

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

PATRICIA BROWN
R. NICOLAS BROWN
SUE CHANG
ANIK CHARRON
LARRY FRIEDMAN
LOURDES GREEN
ERIC RITTER
LINN K. WYATT
MICHAEL S.Y. YOUNG
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING

S. GAIL GOLDBERG, AICP
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318
FAX: (213) 978-1334

www.lacity.org/PLN

September 10, 2009

Mark Bliss (A)(O)
32 19th Avenue
Venice, CA 90291

CASE NO. ZA 2006-8695(CDP)(ZAA)
(SPP)(MEL)

COASTAL DEVELOPMENT PERMIT,
ZONING ADMINISTRATOR'S
ADJUSTMENT, SPECIFIC PLAN
PROJECT PERMIT COMPLIANCE

Related Case: AA-2006-8515-PMLA-SL
357 5th Avenue

Venice Planning Area

Zone : RD1.5-1

D. M. : 111B141

C. D. : 11

CEQA: ENV-2006-8516-MND

Legal Description: Lot 17, Block M,
Carnation Park Tract

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

a Coastal Development Permit for a Small Lot Subdivision to permit the division of a lot with three existing dwelling units into three lots with one dwelling unit on each lot in conjunction with Parcel Map LA No. AA-2006-8515-PMLA-SL, within the single permit jurisdiction area of the California Coastal Zone;

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby APPROVE:

an adjustment from Section 12.09.1-B,3 of the Los Angeles Municipal Code to permit reduced rear yard setbacks of one foot, four inches on Lot A, eight inches on Lot B and five feet, three inches on Lot C in lieu of the required 15 feet for Parcel Map LA No. AA-2006-8515-PMLA-SL;

Pursuant to Los Angeles Municipal Code Section 11.5.7 and the Venice Coastal Zone Specific Plan (Ordinance No. 175,693) as the designee of the Director of Planning, I hereby APPROVE:



a Specific Plan Project Permit Compliance review for the division of a lot with three existing dwelling units into three lots with one dwelling unit on each lot with six parking spaces in conjunction with Parcel Map AA-2006-8515-PMLA-SL; and,

Pursuant to California Governmental Code Sections 66590 and 66590.1 and the City of Los Angeles Mello Act Interim Ordinance, I hereby DETERMINE:

The proposed project qualifies for the Small New Housing Development exemption from the Mello Act. Furthermore, on August 22, 2007 the Los Angeles Housing Department declared the project does not involve the demolition or conversion of affordable housing. Therefore, the applicant/owner/developer is not required to provide any inclusionary or replacement affordable dwelling units on-site or within the Coastal Zone;

upon the following additional terms and conditions:

1. 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.
2. 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.
4. 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 included in and printed on the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate

fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

7. The project shall comply with all the conditions indicated in Case No. AA-2006-8515-PMLA-SL. Sign-off of the plans by the Advisory Agency shall be on the same set of plans as signed off by the Zoning Administrator. Evidence of said approvals shall be stamps and/or signatures on the plans.
8. The existing height, floor area and density shall not be increased and no physical alterations to the building exterior or facade are permitted. Any increase in floor area or any physical alterations to the exterior of the building may be subject to the Venice Coastal Zone Specific Plan and may require a Project Permit Compliance Review or clearance from the Specific Plan. Prior to issuance of any permits or prior to recordation of the final map, plans shall be reviewed and approved by the Community Planning Bureau and a copy of the approved plans (evidenced by stamp or signature on the plans) shall be submitted for this case file.
9. Provide a minimum of two covered parking spaces per dwelling unit plus two guest parking spaces as required by related Case No. AA-2006-8515-PMLA-SL.
10. The applicant shall provide evidence of a Certificate of Occupancy for the three dwelling units satisfactory to the Zoning Administrator prior to any signoffs of this grant. If there is no Certificate of Occupancy for the three dwelling units, the applicant shall proceed in pursuing obtaining a certificate of occupancy for the second dwelling unit. Otherwise, this grant as well as related Case No. AA-2006-8515-PMLA-SL shall be null and void.
11. Within 30 days of the issuance of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the Los Angeles County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement, with the conditions of approval attached, must be submitted to the Zoning Administrator 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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 \$1,000 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 grant 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 if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after September 25, 2009, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early 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

