-521-boccaccio-ave-2/

> **Coastal Commission** Exhibit 4 A-5-VEN-17-0029

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Assembly Bill 2616 regarding Environmental Justice went into effect in late 2016. It impacted the Coastal Act in three sections.

Section 30013 Environmental Justice

The Legislature further finds and declares that in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission and all public agencies implementing the provisions of this division. As required by Section 11135 of the Government Code, no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division.

(Added by Ch. \$78, Stats, 2016.)

Section 30107.3 Environmental Justice

"Environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(Added by Ch. 578, Stars 2016)

Section 30604:

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589 5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner

that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program

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

(h) When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

(Amended by: Ch. 1075, Stats. 1978, Ch. 919, Stats. 1979; Ch. 285, Stats. 1991; Ch. 793, Stats. 2003, Ch. 578, Stats. 2016.)

The issuing agency of a CDP, whether City or State, is to consider environmental justice. Also, the Commission is to consider it for appeals of City CDP's.

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BOARD OF BUILDING AND SAFETY COMMISSIONERS

VAN AMBATIELOS

E, FELICIA BRANNON JOSELYN GEAGA-ROSENTHAL GEORGE HOVAGUIMIAN JAVIER NUNEZ

February 11, 2016

MBL Sperry, LLC Attn: Louis Wolf 2550 Overland Avenue, Suite 2000 Los Angeles, CA 90064

RE: 519 - 521 W. Boccaccio Avenue

APN: 4237-007-008

In response to your request o January 22, 2016, regarding zoning information on the above referenced property, please be advised of the following:

The property, known as Tract: 6002, Block: none, Lot: 11, is shown on the Zoning Map to be located in the M1-1 Zone. See the attached print out of the Parcel Profile Report for all zoning related information pertaining to this property.

On October 7, 2015, you requested a determination for whether a single family in the M1 zone that has been vacated and discontinued as a residential use for more than a year still has nonconforming rights per LAMC Section 12.23 B.9. A letter was sent on October 24, 2015 in respond to your request stating that it was difficult to make the determination that the site lost its non-conforming rights. On January 22, 2016, a request was made to reconsider the determination and additional information have been provided to establish that the residential use has been discounted for more than one year.

Based on the information provided (Attachment "A") and the letter provided by the owner declaring the unsafe conditions and hardship of obtaining a renter, it has been determined that the building has not been in used since July 2014, over one year ago.

Therefore, pursuant of section 12.23 B9, LAMC, the building can no longer have any nonconforming rights as a residential building which use is not permitted in an M1 Zone.

Should you need any further assistance pertaining to this matter, please contact Catherine Nuezca Gaba at (213) 482-0435.

Catherine Nuezca Gaba Building Civil Engineer

Attachments Cc: Office File

LADUS G-5 (Rev 00/30/2014)

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CITY OF LOS ANGELES



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

RAYMOND S. CHAN, C.E., S.E. GENERAL MANAGER

FRANK BUSH

FXECUTIVE OFFICER

ATTACHMENT "A" 519-521 BOCCACCIO AVENUE

REQUEST: We would like a Zoning Determination issued to determine if the existing residential building, which is in the Industrial zone, no longer has it's nonconforming rights, considering the length of discontinued use, per Section 12.23.B.9 of the Code (attached).

CURRENTLY EXISTING: Non-conforming duplex house, vacant for more than one year. There is also a back part of the building that is used for industrial machine shop purposes (still operational), which is conforming with the Industrial zone. This back part has no access to the duplex house portion of the building (see attached Certificate of Occupancy and Building Permit that permitted the machine shop many years ago).

BACKGROUND ON VACANCY: The current property owner, MBL Sperry, LLC, purchased the property on July 1, 2014 (see grant deed attached). The duplex has been vacant since purchase of the property, for at least one year and three months. The machine shop in the back portion of the building, while still operational, does not and has not had use or access to the duplex portion of the building.

PROOF OF VACANCY:

Utility bills from LADWP show that the existing residential building has been vacant since the current owner purchased it more than one year ago in July 2014.

