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CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

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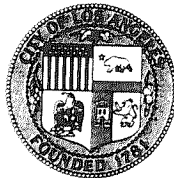
MICHAEL K. WOO

GABRIELE WILLIAMS

COMMISSION EXECUTIVE ASSISTANT

(213) 978-1300

CITY OF LOS ANGELES
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MAYOR

5-07-065

3

EXECUTIVE OFFICES

S. GAIL GOLDBERG

DIRECTOR

(213) 978-1271

GORDON B. HAMILTON

DEPUTY DIRECTOR

(213) 978-1272

ROBERT H. SUTTON

DEPUTY DIRECTOR

(213) 978-1274

FAX: (213) 978-1275

INFORMATION

(213) 978-1270

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CALIFORNIA
COASTAL COMMISSION

February 20, 2007

Donald Lehman (O)
Marie Thoin-Matheson
28809 Boniface Drive
Malibu, CA 90265

CASE NO. DIR 2006-6915-SPP-SPPA
PROJECT PERMIT COMPLIANCE
CEQA: ENV 2006-6916-CE

Robert Thibodeau (A)
DU Architects
529 California Ave.
Venice, CA 90291

Location: 1638 Abbot Kinney Blvd
Council District: 11
Plan Area: Venice – North Venice Subarea
Plan Land Use: Community Commercial
Neighborhood Council: Venice Neighborhood
Council
Zone: C2-1-O-CA

Appeal Date: March 7, 2007

Pursuant to Los Angeles Municipal Code Section 11.5.7 and Venice Coastal Zone Specific Plan (Ordinance No. 172,693), as the designee of the Director of Planning, I hereby approve:

A **Specific Plan Project Permit Compliance** to allow the remodel of an existing 2,268 square foot single-story commercial building to include the demolition of 968 square feet of the first story and renovation of the remaining 1,300 square feet of commercial space on the first story and the addition of two new stories with a 562 square foot commercial office and 2,119 square foot dwelling unit for a total project size of 3,981 square feet and

A **Specific Plan Project Adjustment** to allow a deviation in the height of the new structure by two feet, six inches from the Specific Plan height provision (Section 10 D.2.b) requiring that structures with a flat roof not to exceed 30 feet. The height of the structure is hereby permitted to be 32 feet, 6 inches.

This Specific Plan Project Permit Compliance and Specific Plan Project Adjustment is subject to the following additional terms and conditions:

A. **Entitlement:** The use and development of the subject property shall be in substantial conformance with the site, roof, floor and elevation plans stamped 'Approved' and dated February 20, 2007, attached to the file. The conditions for this project are as follows:

1. **Density.** A project in the C2-1-O-CA zone shall not exceed the density permitted in the R3 zone, which is one unit per 800 square feet of lot area. This project proposes the development of the development of one dwelling unit.

1 ZA 2007 1599



2. Height. The proposed project is limited to a maximum height of 32 feet and 6 inches. Height shall be measured from the elevation of the centerline of the adjacent alleyway, Alhambra Court, measured from the projection of the midpoint of the lot frontage to the highest point of the roof or parapet wall, excluding roof deck railings that do not exceed 36 inches and are of an open design.
3. Setback. The setback of the existing structure, the first story, shall be maintained at 0 feet. The addition of the second and third story shall have a minimum setback of 5 feet. The applicant shall gain approval from the Department of Building and Safety regarding the structure's compliance with the setback requirements stated in the Los Angeles Municipal Code.
4. Parking. The existing first floor of retail shall maintain all parking spaces required in previous entitlements, as listed on the certificate of occupancy. For the addition of the second and third floor, two parking spaces shall be required for each dwelling unit and one parking space shall be required for each 250 square feet of office space.
5. Access. Driveways and vehicular access to the project shall be provided from the alley, Alhambra Court.
6. Commercial Development Design Standards. Pursuant to Section 11 of the Venice Specific Plan, the proposal shall include a street wall, which shall extend for at least 65 percent of the length of the Building Frontage, and shall be located within five feet of the lot line. At least 50 percent of the area of the ground floor street wall of the proposed project shall be devoted to pedestrian entrances, display windows or windows offering views of retail, office, gallery, or lobby space. Blank walls shall be limited to segments of 15 feet in length, except that blank walls that contain a vehicle entry door shall be limited to the width of the door plus five feet. The proposal shall provide at least one pedestrian entrance into each business. The Ground floor exterior building walls that face rear parking areas shall provide a pedestrian entrance into the building.
7. Floor Area Ratio. The floor area ratio of the proposed mixed-use project shall be limited to 1.5 to 1.
8. Landscaping. Pursuant to Section 11 of the Venice Specific Plan, any open portion of the lot of the proposed project not used for buildings, parkways, driveways or other access feature shall be landscaped with applicable plants specified in Appendix B of the Venice Specific Plan.
9. Light. All lighting from the proposed project shall be directed away from residential Venice Coastal Development Projects and Environmentally Sensitive Habitat Areas
10. Trash. The Proposed project shall have trash enclosures for regular and recyclable trash.

