



WEST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

NOV 10 2016

Determination Letter Mailing Date: _____

CASE NO.: ZA-2015-102-CDP-CU-SPP-1A

CEQA: ENV-2015-103-MND

Location: 601-611 South Ocean Front Walk
and 8-10 East Sunset Avenue

Council District: 11 - Bonin

Plan Area: Venice

Zone: C1-1

District Map: 109-5A143/109-5A141

APPLICANT: Joseph Praske, Boardwalk Sunset, LLC
Representative: Glen Irani, Glen Irani Architects

APPELLANT #1: John Picard Stein, Ph.D.

APPELLANT #2: Jerome Fleischman, Edward Halpern, Morris Sands

At its meeting of **September 7, 2016**, the West Los Angeles Area Planning Commission took the following action:

1. **Did not adopt** the Mitigated Negative Declaration No. ENV-2015-103-MND as the environmental clearance for the project.
2. **Granted** the Appeal.
3. **Did not sustain** the action of the Zoning Administrator's decision to approve a Coastal Development Permit pursuant to Los Angeles Municipal Code Section 12.20.2, authorizing the construction, use and maintenance of a mixed use project located within the dual permit jurisdiction area of the California Coastal Zone.
4. **Did not sustain** the action of the Zoning Administrator's decision to approve a Conditional Use pursuant to Los Angeles Municipal Code Section 12.24-W,27, to permit deviations from commercial corner establishment/mini-shopping center requirements by allowing for on-site tandem parking otherwise not permitted by Section 12.22-A,23(a)(4)(i), relief from the requirement to landscape all street frontages and perimeters as otherwise required by Section 12.22-A,23(a)(10)(i).
5. **Did not sustain** the action of the Zoning Administrator's decision to approve pursuant to Los Angeles Municipal Code Section 11.5.7-C, a Project Permit Compliance for the Venice Coastal Zone Specific Plan.
6. **Adopted** the attached Modified Findings for the **disapproval** of the project.

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

This action was taken by the following vote:

Moved: Commissioner Halper
Seconded: Commissioner Donovan
Ayes: Commissioner Margulies
Naye: Commissioner Merritt
Absent: Commissioner Waltz-Morocco

Vote: 3-1

Effective Date:
Effective upon mailing of the notice.

Appeals:
Not Further Appealable



Harold Arrivillaga
Commission Executive Assistant I

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.

Attachment: Modified Findings Adopted on September 7, 2016

c: Notification List
David Weintraub, Associate Zoning Administrator

***Modified Findings as Adopted by the West L.A. Area Planning Commission
On Wednesday, September 7, 2016
ZA-2015-102-CDP-CUP-SPP-1A
601-611 South Ocean Front Walk***

COASTAL DEVELOPMENT PERMIT 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 not in conformity with Chapter 3 of the California Coastal Act of 1976.

The Venice Beach area along Ocean Front Walk is a special community known for its ocean front recreation features. The Boardwalk, from Rose Avenue to approximately South Venice Boulevard, contains storefront shops selling a myriad of unique goods ranging from incense and t-shirts to hand-crafted art, as well as numerous fast-food establishments and restaurants. In addition, Ocean Front Walk is home to an eclectic variety of street performers, and a high number of street vendors selling unique hand-crafted goods. The Venice Boardwalk is a destination not only for tourists, but for many locals as well. The Boardwalk provides a vibrant, eclectic, and bohemian atmosphere that many in the region seek to enjoy while visiting the beach, shopping, or going out for a meal.

The insertion of an office complex would be a violation of the community character of the area (Section 30251 of Chapter 3 of the Coastal Act). The Coastal Act Section 30250 requires that a project individually and cumulatively not have a significant adverse effect on coastal resources. The exacerbation of traffic on the already critical traffic load by increasing vehicles and allowing tandem parking, will bring a great deal of additional parking demand than normal. Through the granting of a conditional use to satisfy the parking requirements, the project would both individually and cumulatively negatively affect this area.

