

CALIFORNIA COASTAL COMMISSION

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Staff Report:	05/25/2018
Hearing Date:	06/07/2018

STAFF REPORT: DE NOVO/REGULAR CALENDAR

Application Nos.:	A-5-VEN-17-0042
Applicant:	Western Development, LLC (Gabriella Fash)
Agents:	Robert Thibodeau, DU Architecture Design & Elisa Paster, Glaser Weil
Appellants:	Kathy Corcoran & Steven Lasker
Project Location:	676 Marr Street, Venice, City of Los Angeles, Los Angeles County (APN: 4229-011-002)
Local Government:	City of Los Angeles
Local Decisions:	Coastal Development Permit No. DIR-2016-2010
Project Description:	Demolition of a 756 sq. ft. single-family home on two adjoining residential lots and construction of an approximately 24-foot high, 2,060 sq. ft., 3-level, single-family residence with a rooftop deck and attached two-car garage on one 2,401.8 sq. ft. lot.
Staff Recommendations:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

On March 30, 2017, the City of Los Angeles approved two coastal development permits (Case Nos. DIR-2016-2010 and DIR-2016-2038) with conditions for demolition of the 756 square foot single-family home that currently occupies two adjoining residential lots, and construction of two three-story, 30-foot high, single-family residences, one on each of the two lots. On August 25, 2017 and September 1, 2017 two appeals were filed. The appellants and co-signing neighbors contended that the City-approved developments were not consistent with the community character policies of Chapter 3 of the Coastal Act or the certified Venice LUP with respect to the mass, scale, and character of the surrounding neighborhood. In particular, they were concerned about the height of the proposed structures and the loss of articulated façades on Marr Street and Olive Street. The appellants also contended that the City-approved projects were too big and would prejudice the preparation of a Local Coastal Program (LCP) that is in conformity with the Chapter 3 policies of the Coastal Act because they would be setting a precedent for out-of-scale development. In its action on October 12, 2017 the Commission found a substantial issue with respect to the grounds on which the appeals were filed.

Following the Commission's substantial issue determination for the City-approved projects, the applicant's representatives met with Commission staff to discuss various design options that would be more compatible with the character of the neighboring residences, including structures with a reduced height and a second level step back to provide more articulation. Subsequently, the applicant's representatives submitted revised plans featuring smaller two-story homes with basements and open-air decks and balconies on both façades. The proposed structure at 676 Marr Street has been reduced from 2,686 square feet to 2,060 square feet with a maximum height of 23 feet, 10 inches and new inset decks and balconies. See **Exhibits 2 and 3** for a comparison between the currently proposed project and the City-approved project. As revised, the proposed development would not set a precedent for out-of-scale development and would not prejudice the preparation of a LCP.

Therefore, staff recommends **approval** of Coastal Development Permit (CDP) No. A-5-VEN-17-0042 with conditions. The recommended special conditions require the applicant to undertake development in accordance with the approved final plans (**Special Condition 1**), provide non-invasive, low water use landscaping and drip or microspray irrigation (**Special Condition 2**), and implement construction best management practices (**Special Condition 3**).

The motion to carry out the staff recommendation is on page four. The applicant agrees with the recommendation.

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APPENDICES

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EXHIBITS

Exhibit 1 – Vicinity Maps

Exhibit 2 – Project Plans for 676 Marr Street

Exhibit 3 – City-approved Project Plans and Renderings

I. MOTION AND RESOLUTION – DE NOVO

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-17-0042 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit Application No. A-5-VEN-17-0042 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

III. SPECIAL CONDITIONS

1. **Permit Compliance.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without Commission-approved amendments to Coastal Development Permit Nos. A-5-VEN-17-0042 unless the Executive Director determines that no amendments are legally required.
2. **Landscaping.** All landscaping of the site shall be consistent with the following:
 - A. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
 - B. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
3. **Construction Responsibilities and Debris Removal.** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
 - (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
 - (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
 - (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
 - (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
 - (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
 - (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
 - (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board.
- (l) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (m) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (n) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

IV. SINGLE PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. The Commission’s standard of review for the subject development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The subject project site is located within the *Single Permit Jurisdiction Area*.

V. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The applicant proposes to demolish a 756 square foot single-family home on the two adjoining lots and construct two three-level (two-story plus basement), single-family residences, one on each lot.¹ The proposed residence on the 2401.8 square foot lot at 676 Marr Street is 23 feet, 10 inches high and 2,060 square feet in area with a rooftop deck and attached two-car garage

¹ Related to this action is Permit Application No. A-5-VEN-17-0044, which will be heard by the Commission on June 7, 2018, and also would authorize demolition of the 756 sq. ft. house and construction of an approximately 24 foot high, 1,560 sq. ft., two-story plus basement structure on an adjacent lot at 678 Marr Street. Although it may be redundant for both permits to authorize demolition of the existing house, the demolition will be occurring on both of the lots that are the subject of the separate proposals for new single family residences, so staff believed that it was important for the demolition to be authorized in each permit.