B. Administrative:

1. Coastal Commission. Coastal clearance, including a Coastal Development Permit if required, shall be obtained from the Coastal Commission and the use and development of the property shall be in conformance with the conditions required by the California Coastal Commission.

2. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
3. **Municipal Code.** All other use, height and area regulations of the C2-1-O-CA zone classification of the subject property, and all other applicable government/regulatory agencies regulations shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
4. **Venice Coastal Zone Specific Plan.** This Specific Plan Project Permit and Specific Plan Adjustment Compliance is only applicable to the provisions of the Venice Coastal Zone Specific Plan pertaining to density, height, setback/yard, access, design, and parking. Whenever the Venice Coastal Zone Specific Plan is silent, all other relevant provisions of the Los Angeles Municipal Code (LAMC) shall apply. Therefore this project is subject to the review and approval of the Department of Building and Safety as to its compliance with the applicable provisions contained in the LAMC.
5. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendment thereto.
7. **Building Plans.** This determination including all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
8. **Indemnification.** 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.

PROJECT PERMIT COMPLIANCE FINDINGS

1. **The project is compatible in scale and character with the existing neighborhood, and would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The subject parcel is a substandard lot having a width of 30 feet and a length of 90 feet for a total lot square footage of 2,700 square feet. The subject property is zoned C2-1-O-CA and the surrounding properties are zoned M1-1-O and RD1.5-1-O. The proposed project is located in the North Venice Subarea within the Single Permit Jurisdiction area of the Venice Coastal Zone. The proposal consists of the remodel of the existing single-story commercial building to include the renovation of the commercial space on the first story and the addition of two new stories with an 891 square foot commercial office on

the second floor and a 1,790 square foot dwelling unit on a portion of the second floor and all of the third floor. The new project will be a three-story, 3,981 square foot mixed use building. The applicant also requests a 9% adjustment to the height so that the building can reach a maximum height of 32 feet and 6 inches with a flat roof, in lieu of 30 feet. The proposed density of the site is consistent with the C2-1-O-CA zone and the regulations prescribed in the Venice Specific Plan. The adjacent properties are developed with several three-story multi-family dwelling units and commercial structures. Owing to the nature and characteristics of the immediate neighborhood, the development of this three-story mixed use building will be compatible in scale and character with the existing neighborhood and that which is allowed in the Venice Coastal Zone Specific Plan for the North Venice Subarea.

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

The subject property is designated Neighborhood Commercial in the certified Venice Local Coastal Program Land Use Plan and is zoned C4-1. The proposed project is consistent with the intents and purposes of the Land Use Plan and the Specific Plan, which are parts of the Venice Coastal Program. Their policies and provisions support this type and scale of residential development in the North Venice Subarea and comply with all applicable development requirements of the Venice Coastal Specific Plan (Ord. No. 175,693) Sections 10F, 11B and 13. All other development requirements shall be adhered to as stated in this determination.

