

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Th16b

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original staff report

REVISED ADDENDUM
To Replace the Addendum Dated April 8, 2016

April 12, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: APPEAL NO. A-5-VEN-16-0005 (LIZ JUN), FOR THE COMMISSION MEETING OF THURSDAY, APRIL 14, 2016.

1. CHANGES TO STAFF REPORT

The following revisions are made to the staff report dated March 24, 2016.

- A. Page 4 – Modify Section II. Single Permit Jurisdiction Area.** Add the following language immediately after the end of the section. Language to be added is underlined.

The applicant, relying on section 30600.5 of the Coastal Act, incorrectly asserts that the Commission must use the Venice Land Use Plan as the standard of review when reviewing the exemption on de novo. In 1978, relying on section 30600(b) of the Coastal Act, the City adopted procedures for the City to issue coastal development permits. The Commission approved those procedures and authorized the City to issue coastal development permits, with Chapter 3 of the Coastal Act being the standard of review for the review of permits because section 30604(a) provides that Chapter 3 is the standard of review when issuing a permit prior to certification of a local coastal program. While the Commission certified the City's Land Use Plan for the Venice area in 2001, the Commission did not delegate authority to the City to issue permits pursuant to section 30600.5(b) of the Coastal Act because the City did not adopt proper ordinances to issue permits under its LUP as required by section 30600.5(f) of the Coastal Act. Thus, the City is still issuing permits under the procedures it adopted pursuant to section 30600(b) of the Coastal Act and must use Chapter 3 of the Coastal Act when reviewing coastal development permit applications. The Commission, likewise, uses Chapter 3 of the Coastal Act as the standard of review in its review, on appeal, of the City-issued exemption. (Coastal Act §§ 30602, 30625) Therefore, the applicant's reliance on the LUP as the standard of review is misplaced and the applicant cannot wholly rely on the LUP policies in his analysis of whether the proposed project qualifies as exempt development, as that is founded on Chapter 3 of the Coastal Act and its implementing regulations.

- B. Page 6 – Add the following language immediately before the last paragraph. Language to be added is underlined.**

Additionally, the City of Los Angeles Certified Land Use Plan (LUP) for Venice defines "remodel" as: an improvement to an existing structure in which no more than fifty percent (50%) of the exterior walls are removed or replaced. However, as previously found in the substantial issue portion of this appeal, the Commission found that when a "remaining wall" is used as a measure to determine whether a development is a remodel or a new structure, the wall must remain intact as part of the structure, and for purposes of calculating the fifty-percent guideline

should retain its siding, drywall/plaster, windows, and doorways. The applicant's claim of remaining walls in this case is really just some of the studs, not unaltered walls. Furthermore, the Commission found that demolition, reconstruction, or substantial redevelopment of a project in the Venice coastal zone are not exempt under any section or provision of the Coastal Act, or the Commission's Regulations and require a coastal development permit. Even if a development is a remodel under the LUP, it does not mean that it is exempt from the coastal development permitting requirements. The LUP sets forth no policies relative to interpreting remodels as being exempt development. As such, an exemption determination is based on a reading of applicable Coastal Act provisions and associated implementing regulations in the Commission's regulations. In this case, the amount of structure removed far exceeds fifty percent of the structure. Therefore, a coastal development permit must be obtained.

The applicant claims that the Commission must be bound to the project description, as proposed by the applicant when he applied for the exemption with the City, in its assessment as to whether or not the proposed development qualifies as exempt development. While this is often the case in most appeals, this appeal is unique because the City did not retain the applicant's plans that he submitted at the City level. Thus, Commission staff does not have the record upon which the City made its exemption determination and it is unclear whether or not the proposed plans that the applicant submitted to Commission staff after the appeal was filed are the plans that the City evaluated when it issued the exemption to the applicant. Given this, staff decided that since the applicant had already finished demolition of the existing structure, a site visit was warranted to ensure that the proposed plans submitted by the applicant, that he asserts are the plans submitted to the City, matches the demolition that occurred. After the site visit, staff discovered that the demolition far exceeded what was in the plans. As a result, staff incorporated this information into its assessment of whether or not the City's exemption raised a substantial issue. The applicant asserts that any excess demolition should be left to enforcement to handle and that this appeal cannot be "stylized as an enforcement action." Given the unique facts of this appeal and the lack of plans from the City, it is appropriate for staff to consider all facts, both on the applicant's plans and facts on the ground, in its assessment of whether or not the project qualifies as exempt development. Ultimately, the result is the same because a City-issued exemption is null and void if an as-built project is not built according to the plans submitted to the City when it issued its exemption. Similarly, given the extent of demolition that has occurred, as shown in the applicant's exhibit to his letter, it's clear that the project, as-built/demoed, far exceeds the removal of 50% or more of exterior walls of the existing structure and is therefore not exempt- either way, the applicant must go through the coastal development permit process.

C. Add the following findings to the last page of the staff report:

D. VESTED RIGHTS/TAKINGS

The applicant claims that he has obtained a vested right to continue with the development exempted under the Coastal Exemption issued by the City and the Commission cannot interfere with such a right. The applicant cannot obtain a vested right by relying on the City's exemption determination before it's a final determination. As provided in the City's ordinance that authorized the City to issue coastal development permits, the City's action on a CDP application is not final until after the City sends notice of its action to the Commission's Executive Director, the Executive Director determines that the notice has been properly submitted and the 20 working-day appeal period has run its course and no appeal has been submitted to the Commission. It is the City's responsibility to send notices of its exemptions to the Executive Director within 5 working days of its determination. In this case, the City failed to timely send the required notice to the Executive Director. The Commission received a valid appeal before the expiration of the 20 working-day appeal period.

Since the Commission found substantial issue on this appeal at its February 2016 hearing, the City's action on the Coastal Exemption is no longer valid. Contrary to the applicant's claim, the owner cannot vest any rights to development until the owner possesses *all* the necessary permits for the development regardless of expenditure of funds or commencement of construction. (Patterson v. Central Coast Regional Coastal Zone Conservation Commission (1976) 58 Cal.App.3d 833, 844.) Therefore, since the applicant does not possess the necessary authorization from the City under its coastal development permitting procedures, the owner cannot claim a vested right to build the proposed development.

The applicant claims that the Commission's action in denying the Coastal Exemption would result in a regulatory taking. The applicant cannot claim a compensable taking claim against the Commission for the Commission's action in denying the claim of exemption for the proposed development. The applicant correctly cites section 30010 of the Coastal Act that prohibits the Commission from granting or denying a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. In this case, the Commission is not denying a permit, but rather denying the claim that the proposed development is entitled to an exemption from the permitting requirements of the Coastal Act. As such, the Commission's action is one that will require the applicant to apply for a coastal development permit, not one that grants or denies a coastal development permit because the applicant has yet to file a coastal development permit application. The Commission is not, in this action, making a final decision as to whether or not the applicant's proposed use is or is not consistent with Chapter 3 of the Coastal Act and, as such, there is no basis to claim that the applicant will suffer a complete regulatory taking that will leave his property "completely valueless." Therefore, since the Commission will not be denying or granting a permit, section 30010 of the Coastal Act does not apply and the Commission's action will not result in a taking of private property for public use without just compensation.

E. UNPERMITTED DEVELOPMENT

Unpermitted development has occurred at the project site subject to this application. The unpermitted development includes the substantial demolition of a residential structure without a valid coastal development permit. Any non-exempt development activity conducted in the coastal zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. Although the development has taken place prior to Commission action on this application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act.

On January 28, 2016 Commission enforcement staff sent a letter notifying the Los Angeles Department of Building and Safety ("LADBS") and the Los Angeles Department of City Planning ("LADCP") that after reviewing photos of each site, staff determined that more than 50% of the original structure had been demolished, and therefore work was occurring on the project site that was outside the scope of Coastal Exemption No. (DIR-2015-3857-CEX) (**Attachment A**). The letter also expressed a willingness to share information and cooperate to stop work, address the unpermitted development, and to ensure the implementation of the Coastal Act in Venice. Staff has since met with City to discuss the issues at hand and working closely to address these issues going forward. Therefore, Commission staff was aware of the alleged violation on the subject property before the Commission found Substantial Issue ("SI") on Appeal No. A-5-VEN-16-005 on February 11, 2016. On February 23, 2016 Commission enforcement staff sent a Notice of Violation ("NOV") informing the property owner of the unpermitted development on the property (**Attachment B**). In this letter, Commission enforcement staff pointed out that on February 17, 2016, Commission permit staff sent an initial letter that informed the property owner that no development is authorized until the applicant obtains a coastal development permit from the

Commission or the City. The letter also informed the property owner, that in order to avoid formal enforcement action, all work must be stopped on the site, until the Commission or the City takes final action on the application. Furthermore, the letter described the enforcement remedies at the Commission's disposal to address violations of the Coastal Act. Commission staff also posted a Field Notice of Violation ("Field NOV") on the project site during a site visit on February 26, 2016, as an additional measure to stop work. The Commission's enforcement division will evaluate further actions to address this matter.

2. PUBLIC CORRESPONDENCE

Commission staff has received several letters of concern for the proposed project. The letters indicate support for rejecting the permit exemption (**Attachment C**).

3. CORRESPONDENCE FROM THE APPLICANT'S REPRESENTATIVE

Commission staff also received comments from the applicant's representative. (**Attachment D**).

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



January 28, 2016

Mr. Raymond S. Chan
General Manager
Los Angeles Department of Building and Safety
201 N. Figueroa St.
Los Angeles, CA 90012

(Sent via email to Raymond.Chan@lacity.org and Michael.Logrande@lacity.org)

Re: Appeal No. A-5-VEN-16-0005 at 2405 Boone Ave., Venice, Los Angeles
Appeal No. A-5-VEN-16-0006 at 635-639 San Juan Ave., Venice, Los Angeles

Dear Mr. Chan:

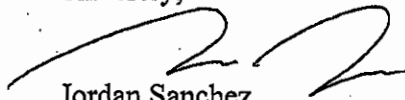
It has come to Commission staff's attention that several projects, including, but not necessarily limited to projects located at the properties listed above, are underway in Venice in the City of Los Angeles's Single-Permit Coastal Development Permit Jurisdiction without benefit of the necessary coastal development permit from the City. For example, the above referenced projects were issued Coastal Exemptions No. (DIR-2015-3857-CEX) and No. (DIR-2015-2993-CEX) by City staff, for improvements to existing structures. However, after reviewing photos of each site, Commission staff determined that more than 50% of the original structures have been demolished, and therefore work has occurred that exceeds the scope of development exempted by Coastal Exemptions No. (DIR-2015-3857-CEX) and No. (DIR-2015-2993-CEX). In addition, the Coastal Exemptions for each of the projects at issue have been appealed to the Commission. Such an appeal stays the effectiveness of a Coastal Exemption. Thus, for this reason as well, the development occurring on these properties is unpermitted.

The purpose of this letter is to notify Los Angeles Department of Building and Safety ("LADBS") that development is occurring in the City's coastal development permit jurisdiction, at the properties listed above, without benefit of the necessary coastal development permit from the City, and to offer to share information we have about these projects and to coordinate with LADBS staff to assist in stopping and addressing this unpermitted development. The applicants for the Coastal Exemptions have been notified of the appeals lodged with the Coastal Commission, and consequently, the stay of the effectiveness of the Coastal Exemptions issued to them until Commission action on the appeals.

Thank you for your commitment to our shared responsibility to ensure the implementation of the Coastal Act in Venice. Our staff is of course happy to meet with you and discuss the content of this letter. If you have any further questions, I can be reached at (562) 590-5071.

Attachment A 1 1/2

Sincerely,



Jordan Sanchez
Enforcement Analyst

cc: Lisa Haage, Chief of Enforcement, CCC
Andrew Willis, Enforcement Supervisor, CCC
Steve Hudson, Deputy Director, CCC
Theresa Henry, District Manager, CCC
Chuck Posner, Planning Supervisor, CCC
Mandy Revell, Coastal Program Analyst, CCC
Michael Logrande, Director of Planning, City of LA

A 2/2

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
REGULAR AND CERTIFIED MAIL**

February 23, 2016

Louis Kim and Liz Jun
1125 W 6th St, #205
Los Angeles, CA 90017

Violation File Number: V-5-16-0020

Property Location: 2405 Boone Ave, Los Angeles, CA 92091 [APN 4228-011-025]

Dear Mr. Kim and Ms. Jun:

As you know, the California Coastal Commission ("Commission"), on February 11, 2016, found "Substantial Issue" on Appeal No. A-5-VEN-16-005; which is an appeal of City of Los Angeles ("City") Local Coastal Exemption No. Dir-201503857-CEX issued to you by the City for a first, second, and third floor addition to a single-family dwelling resulting in an addition of 2,714 square feet. On February 17, 2016 Commission permit staff sent you a written notification of finding of substantial issue on this appeal, which stated, "No development on site is authorized until the applicant obtains written approval from the Coastal Commission or a locally approved coastal development permit." However, Commission enforcement staff has confirmed that development has continued on the subject property without the benefit of the required coastal development permit. Pursuant to Section 30600(a), any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. Any development activity conducted in the Coastal Zone, unless otherwise exempt, which is not the case here, without a valid coastal development permit constitutes a violation of the Coastal Act. The unpermitted activities undertaken on your property are not exempt development under the Coastal Act, as determined by the Commission during the February 2016 hearing.

Enforcement Remedies

Although, we would prefer to resolve this violation through the coastal development permit process, please be aware that there are a number of remedies at the Commission's disposal to address violations of the Coastal Act. Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that requires a permit from the Coastal Commission without first securing a permit, the

Attachment B11

Executive Director may issue an order directing that person to cease and desist. Section 30810 authorizes the Coastal Commission to also issue a cease and desist order. A cease and desist order may be subject to any terms and conditions that are necessary to ensure compliance with the Coastal Act. A violation of a cease and desist can result in civil fines of up to \$6,000 for each day in which each violation persists.