Chapter 3 of the California Coastal Act provides standards by which "the permissibility of proposed developments subject to the provisions of this division are determined". In the instant case, section 30250(a) the Coastal Act states 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, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development of the project designating 20,000 square feet or 69 percent of the project for office space at this location on Ocean Front Walk is a violation of the Coastal Act per Section 30255. Coastal development shall have priority over other development on or at the shoreline. The project is over 2/3 office space which would not be consistent with this section of the Coastal Act and therefore, is not in conformity with the Coastal Act.

The Venice Beach area along Ocean Front Walk is a special community known for its ocean front recreation features. The insertion of an office complex would be a violation of the community character of the area (Section 30251 of Chapter 3 of the Coastal Act). The Coastal Act Section 30250 requires that a project individually and cumulatively not have a significant adverse effect on coastal resources.

Based on substantial evidence in the record including written communications in the case file, technical reports, testimony given at the Zoning Administrator's hearing on December 3, 2015, written material submitted at and oral testimony given at the West Los Angeles Area Planning Commission on September 7, 2016, and prior to the WLA Area Planning Commission making its decision, the Commission consider all the testimony presented at the hearing, and the merits of the project as it relates to existing environmental and land use regulations, and Coastal Act provisions. The exacerbation of traffic on the already critical traffic load by increasing vehicles and allowing tandem parking, will bring a great deal of additional parking demand than normal, through the granting of a conditional use to satisfy the parking requirements both individually and cumulatively would negatively affect the area.

2. **The development will 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 zoning administrator erred by finding that the development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformity with Section 30250 of Chapter 3, and Section 30255 of the Coastal Act. The classification of a project as a mixed use residential and commercial project is not supportable with only 2.7 percent of the 28,792 square feet of the project for residential uses. It would not qualify the project for a 50 percent

increase in Floor Area Ratio (FAR) from 1.0 to 1, to 1.5 to 1 FAR. It would set a precedent that would affect future cumulative development density bonus granted by the Venice Specific Plan.

This development will prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program. It will set a precedent. The project's size, and scale are incompatible with the scale and character of the adjacent neighborhood. It will adversely affect adjacent properties in the surrounding neighborhood, thereby violating the Venice Specific Plan. The project incorporates insufficient mitigation measures to mitigate the negative impacts specified, including traffic, parking and public pedestrian safety per public testimony and handouts. Problems on traffic associated with one way streets and very narrow streets. There has been not enough attention to cumulative impacts from other projects around the neighborhood, and what the project will mean as a precedent for further projects, again affecting the ability of the City of Los Angeles to prepare a Local Coastal Program.

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.**

The Los Angeles County Interpretive Guidelines were adopted by the Coastal Commission on October 14, 1980. The guidelines were intended to assist local agencies when reviewing development projects prior to the certification of a local coastal program. The commercial guidelines address, siting, height, density, landscaping, and parking for developments located in the Coastal Zone. The California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings.

The Venice Beach area along Ocean Front Walk is a special community known for its ocean front recreation features. The insertion of an office complex would be a violation of the community character of the area (Section 30251 of Chapter 3 of the Coastal Act). The Coastal Act Section 30250 requires that a project individually and cumulatively not have a significant adverse effect on coastal resources. The exacerbation of traffic on the already critical traffic load by increasing vehicles by allowing tandem parking, will bring a great deal of additional parking demand than normally, through the granting of a conditional use to satisfy the parking requirements both individually and cumulatively would negatively affect the area.

4. **The decision herein has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the California Public Resources Code.**

The Zoning Administrator considered the following recent California Coastal Commission cases in reaching a decision in the extant case: cases A-5-VEN-15-0026, and A-5-VEN-15-0027, applications to build two, three-story single family dwellings on adjacent lots at 416 and 422 Grand Boulevard; case 15-15-0310, an application to demolish a single family home and construct a new, three story, two unit condominium located at 458 East South Venice Boulevard; and case 15-15-0153, and application to approve construction of a new, 5,700 square foot , four story single family residence located at 4303 Roma Court. The commission's decision, conditions of approval, and report were considered in making the extant findings. The Zoning Administrator has been guided by the action of the Coastal Commission in its review of development applications in the area, and approval of the proposed project will be consistent with these decisions.