a. Density. Pursuant to the Venice Specific Plan, section 10F(2)(b), all residential Venice Coastal Development Projects located on a commercially zoned lot shall not exceed the density permitted in the R3 zone. Pursuant to section 12.10 of the LAMC, the R3 zone allows for one dwelling unit per 800 square feet of land. The current parcel is 2,700 square feet. The proposal is for the construction of one new dwelling unit. The proposed density is consistent with the regulations stated in the Venice Local Coastal Program and LAMC.

b. Height. The proposed project does not comply with the height requirements that limit projects with a flat roof in the North Venice Subarea to 30 feet. The proposed project is 32 feet and 6 inches in height. However this determination grants approval for the Specific Plan Project Adjustment which shall permit the structure an increase in height by 9%, pursuant to section 11.5.7 of the Los Angeles Municipal code. The structure shall reach a maximum height of 32 feet and 6 inches and has been conditioned in this determination to be measured from the centerline of Abbot Kinney Boulevard.

c. Access. Pursuant to Section 10.F(5) of the Venice Specific Plan, Vehicular access is provided from the alley, Alhambra Court

d. Setback. Pursuant to section 10.F (4) of the Venice Specific plan, the front yard setback for all residential Venice Coastal Development Projects shall be consistent with LAMC requirements, but shall not be less than five feet. The proposed project provides a 9 foot 8 inch front yard for the residential portion of the project on the third floor. This is consistent with the guidelines of the Venice Specific Plan which states that a minimum front yard setback of 5 feet is required. Additional setback requirements may be necessary per the LAMC.

e. Parking. The proposed project is conditioned to comply with the parking requirements set forth in the Venice Specific Plan. The site is presently developed with a one story retail/commercial building. The first floor shall maintain the existing required parking. Pursuant to the LAMC section 12.21A4. If no parking spaces exists onsite for the first floor retail structure, the applicant retains non-conforming rights to the number of parking spaces that would have been approved today, for the existing single-story structure only. For the addition of the second and third stories, the applicant shall provide an additional two parking spaces for each dwelling unit

and one parking space for each 250 square feet of office space. The parking for the addition shall be calculated per the Venice Specific Plan, Section 13 D, which states, "Two parking spaces are required for each dwelling unit on lots with a width of 35 feet, with an alley... [And] one parking space shall be required for each 250 square feet of office space."

- f. Construction on Contiguous Lots. The subject building occupies one lot, which complies with the requirement of Section 9A of the Venice Specific Plan (Ordinance No. 175693) that prohibits the construction of buildings or structures on more than two contiguous lots.
- g. Commercial Development standards. The proposal, as conditioned, complies with the requirements set forth in Section 11 of the Venice Specific Plan which impose various standards for design, floor area ratio, landscaping, light and trash.
- h. Floor Area Ratio. Pursuant to Section 11B (3) of the Venice Specific Plan, the floor area ratio of the proposed mixed-use project shall be limited to 1.5 to 1. Pursuant to section 12.21.1 A.1 of the LAMC, the total floor area contained in the main building of a lot in a commercial zone in height district 1 shall not exceed 1.5 times the buildable area, excluding all setbacks. The floor area ratio for this project is approximately 1.5 to 1, as measured by standards presented in the LAMC, and is consistent with the requirements set forth in the Venice Specific Plan.
- i. Landscaping. Pursuant to Section 11B(6) of the Venice Specific Plan, any open portion of the lot of the proposed project not used for buildings, parkways, driveways or other access feature shall be landscaped with applicable plants specified in Appendix B of the Venice Specific Plan.
- j. Light. Pursuant to section 11B(7) of the Venice Specific Plan, all lighting from the proposed project shall be directed away from residential Venice Coastal Development Projects and Environmentally Sensitive Habitat Areas. The lighting scheme is consistent with the requirements set forth in the Venice Specific Plan.
- k. Trash. Pursuant to section 11B (8), the proposed project shall have trash enclosures for regular and recyclable trash. The trash enclosure is consistent with the requirements set forth in the Venice Specific Plan.

3. 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 proposed project does not involve the demolition of a dwelling unit and thus is not subject to the guidelines of the Mello Act. The applicant is thus not obligated to register any units with the Los Angeles Department of Housing.