received at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln.** 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 all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, reports from City Planning staff, the statements made at the public hearing on January 23, 2008, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The subject property is a 6,011 square foot lot, having a frontage of 140 feet on the southwest side of Fifth Avenue, a maximum depth of 42.7 feet and is zoned RD1.5-1. It is developed with a three separate dwelling units.

The applicant is to provide evidence to the Zoning Administration, per Condition No. 10 herein, that the three existing dwelling units have valid certificate of occupancy.

Surrounding properties are within the RD1.5-1 Zone, characterized by level topography and are developed with one and two story single family homes, some duplexes and triplexes.

Fifth Avenue adjoining the property to the northeast is a Local Street, dedicated to a width of 60 feet and improved with curb, gutter, sidewalk and roadway.

Sunset Avenue adjoining the property to the southeast is a Local Street dedicated to a width of 60 feet and improved with curb, gutter, sidewalk and roadway.

Rose Avenue adjacent to the property to the northwest is designated a Secondary Highway dedicated to a width of 73 feet and improved with curb, gutter, sidewalk and roadway.

Previous related actions on the site/surrounding area are:

Subject Property:

Case No. AA-2006-8515-PMLA-SL - On August 19, 2009, the Deputy Advisory Agency approved a three lot, Small Lot Subdivision.

Case No. CPC-2005-8252-CA - On May 5, 2008, the Planning Commission approved permanent regulations to implement the State Mello Act in the Coastal Zone concerning the provision of low and moderate income housing.

Case No. CPC-2000-4046-CA - On June 7, 2001, the Planning Commission disapproved the proposed interim control ordinance to implement the Mello Act regarding the conversion, demolition and construction of affordable housing in the Coastal Zone.

Case No. CPC-1998-119-LCP - On October 29, 1999 and March 29, 2001, the City Council established by Ordinance No. 172,897 the Venice Coastal Zone Specific Plan with provisions concerning land use, density, building height, setbacks, design, landscaping, access and parking, as part of the Local Coastal Program.

Case No. CPC-1987-648-ICO - On May 18, 1988, the City Council approved an interim control ordinance to impose temporary regulations on the issuance of

building permits in the Venice Coastal Zone based on the California Coastal Commission's Interpretative Guidelines for the area.

Case No. CPC-1986-824-GPC - On May 3, 1989, the City Council approved a zone change from R3-1 to RD1.5-1 as part of the General Plan/Zoning Consistency Program for Venice.

Surrounding Area:

Case No. CPC-2005-8252-CA - On May 5, 2008, the Planning Commission approved permanent regulations to implement the State Mello Act in the Coastal Zone concerning the provision of low and moderate income housing.

Case No. CPC-2000-4046-CA - On June 7, 2001, the City Planning Commission disapproved a proposed interim control ordinance to implement the Mello Act regarding the conversion, demolition and construction of affordable housing in the Coastal Zone.

Case No. CPC-1998-119-LCP - On October 29, 1999 and March 29, 2001, the City Council established by Ordinance No. 172,897 the Venice Coastal Zone Specific Plan with provisions concerning land use, density, building height, setbacks, design, landscaping, access and parking, as part of the Local Coastal Program.

Case No. CPC-1987-648-ICO - On May 18, 1988, the City Council approved an interim control ordinance to impose temporary regulations on the issuance of building permits in the Venice Coastal Zone based on the California Coastal Commission's Interpretative Guidelines for the area.