Billing period from 7/31/4 - 1/20/15 - shows that electric and water charges are very low, and do not reflect a building that is being occupied or lived in by anyone. The small amount of usage that is being billed would account for minor operations of the machine shop in the back portion of the building (which is billed together with the vacant duplex), as well as minor ongoing maintenance of the building, grounds, and landscaping.

Billing period from 1/20/15 - 7/18/15 - LADWP did not bill on time so all electric bills for six months were consolidated into one bill. The cost of the electric bill for the six month period between January and July was ONLY \$65.64. This small amount of usage accounts for use of electricity by the machine shop in the back, and in maintaining the vacant portion of the building.

Billing period from 7/18/15 - 9/16/15 (most recent bill) - shows the electric and water bills are again consistently low and indicative that the non-conforming residential uses have been discontinued, with only minor use of electricity and water by the conforming and operational machine shop in the back, as well as for maintaining the building and grounds.

NOTE: LENCOURAGE YOU TO VISIT THE BUILDING AND SITE AND SEE FOR YOURSELF THAT THE RESIDENCE HAS CLEARLY BEEN LONG VACANT.

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BUILDING AND SAFETY COMMISSIONERS

> VAN AMBATIELOS PRESIDENT

E. FELICIA BRANNON VICE-PRESIDENT

JOSELYN CEAGA-ROSENTHAL GEORGE MOVAGUIMIAN JAVIER NUNEZ CITY OF LOS ANGELES



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

RAYMOND S CHAN, C.E., S E GENERAL MANAGER

> FRANK BUSH EXECUTIVE OFFICER

October 24, 2015

MBL Sperry, LLC Attn: Louis Wolff 2550 Overland Avenue, Suite 200 Los Angeles, CA 90064

RE: 519 TO 521 W. BOCCACCIO AVENUE

APN: 4237-007-008

In response to your request of October 7, 2015 regarding zoning information on the above referenced property, please be advised of the following:

The property, known as Tract: TR 6002, Block: None, Lot: 11, is shown on the Zoning Map to be located in the M1-1 Zone. See the attached print out of the Parcel Profile Report for all zoning related information pertaining to this property.

You requested a determination for whether a duplex in the M1 zone that has been vacant and discontinued as a residential use for more than a year still has nonconforming rights as per LAMC Section 12.23 B.9. You also included a statement indicating that some utility bills were not paid. Please see the following:

The application of LAMC Section 12.23 B.9 is more practical when applied to industrial or commercial uses because one of the requirements of running a particular business is that you must obtain a business license for it. If a location does not have a business license which is valid for operation of the business within a specified time period, then there could not have been any logal operation of such business during that specified time period. This is one of applying

However, residential uses are more complicated since the use is based on whether anyone is in fact residing within the building. The code does not require obtaining a similar license to occupy a house or an apartment building. It would be somewhat premature to make this determination without first visiting the site.

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Therefore, it has been determined that the final determination should be done by a city inspector (building or housing) who has been granted authority to visit the site and ultimately enforce whether this code section is valid in this case.

If the approved use of the building contains more than one dwelling unit and you believe that there has been a violation of this code section, you may report the violation on the Housing & Community investment Department's <u>website</u>. If the approved use of the building is a single family dwelling and you believe that it has violated this code section, then you may report the violation on our <u>website</u>.

This information is provided as of October 24, 2015 and the zone is as shown on the Zoning Map. Should you need any further assistance pertaining to this matter, please contact Dakarai Smith at your convenience at (213) 202-5415.