4. The Venice Coastal Development Project is consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).

The proposed project 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 Maps. The proposed project does not involve the conversion, demolition, or development of ten or more residential units. Therefore, the proposed project is not subject to the Mello Act, as set forth in California Government Code Sections 65590 and 65590.1.

5. The project incorporates 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.

The requirement to mitigate negative environmental effects is not applicable to the subject project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 3, Category 17 of the City CEQA Guidelines. Notice of Exemption No. ENV 2005-6916-CE has been issued on August 7, 2006. The justification for the Project Exemption is as follows:

Projects involving less than 35 dwelling units or 15,000 square feet of commercial, industrial, governmental, or institutional floor space where, as determined by the appropriate City Department, the project is not in a designated hillside area or in an officially mapped area of severe geologic hazard, conforms with or is less than intensive than the Paleontological, Historical, Archaeological or Seismic Study Area, and, of residential, is more than 1,000 feet away from a freeway, railway, or airport, except where mitigation of potentially significant noise and air quality impacts to an insignificant level is ensured. If any grading is required in connection with such projects, this Categorical Exemption shall not apply unless the grading is also exempted by Subsection 1 of the City CEQA guidelines.

PROJECT PERMIT ADJUSTMENT FINDINGS

1. That there are special circumstances applicable to the project or project site, which make the strict application of the specific plan regulation(s) impractical.

The subject parcel is a substandard lot having a width of 30 feet and a length of 90 feet for a total lot square footage of 2,700 square feet. The subject property is zoned C2-1-O-CA and the surrounding properties are zoned M1-1-O and RD1.5-1-O. The proposed project is located in the North Venice Subarea within the Single Permit Jurisdiction area of the Venice Coastal Zone.

The site is currently developed with a single-story, 2,268 square foot commercial building with a height of 14 feet and 11 inches. The existing structure was originally built in 1913 and has a unique storefront design with fixed masonry windows and entrances which add a historical character to the Boulevard. During the process of detailed engineering, it was discovered that in order to preserve the historical character of the existing building and add two functional stories, an adjustment to the Venice Specific Plan would be necessary. One of the purposes of the Venice Specific Plan is to prepare specific provisions tailored to the particular conditions and circumstances of the Venice Coastal Zone, consistent with the general policies of the adopted Los Angeles General Plan. Due to the historic character of the existing storefront and the value that the historic structure adds to the Boulevard, it would be impractical and inconsistent with the intent of the Venice Specific Plan to recommend demolition of the existing structure to allow for a building that is 30 feet in height. Special consideration of the existing height of the existing building must be made in order to allow the applicant to preserve the first story and build a functional second and third story, which would ordinarily be permitted had the total height been 30 feet. The additional height does not add additional floor area or new amenities to the project, but merely accommodates the existing physical constraint related to the preservation of the historical storefront.

2. That in granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all the applicable specific plan regulations.

The project, as proposed, complies with all of the applicable regulations of the Venice Specific Plan with the exception of the height requirement which is the subject of the Specific Plan Project Permit Adjustment. The proposed increase in height, 2 feet, 6 inches, is approximately 9 % higher than the designated height limit of 30 feet, which is less than the 10% limit on exceeding height, stipulated in Section 11.5.7.E.2.(a). Additionally, the increase in height does not add any additional floor area or new

amenities to the project, but merely accommodates physical restraints related to the preservation of the historical storefront on the first floor.

3. That in granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the Adjustment on surrounding properties and public rights-of-way.

The proposed increase in height will allow for a building which, once built, will be similar in height with a several existing buildings in the neighborhood, and will not have any detrimental effects on any surrounding properties or on the surrounding public rights-of-way.

At 1712 Abbot Kinney, a nearby site, an adjustment was authorized by case number ZA-2004-6491-CDP-ZAA-SPP-SPPA-MEL to allow for a height of 32 feet 6 inches in lieu of the 30 feet. At 1718-1720 Abbot Kinney, an adjustment was authorized by case number DIR-2004-3663-SPPA to allow a height of 32 feet 6 inches in lieu of the 30 feet. This adjustment to 1638 Abbot Kinney is similar to other adjustments granted by the City and will be similar in height to neighboring structures and thus will not have any detrimental effects on any surrounding properties or on the surrounding public rights-of-way.