In addition, we note that Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) provides that any person who performs development in violation of any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development that is a violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 for each day in which each violation persists.

Resolution

In order to avoid formal enforcement action, you must stop all work on the subject property, until the Commission or the City takes final action on the application, as outlined in the letter sent by Commission staff on February 17, 2016. If you choose not to stop work, you may further expose yourself to the above referenced Coastal Act enforcement remedies. Please contact me by February 26, 2016 to confirm you're intent to resolve this violation. I can be reached at (562) 590-5071. Thank you for your attention to this matter.

Sincerely,



Jordan Sanchez
Enforcement Analyst

cc:

Andrew Willis, Enforcement Supervisor, CCC
Steve Hudson, Deputy Director, CCC
Chuck Posner, Planning Supervisor, CCC
Theresa Henry, District Manager, CCC
Mandy Revell, Coastal Program Analyst, CCC
Bob Dunn, Inspector, LADBS
Andy Rodriguez, Planner, City of Los Angeles

B 2/2

Revell, Mandy@Coastal

From: Jennifer Feikin <jfeikin3217@gmail.com>
Sent: Friday, April 08, 2016 11:23 AM
To: Revell, Mandy@Coastal; Posner, Chuck@Coastal
Subject: 2405 Boone Avenue, Venice, CA 90291

Hello Mandy and Chuck,

My name is Jennifer Feikin, and I live at 2405 Wilson Avenue, Venice, CA 90291. I bought our house almost 10 years ago, and I love this Silver Triangle neighborhood. Unlike some of my neighbors, I am not opposed to development. That, for one, would be hypocritical as our house was newly constructed in 2006. But I also believe that people have a right to build new homes on their lots as they wish...as long as the houses meet all of the existing legal parameters. If builders or owners wish to build outside of these parameters, there is a well established permitting process in place that addresses each variance request on a case by case basis.

To that end, I am writing to express my concern about the current development plans for 2405 Boone Avenue. Again, I do not take issue with the fact that the prior home was torn down and the builders desire to build a new larger home. Instead, what I do take issue with is that the builders have seemed to skirt around the necessary permitting process by calling their plans an improvement and/or remodel to an existing structure. As anyone who walks by the site can plainly see, the prior house was completely demolished. The plans call for a 4,363 sq ft house that is 3 stories high, on the same sized 3,600 sq ft lot that all of houses occupy in the Silver Triangle. That would be by far the largest house on a single lot in the neighborhood. In addition, if allowed to proceed as a planned remodel, this very large new house would still have the same tax basis as the old smaller bungalow that was torn down.

Therefore, I am asking the Coastal Commission to please reject the developer's characterization of their project at 2405 Boone Avenue as an improvement and/or remodel, and to instead require them to follow the same permitting procedure that all builders of new homes in the Silver Triangle have followed and will continue to follow. While I believe individual creative development is inspiring and enriches our neighborhood in many ways, we need to be respectful of our neighbors and the future of our neighborhood. The desires of the individual and the neighborhood are balanced through the Coastal Commission's permitting process, which allows all parties to be heard. Please require this balancing process to proceed for the project at 2405 Boone Avenue.

Thank you very much.

Jennifer Feikin
2405 Wilson Avenue
Venice, CA 90291

Revell, Mandy@Coastal

From: Rob Mitchell. <gra.fics.101@gmail.com>
Sent: Friday, April 01, 2016 10:34 AM
To: Revell, Mandy@Coastal
Cc: Posner, Chuck@Coastal
Subject: 2405 Boone Ave., Venice, CA (A-5-VEN-16-0005)

RE: Appeal Number A-5-VEN-16-0005

Dear Ms. Revell and Mr. Posner,

I have lived in my home for over 13 years, and feel this nearby project at 2405 Boone Ave. is entirely out-of-scale with our neighborhood. I also feel that Los Angeles City Planning acted outrageously by issuing a Coastal Development Permit Exemption. It seems every time we residents investigate a problematic project in the area, we discover City Planning has seemingly conspired with brash developers to ignore rules at the expense of neighbors. I would like local developments to remain at a reasonable scale, and developers (with the aid of Los Angeles City Planning) to stop sneaking projects by neighbors with exemptions that clearly are not in order. For these reasons, I hope you will help put a stop to this development. I'm grateful that we have the California Coast Commission as a check on our city, particularly when the city is negligent in doing it's job.

It's also to painful to see that what appears to be an entirely new building (albeit with some token 2x4s remaining from the old structure) sailed through city planning without requiring Coastal Commission approval, whereas I have nearby friends who have been working over a year to get the necessary Coastal approvals to add a second story to their home to accommodate their growing family. The honest people trying to improve their own home have to jump through tons of hoops, while the unscrupulous developers trying to make a buck manage to sneak around the rules. It's a bad message, and I hope you'll help send a new message that reduces these practices.

I also wanted to mention that it's pretty difficult for neighbors to travel to Northern California for this hearing, so I hope that the emails and letters you receive from neighborhood residents will be given significant weight, in lieu of attending such a distant meeting.

Sincerely,
Robert Mitchell
663 Mildred Ave.
Venice, CA 90291

Revell, Mandy@Coastal

From: Richard Stanger <richard@stanger.com>
Sent: Saturday, April 02, 2016 11:31 AM
To: Revell, Mandy@Coastal; Posner, Chuck@Coastal
Subject: De Novo Hearing of Coastal Exemption application for 2405 Boone Ave., Venice, Ca. (A-5-VEN-16-0005)

Dear Ms. Revell and Mr. Posner –

I have previously written you concerning the subject parcel and have been asked to do so again for your next agenda.

We have lived in this Venice neighborhood for 31 years. Most of the homes in the area were built in the early 1950's with minimal foundations as was the norm at the time. Over the last two decades property values have increased dramatically and smaller, older single-level homes are being upgraded. We ourselves increased the size of our home eleven years ago from 900 to 1600 square feet by adding a second level on pretty much the same footprint. We obtained a Coastal Commission permit to do so.

Recent homes have more than doubled, even tripled, the square footage of the previous structure, building out to the required setbacks and going up two or more stories. The old foundations are inadequate to handle the new weights, earthquake requirements, and sizes of the rebuilt structures and must be extensively beefed up and enlarged. It seems logical to me that a new 3,000+ square-foot building built on new foundations to handle multiple floors safely cannot be a "remodel", "addition" or "renovation" of a small, 75 year-old starter home. This is new construction by any reasonable definition and therefore the builder must get the required new-home permits – and pay the required new-home property taxes. One of those permits must come from the Coastal Commission and therefore meet its requirements for scale, appropriateness, and environmental issues.

We appreciate the Coastal Commission staff questioning this misuse of the permitting process. We would like our changing neighborhood to have an up-dated but still "Venice Beach" feel, not the packed, "McMansioned" enclave it could trend toward.

Sincerely,

Richard Stanger and Charmaine Soo
2409 Clark Avenue
Venice Beach, CA 90291
310-823-0744

Revell, Mandy@Coastal

From: mmargowsky@verizon.net
Sent: Saturday, April 02, 2016 4:52 PM
To: Revell, Mandy@Coastal; Posner, Chuck@Coastal
Subject: A-5-VEN-16-000: De Novo Hearing of Coastal Exemption application for 2405 Boone Ave., Venice, CA

Dear Ms. Revell and Mr. Posner,

Re: De Novo Hearing of Coastal Exemption application for: 2405 Boone Ave., Venice, CA (A-5-VEN-16-000)
Hearing date: Thursday, April 14, 2016

As a nearby neighbor, I am writing to express my opposition to providing a coastal exemption for the development at 2405 Boone Ave., Venice. This is an oversized project that has slipped through the cracks by the false designation that it is just a 'remodel' of the existing house, instead of the full new development that it really is.

There needs to be more enforcement of the requirement that developers in Venice obtain coastal development permits from the California Coastal Commission. There has been a massive influx of developers into Venice, who avoid getting coastal development permits by claiming they are simply remodeling. By leaving a few walls standing, they are able to build homes that are more than three times larger than the houses they purchased, with virtually a free hand. These are clearly not remodels, but developer spec houses that overwhelm the neighborhoods in which they are built.

Case in point: A house adjacent to mine was sold to a developer, who told me that he was going to avoid going to the California Coastal Commission by claiming he was remodeling the house he purchased. The house he tore down was about 1,000 sq. ft. The house he built on the same spot is over 3,100 sq.ft., three times as large as the original house. He left a few walls standing to satisfy the 'remodel' designation, and removed these walls just prior to closing up the walls, after the inspection. Because he could get away with a 'remodel' designation, and not go to the Coastal Commission, he could keep the very narrow side setbacks of the original house, which would not have been allowed if he were required to receive a coastal development permit. There is no way this truly qualifies as a remodel – it was new development that should have required a coastal development permit.

As developers see others getting away with this stuff, properties are being snapped up by builders who want to build similarly large houses. Currently, teardown homes in my neighborhood, with small lots that are about 3,600 sq. ft., are selling to developers for about \$1,600,000. The only way builders can justify these prices is to make the houses as large as possible, even if it means falsely receiving 'remodel' classifications that allows them to cheat on setbacks and size restrictions.

I urge the Coastal Commission to take steps to prevent this fast-moving destruction of the scale of historic Venice neighborhoods.

Sincerely,

Martha Margowsky

April 5, 2016

Re: Permit # A-5-VEN-16-0005

De Novo Hearing of Coastal Commission Exemption

Application for:

2405 Boone Ave.

Venice, Ca. 90291

To Who it Concerns:

Regarding the plan to add 2nd and 3rd stories causes me concern. 1st-The fact of the developer's claim that it is a remodel/improvement is devious in itself but a 3rd floor screams overkill! A structure of this size would not conform with the surrounding neighborhood. 2nd-The builders/developers have learned ways to get around Coastal Commission permits via exemptions. This has taken the public's voice out of the process until it's too late. Getting Coastal exemptions has become a common way of getting around transparency and needs to be stopped!! It continues to cause an accelerated pace of building which has lead to over building. The rights of the people that are directly affected have been stepped on!

Rules are rules and the procedures that govern them need to be followed!

Your attention to this matter is of utmost importance.

Sincerely,

Clayton Zonshine
2402 Cloy Ave.
Venice, Ca. 90291

C 5/12

Revell, Mandy@Coastal

From: Carole Wood <rustynail@hotmail.com>
Sent: Monday, April 04, 2016 11:51 AM
To: Revell, Mandy@Coastal; Hudson, Steve@Coastal; Posner, Chuck@Coastal;
Judy.esposito@msn.com; Carole Wood
Subject: Re: De Novo Hearing of Coastal Exemption application for:

**2408 Boone Avenue
Venice, CA 90291**

April 4, 2016

**Re: De Novo Hearing of Coastal Exemption application for: 2405 Boone Ave., Venice,
CA (A-5-VEN-16-000) Hearing date: Thursday, April 14, 2016**

Mandy.revell@coastal.ca.gov

Steve.Hudson@costal.ca.gov

Chuck.posner@coastal.ca

Judy.esposito@msn.com

I am a long time senior resident on Boone Avenue. With all the talk about 'affordable housing' why do you constantly allow over-gentrification of established neighborhoods? Any 3 story-4363 sq. ft. building at 2405 Boone Avenue will not blend into the existing neighborhood and will only add to the current existing parking shortage.

No exemptions to Coastal Commission review should be allowed when homes are demolished.

Sincerely,

Carole Wood

From: spfxlavender@verizon.net [mailto:spfxlavender@verizon.net]
Sent: Sunday, February 07, 2016 8:03 PM
To: Revell, Mandy@Coastal; Hudson, Steve@Coastal
Subject: 2405 S. Boone Ave. Venice 90291

Commissioners,

We have lived on Boone Ave. for over 50 years and have seen many changes. This subject 4363 sq. foot project on a 40'x90' lot is not a remodel.

It is a new construction, out of proportion to the homes in the neighborhood. According to plans, it looks like partially build 2 Feet BELOW ground

level in one of the lowest places in LA. A separate permit of a pool and pond in the front and side yards will require at least a 5 foot fence that will

further isolate this structure. We do not want this mass and density to be built. This removes privacy, light and air in surrounding homes. Please

do whatever you are able to help protect our very unique and special neighborhood.