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 site is located at 601 South Ocean Front Walk. Ocean Front Walk provides pedestrian access along Venice Beach. The subject property, however, is on the easterly side of Ocean Front Walk. The property does lie between the nearest public road that provides automobile access to the beach, and the coastline, the project is between Speedway, and the coastline. By introducing 20,000 square feet of new office space and 7,992 square feet of retail space and one residential unit directly on the Venice Boardwalk, the project will generate a net increase of 496 daily trips.

The project incorporates insufficient mitigation measures to mitigate the negative impacts specified, including traffic, parking and public pedestrian safety per public testimony and handouts. Impacts include problems associated with traffic on one way and very narrow streets.

6. **An appropriate environmental clearance under the California Environmental Quality Act has not been granted.**

On November 16, 2015, a Proposed Mitigated Negative Declaration (ENV 2015-103-MND) was issued for the subject project, after a 30-day public comment period. The MND addresses issues including, but not limited to, light and glare, objectionable odors, hazardous substances, increased noise levels from construction activities, public services, and emergency access. The MND includes several measures to mitigate negative impacts that the subject project may incur.

Pursuant to Section 21080(b)(5) of the California Environmental Quality Act, projects which a public agency rejects or disapproves are not subject to environmental review. In denying the project, the APC did not issue a finding regarding the environmental clearance for this project.

CONDITIONAL USE PERMIT FINDINGS

7. **The project will not enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject property is currently developed with a surface parking lot, with access provided from Speedway. By putting the land to use, constructing a new building, and providing new space for retail uses along Ocean Front Walk, the project will impact the built environment of the surrounding neighborhood. Beachfront property is in high demand, and is often extremely expensive. In a highly developed area typified by retail uses with immediate street frontage, the current use of a surface parking lot may not be the best use of the subject property. However, a new, 3-story development on the site providing new retail space at the ground level, with office uses plus a residential unit above will negatively impact the surrounding neighborhood and property and the area.

The project incorporates insufficient mitigation measures to mitigate the negative impacts specified, including traffic, parking and public pedestrian safety. Impacts include problems associated with traffic on one way and very narrow streets. There has been not enough attention to cumulative impacts from other projects around the neighborhood.

The project will not enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.

8. **The project's location, size, height, operations and other significant features will not be compatible with and will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The proposed project is 3-story, 35-foot tall building with 20,000 square feet of office space, 7,992 square feet of retail space, and one (1) 800 square foot live-work unit. The project's size, and scale are incompatible with the scale and character of the adjacent neighborhood. It will adversely affect adjacent properties in the surrounding neighborhood, thereby violating the Venice Specific Plan. The project incorporates insufficient mitigation measures to mitigate the negative impacts specified, including traffic, parking and public pedestrian safety.

The project's size, while unique, is generally incompatible with the immediate area. The subject property is comprised of three lots tied together to form one parcel, providing a larger lot and greater square footage than most lots in the immediate area.

9. **The project does not substantially conform with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

Both the Venice Community Plan and the General Plan designate the subject property as Community Commercial, with a corresponding zone designation of C1. Office uses are generally not considered to be a 'community commercial' use. The proposed project includes 20,000 square feet of creative office space, a full 2/3 of the proposed floor area.

The Venice Community Plan, an element of the General Plan, sets various goals and objectives for the development of the area, and creates a vision for the growth and preservation of the community. The 'Commercial' section of the plan states the following objectives:

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.

Objective 2-3: To enhance the appearance of commercial districts.

By constructing a new building with 7,992 square feet of retail space, the proposed project would help to achieve Objective 2-1 by providing space for retail establishments, and thus providing additional retail opportunities in the community. Moreover, by developing a new building with street frontage and landscaping, the proposed project would help to achieve Objective 2-3 by developing a surface parking lot into a structure for commercial use, and thus enhancing the appearance of the area. However, the size and scale of the building and the creative office use component, a use generally not considered to be a 'community commercial' use, has not been sufficiently mitigated.