Case No. CPC-1986-824-GPC - On May 3, 1989, the City Council approved zone changes from R3-1 to RD1.5-1 as part of the General Plan/Zoning Consistency Program for Venice.

A concurrent public hearing was held for this case as well as AA-2006-8515-PMLA-SL on January 23, 2008. The applicant's representative stated that the cottages were built in 1907 and they would like to preserve them. They are currently vacant with no tenants. However, zoning adjustments are needed due to the rear setbacks of the cottages being substandard. The applicant's representative also objected to the recommended requirement for an additional street light on because there already is a street light on Fifth Avenue and to the requirement that the sidewalks be replaced.

The representative from the Council office indicated that this project has not gone before the Neighborhood Council and it should be reviewed by the Council before any decision is made by the Advisory Agency on the project.

In response to comments articulated at hearing, the representative from the Bureau of Street Lighting indicated that two additional lights are needed on Fifth Avenue and the light on Sunset Avenue will need to be relocated if Sunset is widened. The Mello Act review memo issued by the Housing Department indicates that the property is vacant.

At the conclusion of the public hearing, the Deputy Advisory Agency indicated the parcel map being requested is overly dense with three of the four proposed lots not meeting the minimum area requirement of the RD1.5-1 Zone and that an inadequate number of on-site parking spaces were provided leading to a consideration for a DISAPPROVAL of the submitted application. Subsequent to the public hearing a revised map for three lots with two parking spaces per lot was submitted by the applicant and approved by the Deputy Advisory Agency on August 19, 2009.

FINDINGS-COASTAL DEVELOPMENT PERMIT

In order for a Coastal Development Permit to be granted, all of the requisite findings contained in Section 12.20.2-G 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 the same.

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

Chapter 3 of the Coastal Act contains the various policy provisions of such legislation, including the following:

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, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land division, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The subject project is a three lot, Small Lot Subdivision with each lot containing one of three existing single family homes in compliance with Ordinance 176,354. The density of the proposed subdivision is consistent and compatible with the surrounding properties and with the pattern of residential uses in the area. The adjoining properties on the northwest side of Sunset Avenue and the southwest side of Fifth Avenue are 43 feet in width, of similar lot size and are also improved with developments ranging from the same density to a lower density. The subject

property and properties surrounding the site are zoned RD1.5-1 and developed with single family homes, duplexes, triplexes and apartments.

The property is about a half a mile east of the shoreline and the project will not affect public access to the shoreline, recreation, marine environment and resources, coastal waters, wetlands, any environmentally sensitive habitat area, ecological, archaeological or paleontological resources. Therefore, the project is in conformity with the policy provisions of Chapter 3 of the Coastal Act.

2. **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.**

The Land Use element of the Venice Local Coastal Program (LCP) was adopted in June 2001. Currently, there is no adopted LCP for this portion of the Coastal Zone; in the interim, the adopted Venice Community Plan, and Venice Coastal Zone Specific Plan in which the property is located serve as the functional equivalent in conjunction with any pending LCP under consideration. The property is located within the Oakwood-Milwood-Southeast Venice Subarea of the Venice Coastal Zone Specific Plan and is subject to specific standards for development. The existing three single family homes comply with the density and height provisions of the Venice Coastal Zone Specific Plan. Six parking spaces will be provided, two for each single family home with vehicular access from the alley and from Fifth and Sunset Avenues. The Venice Community Plan designates the site for Low Medium II residential density, consistent with the RD1.5 Zone. The proposed project is consistent with the General Plan and the Specific 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.**

The Guidelines are intended to provide direction to the decision maker in rendering discretionary determinations, pending adoption of the Local Coastal Program. Because the existing three dwelling units are consistent in scale and setback with the surrounding dwellings, and because the site is removed from any sensitive area as well as the shoreline, they are not a threat to the protection of coastal resources. Traffic associated with the three units is low. Six on-site parking spaces will be provided to minimize the need to park on public streets. Street and alley improvements are to be completed to the satisfaction of the Bureau of Engineering. In light of the above, the project can be deemed to be in substantial conformance with the applicable Guidelines standards for the Venice Community Plan.