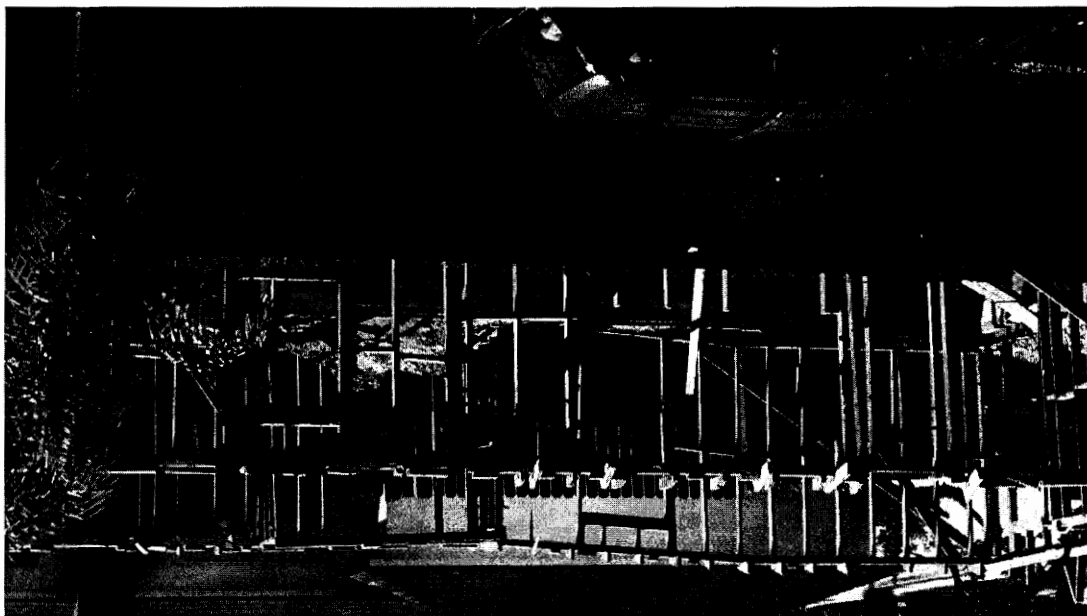
Respectfully,

The Pogolers

C 7/12

Posner, Chuck@Coastal

From: Pamela Harbour <pclews04@gmail.com>
Sent: Thursday, March 31, 2016 3:28 PM
To: Revell, Mandy@Coastal; Posner, Chuck@Coastal; Sanchez, Jordan@Coastal; Hudson, Steve@Coastal
Subject: 2405 S. Boone Ave., Venice, Ca 90291



Dear Ms. Revell and
Commissioners,

As a resident of the Silver Triangle I am in strong opposition to the so-called "remodel" at 2405 Boone Ave. Clearly, the remains of the current rotting studs could not support two more stories!! The fact that the developer is attempting to call this an "improvement" or "remodel" to an existing structure is astounding and wrong! No structure exists.

We live in constant fear of developers cheating by not getting a coastal permit. The "McMansionisation" of our neighborhood is destroying the the character of Venice. It's beyond painful to see.

Please insist that the City require Coastal Permits so that neighbors will know developer's intentions.

We are so grateful for your protection! We need you!

Most Sincerely.

Pamela Harbour
2330 McKinley Ave. Venice 90291.

From: Laura Montealegre [mailto:avalinamonte@gmail.com]

Sent: Sunday, February 07, 2016 3:34 PM

To: Revell, Mandy@Coastal; Hudson, Steve@Coastal; Posner, Chuck@Coastal; Sanchez, Jordan@Coastal

Subject: 2405 S. Boone Ave., Venice, CA 90291 A-5-VEN -16-A-0005 appeal Feb 17, 2016

As a 20 year resident on Wilson, I am writing to voice my outrage for the proposed 3-story "remodel" at 2405 S. Boone Ave., Venice, Calif. 90291

It is certainly of great concern to all of the longtime residents of the Silver Triangle to watch (and feel powerless) the invasion by developers/investors who's only purpose is to make as much money as possible; without any regard to all required codes, to the character of our neighborhood and all of us who reside in this fast eroding (once idyllic) neighborhood.

How can this project be described as a remodel to an existing single family dwelling per plans approved by Planning Dept. (Director of Planning Sign-off), when all interior and half of exterior walls are being removed. It seems like demolition is way over the 49% claimed. And we all know that existing footings cannot support an additional floor, (less 2 more), all these will have to be demolished and built per current code and new structural calculations. What about the roof? The entire existing roof will have to be demolished. When developers say they are going to maintain existing 2-car garage; but plans show enlarging the existing 1-car garage to accommodate 2-cars; then the building plans are incorrect. Even realtor sites, when this property was for sale, advertised as a 1-car garage. So, what does remodel really mean?

Past and current developments have been maximizing (these tiny) lots. Have gotten building permits even when exceeding height limits. Back and front yards are a thing of the past. Ugly boxes seem to be the way to go. Another house has just sold on Wilson Ave – I hope we don't have to go through this all over again.

I'm hoping that someone will have the courage to build a home taking into account the following (and still make a profit):

- Scale and character of the neighborhood
- Respect for existing neighbors and their privacy (mostly back yards – yes these still exist! Perhaps clerestory windows?)
- Design homes which do not block all of neighbor's natural sunlight

Please do not allow the proposed project to be built in our neighborhood. It will attract and encourage others to come and totally destroy the Silver Triangle.

Thank you so very much for considering our case,

Laura Montealegre

C 9/12

March 29, 2016

Th16b

California Coastal Commission
Coastal Staff & Coastal Commissioners
200 Oceangate, 10th Floor.
Long Beach, CA 90802

Re. De Nova Hearing of Coastal Exemption application for:
2405 Boone Ave., Venice, CA (A-5-VEN-16-0005)
Hearing date: Thursday, April 14, 2016

Coastal Staff and Commissioners:

Thank you so sincerely for hearing our case and a very special thank you to your Coastal Staff who went to the site. We are so grateful to all of the Coastal Staff involved for their very thorough and accurate assessment of the problem project at 2405 Boone Ave, Venice.

We agree completely with the recommendation of the Coastal Staff who saw that this project is, in no possible way, a remodel, addition or improvement to an existing structure, but rather the destruction of the original residence and construction of a new building requiring a coastal development permit.

There is nearly nothing left of the approximately 1,000 square foot home—no roof, no floor, no windows, no wiring, no plumbing, no walls, and no landscaping, and the demolition isn't even completed yet according to the demolition plan! The few old remaining studs could never possibly support a 3-STORY structure.

The proposed 3-STORY, 4,363 square foot building, plus a roof deck, on a 3,600 square foot lot, is more than 3.5 times the size of the original structure and completely out of character in mass and scale with our low density zoned neighborhood.

To say this is an addition or remodel is cheating and wrong.

The developer has sought this exemption from the coastal development permit process in order to avoid the neighbors' or anyone's scrutiny of this development. It is clearly an abuse of the coastal development permit process, which is set in place to protect us all from exactly this type of OVER DEVELOPMENT.

The developer told me that he knows what he's doing and does this all the time. It's time to stop this developer and all other developers who attempt to cheat and abuse the system, which truly damages our Venice community irreparably!

This project, without a doubt, should require a coastal development permit.

Sincerely,



Judy Esposito

C 10/12

Revell, Mandy@Coastal

From: Lydia Ponce <venicelydia@gmail.com>
Sent: Friday, April 08, 2016 5:55 AM
To: Revell, Mandy@Coastal
Subject: 635 San Juan Ave (A-5-VEN-16-0006)

California Coastal Commission

Coastal Staff & Coastal Commissioners

200 Oceangate, 10th Floor

Long Beach, CA 90802

Re. SUPPORT OF Coastal Exemption Appeals

635 San Juan Ave (A-5-VEN-16-0006)

Hearing date: Thursday April 14, 2016

Agenda Items 16.c.

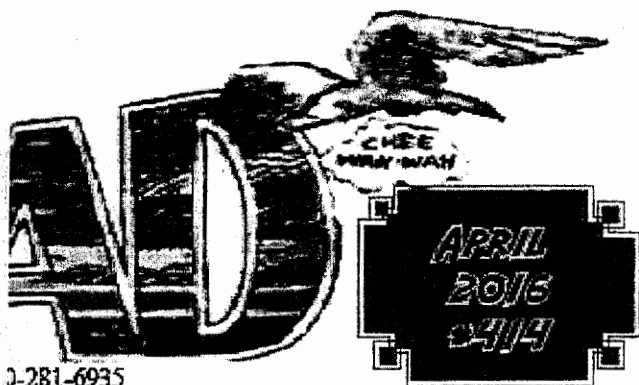
Coastal Staff and Honorable Commissioners,

Please consider the attached very poignant article by one of our talented Free Venice Beachhead reporters, as pertains to your decision on this very important Appeal. Your support is essential and invaluable to the Venice Community's efforts to keep Venice Venice.

For the love of Venice.....

Sincerely yours,

Lydia Ponce



VENICE IT MATTERS

by Jon Wolff

If you've never attended a meeting of the Venice Neighborhood Council, you should come sometime to see how it all works. The Council discusses and votes on a variety of topics specific to Venice. The Boardwalk, homelessness, business, and culture are just some of the subjects covered at a typical meeting of the VNC.

One issue that comes up at every meeting concerns building owners' proposals to demolish older buildings and build newer and taller buildings in their place. These proposals are often labeled as "remodeling" and they are usually presented as innocuous minor changes with no noticeable impact on the neighborhood. The owners present themselves as humble Venice residents who just want to improve their home to accommodate their kids. Or, if the owners are operating a business, they assure the Council that the enlargement of their building won't significantly affect parking in Venice because they'll include a bike rack to encourage more environmentally sound means of transportation. They sometimes bring the architects along to the meeting to show slides or models representing the changes to the building.

The Council discusses the facts and votes their recommendation on the proposal. But, before they do, there's usually a counter argument from neighbors and concerned Venice activists about the facts not revealed by the owners. We learn that the proposed remodeling will actually be much taller or wider than the owners claimed. Or that the existing laws specifically disallow changes of this kind because they would cause phenomenal damage to the character of the neighborhood. Or, it turns out, the owners are only doing this so they can rent out the new structure as a short-term rental with "Air-BM-b".

Now, here's where the important part comes in. And it's the reason you need to attend the meetings in person. Because you need to see the thing that a lot of people miss. It happens when the person making the argument against the proposal is speaking from the podium. Don't watch the speaker; watch the building owners. When the speaker is making the counter argument and exposing the real story, check out the owners. Watch their faces. Look at their eyes and you will see their reaction to the

continued on page 3

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It Matters - continued from page 1

speaker's words. You'll see the contempt. You'll see the contempt for the speaker, the neighbors, the tenants, the activists, and the very History of Venice. You'll see their plans for a Venice of their own design which doesn't include any of the men and women who have lived in and struggled for Venice for twenty, thirty, fifty years. You'll know that their plans are to tear down and pave over all traces of the Venice that drew them here in the first place.

To the owners and companies that are demolishing every building in Venice and replacing them with big ugly boxes, the people of Venice don't matter. The neighbors who don't want to live in the shadow of some new concrete monstrosity don't matter. All the "little people" don't matter. To a development corporation, the people who speak out at the Venice Neighborhood Council meetings are just minor obstacles in the road. The corporation expects to get its way whether by the VNC's approval or by some political operator in L.A. City Hall. And the law be damned. You don't matter.

This happens elsewhere. The people in Flint, Michigan didn't matter when their environmental regulators were sending them lead-flavored tap water. That pharmaceutical CEO Bozo Shkreli laughed when Congress was on him for charging people \$750 for a pill. To him, the people who needed the pills didn't matter. And the people out in Porter Ranch who got gassed by So Cal Gas didn't matter when So Cal Gas knew that gas was leaking from a busted gas valve on their gassy gas pit.

To the developers/destroyers of Venice, you don't matter because you're just one lone person with no power. While you work, sit in traffic, and sleep, they're looking at maps, making contracts, transferring funds, lobbying politicians, and gnawing away at the foundation of Venice. No wonder no one matters to them; there's no one left to matter. Or is there?

Right now, in the Land of Venice, there are groups of Venice people meeting, talking, planning, and acting. Just as a corporation is a body of individuals acting together to take from other people, a Union of people can act together to take back. The combined talents of many individuals working toward a common goal can match the power of any corporation. And the goal is obtainable for one good reason: there's more of us than there are of them. We can and will win. ♥

If you heard that people who are working to save Venice were speaking at the next VNC meeting, would you come to listen? If you knew that people were gathering in Venice to stand for the Venice you love, would you be there? If you learned that a group of people like the Westside Tenants Union were getting together in Venice to establish once and for all the truth that Housing is a Human Right, would you help? If you believed that Venice would be free again, would your help matter? Yes it will.

C 12/12

LAW OFFICE OF
STEVE KAPLAN

16133 VENTURA BOULEVARD, SUITE 700
ENCINO, CALIFORNIA 91436

TELEPHONE: (818) 377-7440

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April 11, 2016

VIA MESSENGER DELIVERY

California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach, CA 90802

RECEIVED
South Coast Region

APR 11 2016

CALIFORNIA
COASTAL COMMISSION

RE: Appeal Number A-5-VEN-16-0005
Local Decision: L.A. Case No. DIR-2015-3857-CEX
Project Location: 2405 Boone Avenue, Venice

Agenda Item: 16b

Members of the California Coastal Commission:

This letter is submitted on behalf of the owners of the above captioned project ("Project") site and in response and opposition to (1) the appeal filed in the above referenced matter and (2) the California Coastal Commission ("Commission") Staff Report prepared for the subject de novo appeal hearing and its analysis of the propriety of the action taken by the City of Los Angeles ("City") in issuing the subject Local Coastal Exemption (CEX") for the improvement to an existing residential structure.

The Commission's Staff Report summarizes and concludes its recommendation to the Commission and states, in pertinent part, that "the project requires a coastal development permit because the development on the site is the demolition of a residential structure and construction of a new single family residence, and not an improvement to an existing single residence"...and "Because the evidence does not support the City's action in exempting the proposed project from the Coastal Act permitting requirements..."

The Staff Report's above stated determinations are incorrect as a matter of law as discussed below. As such, the Commission has no authority to deny Coastal Exemption No. A-5-VEN-16-005 issued by the City.

As more fully detailed in documentation sent to the Commission by the firm of Orbach Huff Suarez & Henderson, LLP with reference to the appeal of Application No. A-5-VEN-16-006, a project and case similar to the instant matter, the Staff Report's analysis ignores that the City has adopted and the Commission has certified the Land Use Plan ("LUP") for the Venice area where the subject Project is located. Pursuant to Public Resources Code Section 30500.5 (which is the statute that precisely controls the situation present in both Appeal Nos. A-5-VEN-16-005 and 006 where a portion of the Local Coastal Plan ("LCP") [i.e., the LUP] has been certified by the Commission, the City and the Commission on appeal are explicitly bound to decide the question of the CEX's propriety solely based on its conformity with the LUP.