(Exhibit 2). No rooftop access structures are proposed. The proposed setbacks are consistent with the City's zoning code. There is currently no curb cut at 676 Marr Street; thus, one curb cut for entry to the 2-car garage is proposed at the Marr Street frontage. The proposed curb cut would eliminate one on-street parking space, as there is no rear alley for vehicular access.

The project site is located on two contiguous lots zoned R1-1 by the City of Los Angeles and designated as Low Single-Family Residential by the certified Venice LUP in a residential neighborhood of the Southeast Venice subarea. The subject site is a through parcel with frontage on both Marr Street to the north and Olive Street to the south, and is about one mile inland of Venice Beach and Ocean Front Walk and 0.25 miles inland of the Marina Del Rey Harbor (**Exhibit 1**). The site is currently developed with a 756 square foot single-story home on a 4,413.4 square foot parcel on two lots. The combined lots are near the midpoints of both Marr Street and Olive Street. The subject block and surrounding neighborhood primarily consist of one- and two-story, single-family residences and duplexes. However, there are a few two-story and two three-story apartment buildings across the street from the project site.

B. PROJECT HISTORY

On December 19, 2016, the City held a public hearing for Local Coastal Development Permit Nos. DIR-2016-2010 and DIR-2016-2038 (Western Development, LLC). On March 30, 2017, the Director of City Planning issued approvals for the Local CDPs and Mello Act Compliance Reviews for the proposed projects. The Director's approvals of the CDPs were appealed to the West Los Angeles Area Planning Commission (WLAAPC) and heard on June 27, 2017. The WLAAPC did not reach consensus with a 2-2 deadlock vote resulting in failure to act and denial of the local appeal.

The City's Notices of Final Local Action for Local CDP Nos. DIR 2016-2010 and DIR 2016-2038 were received in the Coastal Commission's Long Beach Office on August 4, 2017, and the Coastal Commission's required 20 working-day appeal periods were established. On August 25, 2017 and September 1, 2017, within the 20 working-day appeal period, Kathy Corcoran and Steven Lasker, respectively, submitted appeals of the City's approvals of the two Local Coastal Development Permits. No other appeals were received prior to the end of the appeal period on September 1, 2017.

The description for the appealed City-approved projects, subjects of A-5-VEN-17-0042 and A-5-VEN-17-0044, reads as follows:

“Appeals of City of Los Angeles’ Local Coastal Development Permit Nos. DIR-2016-2010 and DIR-2016-2038 granted for demolition of a 756 sq. ft. single-family home on two adjoining residential lots and construction of two 3-story, single-family residences: 1) approximately 30-feet high, 2,686 sq. ft. on a 2,401.8 sq. ft. lot; and 2) approximately 30-feet high, 1,575 sq. ft. on a 2,011.6 sq. ft. lot; each with a rooftop deck and attached two-car garage.”

On October 12, 2017, the Commission found that a substantial issue exists with respect to the proposed project's consistency with the Chapter 3 policies of the Coastal Act. The de novo portion of the hearing was postponed at the request of the applicant. The Commission's action voided the local coastal development permits and the Commission is now required to hold a de novo hearing on the merits of the project.

C. DEVELOPMENT

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall...be visually compatible with the character of surrounding areas, and where feasible to restore and enhance visual quality in visually degraded areas.

Section 30253 of the Coastal Act states, in part:

New development shall...

(e) where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The certified Venice LUP sets forth the following relevant policies:

Policy I. A. 1. Residential Development states:

The Venice LUP recognizes the importance of existing pedestrian scale single-family residential neighborhoods and the need to conserve them...

b) Residential Lot Consolidations

ii) Building façades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots.

Policy I. A. 2. Preserve Stable Single-Family Residential Neighborhoods states:

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

Policy I. A. 3. Yards states:

Yards shall be required in order to accommodate the need for fire safety and on-site recreation consistent with the scale and character of the neighborhood.

Policy I. E. 2. Scale states, in part:

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

Policy I. E. 3. Architecture states:

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

Coastal Act Sections 30251 and 30253(e) require the protection of scenic and visual qualities of coastal areas with Section 30253(e) specifically requiring the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving

destination points for recreational uses. The Commission has previously found that Venice's unique social and architectural diversity should be protected as a Special Coastal Community. The certified Venice Land Use Plan (LUP) also sets forth policies to preserve the community character, scale, and architectural diversity of Venice as a Special Coastal Community. The certified Venice LUP states that the character and scale of single-family neighborhoods should be maintained and that infill development should be allowed provided that it is compatible with and maintains the density, character, and scale of the existing development (Policy I.A.2).