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 Zoning Administrator has been guided by the action of the Coastal Commission in its certification of the Local Coastal Program Land Use Plan on June 14, 2001. The Plan embodies the previous history of decision on development projects and extends it forward in a comprehensive document. No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the 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.**

The subject site is located at the northwest corner of Fifth and Sunset Avenues which does not provide pedestrian access and vehicle access to the public beach about a half mile to the west. There is no evidence of any previous public ownership of the lot and the project does not conflict with the goal of providing appropriately located public access points to the coast. The project is the subdivision of a lot with three single family homes into three smaller lots with a house on each lot.

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

On March 14, 2007, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2006-8516-MND (Article V- City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance.

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 Los Angeles Housing Department determined in a report submitted to the City Planning Department dated August 22, 2007, that based on the rent and tenant information submitted by the owner, no affordable units currently exist at 357 Fifth Avenue. Therefore, the applicant does not have to provide any replacement

affordable residential units. Also, because the project does not meet or exceed the threshold of ten or more new dwelling units, the inclusion of the affordable units is not required.

FINDINGS - ZONING ADMINISTRATOR'S ADJUSTMENT

8. **The granting of the adjustment will result in development compatible and consistent with the surrounding uses.**

The reduced rear yard setbacks of 1-foot 4 inches on Lot A, 8 inches on Lot B and 5 feet 3 inches on Lot C in lieu of the required 15 feet is compatible and consistent with adjacent developments along Fifth Avenue and Sunset Avenue. Of the nine other properties along the Fifth Avenue, three of them have reduced rear setbacks next to the alley and three have no rear setbacks at all. Of the six other properties along the Sunset Avenue, one of them has a reduced rear setback next to the alley and four have no rear setbacks at all.

9. **The granting of the adjustment is in conformance with the intent and purpose of the General Plan.**

The site is located within the Venice Community Plan, which designates the subject property and the surrounding neighborhood for Low Medium II residential density with corresponding zones of RD2 and RD1.5. The three existing houses (to be confirmed by a valid Certificate of Occupancy) on the subject property conform to the RD1.5-1 Zone and are equivalent to a density of one unit per 2,000 square feet of lot area, consistent with the density of multifamily development in the surrounding neighborhood.

The property is also within the boundaries of the Venice Coastal Zone Specific Plan. The Community Plan and the Specific Plan are silent regarding rear setback requirements and defer to provisions of the Los Angeles Municipal Code.

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

The general purpose, spirit and intent of the Zoning regulations is to ensure that there is consistency between developments and that which is authorized. This Small Lot Subdivision project with reduced rear yard setbacks of 1-foot 4 inches on Lot A, 8 inches on Lot B and 5 feet 3 inches on Lot C in lieu of the required 15 feet will be consistent and compatible with other properties in the immediate area. Of the nine other properties along the Fifth Avenue, three of them have reduced rear setbacks next to the alley and three have no rear setbacks at all. Of the six other properties along the Sunset Avenue, one of them has a reduced rear setback next to the alley and four have no rear setbacks at all.

11. **There are no adverse impacts from the proposed adjustments or any adverse impacts have been mitigated.**

The reduced rear setbacks authorized by the adjustment would enable an existing three single family homes with valid certificates of occupancy to remain in place with no new construction and no impacts on adjacent properties.

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

The reduced rear yard setback of 1-foot 4 inches on Lot A, 8 inches on Lot B and 5 feet 3 inches on Lot C make adherence to the 15-foot rear setback requirement impractical. The provision of a 15-foot rear setback would require the removal of the rear portions of the three existing houses, resulting in a reduced amount of living space. The cost of removing the rear portions and remodeling the three homes would make the project infeasible.