However, the 'Commercial' section of the Community Plan also states

Objective 2-2: To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.

The Venice Boardwalk enjoys a distinctive identity that rests on its many street vendors, artists, performers, and eclectic and bohemian shops. By developing a new building that provides professional office space, ground floor commercial space, and one live work unit, the proposed project would provide shopping and dining opportunities at the ground floor, further activating the pedestrian opportunities on the Boardwalk. The second and third floors are designed for creative office space, and do not in and of themselves serve to enhance the distinct cultural identity. The design of the project does enhance the architectural diversity of the area, but due to its size and scale is incompatible with the scale and character of the adjacent neighborhood. It will adversely affect adjacent properties in the surrounding neighborhood, thereby violating the Venice Specific Plan.

10. **Based on the data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will create a traffic hazard or cause significant traffic congestion or disruption of vehicular traffic on adjacent streets.**

Traffic Assessment data provided by the City of Los Angeles Department of Transportation indicates that the project will not result in a significant level of impact at *nearby intersections*. Further, access to the proposed project's parking facility will be provided via Speedway, a 20-foot wide alley adjacent to the rear of the subject property.

Many of the residential and commercial uses on Ocean Front Walk have vehicle ingress and egress via Speedway, and at times vehicular traffic is heavy. In addition, many businesses on Ocean Front Walk receive deliveries via Speedway. Portions of Speedway are often occupied by delivery trucks, as many of the

properties do not have a loading zones on site. Because Speedway is the closest public right of way to the beach with vehicular access, additional new trips must be carefully managed.

Department of Transportation data indicate that the project will generate 496 net new daily trips, 40 a.m. peak hour trips, and 117 p.m. peak hour trips. Based on public testimony and material submitted to the record at the public hearing on September 7, 2016, impacts include problems associated with traffic on one way and very narrow streets. The project incorporates insufficient mitigation measures to mitigate the negative impacts specified, including traffic, parking and public pedestrian safety per public testimony and handouts. There has been not enough attention to cumulative impacts from other projects around the neighborhood.

11. The project approval will not create or add to a detrimental concentration of Mini-shopping centers or Commercial Corner Developments in the vicinity of the proposed project.

The proposed project is a commercial corner development as it occupies a commercially zoned corner lot, and is adjacent to lots in the R zone. Commercial Corner/Mini-shopping Center regulations apply. Currently there is no detrimental concentration of Commercial Corner Development in the vicinity of the proposed project. The addition of the proposed mixed use project (office, retail and residential uses) to the area will not create a detrimental concentration of Commercial Corner Developments.

PROJECT PERMIT COMPLIANCE FINDINGS

12. The project does not substantially comply with the applicable regulations, findings, standards, and provisions of the Venice Coastal Zone Specific Plan.

The subject property is designated for Community Commercial land uses and the property is zoned C1-1. As a primarily commercial development with retail space, the project conforms to the land use designation and zoning. However, the project does not comply with all development standards and regulations of the Venice Specific Plan, as outlined below.

Venice Specific Plan Section 8.C. Findings

- a. **The Venice Coastal Development Project is not compatible in scale and character with the existing neighborhood and the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.**

Adjacent properties to the north, across Sunset Avenue, are zoned C1-1 and R3-1 and are developed with a single-story commercial building and two-story multi-family residential building. Adjacent properties to the south are zoned C1-1 and are developed with a three-story residential building and mixed-use office and retail buildings. Adjacent properties to the east, across Speedway, are zoned RD1.5-1 and are developed with two- to three-story multi-family residential buildings. To the west of the subject property is Venice Beach. The proposed project is 3-story, 35-foot tall building with 20,000 square feet of office space, 7,992 square feet of retail space, and one (1) 800 square foot live-work unit. The project's size, and scale are incompatible with the scale and character of the adjacent neighborhood. It will adversely affect adjacent properties in the surrounding neighborhood, thereby violating the Venice Specific Plan.