4. That the project incorporates mitigation measures, monitoring of 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.

The requirement to mitigate negative environmental effects is not applicable to the subject project adjustment. No impacts or mitigation measures were raised as a result of the project permit adjustment to allow a maximum height of 32 feet 6 inch height, in lieu of 30 feet. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 3, Category 17 of the City CEQA Guidelines. Notice of Exemption No. ENV 2005-6916-CE has been issued on August 7, 2006. The justification for the Project Exemption is as follows:

Projects involving less than 35 dwelling units or 15,000 square feet of commercial, industrial, governmental, or institutional floor space where , as determined by the appropriate City Department, the project is not in a designated hillside area or in an officially mapped area of severe geologic hazard, conforms with or is less than intensive than the Paleontological, Historical, Archaeological or Seismic Study Area, and, of residential, is more than 1,000 feet away from a freeway, railway, or airport, except where mitigation of potentially significant noise and air quality impacts to an insignificant level is ensured. If any grading is required in connection with such projects, this Categorical Exemption shall not apply unless the grading is also exempted by Subsection 1 of the City CEQA guidelines.

ADDITIONAL MANDATORY FINDING

Flood Hazard: 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. 154,405, have been reviewed and it has been determined that this project is not located a food zone.

BACKGROUND/CHRONOLOGY

- 08/07/2006 City Planning Public Counter receives application, accepts fees, and assigns case number DIR-2006-6915-SPP-SPPA and ENV-2006-6916-CE
- 12/22/2006 The Department of City Planning issued an incomplete letter to the applicant stating items of concern. The incomplete letter is included in the case file.
- 12/29/2006 The Department of City Planning, Community Planning Bureau staff deemed the application package complete for a Specific Plan Project Permit and Specific Plan Project Permit Adjustment Compliance review.
- 2/20/2006 The Department of City Planning considers the application and recommends approval for the Project Permit, which permits the remodel of an existing single-story commercial building to include the renovation of the commercial space on the first story and the addition of two new stories with a commercial office and dwelling unit. This recommendation also recommends approval for the Project Permit Adjustment to allow the deviation in the height of the structure by two feet, six inches from the Specific Plan height provision (Section 10 D.2.b) requiring that structures with a flat roof not to exceed 30 feet for a maximum structure height of 32 feet, 6 inches.
- 03/14/2007 The Director's 75-day time limit to approve/disapprove expires.

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

All terms and conditions of the Specific Plan Project Permit 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 this determination 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. The Director of Planning or his/her designee 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 the Director of Planning or his/her designee determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This determination 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 that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 M of the Los Angeles Municipal Code states in part: It shall be unlawful to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

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 permit or license 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 Determination in this matter will become effective after, March 7, 2007, 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 this grant 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. Planning Department public offices are located at:

Figueroa Plaza

201 North Figueroa Street, 4th floor
Los Angeles, CA 90012
(213) 977-6083

Valley Office

6251 Van Nuys Boulevard, First Floor
Van Nuys, CA 91401
(818) 756-8596

The application is further advised that all subsequent contact with this office regarding this grant must be with the decision-maker 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.

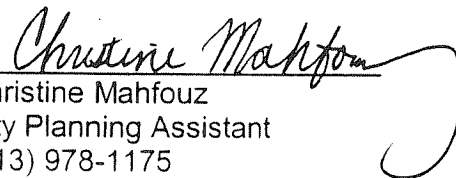
The time in which a party may see judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

S. Gail Goldberg, AICP
Director of Planning

PREPARED BY:



Betsy Weisman
Principal City Planner



Christine Mahfouz
City Planning Assistant
(213) 978-1175

cc: Councilmember Bill Rosendahl, 11th District
Department of Transportation
Adjoining and Abutting Property Owners
Department of Building and Safety
Grassroots Venice Neighborhood Council
California Coastal Commission, South Coast Regional Office, Charles Posner