FINDINGS-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE

13. **The project substantially complies with the applicable regulations, standards and provisions of the Venice Coastal Zone Specific Plan.**

The property is within the Oakwood-Milwood-Southeast Venice Subarea of the Specific Plan. The proposed three lot, Small Lot Subdivision complies with all applicable development requirements of the Venice Coastal Zone Specific Plan (Ordinance No. 175,693).

- a. **Density.** The existing three single family homes on the lot with 6,011 square feet comply with the density limits of the specific plan that the lot area per dwelling unit shall not be less than 1,500 square feet.
 - b. **Height.** The three single family homes to be retained will comply with the height requirement which limits projects in the Southeast Venice Subarea to 30 feet. Because all three homes are one story in height, their maximum height is well below the limit in the Specific Plan.
 - c. **Access.** Access to the three single family homes will be from an alley southwest of Fifth Avenue, from Fifth Avenue and from Sunset Avenue.
 - d. **Parking.** Two parking spaces will be provided for each single family dwelling.
14. **The project incorporates mitigation measures, monitoring measures when necessary which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

In accordance with Article V of the City's CEQA Guidelines, the Department of City Planning prepared a Mitigated Negative Declaration ENV-2006-8516-MND, issued on March 14, 2007 for the project. The impacts identified to be mitigated consist of aesthetic impacts, seismic hazards, air quality impacts from construction, construction grading, construction noise, liquefaction, release of asbestos, increased demands for fire protection, schools and recreation facilities and solid waste generation. Mitigation measures are incorporated to reduce the impacts identified to a level of insignificance.

15. **The project is compatible in scale and character with the existing neighborhood, as defined by the Coastal Commission Regional Interpretive Guidelines and the project would not be materially detrimental to adjoining properties or the immediate area.**

The project site is a lot with a width of 140 feet and a depth of 43 feet for a total lot area of 6,011 square feet. The surrounding properties are predominately developed with one and two story apartment buildings, condominiums and single-family homes.

The existing three single-family homes which should have valid certificates of occupancy in order to remain are one-story in height. Automobile access is taken from an alley southwest off Fifth Avenue, from Fifth Avenue and from Sunset Avenue. The existing three single-family homes are compatible in scale and character with the surrounding neighborhood. The retention of the three single-family homes with valid certificates of occupancy will not be detrimental to the adjoining properties or the immediate area.

16. **The project is in conformity with the certified Venice Local Coastal Program.**

The Zoning Administrator has been guided by the action of the Coastal Commission in its certification of the Local Coastal Program Land Use Plan on June 14, 2001. The Plan embodies the previous history of decision on development projects and extends it forward in a comprehensive document. No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the Coastal Commission. The project consists of the division of a lot with three existing dwelling units into three lots with one dwelling unit on each lot with six parking spaces located on the southwest corner of Fifth and Sunset Avenues, a half mile east of the beach. Access to the beach will not be affected by this project.

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

The Los Angeles Housing Department determined in a report submitted to the City Planning Department dated August 22, 2007, that based on the rent and tenant information submitted by the owner, no affordable units currently exist at 357 South Fifth Avenue. Therefore, the applicant/owner/developer does not have to provide any replacement affordable residential units.

18. **That 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 Los Angeles Housing Department determined in a report submitted to the City Planning Department dated August 22, 2007 that, based on the rent and tenant information submitted by the owner, no affordable units currently exist at 357 South Fifth Avenue. Therefore, the applicant/owner/developer does not have to provide any replacement affordable residential units.

ADDITIONAL MANDATORY FINDINGS

19. 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.
20. On March 14, 2007, a Mitigated Negative Declaration No. ENV-2006-8516-MND was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.



MICHAEL S.Y. YOUNG
Associate Zoning Administrator
Direct Telephone No. (213) 978-1387

MSYY:MW:thb

cc: Councilmember Bill Rosendahl
Eleventh District
Adjoining Property Owners