b. **The Venice Coastal Development Project is not in conformity with the certified Local Coastal Program.**

Density. Commercial projects that include retail and/or office with residential are entitled to an FAR of 1.5:1. With a lot area of 19,195 square feet, the project is entitled to 28,792.5 square feet of floor area. The project provides 28,792 square feet of floor area. The classification of a project as a mixed use residential and commercial project is not supportable with only 2.7 percent of the 28,792 square feet of the project for residential uses. It would not qualify the project for a 50 percent increase in Floor Area Ratio (FAR) from 1.0 to 1, to 1.5 to 1 FAR. It would set a precedent that would affect future cumulative development density bonus granted by the Venice Specific Plan.

Height. Venice Coastal Development Projects in the North Venice area in Section 10.F.3 of the Venice Specific Plan are entitled to a maximum height of 35 feet with a varied roofline. The proposed project has a varying roofline at a slope of 2.25 to 12; additionally, that portion of the roof exceeding 30 feet in height is setback 1 foot for every foot in height exceeding 30 feet along Ocean Front Walk, therefore, qualifying for a maximum height of 35 feet. However, the project's size, and scale are incompatible with the scale and character of the adjacent neighborhood. It will adversely affect adjacent properties in the surrounding neighborhood, thereby violating the Venice Specific Plan.

Access. The Plan requires driveways and vehicular access to Venice Coastal Development Projects to be provided from alleyways, unless the Department of Transportation determines that it is not feasible. Access to

the proposed project's parking lots would be provided from Speedway, the alley adjacent to the rear of the subject property.

The project incorporates insufficient mitigation measures to mitigate the negative impacts specified, including traffic, parking and public pedestrian safety per public testimony and handouts. Impacts include problems associated with traffic on one way and very narrow streets.

Parking. Pursuant to Section 13.D of the Venice Specific Plan, 1 space is required for every 250 square feet of general office space, 1 space for every 225 square feet of retail space, and 2 spaces per dwelling unit. The proposed project provides 20,000 square feet of office space, 7,992 square feet of retail space, and 1 residential unit.

The project is required to provide 119 parking spaces for its on-site land use components, plus pursuant to Section 13.E of the Venice Specific Plan, 8 commercial Beach Impact Zone (BIZ) parking spaces, plus 43 additional spaces that are the site's general obligation (via Covenants and agreements), for a total of 170 parking spaces.

The project is required to provide a total of **170** automobile parking spaces. The parking is established as follows:

119 - The Venice Specific Plan Section 13.D
8 - Beach Impact Zone Parking Section 13.E
43 - Obligation via Covenants and Agreements
170 - Total Parking Spaces

VENICE SPECIFIC PLAN PARKING REQUIREMENTS

80 - 20,000 square feet at 1/250 square feet
36 - 7,992 square feet at 1/225 square feet
3 - 1 unit at 2 spaces per unit/plus 1 guest

116 - Required commercial automobile parking
3 - Required residential automobile parking

Total project required parking per the Venice Specific Plan is **119** spaces.

BEACH IMPACT ZONE (BIZ)

Pursuant to Section 13.E of the Venice Specific Plan, Beach Impact Zone Parking is required: one space per 640 square feet of ground floor commercial floor area, or 5,254 square feet of ground floor commercial at 1/640 square feet equals **8** required BIZ spaces. (The other 2,738 of

commercial floor area is located on the second floor). The Venice Specific Plan allows up to 50% of the required Beach Impact Zone parking spaces to be funded through in lieu fees instead of providing the parking spaces (8 BIZ required spaces, up to 50% (4 spaces) can be credited via payment of in lieu fees).

COVENANTED PARKING OBLIGATION

The project site shall provide 43 additional on-site parking spaces that are the site's general obligation (via Covenants and Agreements). Prior to demolition of the surface parking lot, arrangements shall be made to provide these **43** spaces during construction.