Attachment D 1/3

The Commission is prohibited from basing its decision in the instant matter upon the more general Coastal Act Provisions. By attempting to apply the Public Resources Code Section 30600 (which is the statute that controls the situation where no portion of a certified LCP exists), the Staff Report misstates the controlling law that governs the subject de novo appeal review.

The controlling law that does govern this matter is Public Resources Code Section 30600.5 that states in pertinent parts:

“(a) Prior to the certification of a local coastal program ... after the effective date of this section, the authority for issuance of coastal development permits ... shall be delegated to local governments ...”

(b) Except for a any development specified in subdivision (b) of Section 30519 and Section 3061 or with respect to any development proposed by any state agency, *the authority for issuance of coastal development permits provided for in Chapter 7 (commencing with Section 30600) shall be delegated to the respective local governments within 120 days after (1) the effective date of the certification of a land use plan (commencing with Section 30500)...* This delegation shall only apply with respect to those areas governed by the certified land use plan...applicable to an identifiable geographic area.

(c) Notwithstanding any other provision of this division, *after delegation of authority to issue coastal development permits pursuant to subdivision (b), a coastal development permit shall be issued by the respective government or commission on appeal, if that local government or the commission on appeal finds that the proposed development is in conformity with the certified land use plan.*

(d) Any action taken by a local government on a coastal development permit application pursuant to the provision of this section may be appealed to the commission pursuant to Section 30602. *The commission shall hear an appeal brought pursuant to this section, unless it determines that the local government action taken raises no substantial issue as to conformity with the certified land use plan.*” (Emph. added.)

Thus, the clear mandate of this statute section is that, once a LUP is certified, the authority to issue coastal permits is delegated to the local authority or the commission on appeal, wherein the decision is to be based on *compliance with the LUP*. When deciding an appeal as in the instant case, the Commission must base its decision on the Project’s conformity with the certified land use plan. *There is no provision allowing the Commission to rely on any other provision of the Coastal Act.*

The Venice Land Use Plan was certified on June 14, 2001. Therefore, the authority described in Section 30600.5 was delegated on October 12, 2001. *Therefore, it is beyond question that the analysis and decision of the Commission on the subject application must be based on the Project’s conformity with the Venice LUP.*

April 11, 2016

Page 3

The Venice Local Coastal Program LUP defines the term remodel as follows:

"Remodel: In the coastal zone, a remodel is an improvement to an existing structure in which no more than fifty percent (50%) of the exterior walls are removed or replaced."

The Project plans submitted by the applicant in this matter to both the City of Los Angeles Planning and Building and Safety Departments depict the Project as a remodel consistent with the definition found in the certified Venice LUP. The CEX issued to the applicant in this matter from the Los Angeles City Planning Department ("City Planning") was based upon a finding that applicant's Project plans did not contemplate the removal of more than 50% of the structure's exterior walls and further stated:

"Under no circumstances shall a Coastal Exemption be issued for the following scopes of work:

*Remodel which involve the removal of 50% or more of existing exterior walls..."

Accordingly, what the Project plans, the issued CEX and controlling statutory authority all point to is as follows:

1. The City in the first instance and the Commission on appeal are equally bound to decide the CEX request pursuant to the requirements of the certified LUP;
2. The LUP defines a "remodel" as an improvement wherein no more than 50% of the "exterior walls" of the structure are removed or replaced;
3. The Project plans and the issued CEX show that the proposed Project does not contemplate removing more than 50% of the exterior walls of the Project;
4. As a remodel of a single family dwelling, the proposed Project is entitled to an exemption pursuant to Public Resources Code Sections 30610 (a) and (b);
5. Therefore, the proposed Project is exempt from the requirement of obtaining a coastal development permit and is entitled to the issuance of a CEX because the Project is consistent with the provisions of the certified LUP.

For the reason stated above, the Applicant respectfully requests that the Commission reject the Staff Report's recommendation in this matter, approve the CEX issued by City Planning, and authorize construction to resume on the Project site.

Sincerely,



Steve Kaplan, Esq.

D 3/3

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th16b

Appeal Filed: 1/04/16
Sub. Issue Found: 2/11/16
Staff: M. Revell-LB
Staff Report: 3/24/16
Hearing Date: 4/14/16

STAFF REPORT: APPEAL – DE NOVO

Application Number: A-5-VEN-16-0005

Applicant/Agent: Liz Jun

Appellants: Judy Exposito, Jason Goldberg, Sandra Wilson, Joan Wrede, Lacey Uhlemeyer, Betsey Kauffman, Laura Montealegre, Robin Rudisill, Lydia Ponce, David Grober, Anna Lee, Veronica Viveros, Rendell Johnson, Johnnie Blankenship, Suzanne Blankenship, Lynn Brewer, Clay Boss, Stacy Fong, Patti & Charlie Oppel, Pamela Clews, Robin Murez, Jeffrey Zucker, Silvia Wagensberg, Charlotte Pestana, Tony Low, Judy Exposito, Jolly Schiffer Zucker, Anne Mullins, Ray W. & Kennalee Mattson, Marianne & Leon Pogoler, Laura Goldfarb, and Joseph Flannery.

Project Location: 2405 Boone Avenue, Venice, City of Los Angeles

Project Description: First, second and third floor addition of 3,080 square feet to an existing 1,283 square foot single family residence, consisting of 410 square feet to the first floor, 1,403 square feet to the second floor, and 1,267 square feet to the third floor. Resulting project will consist of a 4,383 square foot single family residence on a 3,605 square foot lot.

Staff Recommendation: Reject the permit exemption request and find that the proposed development requires a Local Coastal Development Permit.

SUMMARY OF STAFF RECOMMENDATION:

On February 11, 2016 the Commission found that the appeal of Local Coastal Exemption No. DIR-2015-3857-CEX, issued by the City of Los Angeles, *raised a substantial issue* with respect

to the grounds on which the appeal was filed. The Commission is now required to hold a de novo hearing. Staff recommends that the Commission determine that the proposed development requires a coastal development permit because the development on the site is the demolition of a residential structure and construction of a new single-family residence, and is not an improvement to an existing single family residence. Therefore, the proposed project is non-exempt “development” as defined in the Coastal Act. The proposed development must obtain a local coastal development permit from the City of Los Angeles Department of City Planning.

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Hearing Procedures: The Commission will take public testimony at this de novo hearing. Please visit the Commission desk outside of the hearing room, prior to the hearing on this item, for further details about providing public comment during the hearing.

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Project Location/Vicinity Map
- Exhibit 2 – City-Issued Exemption to CDP/DIR-2015-3857-CEX
- Exhibit 3 – Appeal
- Exhibit 4 – Photo of 2405 S. Boone Ave. Prior to Demolition
- Exhibit 5 – Photo of Demolition

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Claim of Exemption No. A-5-VEN-16-0005 for the development proposed by the applicant.

Staff recommends a **NO** vote. Failure of this motion will result in denial of the *claim of exemption* and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby denies the Claim of Exemption for the proposed development on the ground that the development is not exempt from the permitting requirements of the Coastal Act and adopts the findings set forth below.

II. SINGLE PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Single Permit Jurisdiction* area, the City of Los Angeles has been granted the authority to issue Exemptions to Coastal Development Permit Requirements, but the City's actions on exemption requests are appealable to the Coastal Commission. The proposed project site is located within the *Single Permit Jurisdiction Area*.

III. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The project site is located in Southeast Venice at 2405 Boone Avenue within the City's Single Permit Jurisdiction, about one-half mile inland of the beach (**Exhibit 1**). The lot area is 3,606 square feet, and is zoned R-1-1 (Single-Unit Residential). According to Los Angeles County Assessor's Records, prior to the demolition of the structure, the site was developed with a single-story, 1,283 square-foot single-family residence constructed in 1950 (**Exhibit 4**). The proposed scope of work listed in the City's Local Coastal Exemption, DIR-2015-3857-CEX, describes the proposed project as:

"First, second, and third floor addition to an existing single family dwelling with existing attached garage. Project will result in 2,714 square feet of addition" (Exhibit 2).

The City of Los Angeles does not retain copies of plans for projects they deem as exempt, so Commission staff did not receive any plans with the requested City record. According to plans submitted by the applicant, the proposed project consists of a first, second and third floor addition of 3,080 square feet to an existing 1,283 square foot single family residence, consisting of 410 square feet to the first floor, 1,403 square feet to the second floor, and 1,267 square feet to

the third floor. The resulting project will consist of a 4,383 square foot single family residence on a 3,605 square foot lot.

Commission staff was notified on January 4, 2016, that although the City's Local Coastal Exemption, (DIR-2015-3857-CEX) was issued for an addition *to an existing single family dwelling*, the existing structure on site had been substantially demolished (more than 50 percent of the structure), leaving only a portion of the outside framing remaining. Demolition of the structure was not proposed or approved as a part of the City-issued Coastal Exemption.

B. PROJECT HISTORY

On October 22, 2015, the Los Angeles Department of City Planning issued a Coastal Exemption (DIR-2015-3857-CEX) for development proposed on the project site. The applicant's name listed on the City's exemption form is Liz Jun. The exemption form states that the proposed development is: *"First, second, and third floor addition to an existing single family dwelling with existing attached garage. Project will result in 2,714 square feet of addition"*. (emphasis added.) On December 15, 2015, the City Department of Building and Safety issued Building Permit No. 15014-10000-01704, and demolition commenced at the project site. The City failed to forward a copy of the Coastal Exemption to the Coastal Commission's South Coast District Office in Long Beach Office; thus the twenty working-day appeal period for this matter did not commence or expire prior to the submittal of the appeal on January 4, 2016, by Ms. Esposito (**Exhibit 3**). The appeal of the City's action was determined to be valid because it was received prior to the expiration of the twenty working-day period in which any action for a coastal development permit or exemption by the City of Los Angeles can be appealed to the Commission.

On February 11, 2016, the Commission found that a substantial issue exists with respect to the grounds on which the appeal was filed. The Commission's finding of Substantial Issue voided Local Coastal Exemption No. DIR-2015-3857-CEX, and the Commission is now required to hold a de novo hearing on the applicant's request for a coastal exemption.

C. DEVELOPMENT REQUIRES A COASTAL DEVELOPMENT PERMIT

Section 30600(a) of the Coastal Act requires that anyone wishing to perform or undertake any development within the coastal zone shall obtain a coastal development permit. Development is broadly defined by Section 30106 of the Coastal Act, which states:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or

harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Construction, reconstruction, demolition, or alteration of the size of any structure in the coastal zone is development that requires a coastal development permit, unless the development qualifies as development that is authorized without a coastal development permit.

Coastal Act Section 30610 provides, in part:

*Notwithstanding any other provision of this division, **no coastal development permit shall be required** pursuant to this chapter for the following types of development and **in the following areas**:*

*(a) **Improvements to existing single-family residences**; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter....*

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

Section 13252 California Title 14 Regulations Repair and Maintenance Activities That Require a Permit

*(b) Unless destroyed by natural disaster, **the replacement of 50 percent or more of a single family residence**, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure **is not repair and maintenance** under Section 30610(d) **but instead constitutes a replacement structure requiring a coastal development permit.***

The grounds for this appeal are that the project is not exempt development as defined in the Coastal Act and so a coastal development permit should have been required. The City's interpretation of a "remodel" is based on the City's uncertified municipal code, not the provision of the Coastal Act.

The proposed project does not qualify for an exemption under Coastal Act Section 30610(a). Coastal Act Section 30610(a) allows *improvements* to existing single-family residences without a coastal development permit. In this case, the applicant demolished nearly the entire single family residence as part of her proposed development. When an applicant proposes demolition of all or nearly all of a single-family residence as part of a proposal for new development, there can no longer be an "existing single-family residence" subject for improvement on the site.

The proposed project also does not qualify for an exemption under Coastal Act Section 30610(d). Coastal Act Section 30610(d) allows for repair and maintenance activities on existing single family residences so long as the repair and maintenance does not result in an addition to, or enlargement or expansion of, the single family home. Under section 13252 of the Commission's regulations, if the repair and maintenance results in the replacement of 50 percent or more of the existing structure, then the project constitutes a replacement structure and the entire structure must be in conformity with applicable policies of Chapter 3 of the Coastal Act.

In determining whether the project constitutes the replacement of 50 percent or more of the existing single family residence, Commission staff analyzes what percentage of which components and how much of each component of the house is being replaced. A single family residence consists of many components that can be measured, such as: the foundation, plumbing, electrical, walls, floor, and/or roof of the structure. The project plans must indicate the amount of demolition and augmentation that is necessary to build the proposed remodel. If 50 percent or more of the total of these components are being replaced, then the project would not qualify as exempt development, and must obtain a coastal development permit pursuant to Section 30600(a) of the Coastal Act. Typically, the addition of a complete second story to a one-story house would not qualify for an exemption because the amount of construction required to support the additional weight of a new level would often require reinforcement of the first-floor load bearing walls, often with steel framing, and/or a new foundation which would exceed the amount of change allowable under an exemption. Even if the plans do not indicate replacement of floors and walls, the City building inspector may require replacement of these components for safety reasons. For example, when an older house is enlarged from one story to two-story, more than fifty percent of the components may need to be replaced due to termite infestation and/or dry rot, which are typical of Southern California homes.

In this exemption the City has asserted that even though all that remains of the structure is some of the exposed studs of the previously existing framing (completely stripped of siding, drywall, plaster, doors, windows, or electrical components), that the "walls" of the structure remain. Commission staff disagrees with this assertion. When a "remaining wall" is used as a measure to determine whether a development is a remodel or a new structure, the wall must remain intact as part of the structure, and for purposes of calculating the 50 percent guideline should retain its siding, drywall/plaster, windows, doors, and electrical components. Further, staff has confirmed during a recent site visit that the majority of the studs/framing for the previously existing structure on site has been replaced as well.

