July 14, 2015

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CASE NO. ZA 2014-1084(CDP)(ZAA)(MEL)
COASTAL DEVELOPMENT PERMIT,
ZONING ADMINISTRATOR’S ADJUSTMENT
Related Case: AA-2014-1082-PMLA-SL
665 East Vernon Avenue
Zone : RD1.5-1
D. M. : 111B145
C. D. : 11
CEQA : ENV-2014-1083-MND
Legal Description: Lot 17, Blocks “E”, “F”,
“G”, “H” and “I”, Vawter Ocean Park Tract

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

A Zoning Administrator Adjustment for ‘early start construction’ to permit a front yard prevailing setback of 10 feet in lieu of the required 15 feet; 5-foot side yards in lieu of the required 6 feet for buildings 3-story in height; and a rear yard setback of 5 feet in lieu of the required 15 feet; also, an adjustment to permit a subdivision with less than the required minimum lot area of 5,000 square feet after dedication.

The adjustments that were required for ‘early start construction’ at the time of filing, are no longer required. Revisions to small lot procedures (Ordinance No. 183,165), signed by the Mayor on August 5, 2014, resulted in no need for Zoning Administrator Adjustments (ZAA) for ‘early start construction’ for small lot cases. Furthermore, the adjustment for minimum lot area is not required due to the fact that the property is a legal nonconforming lot.

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

a Coastal Development Permit for the demolition of a 930 square-foot single-family dwelling and construction of two dwelling units in conjunction with Preliminary Parcel Map AA-2014-1082-PMLA-SL within the single permit jurisdiction of the California Coastal Zone.
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 an exemption from the Mello Act. Furthermore, 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 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. 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 relating to or 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 conditions identified in Case Nos. AA-2014-1082-PMLA-SL and ENV-2014-1083-MND.
8. The project shall be in conformance with applicable provisions of the Venice Coastal Specific Plan (Ordinance No. 175,693). Prior to any sign-off by the Zoning Administrator, the applicant/owner shall obtain a clearance from the Plan Implementation Division, Community Planning Bureau regarding compliance with the provisions of the Venice Coastal Specific Plan. Said approval shall be in the form of a stamp on the building plans.

9. 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.

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

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 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.
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 July 29, 2015 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 receipted 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 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 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 and the statements made at the public hearing on March 11, 2015, 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 project site is a level, rectangular lot that is 40 feet wide and 120 feet deep. It sits on the north side of Vernon Avenue (a Local Street), between 7th Avenue (a designated Local Street) and Sunset Court (a designated Local Street). A 13.5-foot wide alley is at the rear of the lot. The site is surrounded by single-family and multiple-family dwellings. They are zoned RD1.5-1 and have a General Plan Land Use Designation of Low Medium II. The zoning and land use designation are consistent.

The RD1.5-1 zoning on the site requires 1500 square feet of lot area per dwelling unit. The lot size, which is approximately 4600 net square feet, allows as many as 3 dwelling units. However, the project is for 2 dwelling units. The total number of parking spaces proposed is 5. As designed, the proposed project meets the requirements of the Small Lot Ordinance.

There is a 930 square-foot single-family dwelling on the property that would be demolished as part of the project. There are no trees on the subject site that would be considered native or protected within the City of Los Angeles Protected Tree Ordinance.

The property is located in a liquefaction area and in the Los Angeles Coastal Transportation Corridor. The site is also located in the Venice Coastal Zone, thus the Coastal Development Permit and Mello Clearance must be approved for this project to be developed.

MANDATED 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 Coastal Act contains the various policy provisions of such legislation. Pertinent to the instant request are the policies with respect to Development. The proposed project constitutes new development because it involves the construction of two new single-family dwellings.
Sections 30250, 30251 and 30252 of the California Coastal Act, provide in part and respectively that:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving development with public transportation.

The proposed project will not adversely affect the adjacent or surrounding properties because it is located in a residential district in an existing developed area able to accommodate such uses. The subject property and properties surrounding the site are zoned RD1.5-1 and are developed with multiple-family dwellings and single-family dwellings.

The project has no adverse effects on public access, recreation, public views or the marine environment. The project will not block physical or visual access to or along the coast or public coastal views. The project consists of the demolition of a 930 square-foot single-family dwelling and construction, use and maintenance of 2 dwelling units in conjunction with a Small Lot Parcel Map. The proposed use will neither interfere nor reduce access to the shoreline or beach access. No boating will occur adjacent to the site. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request. There are no identified sensitive habitat areas, archaeological or paleontological resources on the file.

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) which is a part of the Venice Community Plan, was adopted in June, 2001.
The project is in compliance with the Venice Community Plan. The Venice Community Plan designates the property for Medium Residential density, consistent with the existing zone of RD1.5-1. The project must be in conformance with the Community Plan Designation and the Zone.

The project shall also be in conformance with applicable provisions of the Venice Coastal Zone Specific Plan (Ordinance No. 175,693). As a condition of approval (Condition #8) prior to any sign-off by the Zoning Administrator, the applicant/owner shall obtain a clearance from the Plan Implementation Division, Community Planning Bureau regarding compliance with the provisions of the Venice Coastal Specific Plan. Said approval shall be in the form of a stamp on the building plans.

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:

The Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. Because the proposed dwellings 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, its construction poses no threat to the protection of coastal resources. Traffic associated with 2 dwelling units is low. The California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings.

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.

No outstanding issues have emerged which would indicate a conflict between this request and any other decision of the Coastal Commission. The subject project does not block physical or visual access to or along the coast. Therefore, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities.

5. The development is/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 property does not provide access to or from the beach as it is located on East Vernon Avenue at a distance of over 1000 feet from the beach. 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.

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

On August 25, 2014, a Mitigated Negative Declaration (ENV-2014-1083-MND) was issued for the proposed project. The Mitigated Negative Declaration and Initial Study Checklist were submitted to the State Clearinghouse and posted for a 30-day public review period. The California Resources Agency, California Coastal Commission, Department of Fish and Wildlife, Department of Parks and Recreation, Department of Water Resources, Caltrans, Air Resources Board, Regional Water Quality Control Board, and Public Utilities Commission did not submit any comments regarding the proposed project during that period.

**FINDINGS FOR MELLO ACT**

7. The proposed project is subject to the Mello Act. In a letter dated March 5, 2014, Robert Manford, Environmental Affairs Officer for the Los Angeles Housing Department issued a letter stating that based on rental information provided by the owner, Vernon Development LLC, a California Limited Liability Company, the Los Angeles Housing Department (LAHD) determined that no affordable units exist at 665 East Vernon Avenue, Venice CA 90291.

8. The proposed project does not meet or exceed the threshold of ten or more new whole dwelling units to require the inclusion of affordable dwelling units. Therefore, the applicant/owner/developer is not required to provide any inclusionary affordable dwelling units on-site or within the Coastal Zone.

**ADDITIONAL MANDATORY FINDINGS**

9. The subject property is not located in an area for which a flood insurance rate map has been prepared.

10. On August 25, 2014, a Mitigated Negative Declaration (ENV-2014-1083-MND) was issued for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency found on the original environmental document that with imposition of the mitigation measures described in the MND and adopted as part of the proposed project, there is no substantial evidence that the proposed project will have a significant effect on the environment. The Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.
Inquiries regarding this matter shall be directed to Kevin Golden, Planning Staff for Office of Zoning Administration at (213) 978-1396.

LINN K. WYATT
Chief Zoning Administrator

cc: Councilmember Mike Bonin
    Eleventh District
    Adjoining Property Owners