The existing residential development on the same block as the proposed project is comprised of one- and two-story single-family homes mostly under 25 feet in height. The two homes on either side of the site, both built in the 1950s, have frontages under 18 feet in height. These structures' footprints take up less than 40% of their parcels' areas. The sloped roof of the home immediately west of the site has a maximum height of 27 feet and is the tallest structure on the block. The residence directly across Marr Street from the site and the eight structures on either side of that residence are all about 20 feet in height or smaller. Of the four homes directly across Olive Street from the site, three are one-story residences and one is a two-story residence. The neighboring structures described are typical of many of the properties surrounding the site.

In order to determine whether or not a proposed project is appropriate with regard to community character, the Commission looks at the existing development in an area to determine whether or not a proposed project is compatible. Based on past Commission actions in the Venice community, development located within the block are utilized to determine whether or not a proposed project is appropriate with regard to visual compatibility, mass, and scale. Also, certified LUP Policy I. E.3 states that, "*varied styles of architecture are encouraged...*" This policy encourages a variety of styles and discourages focus on subjective judgments about what architectural style is preferred. Hence, the Commission uses height limits, setback requirements and bulk to limit the mass and scale of new structures so that they are compatible with the character with the surrounding area.

On October 12, 2017, the Commission found that the City-approved projects, at 30 feet high with minimal articulation, raised a substantial issue in regard to consistency with the character and scale of the neighboring residences (**Exhibit 3**). Subsequently, the applicant's representatives worked with Commission staff on various options to maintain the density, character, and scale of the surrounding development. The proposed project would increase the density on the project site from one single-family residence on two contiguous lots to one single-family residence on each of the two lots. The construction of two residences at the project site would add one unit to the housing supply in Venice while remaining consistent with the density of the single-family residences on the subject block.

In terms of character and scale, Commission staff suggested that the applicant reduce the height of the proposed residence to be consistent with the heights of the neighboring residences, which average approximately 20 feet, and add a step-back on the upper-level to give off a single-story appearance from the street, more consistent with the pedestrian-friendly frontages of the neighboring residences. While the revised project, as proposed, does not include a full second-level step-back, the height of the structure is reduced by more than 6 feet from the prior approval, through the elimination of the third story. The proposed two-story project still has three levels, but only two levels are visible because the lowest level is subterranean.

The proposed two-story house is lower in height than the three-story house previously approved

by the City. The proposed height of the structure at 23 feet, 10 inches is lower than the back portion of the neighboring house, which has a maximum height of approximately 27 feet. There are a couple other homes on the block that are over 20 feet tall, including one that is approximately 22 feet and one that is approximately 26 feet. In addition, the currently proposed structure has a smaller footprint than the City-approved structure (626 square feet less) and includes inset, open-air decks and balconies. The currently proposed structure also has a setback on Marr that is over three feet larger than required in the City's zoning code. Additionally, the current proposal does not include roof access structures which the City had approved previously. Thus, the proposed revised project protects the scenic and visual qualities of the Venice neighborhood, consistent with the Sections 30251 and 30253(e) of the Coastal Act, and maintains the density, character, and pedestrian scale of the existing development, consistent with the policies of the certified Venice LUP. **Special Condition 1** requires that development be undertaken in accordance with the approved final plans.

D. WATER QUALITY

Section 30231 of the Coastal Act states:

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

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

(a) Minimize energy consumption and vehicle miles traveled.

The project has the potential to degrade water quality during construction by input of sediment, debris, and hazardous waste without the use of best management practices. In order to preserve water quality during construction, **Special Condition 3** requires the applicant to implement construction best management practices. In order to ensure that water quality is preserved, **Special Condition 2** requires the installation of non-invasive, drought-tolerant vegetation. **Special Condition 2** also minimizes energy use over the life of the development by requiring the use of water-conservative irrigation systems. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30231 and 30253 of the Coastal Act regarding protection of water quality and minimization of energy consumption.

E. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: ...adequate access exists nearby...

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... providing adequate parking facilities...

Venice Beach is a popular destination for many coastal visitors; thus, limited parking availability can be a barrier to public access. Although one on-street parking space would be eliminated as a result of the proposed project, a curb cut is necessary to provide the required on-site parking for the proposed project because there is no alley available to access the site. The proposed project provides two parking spaces in the ground-level garage, plus added space for two vehicles on the driveway. Thus, the loss of one parking space on Marr Street for the purpose of providing up to four on-site parking spaces would not have a significant impact on public access to the coast. Adequate on-site parking is provided for the proposed single-family residence. **Special Condition 1** requires development to be undertaken in accordance with the final plans which include adequate on-site parking. Therefore, as conditioned, the development conforms with Sections 30210 through 30212 and Section 30252 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

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

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

At this time, the City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not

prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City is the lead agency for CEQA compliance and after preparing an Initial Study, the City issued a CEQA Notice of Exemption (ENV-2016-2011-CE) on April 14, 2016.

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

Appendix A – Substantive File Documents

1. City of Los Angeles certified Land Use Plan for Venice (2001)
2. Local CDP Nos. DIR 2016-2010 and DIR 2016-2038