Dakarai Smith Office Engineering Technician

Ara Sargsyan Zoning Engineer Department of Building Safety

Attachments

AS:DS:ds

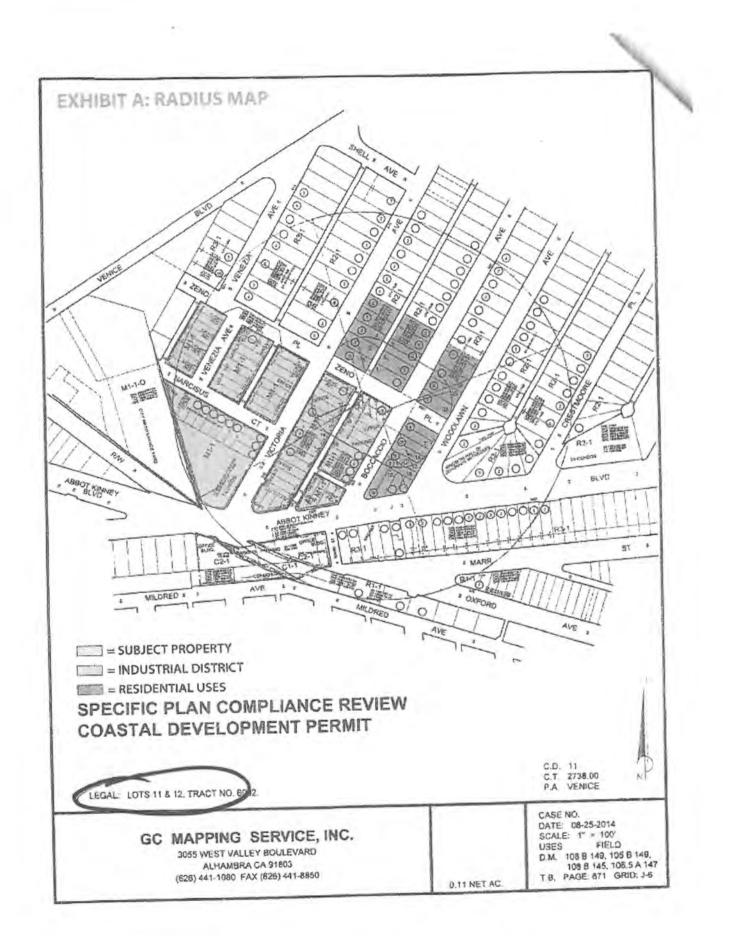
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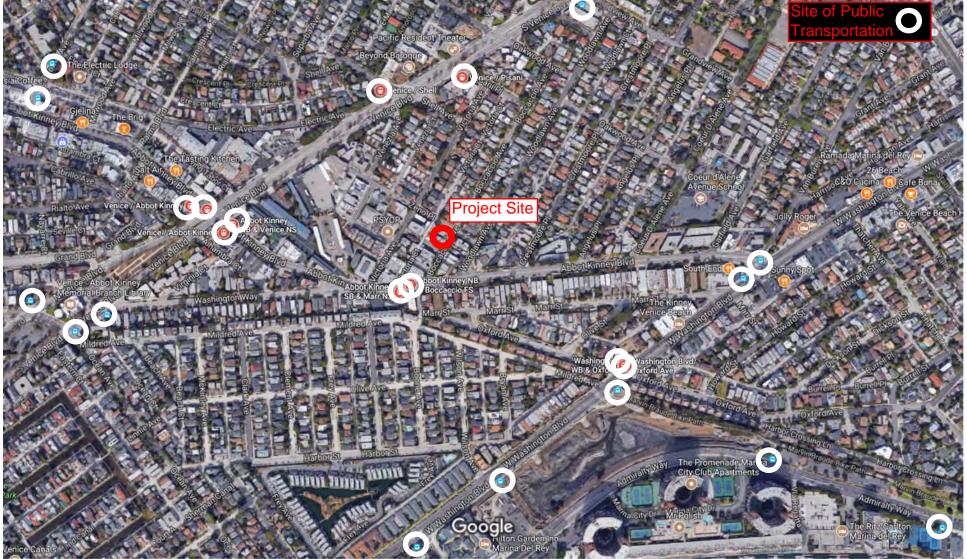
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Coastal Commission Exhibit 5 A-5-VEN-17-0029 Page 5 of 5 Google Maps Bus Stop



Imagery ©2017 Google, Map data ©2017 Google 200 ft Coastal Commission Exhibit 6 A-5-VEN-17-0029 Page 1 of 1

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