In this case, prior to the demolition of the structure, the site was developed with a single story 1,283 square foot single family residence constructed in 1950. According to DIR-2015-3857-CEX, the resulting project would add a "*first, second, and third story addition...resulting in an addition of 2,714 square feet.*" The existing walls of a structure built in 1950 would not be adequate to bear the loads of two more additional stories which more than double the mass and height of the original structure.

To date, all that remains of the former single family residence at the subject site is a portion of the exterior framing. On-site observations made by staff and photographic evidence demonstrate that the roof, siding, subfloor, and most of the walls have been removed (**Exhibit 5**). The amount of the structure that has been removed far exceeds fifty percent of the existing structure. Demolition, reconstruction, or substantial redevelopment of a project site are not exempt under

any section or provision of the Coastal Act, or the Commission's Regulations and require a coastal development permit.

Coastal Act Section 30600 Coastal Development Permit; Procedures Prior to Certification of Local Coastal Program

- (a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.*
- (b) (1) Prior to certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.*
(2) A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.
- (c) If prior to certification of its local coastal program, a local government does not exercise the option provided in subdivision (b), or a development is not subject to the requirements of subdivision (b), a coastal development permit shall be obtained from the commission or from a local government as provided in subdivision (d).*
- (d) After certification of its local coastal program or pursuant to the provisions of Section 30600.5, a coastal development permit shall be obtained from the local government as provided for in Section 30519 or Section 30600.5.*

As discussed, within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Single Permit Jurisdiction* area, the City of Los Angeles has the authority to issue coastal development permits. The proposed project site is located within the *Single Permit Jurisdiction Area*. For the reasons discussed in detail above, the proposed project constitutes the substantial demolition of an existing 1,283 sq. ft., one-story single family residence and construction of a new 4,363 sq. ft., 3-story single family residence, which is not exempt under any policy or provision of the Coastal Act or the Commission's Regulations. Therefore, the proposed project requires a local coastal development permit, processed by the City of Los Angeles. The appellants have expressed their concerns regarding the alleged inconsistencies between the proposed project's mass, scale and character with that of the surrounding community. The local coastal development permit process is the process during which the proposed development will be reviewed for its consistency with the Coastal Act and local land use regulations. Because the evidence does not support the City's action in exempting the proposed project from Coastal Act permitting requirements, *Coastal Exemption No. A-5-VEN-16-0005* is denied.

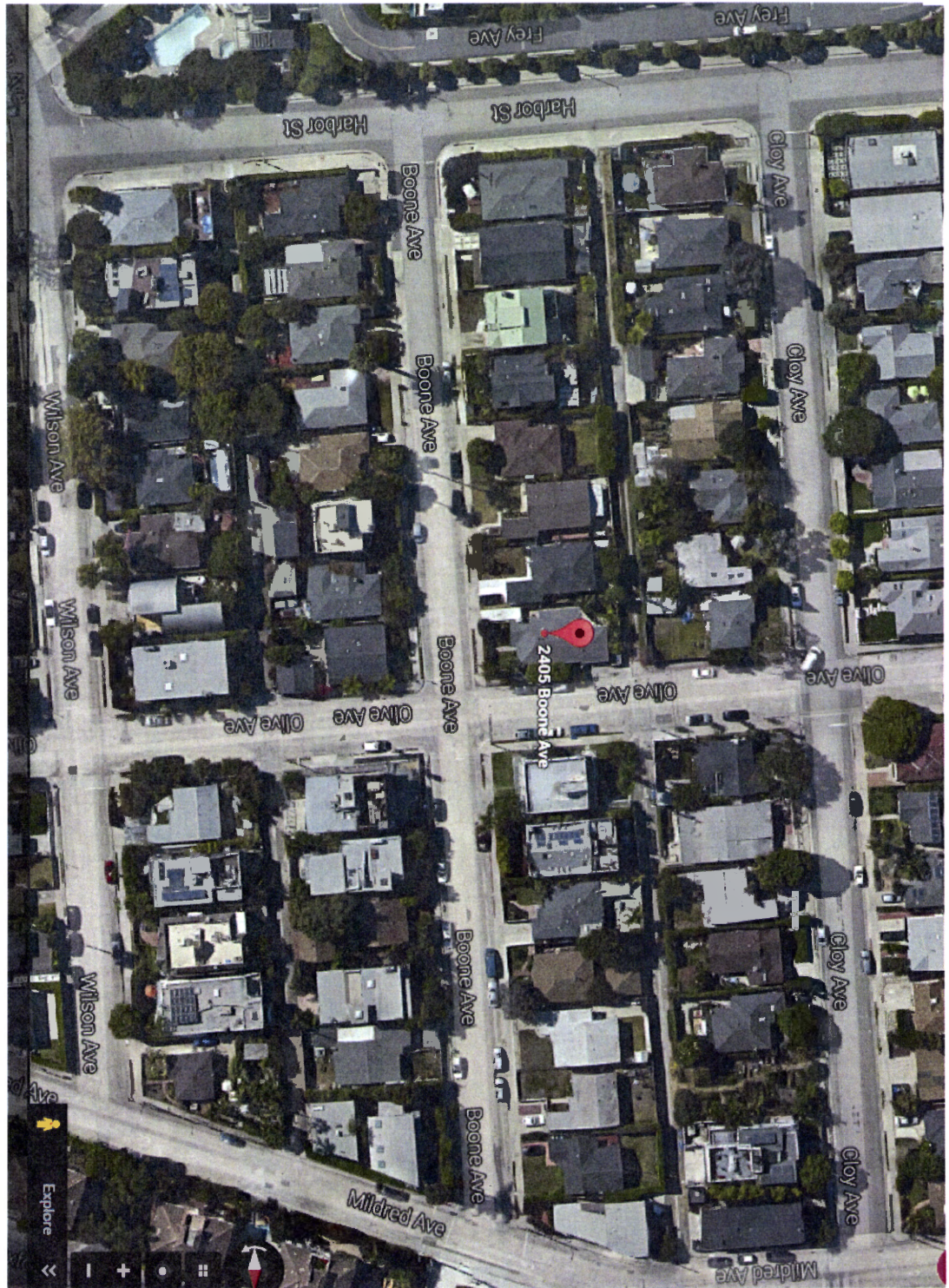
Appendix A – Substantive File Documents

1. City of Los Angeles Certified Land Use Plan for Venice (2001)



COASTAL COMMISSION

EXHIBIT # 1
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COASTAL COMMISSION

EXHIBIT # 1
PAGE 2 OF 2



Application:

COASTAL EXEMPTION (CEX)

CASE NO.: DIR-2015-3857 (CEX)

TO: California Coastal Commission
South Coastal District
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

FROM: Los Angeles Department of City Planning
Development Services Center (DSC)
201 North Figueroa Street
Los Angeles, CA 90012

SUBJECT: COASTAL EXEMPTION—SINGLE JURISDICTION AREA ONLY

Under no circumstances shall a Coastal Exemption be issued for the following scopes of work:

- Remodels which involve the removal of 50% or more of existing exterior walls
- Addition, demolition, removal or conversion of any whole residential units (unless required by LADBS)
- Projects which involve significant grading or boring in a Special Grading or Landslide area
- Any change of use (to a more or less intensive use)

OWNER/APPLICANT TO COMPLETE THE FOLLOWING (type, print, or fill out on-line)

PROJECT ADDRESS: 2405 S BOONE AVE
LEGAL DESCRIPTION: LOT 169 BLOCK TRACT TR 4424
ZONE: R 1-1 COMMUNITY PLAN: VENICE
PROPOSED SCOPE OF WORK: 1ST, 2ND AND 3RD FLOOR ADDITION TO
EXISTING SFD w/ EXISTING ATTACHED GARAGE. Project will result in
2,714 sf area of addition

RELATED PLAN CHECK NUMBER(s): B 15 LA 05549 1504-10000-01704

Note: If there is related work to be pulled under a separate permit, please include in the above project description. The reason for this is so Planning Staff can evaluate the project as a whole and to avoid having to apply for another CEX for any subsequent permits related to the original scope of work.

Applicant Name: LIZ JUAN
Mailing Address: 1125 W 6TH ST #205 LOS ANGELES, CA 90017
Phone Number: 415 537-0158 E-mail Address: LIZ@THECODESOLUTION.COM
Signature: [Signature]

COASTAL COMMISSION

THIS SECTION FOR OFFICE USE ONLY

This application has been reviewed by the staff of the Los Angeles Department of City Planning in accordance with the provisions of Section 3010 of the California Coastal Act. A determination has been made that a Coastal Development Permit is not required for the preceding described project based on the fact that it does not: (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division pursuant to Title 14 of the California Administrative Code, and qualifies for an exemption under one or more of the categories checked below.

- ☒ **Improvements to Existing Single-Family Residences.** This includes interior and exterior improvements, additions, and uses which are accessory to a single-family residence (e.g. garages, pools, fences, storage). This does not include the increase or decrease in the number of residential dwelling units (including guest houses), or retaining walls or pools that may have a potential significant impact on coastal resources (i.e. viewable from the public right-of-way, involves a significant amount of grading or boring in Hillside, Landslide or Special Grading areas), which may be reviewed on a case-by-case basis.
- ☐ **Improvements to Any Existing Structure Other Than A Single-Family Residence.** For duplex or multifamily residential uses, this includes interior and exterior improvements, additions and uses which are accessory to the residential use (e.g. garages, pools, fences, storage sheds), but does not include the increase or decrease in the number of residential dwelling units, or retaining walls or pools that may have a potential significant impact on coastal resources (i.e. viewable from the public right-of-way, involves a significant amount of grading or boring in Hillside, Landslide or Special Grading areas), which may be reviewed on a case-by-case basis. For non-residential uses, this includes interior and exterior improvements and building signage (excluding pole, pylon and off-site signs), but does not include any addition of square footage or change of use (to a more or less intense use).
- ☐ **Repair or Maintenance.** This includes replacement, repair and/or maintenance activities (i.e. re-roofing, replacement of equipment, etc.) which do not result in any changes, enlargement or expansion.
- ☐ **Demolitions required by LADBS.** This includes projects which have been issued a Nuisance and Abatement or Order to Comply by the Department of Building & Safety requiring demolition due to an unsafe or substandard condition. Please attach the Building & Safety Notice.

This exemption in no way excuses the applicant from complying with all applicable policies, ordinances, codes and regulations of the City of Los Angeles. This exemption shall not apply if the project is not consistent with local land use regulations. If it is found that the project description is not in conformance with the actual project to be constructed or is not in conformance with Section 30610 of the California Coastal Act, this exemption is null and void.

Michael LoGrande
Director of Planning

Issued By:

Signature

Print Name and Title

Date:

Invoice No.:

Receipt Number

Attached:

Copy of Invoice with Receipt No.

Copy of related Building & Safety Clearance Summary Worksheet(s)

COASTAL COMMISSION

EXHIBIT #

PAGE

2

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OF

2

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Judy Esposito & Additional Appellants--see list & Signatures attached

Mailing Address: 2341 Boone Ave

City: Venice

Zip Code: 90291

Phone: 310-301-9791

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles--Venice Coastal Zone

2. Brief description of development being appealed:

CEX: 1st, 2nd and 3rd floor addition to existing SFD with existing attached garage. Project will result in 2,714 sq ft of addition.

VSO: Renodel & additions to an (E) 1-story SFD; consisting of a new 1,403 sq ft 2nd floor & 1,267 sq ft 3rd floor with a rooftop deck. Project will remove/alter 49% of the (E) exterior walls.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

2405 Boone Ave, at Olive (APN: 422-801-1025)

4. Description of decision being appealed (check one.):

- ☒ Approval; no special conditions
☐ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 22

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☒ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: October 22, 2015

7. Local government's file number (if any): DIR-2015-3857-CEX

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Liz Jun, The Code Solution, 1125 W. 6th St. #205, L.A., CA 90017

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 22

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Applicable Land Use Plan policies and requirements:

Set forth below are excerpts from the Venice Land Use Plan (LUP)--certified by the Coastal Commission in 2001 as guidance for assuring conformance with Chapter 3 of the Coastal Act, AND adopted by the City of L.A. as part of the L.A. General Plan Community Plan. The policies set forth by the certified Venice LUP echo the priority expressed in the Coastal Act for preservation of the nature and character of existing residential neighborhoods.

"LUP Policy I. A. 2. Preserve Stable Single-Family Residential Neighborhoods. Ensure that the character and scale of existing single-family neighborhoods is maintained..."

"LUP Policy I. A. 3. Single-Family Dwelling - Low Density. Southeast Venice--Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood."

"Preservation of Venice as a Special Coastal Community--LUP Policy I. E. 1. General. Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976," and "Policy I. E. 2. Scale. All new development AND RENOVATIONS SHOULD RESPECT THE SCALE, MASSING, AND LANDSCAPE OF EXISTING RESIDENTIAL NEIGHBORHOODS."

Project Evidence/Information:

2405 Boone Ave is located in the Southeast Venice Subarea, in a low density, single-family residential neighborhood. There are no 3-story homes and only three 2-story homes in the existing immediate surrounding neighborhood. 88% of the homes on the same block are one story. The current average FAR on the block is .34. The proposed FAR for this project is 1.21 (lot size of 3,605.4 sq ft and square footage of the total project of 4,363), almost four times more than the existing home. In addition, the third floor of this proposed development would have a roof deck, which, although not included in the overall square footage, also adds to the mass and scale of the project.