BICYCLE ORDINANCE NUMBER 182,386

The Bicycle Ordinance provides that automobile parking spaces for nonresidential projects or buildings located within 1,500 feet of a portal of a fixed rail transit station, bus station, or other similar transit facility, as defined by Section 12.24.Y, may replace up to 30 percent of the required automobile parking spaces (116 required spaces) with bicycle parking. The project qualifies to replace up to a maximum of 30% of the required nonresidential automobile parking spaces with bicycle parking (116 X .30 = **35** parking spaces) at a rate of 4 bicycles per automobile (35 X 4 = **140 bicycle** parking spaces). Though the project qualifies for up to 35 automobile parking spaces offset by the provision of bicycle parking, the actual offset of automobiles by bikes will be established prior to building permits being issued.

The obligation of the extra 43 covenanted parking spaces does not qualify for the bicycle in lieu of automobile parking spaces provision. This leaves the project with a **maximum of 30 percent of the required nonresidential parking** (116 spaces) that can be offset with bicycles. The result is that 30 percent of 116 equals 35 required spaces that can be offset.

The Bicycle Ordinance requires that the site provide short and long term bicycle parking in addition to any offset provisions that are utilized by the project. The project is conditioned to provide these short and long term spaces per the LAMC. (Condition No.6.g) The Bicycle Ordinance requires that office uses provide 1 short term bicycle parking space per 10,000 square feet and 1 long term bicycle parking space per 5,000 square feet. Further, retail commercial uses must provide 1 short term bicycle parking space per 2,000 square feet and 1 long term bicycle parking space per 5,000 square feet.

OVERALL PARKING REQUIREMENTS

If the project utilizes the maximum offset of parking spaces via the Bicycle Ordinance (bicycle parking spaces at 4 per offset automobile space), up to 35 spaces could be offset by bicycles. The project must provide a minimum of 81 physical commercial parking spaces, plus 3 residential spaces for the live /work unit, plus 4 commercial BIZ spaces plus the 43 obligatory parking spaces via covenant, the minimum total physical parking spaces would be 131 on-site.

The proposed project is seeking relief from the Commercial Corner Project standards, which includes a prohibition on tandem parking. By allowing tandem parking, the project would bring a great deal of additional parking demand than normal. The granting of a conditional use to satisfy the parking requirements both individually and cumulatively would negatively affect the area.

- c. **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.**

Not applicable. The property is being developed with a new commercial building and does not contain affordable residential units. There are no replacement affordable units required as part of the project's development.

- d. **The Venice Coastal Development 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 is located in the Coastal Zone as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project does not involve the conversion, demolition, or development of one or more residential units. Therefore, the proposed project is not subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.

- 13. **The project does not incorporate mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

On November 16, 2015, a Proposed Mitigated Negative Declaration (ENV 2015-103-MND) was issued for the subject project. The MND addresses issues including, but not limited to, light and glare, objectionable odors, hazardous substances, increased noise levels from construction activities, public services, and emergency access. The project incorporates insufficient mitigation measures to mitigate the negative impacts specified, including traffic, parking and public pedestrian safety per public testimony and handouts. Impacts include problems associated with traffic on one way and very narrow streets. There has been not enough attention to cumulative impacts from other projects around the neighborhood, and what the project will mean as a precedent for further projects, again affecting the ability of the City of Los Angeles to prepare a Local Coastal Program.

ADDITIONAL MANDATORY FINDINGS

14. 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 X, areas with 0.2% annual chance of flood, areas of 1% annual chance of floor with average depths of less than 1 foot or with drainage area less than 1 square mile, and areas protected by levees from 1% annual chance of flood.
15. On November 16, 2015, a Proposed Mitigated Negative Declaration (ENV 2015-103-MND) was issued for the subject project, after a 30-day public comment period. The MND addresses issues including, but not limited to, light and glare, objectionable odors, hazardous substances, increased noise levels from construction activities, public services, and emergency access. The MND includes several measures to mitigate negative impacts that the subject project may incur.

Pursuant to Section 21080(b)(5) of the California Environmental Quality Act, projects which a public agency rejects or disapproves are not subject to environmental review. In denying the project, the APC did not issue a finding regarding the environmental clearance for this project.