There is nothing even close in size to this proposed project on this block. The next largest home is 2,104 sq ft, and this project is more than double the size of that home. It is 3.5 times the average of the house sizes on the block (excluding the demolished subject property). The additional square footage alone (2,714 sq ft) is more than that of any home on the block.

COASTAL COMMISSION

EXHIBIT # 3

PAGE 3 OF 22

Attached is the Streetscape for this block, which contains the Substantial Evidence supporting this data and supporting a conclusion that this proposed project is so materially incompatible with the mass and scale of the immediate neighborhood, that it is impossible for the City to have made a valid determination that a CDP is not required and that the underlying project does not involve a risk of adverse environmental effect, as is required for this discretionary decision of exemption from Coastal Development Permit requirements. In addition, as per CEQA state law, a categorical exemption may not be used when the cumulative impact of successive projects of the same type in the same place may be significant, including additions to an existing building (City of L.A. Environmental Quality Act Guidelines). Due to its excessive mass and scale vs. the existing surrounding immediate neighborhood, successive projects of the same type in this same area would cause a significant adverse impact to this protected single-family residential, low density neighborhood.

A Coastal Exemption (CEX) also requires an exercise of discretion in determining that a CDP is not required, and as such it is an appealable action, in addition to being revocable under certain circumstances, as per the CEX instructions.

REASONS FOR APPEAL

1. Illegal Coastal Exemption (CEX)

The attached Streetscape supports a Finding that the project would have a substantial adverse impact on the mass, scale and character of the existing immediate surrounding neighborhood, as well as an adverse cumulative impact throughout the area within the Venice Coastal Zone, due to its mass and scale being materially and substantially in excess of that of the existing immediate surrounding neighborhood. The project is not consistent with the L.A. General Plan Venice Community Plan Land Use Plan, which requires that "the character and scale of existing single-family neighborhoods is maintained." and further, that in order to preserve Venice as a Special Coastal Community that "All new development AND renovations should respect the scale, massing and landscape of existing residential neighborhoods." Previous state Coastal Commission Reports have consistently stated that as a Special Coastal Community, Venice is a coastal resource to be protected, and as a primarily residential community, residential development is a significant factor in determining Venice's community character.

In addition, yards are required by the LUP (City's General Plan) in single-family residential, low density neighborhoods in the Southeast Venice Subarea of the Venice Coastal Zone, consistent with the existing scale and character of the neighborhood. All other homes on the block have fairly large yards, both front and back.

Thus, the Director of Planning has abused his discretion in making a Determination that the project qualifies for a Coastal Exemption.

2. Illegal VSO (Venice Sign Off processing) and illegal granting of Variances:

All new development within the boundaries of the Venice Coastal Zone Specific Plan (VCZSP) must comply with the related ordinance, and the ordinance is an integral part of the LAMC Planning and Zoning Code. As indicated on the CEX form, the exemption shall not apply and is null and void if it is not consistent with local land use regulations.

VCZSP Section 10.G.4. Access. a. "Driveways and vehicular access to Venice Coastal Zone Specific Plan Projects shall be provided from alleyways, unless the Department of Transportation determines that it is not feasible." The driveway and vehicular access for this project is from Olive, not the existing alleyway. The VSO states the VCZSP requirement that Access is to be from the alleyway of the Planner

COASTAL COMMISSION

EXHIBIT # 2
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indicates that access will be from Olive Ave, for which a Variance from the VCZSP would be required.

VCZSP Section 13. Parking: "Single-family dwellings on a lot of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley - 3 spaces: the third space may be uncovered and in tandem with the other two required covered parking spaces." Yet the Planner has indicated on the VSO that only the two existing spaces are required, with no explanation.

It appears that this VSO constitutes an illegal granting of variances. Variance approval requires making the required findings as per the LAMC, in conjunction with a public process, including Notice and a Public Hearing, which is not done with VSO processing and therefore was not done in this case.

Thus, the Director of Planning has abused his discretion in approving this VSO as he has not required this Applicant to proceed with this development in the Coastal Zone according to the law.

3. Setbacks may not meet City Code

More than 25% of the horizontal framing is removed in conjunction with this project, in which case Building Code requires that the existing setbacks are allowed to be retained only if they comply with zoning code requirements for the building being constructed. However, the setbacks remain unchanged.

Thus, again, the Director of Planning has abused his discretion in approving the Coastal Exemption and the VSO as he has not required this Applicant to proceed in this development in the Coastal Zone according to the law.

Also, it has been noted that many windows of the proposed project are to be fixed, and there is a related concern that if windows do not open, particularly between the north to the south ends of the house, ocean breezes cannot naturally cool the house and that a noisy and environmentally unconsonable air conditioning unit would be required to cool the house, which would be an unfair environmental impact to the surrounding neighbors.

In addition, the plans and the website of the Architect indicated do not indicate the name of a licensed architect, which is a requirement if the word "architecture" or any variation is used. The firm should disclose the individual carrying the license, if any, or they should cease using the word architect or any variation thereof.

Lastly, it is not clear why there is no "Inspection Request History" on the ZIMAS Building Permit Information Page, as there has been significant construction activity, including demo of the bulk of the previous home and foundation work. Bob Dunn is the City Inspector assigned.

Conclusion:

The Coastal Exemption (CEX) and VSO and associated Building Permit should be revoked and a new CDP application should be submitted for a project that is compatible with the existing surrounding neighborhood in terms of its mass, scale and character and complies with all other VCZSP and code requirements.

See attached CEX, VSO, Streetscape, ZIMAS report, Building Permit, Land Use designation map, Land Use Plan excerpts, and City CEQA Guidelines excerpts for details and supporting documentation.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 5 OF 22

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

ADDITIONAL APPELLANT'S SIGNATURES ATTACHED

The information and facts stated above are correct to the best of my/our knowledge.

Judith Caporale
Signature of Appellant(s) or Authorized Agent

Date: January 4, 2016

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

_____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

COASTAL COMMISSION

EXHIBIT # 3
PAGE 6 OF 22

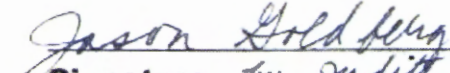
THE FOLLOWING APPELLANTS SEEK TO APPEAL THE PROJECT AT
2405 BOONE AVE. VENICE, CA. 90291

Page 1 of 5

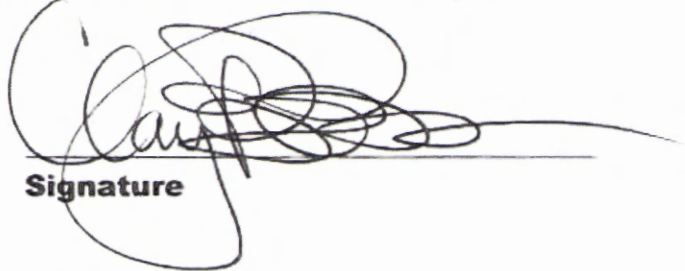
APPEAL APPLICATION

ADDITIONAL APPELLANT LIST AND SIGNATURES

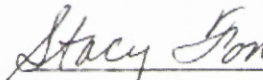
Jason Goldberg
2313 Boone Ave.
Venice, CA. 90291


Signature by Judith Esposito

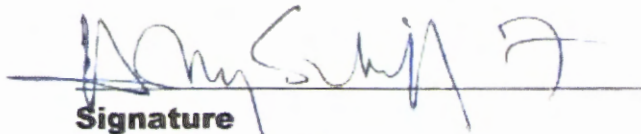
Clay Boss
2404 Cloy Ave.
Venice, CA. 90291


Signature

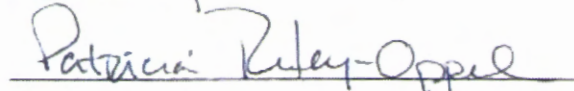

Stacy Fong
2342 Cloy Ave.
Venice, Ca.


Signature by Judith Esposito


Holly Schiffer Zucker
2329 Wilson Ave.
Venice, CA. 90291


Signature

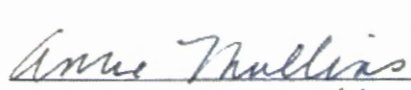
Patti Oppel
Charlie Oppel
2326 Frey Ave.
Venice, CA. 90291


Signature

Signature

Sandra Wilson
2420 Cloy Ave.
Venice, CA. 90291


Signature

Anne Mullins
2417 Cloy Ave.
Venice, CA. 90291


Signature by Judith Esposito

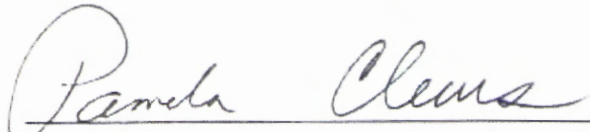
COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 22

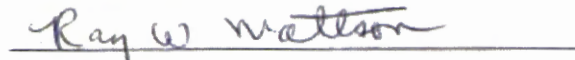
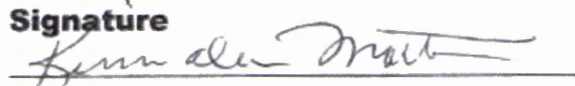
APPEAL APPLICATION

**ADDITIONAL APPELLANT LIST AND SIGNATURES
(Continued)**

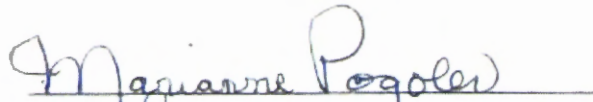
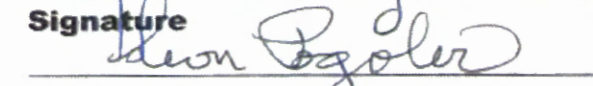
**Pamela Clews
2330 McKinley Ave.
Venice, CA, 90291**


Signature

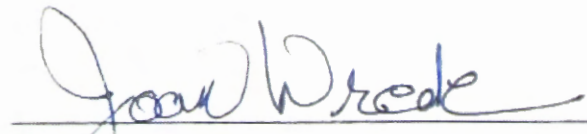
**Ray W. Mattson
Kennalee Mattson
2329 Boone Ave.
Venice, CA, 90291**


Signature

Signature

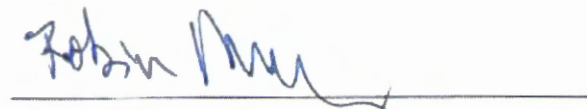
**Marianne Pogoler
Leon Pogoler
2340 Boone Ave.
Venice, CA 90291**


Signature

Signature


**Joan Wrede
2361 Beach Ave.
Venice, CA 90291**


Signature

**Robin Murez
2408 Cloy Ave.
Venice, CA 90291**


Signature

**Judith Esposito
2341 Boone Ave.
Venice, CA 90291**


Signature

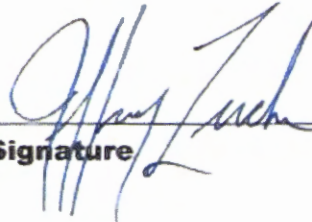
COASTAL COMMISSION

EXHIBIT # 3
PAGE 8 OF 22

APPEAL APPLICATION

ADDITIONAL APPELLANT LIST AND SIGNATURES (Continued)

Jeffrey Zucker
2329 Wilson Ave.
Venice, CA 90291


Signature

David Grober
2416 Cloy Ave.
Venice, CA 90291


Signature

Name ANNA LEE
Address 2348 WILSON AVE
VENICE, CA 90291

Anna Lee
Signature

Name Veronica Viveros
Address 2421 Wilson Ave
Venice, CA 90291

V. Viveros
Signature

Name Laura Goldfarb
Address 2424 Boone Ave
Venice, CA 90291

Laura Goldfarb
Signature

Name Joseph Flannery
Address 2421 Boone Ave
Venice, CA 90291

Joe Flannery
Signature


Name Silvia Wagensberg
Address 2412 Boone Ave
Venice CA 90291


Silvia Wagensberg
Signature


COASTAL COMMISSION

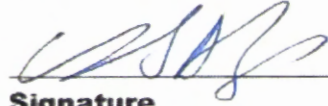
APPEAL APPLICATION


ADDITIONAL APPELLANT LIST AND SIGNATURES (Continued)

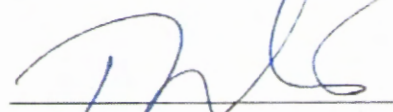
Name Rentell Johnson
Address 2416 Boone Ave.
Venice, CA 90291
Signature 


Name Larry Uhlemeyer
Address 2416 Boone Ave.
Venice, CA 90291
Signature 

Name Johanne Blankenship
Address 2413 Cloy Ave
Venice, CA 90291
Signature 

Name SUZANNE BLANKENSHIP
Address 2413 Cloy Ave
VENICE, CA 90291
Signature 

Name Charlotte Pestana
Address 2428 CLOY AVE
VENICE, CA 90291
Signature 

Name Tony Low
Address 2429 CLOY AVE
VENICE, CA 90291
Signature 

Name BETSEY KAUFFMAN
Address 2433 Cloy Ave
VENICE, CA 90291
Signature 

COASTAL COMMISSION

EXHIBIT # 3
PAGE 10 OF 22

APPEAL APPLICATION

**ADDITIONAL APPELLANT LIST AND SIGNATURES
(Continued)**

Laura Montealegre
2344 Wilson Ave.
Venice, CA 90291

Laura Montealegre
Signature *by Judith Lopez*

Name Lynn Brewer
Address 2340 Bryan Ave
Venice, CA 90291

[Signature]
Signature

Name Robin Rudisill
Address 3003 Ocean Front Walk
Venice, Ca. 90291

Robin Rudisill
Signature

Name Lydia Ponce
Address 837 1/2 Mulwood Ave
Venice, Ca 90291

Lydia Ponce
Signature

Name _____
Address _____

Signature

Name _____
Address _____

Signature

Name _____
Address _____

Signature

COASTAL COMMISSION

EXHIBIT # 3
PAGE 11 OF 22



CITY OF LOS ANGELES
 Department of City Planning – Plan Implementation Division
 City Hall • 200 N. Spring Street, Room 621 • Los Angeles, CA 90012



DIRECTOR OF PLANNING SIGN-OFF
 Venice Coastal Zone Specific Plan (Ordinance 175,693)

Case Number	DIR 2015- 2921-VSO		Date: 08/07/2015
Project Address	2405 Boone Avenue (TR 4424; Block: None; Lot 169)		
Zoning: R1-1	Subarea: Oakwood-Milwood-Southeast Venice		
Project Description	Remodel and additions to an (E) one-story SFD; consisting of a new 1,403 SF 2 nd floor and 1,267 SF 3 rd floor with a rooftop deck. Project will remove/alter 49% of the (E) exterior walls (PCIS 15014-10000-01704)		
Existing Use:	1-story SFD with attached 2-car garage	Proposed Use:	3-story SFD with attached 2-car garage
Applicant Name	Shane Fang, The Code Solution; (213) 537-0158		
Applicant Address	1125 W. 6 th St. Suite 205, Los Angeles, CA 90017		

The project qualifies for an Administrative Clearance, a Specific Plan Project Permit Compliance is not required (pursuant to Section 8 of the Specific Plan) for at least one of the reasons below:

In the DUAL JURISDICTION

- ☐ Improvement to an existing single- or multi-family structure that is *not* on a Walk Street

In the SINGLE JURISDICTION

- ☒ Improvement to an existing single- or multi-family structure that is *not* on a Walk Street
- ☐ New construction of one single-family dwelling unit, and not more than two condominium units, *not* on a Walk Street
- ☐ New construction of four or fewer units, *not* on a Walk Street
- ☐ Demolition of four or fewer dwelling units; HCIDLA Mello Clearance:


ANYWHERE in the Coastal Zone

- ☐ Any improvement to an existing commercial or industrial structure that increases the total occupant load, required parking or customer area by less than 10 percent (<10%)

This application has been reviewed by the staff of the Metro Plan Implementation Division, and the proposed project complies with the provisions of the Venice Coastal Zone Specific Plan including all development requirements contained in Section 9, 10.G, and 13, as evidenced below:

Oakwood-Milwood-Southeast Venice Subarea Development Regulations			
Section	Regulation	Proposed Project	complies
9.C. Roof Access Structure (RAS)	10 ft. max. above Flat Roof (25 ft); Area ≤ 100 sq. ft.	n/s	<input checked="" type="checkbox"/>
10.G.2. Density	R1 zones, (per LAMC) 1 dwelling unit	Maintain (E) SFD	<input checked="" type="checkbox"/>
10.G.3. Height	Flat Roof – 25 feet. Varied Roofline – 30 feet, roof having a slope in excess of 2":12"	Max. height of 30' with a varied roofline (slope of 4:12 and 15:12). Flat roof is at 25'. Portions > 25' are setback 5' from required FY setback.	<input checked="" type="checkbox"/>
10.G.4. Access	Alley	Maintain access from Olive Ave	<input checked="" type="checkbox"/>
13. Parking	SF - 2-3 spaces per unit pending width	Maintain (E) two-car garage	<input checked="" type="checkbox"/>

The proposed project must comply with all other regulations of its subject zone and all other provisions of the Los Angeles Municipal Code (LAMC) and must receive approval from the Los Angeles Department of Building and Safety (LADBS). This Director of Planning Sign-Off is based on the information provided by the applicant. If, at a later date, this information is found to be incorrect or incomplete, this sign-off will become invalid, and all development occurring at that time must cease until appropriate entitlements are obtained.


 Juliet Oh, Planning Assistant
 Coastal Unit, (213) 978-1186

COASTAL COMMISSION
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STREETSCAPE for 2405 Boone Ave

Source: ZIMAS reports and observation

ADDRESS	HOUSE SQ FT	LOT SQ FT	FAR HOUSE SQ FT/ LOT SQ FT	YEAR BUILT	1-STORY	2-STORY	3-STORY	PITCHED ROOF
2405 PROPOSED PROJECT	4,363.0	3,605.4	1.21				X	No
Prior/existing 2405	1,283.0	3,605.4	0.00	1960	x			x
2409	1,016.0	3,605.2	0.28	1955	x			x
2413	1,016.0	3,605.1	0.28	1955	x			x
2417	878.0	3,604.9	0.24	1953	x			x
2421	1,672.0	3,604.8	0.46	1960		x		x
2425	2,179.0	3,604.6	0.60	1953		x		x
2429	1,593.0	3,604.5	0.44	1950	x			x
2433	1,714.0	3,781.7	0.45	1953	x			x
2432	1,070.0	3,813.8	0.28	1950	x			x
2428	1,208.0	3,600.2	0.34	1950	x			x
2424	930.0	3,600.2	0.26	1950	x			x
2420	968.0	3,600.2	0.27	1950	x			x
2416	930.0	3,600.2	0.26	1950	x			x
2412 Next largest in square footage	2,104.0	3,600.2	0.58	2001		x		x
2408	1,308.0	3,600.2	0.36	1950	x			x
2404	1,152.0	3,599.0	0.32	1952	x			x
TOTAL			0.34		0.88	0.19	0	
AVERAGE	1,297.7		AVERAGE FAR 34		88% 1-STORY	19% 2-STORY	0% 3-STORY	
MEDIAN	1,180.0							

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ZIMAS

Search Reports Resources

Address/Legal
Site Address: 2406 S BOONE AVE
ZIP Code: 90021
PIN Number: 106-5A147-208
Lot/Parcel Area (Calculated): 3,806.4 (sq ft) ✓
Thomas Brothers Grid: PAGE 671 - GRID J6
Assessor Parcel No. (APN): 5228011025
Tract: TR 4424
Map Reference: M B 70-64-85
Block: None
Lot: 168
Arb (Lot Cut Reference): None
Map Sheet: 106-5A147

Jurisdictional
Planning and Zoning

Assessor

Assessor Parcel No. (APN): 4228011025

Ownership (Assessor)
Owner:
Address:

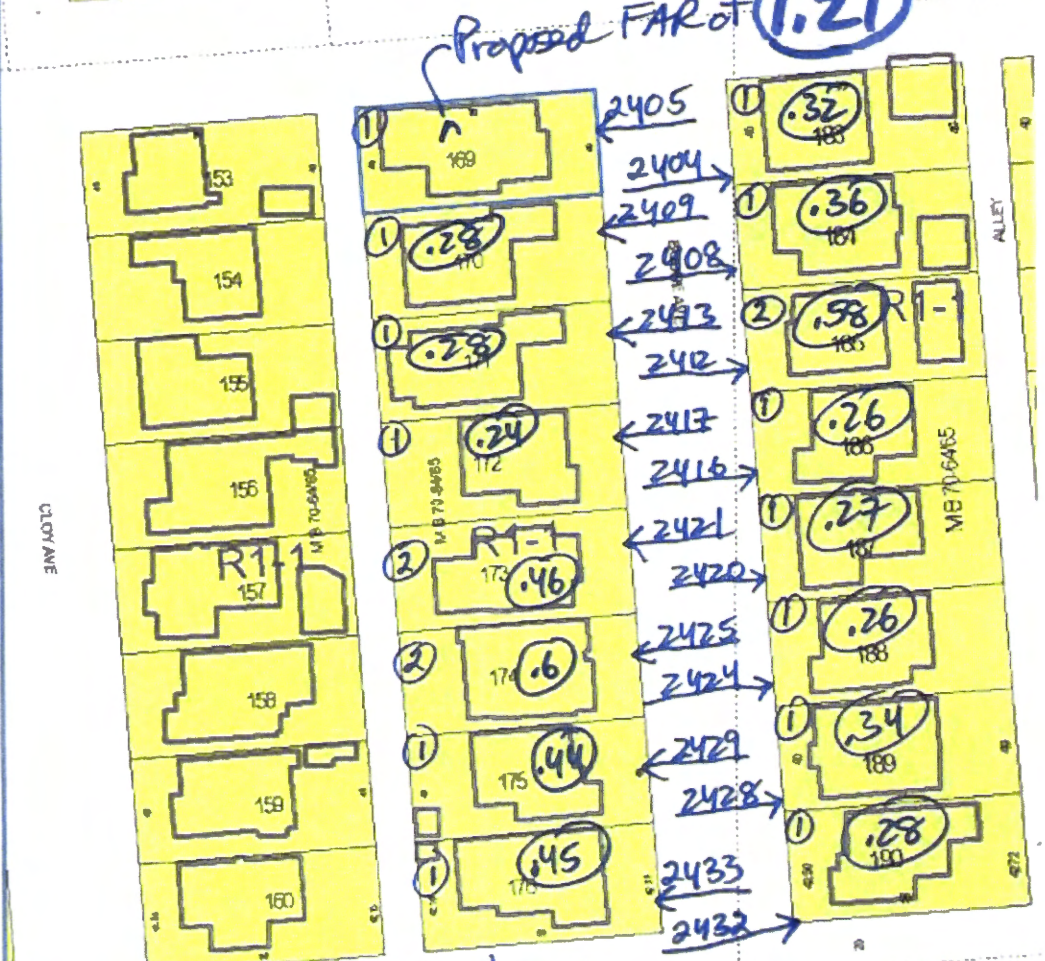
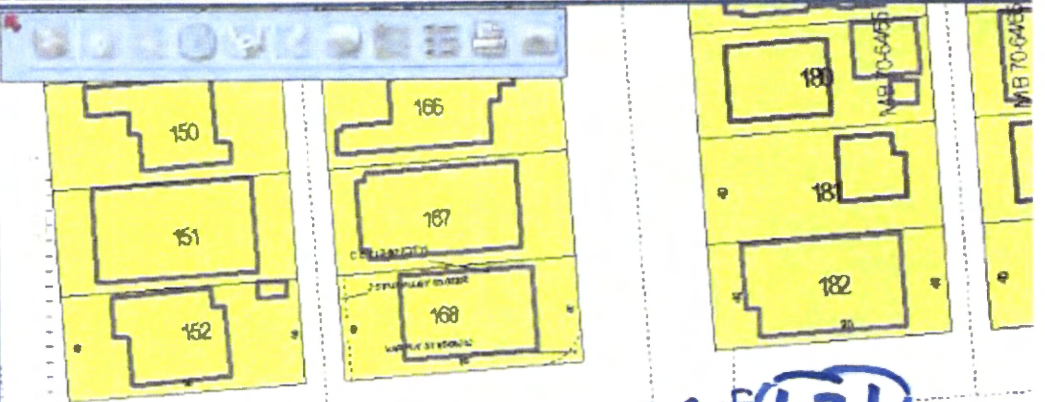
Ownership (Bureau of Engineering, Land Records)
Owner:
Address:

APN Area (Co. Public Works): 0.083 (ac)
Use Code: 0100 - Single Residence
Assessed Land Val: \$1,224,000
Assessed Improvement Val: \$306,000
Last Owner Change: 06/15/15
Last Sale Amount: \$1,500,015
Tax Rate Area: 67
Deed Ref No. (City Clerk): 969078
Deed Ref No. (City Clerk): 941502
Deed Ref No. (City Clerk): 82806
Deed Ref No. (City Clerk): 72107
Deed Ref No. (City Clerk): 716793-84
Deed Ref No. (City Clerk): 660089
Deed Ref No. (City Clerk): 583063
Deed Ref No. (City Clerk): 565180
Deed Ref No. (City Clerk): 510988
Deed Ref No. (City Clerk): 2649514
Deed Ref No. (City Clerk): 193570
Deed Ref No. (City Clerk): 1874246
Deed Ref No. (City Clerk): 1798608
Deed Ref No. (City Clerk): 1610883
Deed Ref No. (City Clerk): 1449809
Deed Ref No. (City Clerk): 1368268

Building 1
Year Built: 1950
Building Class: D68
Number of Units: 1
Number of Bedrooms: 3
Number of Bathrooms: 2 ✓
Building Square Footage: 1,263.0 (sq ft)
Building 2: No data for building 2
Building 3: No data for building 3
Building 4: No data for building 4
Building 5: No data for building 5

Case Numbers

Recent Activity: DIR-2015-2867-CEX
Recent Activity: DIR-2008-4703-DI
Recent Activity: DIR-2015-2621-VBO
City Planning Commission: CPC-2005-8252-CA
City Planning Commission: CPC-2000-4046-CA
City Planning Commission: CPC-1998-118-LCP
City Planning Commission: CPC-1987-848-ICQ
City Planning Commission: CPC-1984-226-SP
City Planning Commission: CPC-17932
Ordinance: ORD-175884
Ordinance: ORD-175883
Ordinance: ORD-172897
Ordinance: ORD-172019
Ordinance: ORD-169992
Ordinance: ORD-130338
Director of Planning: DIR-2014-2624-DI
Zoning Administration: ZY-12169
Environmental: ENV-2005-8253-ND
Environmental: ENV-2004-2891-CE
Environmental: ENV-2002-6836-SP
Environmental: ENV-2001-848-ND

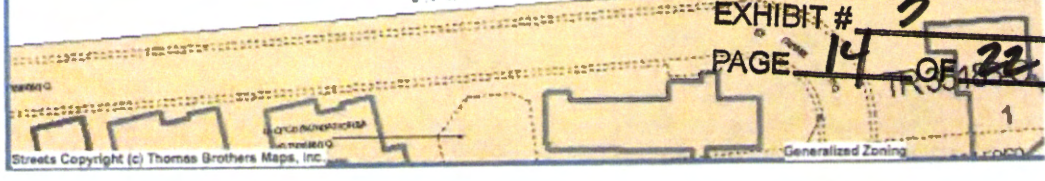


① 1-story
② 2-story
Note: all calls include sq ft of garage
V.A.W.

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V.A.W.

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[Home](#)[Help](#)[Parcel Profile Report](#)[LADBS Home](#)[LAHD Property Activity Report](#)[Disclaimer](#)**2405 S BOONE AVE 90291****APPLICATION / PERMIT NUMBER: 15014-10000-01704****PLAN CHECK / JOB NUMBER: B15LA05549****Plan Check and Permit Information**

GROUP: Building
TYPE: Bldg-Addition
SUB-TYPE: 1 or 2 Family Dwelling
PRIMARY USE: (1) Dwelling - Single Family
WORK DESCRIPTION: 1ST, 2ND AND 3RD FLOOR ADDITION TO EXISTING SFD W/ EXISTING ATTACHED GARAGE
PERMIT ISSUED: Yes **PERMIT ISSUE DATE:** 12/15/2015 **ISSUING OFFICE:** West LA
CURRENT STATUS: Issued **CURRENT STATUS DATE:** 12/15/2015

Permit Application Status History

Submitted	04/21/2015	APPLICANT
Green Plans Picked Up	04/28/2015	APPLICANT
Assigned to Plan Check Engineer	05/14/2015	RICARDO SUPAN
Corrections Issued	05/08/2015	RICARDO SUPAN
Reviewed by Supervisor	06/11/2015	GARO TELMI
Building Plans Picked Up	06/15/2015	APPLICANT
Applicant returned to address corrections	10/09/2015	RICARDO SUPAN
Plan Check Approved	11/12/2015	RICARDO SUPAN
Issued	12/15/2015	LADBS

Permit Application Clearance Information

Hold	Cleared	06/03/2015	CANDICE JUSAY
Miscellaneous	Cleared	07/15/2015	VINCENT QUITORIANO
Sewer availability	Cleared	07/15/2015	NATALIE MOORE
Eng Process Fee Ord 178,300	Cleared	07/20/2015	NATALIE MOORE
Specific Plan	Cleared	07/31/2015	CLIVE GRAWE
Specific Plan	Cleared	08/10/2015	JULIET OH
Low Impact Development	Cleared	08/19/2015	IDA MEISAMI-FARD
Roof/Waste drainage to street	Cleared	08/19/2015	KARAN PATEL
Green Code	Cleared	10/15/2015	ROLLIN GETTLE III
Coastal Zone	Cleared	10/22/2015	ANDY RODRIGUEZ

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Licensed Professional/Contractor Information**Contractor Information**

El Reef Construction Inc. Lic. No.: 978074-B
19528 VENTURA BLVD #629
TARZANA, CA 91356

Engineer Information

Kim, Jin; Lic. No.: C84433
5 MONTELENA
IRVINE, CA 92602

Engineer Information

Park, Juntae Lic. No.: C65104
1444 HI POINT ST
LOS ANGELES, CA 90035

Inspection Activity Information**Inspector Information**

BOB DUNN, (310) 914-3981
Office Hours: 7:00-5:00 AM MON-FRI

Pending Inspection Request(s)

No data available

Inspection Request History

No data available

BACK NEW SEARCH

COASTAL COMMISSION

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Why none?

2405 Boone



Exhibit 11b
Land Use Plan (Map): Oakwood • Milwood • Southeast Venice

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EXHIBIT # 3
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Single-Family Residential

The Venice LUP recognizes the importance of the existing pedestrian scale single-family residential neighborhoods and the need to conserve them. As most communities, the greater portion of Venice was originally developed with single-family homes for both permanent residents and as temporary resort housing. Today stable single-family neighborhoods continue to exist in portions of Venice. While the standard low density, one unit per 5,000 square foot lot is common in Venice, single-family homes on lots as small as 2,500 square feet are just as common and a reminder of the community's origin as a resort town. The maintenance of the character and density of these stable single-family neighborhoods is consistent with the objectives of the State Coastal Act and the City's General Plan.

Policy 1. A. 2. Preserve Stable Single-Family Residential Neighborhoods. Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character and scale of the existing development. A second residential unit or an accessory living quarter may be permitted on lots designated for single-family residence land uses, provided that the lot has a minimum lot area of 4,600 square feet in the Venice Canals subarea, or 10,000 square feet in the Silver Strand, Southeast Venice, or Oxford Triangle subareas, and all units conform to the height limit, parking requirements, and other development standards applicable to the site.

Policy 1. A. 3. Single-Family Dwelling - Low Density. Accommodate the development of single-family dwelling units in areas designated as "Single-family Residential" and "Low Density" on the Venice Coastal Land Use Plan. (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.

Southeast Venice and the Oxford Triangle

Use: Single-family dwelling / one unit per lot

Density: One unit per 5,000 square feet of lot area

Yards. Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

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Adjacent Use/Development. The only permitted development adjacent to the canals and lagoon shall be habitat restoration, single-family dwellings, public parks and walkways, subterranean or surface public parking lots, maintenance activities and emergency repairs. Surface public parking lots shall be permitted only where sufficient access and roadway capacity exists to accommodate such parking. New construction along the Canals, and Ballona Lagoon shall comply with standards for setbacks, noise barriers, landscape plan, pervious surfacing with drainage control measures to filter storm run-off and direct it away from environmentally sensitive habitat areas, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration including off-site drainage improvements. For more details refer to the provisions contained in Policy Group I.A., Residential Land Use and Development Standards, and Policies IV.C.1 and IV.C.2 Stormwater Runoff and Circulation.

Policy I. D. 2. Venice Beach. Venice Beach stretches along the coast from Navy Street on the north to the entrance channel of Marina Del Rey.

Use/Density: The beach shall be zoned Open Space and used for public recreation. There should be no further construction on the beach other than police substation. City's and County's operational and management offices, recreational and accessory facilities such as playground equipment, athletic facilities, restrooms, lifeguard stations, bikeways, related short-term bicycle parking, walkways, lighting facilities where appropriate, and necessary expansion of existing or installation of new infrastructure. Reconstruction and rehabilitation of existing facilities shall be encouraged. Development shall be sited to protect Least Tern nesting areas and other environmentally sensitive habitat areas.

Policy I. D. 3. Views of Natural and Coastal Recreation Resources. The scale of development shall comply with height limits, setbacks and standards for building massing specified in Policy Groups I.A and I.B, Residential and Commercial Land Use and Development Standards of this LUP, in order to protect public views of highly scenic coastal areas and vista points, including, but not limited to, the canals, lagoon, jetty, pier, Ocean Front Walk, walk streets and pedestrian oriented special communities.

Policy I. D. 4. Signs. Roof top signs and billboards are prohibited in all land use categories. Business identification signs shall comply with the height limits and development standards specified in the LUP to ensure they do not adversely affect view sheds and view corridors.

Preservation of Venice
as a Special Coastal
Community

Policy I. E. 1. General. Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

Policy I. E. 2. Scale. New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk,

COASTAL COMMISSION

Venice Local Coastal Program

11-26

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height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10) feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

Implementation Strategies

The LUP shall include development regulations and procedures (with respect to bulk, scale, height, setbacks, density, landscaping and types of use) to implement these policies.

Policy I. E. 3. Architecture. Varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

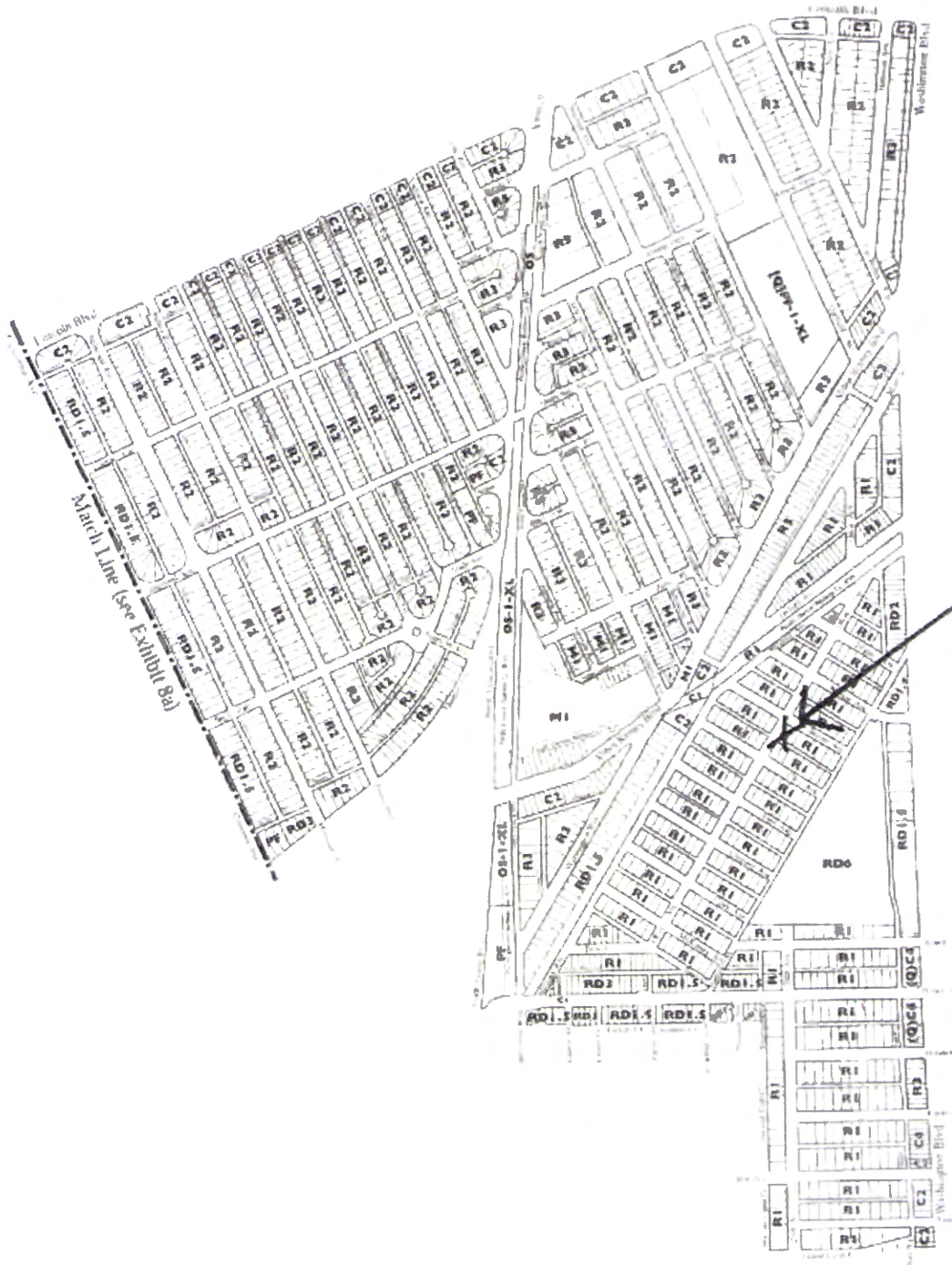
Policy I. E. 4. Redevelopment. Projects involving large-scale land acquisition and clearance shall be discouraged in favor of rehabilitation, restoration and conservation projects especially those involving single-family dwellings.

Policy I. E. 5. Nonconforming Structures. Where extensive renovation of and/or major addition to a structure is proposed and the affected structure is nonconforming or there is another nonconforming structure on the site, or a project is proposed that would greatly extend the life of a nonconforming structure or that eliminates the need for the nonconformity, the following shall apply:

Unless the City finds that it is not feasible to do so, the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LCP, unless in its nonconformity it achieves a goal associated with community character (i.e. the reuse and renovation of a historic structure) or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LCP.

Policy I. E. 6. Constitution. This LUP/LCP is not intended, and shall not be construed, as authorizing the City to exercise its power to grant or deny a permit in a manner which will constitute an unconstitutional taking of private property for public use. This policy is not intended to increase or

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2405
Boone

R1
Zone

Exhibit 8b
Existing Zoning

Subarea: Oakwood • Milwood • Southeast Venice

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CITY OF LOS ANGELES ENVIRONMENTAL QUALITY ACT GUIDELINES

Adopted : July 31, 2002 - CF# : 02-1507

Section 1. Articles II, IV through VI, and VIII through X of the 1981 City CEQA Guidelines are hereby repealed.

Section 2. Article I of the City CEQA Guidelines is hereby amended to read as follows:

"Article I. INCORPORATION OF STATE CEQA GUIDELINES

The City hereby adopts as its own City CEQA Guidelines all of the State CEQA Guidelines, contained in title 15, California Code of Regulations, sections 15000 et seq, and incorporates all future amendments and additions to those guidelines as may from time to time be adopted by the State."

Section 3. Article III of the City CEQA Guidelines is hereby renumbered as Article II and is amended to read as follows:

"ARTICLE II: EXEMPTIONS

1. General Rule and General Exemption.

These Guidelines apply generally to discretionary actions by City agencies which may have a significant effect on the environment. However, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not covered by CEQA and these Guidelines do not apply.¹

2. Exempt Activities.

The following activities are exempt from the requirements of CEQA and these Guidelines:

a. Emergency projects, such as:

- 1) Projects undertaken, carried out, or approved by a City agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area for which a state of emergency

¹ A form that may be used for this general exemption is attached as Exhibit J.

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4. Exceptions.

a. Location.

Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its effect on the environment may in a particularly sensitive environment be significant. Therefore, these classes may not be utilized where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

b. Cumulative Impact.

The categorical exemption may not be used when the cumulative impact of successive projects of the same type in the same place may be significant. For example, annual additions to an existing building under Class 1."



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EXHIBIT # 4
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COASTAL COMMISSION

EXHIBIT # 5
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